

U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



September 6, 2008

MEMORANDUM FOR: RICHARD STICKLER
Acting Assistant Secretary for
Mine Safety and Health Administration

THROUGH: CHARLES J. THOMAS *Charles J. Thomas*
Director of Accountability for
Mine Safety and Health Administration

FROM: ARLIE A. WEBB *C.J. Thomas for A.A.W.*
Accountability Specialist

SUBJECT: MSHA Office of Accountability Audit, Craig, Colorado, 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 supervisory and managerial oversight, mine plans, the Emergency Response Plan, and the conditions and practices at the mine. The audit was conducted during the week of [REDACTED] by Arlie A. Webb. Positive findings and issues requiring attention are included in this audit report.

Overview

The auditor traveled to the Craig, Colorado, Field Office and to the [REDACTED] to observe and evaluate enforcement activities and mine conditions. Accompanying the auditor was [REDACTED]. Underground areas of the mine examined during this audit included the main intakes and returns, main belt lines, the longwall gate entry section and associated belts, and the longwall section and its associated belts. Equipment inspected included the longwall section, the continuous miner section, ventilation fans, roof bolting machines, and shuttle cars.

The Emergency Response Plan was reviewed and verified at the mine. Currently, the operator has refuge chambers on order, and has provided "safe havens" underground.

The roof control plan and ventilation plans were also compared to the conditions and practices in the mine.

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

1. District Managers and Assistant District Managers visited numerous mines throughout the year.
2. Levels of enforcement were consistently evaluated.
3. Inspection documentation indicated thorough and complete inspections.
4. The 104(d) tracking system is well maintained and up-to-date.

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

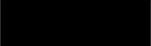
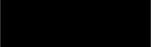
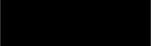
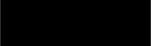
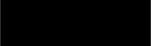
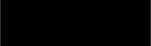
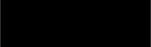
1. Inadequate supervisory review of inspection notes, forms, and citations.
2. Inadequate Field Activity Reviews between November 2007 and July 2008.
3. Inadequate accompanied activities between November 2007 and July 2008.
4. Ineffective scheduling and oversight of 103(i) spot inspections.
5. Failure to adequately review and correct plan deficiencies.

Audit Results

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

Attachments

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

- | | | |
|----|---|------------------|
| 1) |  | 75.362(d)(3)(iv) |
| 2) |  | 75.370(a)(1) |
| 3) |  | 75.1722(c) |
| 4) |  | 75.380(d)(7)(i) |
| 5) |  | 75.1722(a) |
| 6) |  | 75.400 |
| 7) |  | 75.370(a)(1) |
| 8) |  | 75.1100-3 |
| 9) |  | 75.351(d)(2) |

cc:



District Field Office Mine ID Date

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

Adequate Inadequate

Several obvious errors (such as multiple violations cited in a single citation, lack of adequate documentation of low oxygen levels underground, and the failure to record inspection days on the event tracking calendar), were found during the review of inspection records for event number

Action Required - Improve supervisory review of work products including inspection reports, event calendars, notes, and citations.

Reference - Coal Mine Safety and Health Supervisor's Handbook (AH08-III-1), Page 1, Item III.

2. Determine if supervisors address report deficiencies immediately

Adequate Inadequate

The aforementioned errors were not addressed until revealed by the audit.

Action Required - Improve supervisory review and corrective actions regarding errors in work products including inspection reports, event calendars, notes, and citations.

Reference - Sago, Aracoma, and Darby Internal Review, Page B-3, Item 3, Recommendations & Corrective Actions.

4. Evaluate the quality of Field Activity Review reports (FARs)

Adequate Inadequate

Only two Field Activity Reviews were conducted between November of 2007 and July of 2008. The field office supervisor was conducting inspections at the direction of the Assistant District Manager.

Action Required - Supervisors must conduct required accompanied activities and FARs.

Reference - Sago, Aracoma, and Darby Internal Review, Page B-3, Item 6, Recommendations & Corrective Actions.

