

U.S. Department of Labor

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



September 30, 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 *AAW for*
Accountability Specialist

SUBJECT: MSHA Office of Accountability Audit, Jacksboro, Tennessee
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, 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 Jacksboro, Tennessee field office and to the [REDACTED] to observe and evaluate enforcement activities and mine conditions. Accompanying the auditor were [REDACTED] District Manager (inspection areas of the mine examined during this audit included main and secondary access roads, two active pits, highwalls, spoil banks, and explosive storage magazines. Selected pieces of equipment on the property, including four haul trucks and three bulldozers were inspected.

The ground control plan was compared to the conditions and practices in the mine.

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

1. [REDACTED] communication skills and genuine concern for the miners was readily evidenced by the manner in which miners, mine safety personnel, and mine supervision continually approached him for information, advice, and assistance regarding numerous issues.
2. During the 16 months he has been supervisor at the Jacksboro field office, [REDACTED] the inspectors in the field office have improved the inspection activities of that office. Enforcement activities, FARs, Accompanied Activities, and on-site time have all improved during this time.
3. The s [REDACTED] and the District Manager have visited numerous mines during the time period covered by this audit.
4. The level of enforcement appears commensurate with the conditions and practices observed.
5. Inspection documentation indicated thorough and complete inspections.
6. The 104(d) tracking system is well maintained and up to date.

The following exceptional points were also noted during this audit:

1. [REDACTED] purchased a high-quality, hand-held, two-way radio (walkie-talkie) for use during his surface mine inspections. This unit allows him to communicate with equipment operators and mine management even when he is not in his vehicle, thus increasing his own safety and the safety awareness of miners and the mine operator.
2. [REDACTED] also uses his personal, hand-held global positioning system (GPS) to accurately locate working pits, explosive storage magazines, and other structures. The information regarding longitude and latitude of these structures allowed him to quickly and accurately enable personnel from the Bureau of Alcohol, Tobacco, and Firearms to travel directly to the magazines when a large quantity of explosives were discovered to be missing.
3. The inspector worked with the company to develop an extended "guard rail" to prevent persons from falling when exiting the operator's compartment of Caterpillar Model 777 haulage trucks (Photographs attached).

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

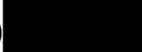
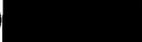
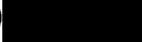
1. The field office supervisor was selected in April of 2007. As of August 2008 he has not received any supervisory training with the exception of EEO training.
2. The field office has only one surface inspector to cover approximately 27 pits and 10 facilities. Discussions with District management indicate another surface inspector will be hired or resources will be shifted to assure adequate inspection coverage.
3. Failure to conduct or adequately document 2nd level reviews.

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)  77.410(a)(1)
- 2)  77.404(a)
- 3)  77.1504(a)
- 4)  77.1109(c)(1)

- C. Photos of extended guard on Caterpillar 777B haulage truck

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District Field Office Mine ID

2. Determine if supervisors address report deficiencies immediately

Adequate Inadequate Not Applicable Comments Below

Examination of inspection documentation and Field Activity Reviews (FARS) indicate that inspector errors and omissions are identified and addressed immediately.

3. Determine if supervisors are visiting each assigned mine at least annually

Adequate Inadequate Not Applicable Comments Below

The field office supervisor traveled to his assigned mines on a regular basis and documented the mine visits on the spreadsheet provided on the W: drive. At least 26 mine visits have been conducted by the field office supervisor since April of 2008.

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

Adequate Inadequate Not Applicable Comments Below

Dates and signatures on the UMF supervisory review page indicate frequent, thorough reviews.

District Field Office Mine ID

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

Adequate Inadequate Not Applicable Comments Below

District management personnel recorded the following mine visits since April 01, 2008:

ADM (Inspection) - 10 visits total - 2 of which involved the Jacksboro, Tennessee, field office.
ADM (Technical) - 2 mine visits recorded during this time period. ADM retired June 2008
District Manager - 3 visits total - 2 of which involved the Jacksboro, Tennessee, field office.

Recommendation -ADM Technical should also visit each field office and several mines within those field offices on a regular basis, and record those visits on the spreadsheet provided on the W: drive.

17. Determine if supervisors are monitoring inspector time and activity documentation to ensure proper use of time by inspector

Adequate Inadequate Not Applicable Comments Below

The inspection time distribution for the Jacksboro field office indicates that approximately 63% of the total inspection time at surface mines was spent on-site, and 60% of total inspection time at underground mines was spent on-site. On site inspection time is highly commendable considering that travel times average 20% of the total inspection time due to the distance to many of the mines.