6. Evaluate the quality of Accompanied InspectionsAdequate Inadequate

No accompanied activities were conducted between November of 2007, and July of 2008. The field office supervisor was conducting inspections at the direction of the Assistant District Manager.

Action Required - Supervisors must conduct required accompanied activities and FARs.

Reference - Sago, Aracoma, and Darby Internal Review, Page B-3, Item 6, Recommendations & Corrective Actions.

Reference - Coal Mine Safety and Health Supervisor's Handbook (AH-08-III). Chapter 1

Reference - CMS&H Memo No. HQ-07-081-A (Mine Visits and Accompanied Supervisory/Managerial Activities).

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

Audit results and interviews indicate the Assistant District Manager encouraged supervisory personnel to conduct inspections and did not provide oversight that FARs were completed.

Action Required - The ADM must ensure that supervisors conduct required FARs and accompanied activities.

Reference - Sago, Aracoma, and Darby Internal Review, Page B-4, Item 1, Recommendations & Corrective Actions.

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

Positive Comment: The mine visit spreadsheet indicates that District Managers and Assistant District Managers are visiting various mines throughout the year.

District Field Office Mine ID Date

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

Adequate Inadequate

Currently, the Craig, Colorado field office has no roof control, ventilation, or electrical specialists. Interviews revealed that current plans include the hiring of an electrical inspector for this office, but that has not been accomplished at this time. This field office has mines with spontaneous combustion issues, methane liberation issues, and mines with cover greater than 1500 feet.

Action Required - Ensure that field offices have sufficient specialists to address problems associated with conditions such as extreme overburden, spontaneous combustion, etc.

Reference - Sago, Aracoma, and Darby Internal Review, Page B-7, Item 3, Recommendations & Corrective Actions.

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

Adequate Inadequate

103(i) tracking at this field office does not appear to be effective for one mine that is currently on a 103(i) spot inspection (10-day). A calendar, showing dates for spot inspections is in the field office, and is being followed. However, a review of spot inspection dates from January 01, 2008, to July 08, 2008, indicates 103(i) inspections are being conducted at intervals ranging from 4 days to 21 days.

Between January 01, 2008, and July 08, 2008, a total of 19 such spot inspections were conducted. Of those, almost half (9) were conducted on Thursdays. In addition, there was one instance when 103(i) spot inspections were conducted on consecutive Thursdays, and one instance when they were conducted on consecutive Tuesdays.

Action Required - 103(i) inspections must be conducted at irregular intervals while remaining within the specified time limits.

Reference - Federal Mine Safety and Health Act of 1977, Section 103(i).

Reference - Sago, Aracoma, and Darby Internal Review, Page B-5, Item 10, Recommendations & Corrective Actions.

District

Field Office

Mine ID

Date

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

Adequate Inadequate

Between January 01, 2008, and July 08, 2008, less than 8 hours was devoted to individual 103(i) inspections on five separate occasions. January 03 - 4 hours; April 03 - 5 hours; May 15 - 5.5 hours; May 21 - 7.50 hours; and June 16 - 6.5 hours.

Action Required - When 103(i) spot inspections are conducted, the entire 8-hour period is to be dedicated to the spot inspection.

Reference - CMS&H Memo No. HQ-07-083-A, Item 2.

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

Adequate Inadequate

Positive Comment: A review of the mine visit spreadsheet, along with interviews of field office personnel, indicates that supervisors and managers are visiting producing mines.

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

Adequate Inadequate

Inspection reports, field notes, and tracking maps indicate that all areas of the mine are being inspected. (See No. 31 below)

30. Determine if inspection notes, air samples, rock dust samples, and tracking map/diagram support the inspector's assertion that the mine was inspected in its entirety

Adequate Inadequate

Positive Comment: Inspection reports, field notes, and tracking maps indicate that complete and thorough inspections are being conducted.

31. Determine that the inspector spent sufficient time on off-shifts and on weekends

Adequate Inadequate

Although inspection documentation indicates that all areas of the mine are being inspected, a review of the inspection report and time and activity data indicated that no inspection activities were conducted underground on shift 1 (11:00 p.m. - 7:00 a.m.) during E01 Event

Action Required - Inspectors must spend a sufficient amount of time on all shifts to ensure the safety of all miners.

Reference - General Coal Mine Inspection Procedures and Inspection Tracking System Handbook, PH-08-V-1, Chapter III, Item 6.

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

Adequate Inadequate

Positive Comment: Inspection records and observation of the inspection process indicate that all mine record books and postings are being thoroughly reviewed.

35. Determine if all provisions of the MINER Act are evaluated during the inspection

Adequate Inadequate

Positive Comment: A review of inspection records and observation of the inspection process indicate that all provisions of the MINER Act are being thoroughly evaluated by inspection personnel.

36. Determine if the amount of time expended on each inspection activity and area of the mine is sufficient to accomplish inspection goals

Adequate Inadequate

Except for Item 31 above, a review of inspection activities indicate that sufficient time was expended on all areas of the mine.

District Field Office Mine ID Date

37. Evaluate each citation/order/safeguard for inspector's determination of gravity, negligence, number of persons affected, and the level of enforcement

Adequate Inadequate

Citation was issued on for failure to identify circuit breakers. Two circuit breakers, in two separate locations, in two separate circuits, were cited on one citation. Each violation should have been cited individually.

Action Required - Violations that exist on separate pieces of equipment, and/or in different areas of the mine are to be cited separately.

Reference - Program Policy Manual, Volume 1, Citations and Orders, Page 19.

38. Accompany and evaluate inspector's imminent danger run

Adequate Inadequate

The inspector's imminent danger run was thorough, complete, and detailed.

39. Check adequacy of preshift/onshift examinations

Adequate Inadequate

Examination records indicate detailed, timely examinations. Record books indicate areas examined, hazards found, and corrective actions taken.

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

Adequate Inadequate

Recommendation: Inspectors do not have extension handles or "wands" for use with anemometers. In high coal seams (8-10') such as this one, some inspectors are not able to accurately determine air velocities and quantities.

Recommendation - Inspectors should be provided with extension wands for anemometers to conduct effective inspections.

District Field Office Mine ID Date

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

Adequate Inadequate

Interviews with individual miners (randomly selected) indicate miners are adequately trained in the provisions of the ERP.

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

Adequate Inadequate

SCRS are stored in watertight, sturdy containers. All SCSRs checked during this audit (more than 50) were found in good condition. Storage facilities are identified by large signs and directional markers.

47. Determine if the mine operator has conducted SCSR donning expectation training and if the inspector has observed and evaluated the training

Adequate Inadequate

Interviews with miners selected at random (on both producing sections) indicate they are fully versed in the donning of SCSRs and required to participate in expectation training regularly.

48. Examine electrical cables on several pieces of equipment

Adequate Inadequate

Continuous miner, roof bolter, and shuttle car cables on the continuous miner section and the longwall section were examined and found to be in excellent condition. All splices were well made and properly re-insulated.

49. Evaluate several pieces of equipment for permissibility

Adequate Inadequate

District Field Office Mine ID Date 50.

Examine lifelines, manddoors, and related signage

Adequate Inadequate

In one location, the lifeline had been improperly installed. The lifeline in the belt conveyor entry from the longwall section was not continuous to the lifeline in the mains. The lifeline was "dead-ended" at a personnel door in the overcast where the belt entry crosses the B-Mains return. The longwall had been operating for several months in this panel. This condition was cited during the audit.

Recommendation - Although not specified in policy or inspection procedures, inspectors should examine lifelines in their entirety to ensure they are correctly installed, maintained, and continuous. This "maintenance" of lifelines should be clarified by including acceptable requirements in the inspection procedures.

51.

Examine escapeway map for compliance with regulations

Adequate Inadequate

Escapeway maps on both producing sections were accurate and up to date. Interviews with miners indicated the maps were updated bi-weekly to maintain accuracy.

52.

Evaluate integrity of primary and alternate escapeways

Adequate Inadequate

Observation of stopping lines indicated the escapeways are properly isolated.