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

Adequate Inadequate Not Applicable Comments Below

A review of supervisory field time indicates the supervisor is spending time at each producing mine. In addition, the level of enforcement rose significantly during the 16 months prior to this audit. The number of citations issued at mines inspected out of this field office more than doubled. S&S determinations also increased.

District Field Office Mine ID

21. Determine if District Manager is monitoring the ACRI program and using the Performance Management System to ensure that CLR's justify changes

Adequate Inadequate Not Applicable Comments Below

Conference worksheets for the period between April 2007 and January 2008 were reviewed and found to be in compliance with the Alternative Case Resolution Handbook in effect at that time. Items such as the date the citation or order was issued; the section of 30 CFR that was cited; the issuing inspector's AR Number, and the date of the conference decision were not required to be in the worksheet until February 2008.

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

Adequate Inadequate Not Applicable Comments Below

The small number of three (3) of 2nd level reviews provided to the Office of Accountability was not sufficient to indicate that level of enforcement were adequate for the number of inspectors.

Recommendation - Assistant District Managers must conduct sufficient second-level reviews to determine if enforcement actions and inspection activities are commensurate with the number of inspectors at the field office.

Reference - Corrective Action Plan, Sago, Aracoma and Darby Internal Reviews

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 Not Applicable Comments Below

The inspector's notes and diagrams indicated the mine was inspected in its entirety.

District Field Office Mine ID

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

Adequate Inadequate Not Applicable Comments Below

Time and Activity information and inspection event data from January 01, 2008, to August 01, 2008, indicates that approximately 18% of all inspection activities were conducted on Friday, Saturday, and Sunday. In addition, inspection activities were distributed among all working shifts.

33. Determine if areas deemed "too wet" for rock dust surveys are re-visited and sampled

Adequate Inadequate Not Applicable Comments Below

Inspection notes, maps, and other documentation regarding rock dust surveys indicate that all areas deemed too wet to survey were re-examined.

38. Accompany and evaluate inspector's imminent danger run

Adequate Inadequate Not Applicable Comments Below

The inspector's IDR was thorough and timely considering the distance between pits. At each location the inspector stopped, the men gravitated toward his vehicle and asked numerous questions regarding safe work habits. It is clearly evident the inspector is respected by the employees and company managers.

District Field Office Mine ID

42. Evaluate conditions on working section and observe work cycle

Adequate Inadequate Not Applicable Comments Below

Conditions and practices at this surface operation were much better than expected. The inspector issued four citations (attached) during this audit. The inspector took appropriate actions for violations involving back-up alarms, fire suppression, overhead protection, and safe operating condition of haulage equipment.

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

Adequate Inadequate Not Applicable Comments Below

The ground control plan is appropriate to the type of mining and conditions in the pits. Onsite observations revealed the mine operator was in compliance with the plans.

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

Adequate Inadequate Not Applicable Comments Below

Documentation provided by the district indicates that a district-level Peer Review was conducted at the Jacksboro, Tennessee field office on August 20th and 21st of 2007.

The Peer Review did not address 2nd level reviews. In addition, neither the Peer Review nor the district's response identified or addressed the root causes of the issues.

Action Required - District level reviews are mandatory and must include an examination of all supervisory oversight of work products.

Reference - Accountability Program Handbook (AH04-III-10), District Review Process

Reference - Accountability Program Handbook (AH08-III-4), The Accountability Review Process - District Reviews

District Field Office Mine ID

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

Adequate Inadequate Not Applicable Comments Below

There were no headquarters Peer Review activities conducted in District 7 during 2007, and none have been conducted in 2008 as of the date of this audit due to accident investigations and internal review investigations. A review is scheduled for November 2008.

Reference - Accountability Program Handbook (AH04-III-10), Headquarters Review Process - Review Schedules

Reference - Accountability Program Handbook (AH08-III-4), The Accountability Review Process - Review Frequency and Duration

68. Determine if Peer Reviews identify root causes of deficiencies, corrective actions, set time lines for corrections, and identify a method for accurately measuring the success or failure of corrective actions.

Adequate Inadequate Not Applicable Comments Below

The Peer Review documentation for reviews conducted in 2007 does not address the root cause of issues or the methods for following up or measuring success or failure of corrective actions. The district's response to the Peer Review does not specify a time frame for completion of the corrective actions.

Peer Reviews must follow the current 2008 Accountability Program Handbook, AH08-III-4 follow-up and evaluation and identify root causes of issues, proposed corrective actions, the date of implementation and the planned completion of those corrective actions. No action required on the 2007 peer reviews.