District Field Office Mine ID Date

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

Adequate Inadequate

There were two locations where guarding was inadequate. The guard for the 7th Gate belt drive "mucker" was not maintained to prevent contact with moving parts. The relatively small area involved and the position of the guard indicate this violation was a recent occurrence.

The longwall conveyor belt take-up and belt storage unit was not adequately guarded along its entire length. Areas not guarded included the take up winch rope, main carriage roller assembly, drop off rollers, and the rail on which the roller assemblies travel. This violation had apparently existed since the longwall section began operation in this panel (several months).

Both conditions were cited during the audit.

Recommendation - Consistency is needed (with the utmost consideration given to inadvertent contact) regarding the guards installed to protect miners from the dangers of moving parts, carriage rollers, drop-off rollers, etc., associated with longwall belt conveyor drives, take-up and storage units. Reference: CFR 75.1722(b)

55. Evaluate conveyor belt isolation from other air courses

Adequate Inadequate

Conveyor belt entries were effectively isolated from both intake and return air courses.

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

Adequate Inadequate

In all but one instance, fire hoses, fire valves, and nozzles were in good condition, properly stored, and all fittings were compatible. Pressure tests were conducted in three locations, selected at random, with good results. All fire valves at this mine were equipped with integral pressure relief valves, making it virtually impossible to rupture fire hoses.

The fire valve at the tailgate side of the longwall face was not operative because the handle had been removed and taped to the side of the valve. This condition was cited during the audit.

57. Observe and evaluate fire detection methods

Adequate Inadequate

The AMS sensors were not always located as required by 30 CFR. In one instance, the sensor (located in 7th Left belt conveyor entry) was not placed in the upper 1/3 of the entry, resulting in the belt conveyor being above than the sensor. The sensor had apparently been in this location for an extended time. This condition was cited during the audit.

Action Required - Inspectors need to determine if AMS sensors are located in the upper third of belt entries, near the center of the entry, in a location where the sensor will adequately detect carbon monoxide.

Reference - Carbon Monoxide and Atmospheric Monitoring Systems Inspection Procedures Handbook, PH-08-V-2, Chapter 4, Section C.

58. Evaluate cleanup of accumulations and application of rock dust

Adequate Inadequate

In all but one instance, there were no accumulations in areas traveled during this audit. Rock dust applications were excellent.

In one location along the 7th Left belt conveyor entry, coal and coal fines had accumulated under several bottom rollers. The piles were approximately 18" long, 60" wide, and 14" high.

District Field Office Mine ID Date

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

Adequate Inadequate

Fire suppression systems on belt drives were "hard-piped" systems, and were well maintained.

The field office has not be provided with a "manifold assembly" to be used in conjunction with a pressure gauge to determine if water pressures meet the minimum 50 psi at 50 gpm flow rate at fire valves. *Reference: P06-V-02 expired 3/31/2008.*

60. Determine if all required record books are adequately completed and in compliance with applicable standards

Adequate Inadequate

Positive comment: All record books examined indicate detailed, timely examinations. Record books are well documented, and list areas examined, hazards found, and corrective actions taken.

61. Examine mine map for accuracy of workings and escapeway locations

Adequate Inadequate

Mine maps on the surface and in the possession of section foremen, were accurate and up to date. Escapeways were clearly marked on the maps.

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

Adequate Inadequate

A discussion with the responsible person, along with the AMS system operator and "tracker" indicate all are familiar with plan requirements, escapeway locations, and fire fighting procedures.

64. Determine if approved plans address and are compatible with mining conditions and equipment

Adequate Inadequate

The ventilation plan sketches for the continuous miner section indicate that extended cuts will be taken with a miner equipped with an operator's compartment. In-mine observations revealed the continuous miners are operated by remote control and do not have operator compartments.

A review of the approved ventilation map revealed the following concerns: 1) Controls near the main return air shaft appear to create a dead air space. 2) Controls in the No. 2 entry of B-Seam inter-seam access entries appear to create a dead air space. 3) Controls used to ventilate sealed approaches to mined-out longwall panels are not shown.