Reference - Accountability Program Handbook (AH04-III-10), District Review Process - Development of Action Plan

Reference - Accountability Program Handbook (AH08-III-4), The Accountability Review Process - Accountability Review Report/Follow-Up and Evaluation

District Field Office Mine ID

70. Determine if Peer Reviews include a visit to the mine, and include observation of the producing section, conveyor belt entries, escapeways and the ERP provisions.

Adequate Inadequate Not Applicable Comments Below

The district-level Peer Review conducted in August of 2007 included a mine visit and a report of conditions/practices observed.

71. Determine if Peer Reviews accurately reflect and evaluate MSHA activities at all types of mining (underground/surface/surface facilities) within the district

Adequate Inadequate Not Applicable Comments Below

A review of the documentation for Peer Reviews conducted during 2006 and 2007 indicates that surface mines, facilities and underground mines were the subject of district level Peer Reviews, and that mine visits were being conducted as a part of those reviews.

72. Determine if approved plans and the Uniform Mine File books are addressed during each Peer Review

Adequate Inadequate Not Applicable Comments Below

There is no documentation to indicate the Uniform Mine File or approved plans were examined during the August Peer Review.

Action Required - The Uniform Mine File and approved plans are to be reviewed to determine if they are adequate.

Reference - Accountability Program Handbook (AH04-III-10), District Review Process

Reference - Accountability Program Handbook (AH08-III-4), The Accountability Review Process - District Reviews

District Field Office Mine ID

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

Adequate Inadequate Not Applicable Comments Below

Inspection reports appeared to be complete and indicated an inspection of the entire mine was conducted.

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

Adequate Inadequate Not Applicable Comments Below

This is a surface mine and is not in 103(i) spot inspection status.

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

Adequate Inadequate Not Applicable Comments Below

All plans and required information were in the UMF, and were accompanied by a "104(d) Tracking" page to maintain effective tracking of 104(d) issuances and areas covered.

In addition, the field office supervisor has replaced the non-existent MSN065 with the violation history report generated by IPAL.

89. Determine if the plan is tracked from date of submission through the review process

Adequate Inadequate Not Applicable Comments Below

Documentation was present to indicate that plans are tracked from time of submission through the time approved copies are received in the field office.

District Field Office Mine ID

94. Determine if required information is submitted in the plans.

Adequate Inadequate Not Applicable Comments Below

The mine visit conducted during the audit revealed that plan information is adequate; even though there are no maps in the surface mine file books.

Recommendation - Although not required by the Mine Act, many districts are asking mine operators for surface mine maps during the plan review and approval process. This is a good practice and should be encouraged in all districts, since inspection activities can be greatly enhanced by the ability to review maps prior to inspection work.

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

Adequate Inadequate Not Applicable Comments Below

Interviews and an examination of the Uniform Mine File books revealed that inspectors are reviewing the files prior to each inspection.

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

Adequate Inadequate Not Applicable Comments Below

Spreadsheets appear to be up to date, and indicate that field office supervisors are spending considerable time in the field.

Mine visits by Assistant District Managers and the District Manager are discussed in Item 11 above.

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Office of Accountability

District Field Office Mine ID

Mine Citation/Order

U.S. Department of Labor
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Section I—Violation Data

1. Date	<input type="text" value="[REDACTED]"/>	3. Citation/Order Number	<input type="text" value="[REDACTED]"/>
4. Cited To	<input type="text" value="[REDACTED]"/>		
5. Operator	<input type="text" value="[REDACTED]"/>		
	(Contractor) <input type="checkbox"/>		
	8a. Written Notice (103g) <input type="checkbox"/>		

The D8R bull dozer being operated on the [REDACTED] surface area was not being properly maintained. The back up alarm would not work when the bull dozer was being operated in the reverse direction.

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	77.410(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 checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>				
	C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		D. Number of Persons Affected: 001		
11. Negligence (check one)	A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action	104(a)		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/>		
14. Initial Action:	A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/Order Number		F. Dated Mo Da Yr
15. Area or Equipment					

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
	<input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>

Section III—Termination Action

17. Action to Terminate The back up alarm was repaired and is working properly.

18. Terminated	A. Date	B. Time (24 Hr. Clock)
	<input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>

Section IV—Automated System

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill
<input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>
22. Signature	23. AR Number	
<input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>	

MSHA Form 7000-3... 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.