Action Required – Ventilation plans must be adequately reviewed during the approval process and must be evaluated on a regular basis to ensure continued compliance. Inspectors, specialists, and supervisors must take proper actions when maps or plans are not in compliance, or do not accurately reflect conditions in the mine. MSHA Form 2000-204 should be used to confirm verbal communication with the district when plan deficiencies are observed.

Reference – Mine Ventilation Plan Approval Procedures Handbook, PH92-V-6, Ventilation Plan, Section A-Plan Submittal.

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

Adequate Inadequate

No district Peer Reviews have been conducted at the Craig, Colorado, field office since June of 2006. Other district field offices have had reviews conducted.

District

Field Office

Mine ID

Date

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

Adequate Inadequate

No headquarters Peer Reviews have been conducted in District 9 during 2007.

Action Required - Headquarters Peer Reviews must be conducted as required to promote consistency within the Agency.

Reference - Accountability Program Handbook AH04-III-10, and Accountability Program Handbook AH08-III-04.

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

Adequate Inadequate

Although inspection events and documentation were generally complete, the event calendar for event [REDACTED] did not reflect 15 days on which time and activity data indicated inspection activity took place. Likewise, the event calendar indicates 3 days of inspection activity that are not in the time and activity database.

Inspection notes indicate that low oxygen levels were found in an underground area of the mine, but no citation could be found. Additionally, the inspector did not record the percentage of oxygen in that area, even though he did note that his multi-gas detector "went into alarm." Interviews with field office personnel revealed that the inspectors simply failed to note the percentage of oxygen in that area was 19.5%, which is the level at which MSHA detectors are calibrated to alarm. The inspector took the proper actions considering that oxygen levels were dropping, but failed to show the oxygen percentage in his notes.

Recommendation - Inspectors and supervisors should ensure that event sheets and notes are complete, and that notes give a properly detailed explanation for any observations made and actions taken.

80. Determine if 104(d) tracking system is in place at the office being audited, and is being kept up to date

Adequate Inadequate

The 104(d) tracking system in use at this field office is included in each mine file (UMF), and is reviewed prior to each inspection activity. It was found to be up to date.

District Field Office Mine ID Date

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

Adequate Inadequate

Documentation indicated plan reviews were completed within the required time frames.

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

Adequate Inadequate

Four discrepancies were noted during a review of the approved roof control plan.

Page 6 does not appear to have a provision to address actions to be taken in the event of an inoperable ATRS system.

Page 14, Items 5 & 6 appear to conflict with 30 CFR §75.203(e)(1) and (e)(2), which require installation of additional support when entry widths exceed the plan parameters by more than 12-inches.

The plan submitted to the Office of Accountability did not contain safety precautions for extended cuts.

Page 6 indicates that extended cuts may be taken with a continuous miner equipped with a cab. In mine observations revealed all continuous miners to be remote controlled.

Ventilation controls shown on the mine map in the B-Seam Interseam Access entries appear to create a dead air space.

Although some of the seals at the mouth of abandoned longwall panels appear to require ventilation controls to direct airflow to the face of the seals, none are shown.

Action Required - Roof Control and Ventilation plans must accurately depict the type of mining, the mining equipment, and must contain sufficient safety precautions to protect miners.

Reference - 30CFR, Sections §75.220, §75.221, §75.222, §75.223, §75.370, §75.371, and §75.372.

District Field Office Mine ID Date

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

Adequate Inadequate

Transmittal sheets indicate that plans were reviewed at each step of the approval process.

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

Adequate Inadequate

On March 18, 2008, an inspector questioned a potential conflict between the approved roof control plan and 30 CFR. This question was entered on MSHA Form 2000-204, and was reviewed by the field office supervisor on March 19, 2008. A discussion with district personnel indicated the form had been received at the district office, but as of July 08, 2008, neither the field office supervisor nor the inspector had received a response to the question.

Recommendation - Questions or comments submitted on MSHA Form 2000-204 should be answered in a timely manner to enhance the inspector's ability to determine compliance and properly enforce plan provisions.

99. Determine if the uniform mine file is reviewed for information related to plan adequacy

Adequate Inadequate

Although the Craig, Colorado field office was completely destroyed by fire in November of 2007, the UMF files have been reconstructed and are currently being used in the temporary offices those personnel now occupy. Records available since the reconstruction of the files indicate reviews are well documented.