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District Field Office Mine ID

Mine Citation/Order

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Section I-Violation Data

1. Date	[REDACTED]	3. Citation/Order Number	[REDACTED]
5. Operator	[REDACTED]		
			(Contractor) <input type="checkbox"/>

The Cat 777B haulage being operated on the [REDACTED] active pit areas. The suspension struts were not being properly maintained. The left rear strut movement was 6.5 inches the right rear strut was 3 inches, the left front strut was 4.5 inches and the left front was 8 inches. This condition causes the truck to tip to the side when the truck was dumping under load. The master alarm system that gives warnings to the operator in case of failure of critical safety systems. The cab bushing was damaged. The operators cab was metal to metal with the truck frame. The engine tachometer was not working.

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

15. Area or Equipment

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

Section III-Termination Action

17. Action to Terminate

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

Section IV-Automated System Data

19. Type of Insp (activity code)	[REDACTED]	21. Primary or Mill	[REDACTED]
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 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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Office of Accountability

District Field Office Mine ID

Mine Citation/Order

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Section I--Violation Data

1. Date	<input type="text" value="[REDACTED]"/>	3. Citation/Order Number	<input type="text" value="[REDACTED]"/>
5. Operator	<input type="text" value="[REDACTED]"/>		

The Bry Det # 20 auger operator was making examinations of auger opening in the 001 active [REDACTED] level. The auger operator was working between the high wall and the auger and did not use the extendible canopy system provided for protection from falling material when working in this area.

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	77.1504(a)
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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: 001

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

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

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 Safety talk was held with the auger operator about working between high wall and auger without canopy in place.

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

Section IV--Automated System Data

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

22. Signature 23. AR Number

MSHA Form 7000-3, 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.

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Section I—Violation Data

1. Date	Mo Da Yr	2. Time (24 Hr. Clock)	3. Citation/Order Number
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
4. Section Title	5. Operator		(Contractor)
[REDACTED]	[REDACTED]		[REDACTED]
8a. Written Notice (103g) <input type="checkbox"/>			

The Power Prime 6" diesel powered water pump operating in the 001 active [REDACTED] pit. Was not provided with a fire extinguisher.

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
			77.1109(c)(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: 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)

[REDACTED]

Section III—Termination Action

17. Action to Terminate

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

[REDACTED]

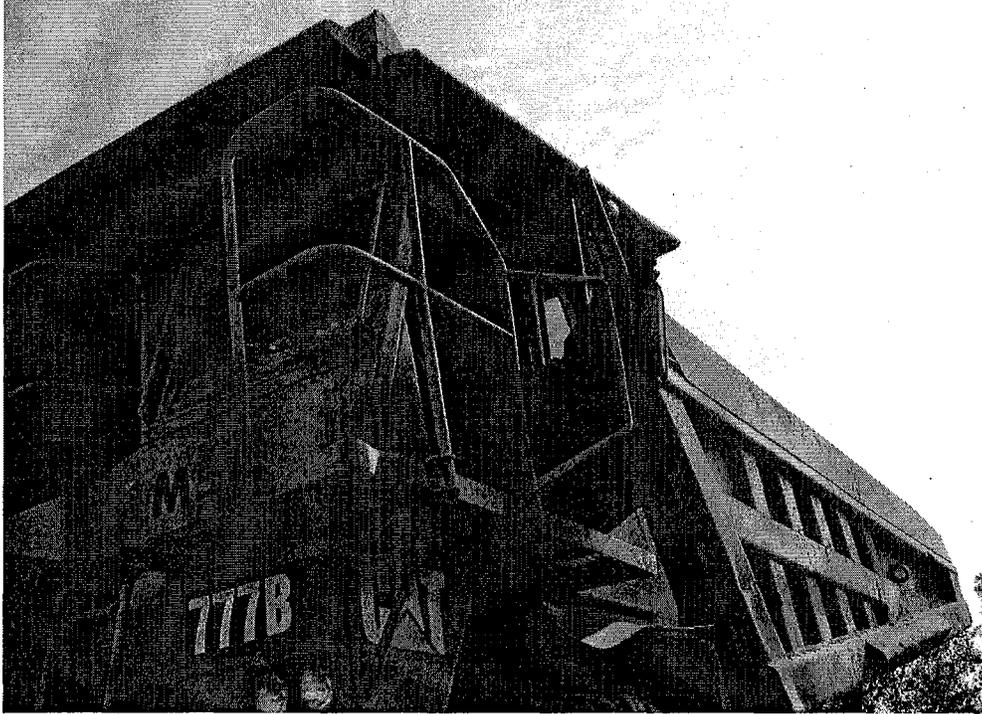
Section IV—Automated System Data

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

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

MSHA Form 7000-3a If the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

District Field Office Mine ID



Photograph 1. Caterpillar 777B truck with extended guard



Photograph 2. Close up of guard from deck of haul truck