114. Determine if spreadsheets and/or databases provided for tracking of mine visits by supervisors and managers is kept up to date

Adequate Inadequate

The databases appear to be up to date, and contain sufficient information to document an adequate number of visits to mine sites, and travel to active areas of the mine while on such visits.

District Field Office Mine ID Date

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

Adequate Inadequate

Interviews with field office personnel indicate the feeling that they are not receiving as much communication and support as they would like from the district office. Examples include inspection-related and administration-related issues such as:

- Absence of specialists in field office (Item 13)
- Perception of incorrect information in approved plans (Item 64)

Attachment B - Citations Issued During Audit

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)

Manual test were not made for methane at 20 minute intervals. This was observed in the number two entry, 46 crosscut right, working face, of the 8th left section (MMU 002-0) a test was made by the roof bolter operator before re-energizing the roof bolter after a vent tubing was replaced, the test was completed at 0840 hours. After returning to the working face after 25 minutes had passed the next required test for methane had not been made. The Fletcher roof bolter was equipped with a methane monitor, how ever this does not eliminate the need to use a detector and make the manual tests.

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
			75.362(d)(3)(iv)

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 type="checkbox"/>	Permanently Disabling <input type="checkbox"/>	Fatal <input checked="" type="checkbox"/>
C. Significant and Substantial:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	D. Number of Persons Affected: 002	
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	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)
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Section III - Termination Action

17. Action to Terminate The roof bolter operator was aware the manual tests were required every 20 minutes for methane. The standard was reviewed with him. He did not realize more than 20 minutes had passed. He immediately

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)	20. Event Number	21. Primary or Mill
22. Signature	23. AR Number	

MSHA Form 7000-3a (Rev. 10-1-85) is required by the provisions of the Small Business Regulatory Enforcement Fairness Act of 1995. 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 an enforcement action 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, P.O. Box 3589, Washington, DC 20541. There is no charge. Small businesses may also contact the Ombudsman by e-mail at ombudsman@sbareg.gov. For more information, visit the right to comment website and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Attachment B - Citations Issued During Audit

Mine Citation/Order
Continuation

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



Section I - Subsequent Action/Continuation Data

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

Section II - Justification for Action

Continuation of 17. Action to Terminate

made a test, and will continue to complete the required test every 20 minutes.

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 type="checkbox"/> E. Modified
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Section IV - Inspection Data

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

MSHA Form 7000-104 (Rev. 10/2000)

Attachment B - Citations Issued During Audit

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 mine operator failed to follow the requirements of the approved ventilation plan, Page 11. The water spray pressure on the left side of the JOY continuous miner, equipment number 8, used in the 8 left section (MMU 002-0) was not being maintained at 100 psi. There was some problem with the section booster pump. The pressure measured 75 psi.

The right side was measured at 140 psi.

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	75.370(a)(1)
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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 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 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
14. 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 booster pump was repaired. When rechecked, the left side water spray pressure was 145 psi.

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
22. Signature	23. AR Number	

MSHA Form 7000 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 1-866-REG-FAIR (1-866-734-3247), 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 B - Citations Issued During Audit

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)

B. Condition or Practice

8a. Written Notice (103g)

The guarding for the inby side of the 7th left "Mucker" was not in place there was no testing activity or reason for the guard not to be in place. This was next to the walkway side of the 7th left belt. The guard that was not in place was such that a person was not protected from accidentally putting their hand through the open area, and contacting the flights of the Mucker, aka. Dribble conveyor. The open area of the guard was about waist high. This was at crosscut 43 in the B-Mains Belt entry where the 7th left conveyor transfers the B-Mains conveyor.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.1722(c)
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Section II - Inspector's Evaluation

10. Gravity:				
A. Injury or Illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input 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 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
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 guard was adjusted and secured in place.

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
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 B - Citations Issued During Audit

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 lifeline from the 7th left longwall section that was ran in the number 2 entry (belt entry) was not installed continuously. The life line was terminated at the overcast wall, where the 7th left belt crossed the B-mains return. The life line needs to extend continuously and connect with the life line in this return. There was about a five foot gap between the lines.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			75.380(d)(7)(i)

Section II--Inspector's Evaluation

10. Gravity:						
A. Injury or illness (has) (is):	No Likelihood <input type="checkbox"/>	Unlikely <input checked="" type="checkbox"/>	Reasonably Likely <input type="checkbox"/>	Highly Likely <input type="checkbox"/>	Occurred <input type="checkbox"/>	
B. Injury or illness could reasonably be expected to be:	No Lost Workdays <input 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 type="checkbox"/>	No <input checked="" type="checkbox"/>	D. Number of Persons Affected: 008			
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

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)	R01	20. Event Number	21. Primary or Mill
22. Signature			23. AR Number

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 (1-888-734-3247), 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 B - Citations Issued During Audit

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 lower belt from the drive, continuing to the belt storage unit was not provide with guarding there was also a winch cable for the take-up unit/storage unit that was not guarded to prevent persons from being struck in the event this cable were to break, the cable was about two inches in diameter. The take up pulley assembly also traveled on a rail. The total distance of unguarded moving parts, cables etc. was 250 feet along the 7th conveyor. This was a regular traveled walkway along this belt. The operator had installed a 3/8 inch cable on short posts there was no protection for persons with this type of guard.

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
			75.1722(a)

Section II - Inspector's Evaluation

10. Gravity:

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

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

C. Significant and Substantial: Yes No

D. Number of Persons Affected: 001

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

12. Type of Action 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 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, 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 B - Citations Issued During Audit

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 (103g) <input type="checkbox"/>

The were accumulations of coal and coal fines under the bottom rollers along the 7th left belt at crosscut 7. The piles were approaching contact with the roller.

See Continuation Form (MSHA Form 7000-3a)

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

10. Gravity:			
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>			
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>			
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			D. Number of Persons Affected: 002
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 [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 [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section IV - Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number [REDACTED]	21. Primary or Mill
22. Signatur [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 (1-888-734-3247), 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 B - Citations Issued During Audit

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 mine operator was not following the approved ventilation plan for the Longwall mining, 7th left section, (MMU 0060). The air velocity at the number 15 shield was not maintained at the minimum 450 feet per minute as stated in the plan. The velocity was measured at 375 feet per minute.

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	75.370(a)(1)
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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 type="checkbox"/> Permanently Disabling <input checked="" type="checkbox"/> Fatal <input type="checkbox"/>			
	C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		D. Number of Persons Affected: 007	
11. Negligence (check one)	A. None <input type="checkbox"/>	B. Low <input type="checkbox"/>	C. Moderate <input checked="" type="checkbox"/>	D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>
12. Type of Action	104(a)	13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/>		
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		
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, 409 3 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 B - Citations Issued During Audit

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. Spaced To [Redacted]	5. Operator [Redacted]	
6. Mine [Redacted]	7. Mine ID [Redacted] (Contractor)	

8. Condition or Practice

8a. Written Notice (103g)

The fire hose valve located on the 7th left longwall face (MMU 006-0) at the tailgate was not maintained in operable condition. The handle for the activation valve had been removed and taped to the side of the valve and the nut for securing the valve handle in place was reinstalled, this was tightened so that it had to be removed with a wrench so the handle could not easily be re-installed. There was no wrench available in the area.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.1100-3
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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: 007

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 [Redacted] B. Time (24 Hr. Clock) [Redacted]

Section III - Termination Action

17. Action to Terminate The handle was put back on the valve, and was operational when tested.

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) E01 20. Event Number [Redacted] 21. Primary or Mill

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

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 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 B - Citations Issued During Audit

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 AMS (CONSPEC) sensor for carbon monoxide, located in the 7th left belt entry inby the conveyor belt take-up, between 2 and 3 crosscut, was not located in the upper third of the entry. The entry was about 9 feet high. The sensor was hung four feet from the mine roof.

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	75.351(d)(2)
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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: 002	
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	
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) B01	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, 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.