

U.S. Department of Labor

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



September 22, 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 *AJ for*  
Accountability Specialist

SUBJECT: MSHA Office of Accountability Audit, Ruff Creek, Pennsylvania,  
Field Office, and [REDACTED]  
[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 Ruff Creek, Pennsylvania, Field Office and [REDACTED] to observe and evaluate enforcement activities and mine conditions. Accompanying the auditor was [REDACTED]

[REDACTED] Underground areas of the mine examined during this audit included the main intake and return, section belt line, outby belt line, continuous miner section, SCSR caches, escapeways, and refuge chamber. Permissibility inspections were conducted on the continuous mining machine, roof bolting machine, and one shuttle car and all trailing cables.

The Emergency Response Plan was reviewed and verified at the mine. Currently, the operator has a refuge chamber in place in the mine.

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. Supervisors and Assistant District Managers visited numerous mines throughout the year.
2. The level of enforcement appears commensurate with the conditions and practices observed.
3. Inspectors are spending a high percentage of inspection time onsite.
4. Inspection documentation indicated thorough and complete inspections.
5. The 104(d) tracking system is well maintained and up to date.
6. The operator's training for SCSR donning and ERP procedures were excellent.
7. The ADM is conducting detailed and thorough second level FAR's.

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

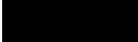
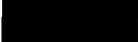
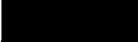
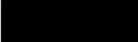
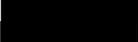
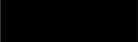
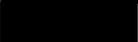
1. Inadequate supervisory review of inspection notes, forms, and citations.
2. Inadequate attention to detail regarding Field Activity Reviews at the supervisor level.

### 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) |  | 75.1714-3    |
| 2) |  | 75.1714-3(c) |
| 3) |  | 75.1725(a)   |
| 4) |  | 75.360(b)(3) |
| 5) |  | 75.400       |
| 6) |  | 75.1725(a)   |
| 7) |  | 75.1101-1(b) |
| 8) |  | 75.1100-2(b) |

District  Field Office  Mine ID  Date

2. Determine if supervisors address report deficiencies immediately

Adequate  Inadequate  Not Applicable  Comments Below

Examination of inspection documentation and Field Activity Reviews (FARS) revealed that errors and omissions are not always identified during the [redacted] review. In several instances these errors are not identified and addressed until after the 2<sup>nd</sup> level review is completed. See item number 4 for details.

Action Required - Errors or omissions in inspection activities and work products must be addressed in a timely manner.

Reference - CMS&H Supervisor's Handbook (AH-08-III), Chapter 1, Section IV-F.

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

Adequate  Inadequate  Not Applicable  Comments Below

All three of the supervisors in the Ruff Creek Field office are traveling to their assigned mines on a regular basis and have made a total of 61 mine visits. [redacted] supervisors are documenting their mine visits on the spreadsheet provided on the W: drive.

District  Field Office  Mine ID  Date

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

Adequate  Inadequate  Not Applicable  Comments Below

The 2<sup>nd</sup> level reviewer observed and noted errors that the [redacted] failed to note. The 2<sup>nd</sup> level review report brought these errors to the attention of the field office supervisor. Examples of those errors:

- Citation [redacted] does not comply with Commission decision stating that battery chargers not ventilated is S&S. Citation also did not note that air from the charging station was contaminating primary escapeway air.
- Citation issued on extremely dusty roadways instead of an order even though this violation had been cited 27 times previously. The 2<sup>nd</sup> level reviewer also noted the [redacted] had listed persons affected as zero.
- The 2<sup>nd</sup> level reviewer noted that a close out conference with foreman was not documented.
- The 2<sup>nd</sup> level reviewer noted that obvious, extensive accumulations of combustible materials had been cited 33 times previously, [redacted]

Action Required - First line supervisors must conduct thorough FARs so that errors in work products can be identified, discussed with the inspector, and corrected.

Reference - CMS&H Supervisor's Handbook (AH-08-III), Chapter 1, Section IV.

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 reviews.

District  Field Office  Mine ID  Date

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

Adequate  Inadequate  Not Applicable  Comments Below

District management personnel have recorded the following mine visits since

ADM (Inspection) - 8 visits total - 4 of which were to the Ruff Creek Field Office  
ADM (Technical) - 7 visits total - 6 of which were to the Ruff Creek Field Office  
District Manager - 8 visits total - none of which were to the Ruff Creek Field Office, small mines in other field offices were the focus of the DM. Ruff Creek has mainly large complex longwall mines.

*Recommendation - The District Manager should visit each field office.*

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 Ruff Creek field office is very commendable. Approximately 24% of event time was spent on the mmus, and 69% of event time was spent on site.

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 that supervisors are spending time at each producing mine.

District  Field Office  Mine ID  Date

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

Adequate  Inadequate  Not Applicable  Comments Below

Evidence indicates that 2<sup>nd</sup> level reviews have resulted in the correction of errors missed by the field office supervisor, and instructions to the supervisor to conduct more thorough reviews of inspector work products (see Item Nos. 2 and 4).

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

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

A map is attached to each rock dust survey document to prevent errors when tracking surveys and ensuring that areas deemed too wet to survey are re-checked.

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  Not Applicable  Comments Below

In the Ruff Creek Field Office:

24% of inspection time is being spent on the active mmus.  
26% of inspection time is being spent in outby areas.  
19% of inspection time is being spent on the surface areas.  
69% of inspection time is being spent onsite.  
14% of inspection time is being spent in travel.  
17% of inspection time is being spent in the "other" category.

It appears that inspection personnel and supervisors are utilizing time effectively and efficiently.

District  Field Office  Mine ID  Date

38. Accompany and evaluate inspector's imminent danger run

Adequate  Inadequate  Not Applicable  Comments Below

The inspector's IDR was thorough and timely. As he conducted the IDR, the inspector took time to speak to each miner regarding safety and health issues, and he explained what he was doing and why.

42. Evaluate conditions on working section and observe work cycle

Adequate  Inadequate  Not Applicable  Comments Below

Conditions and practices on the section were sub-par, and were cited by the inspector. Citations and Orders issued during the audit are attached to this memorandum. The inspector took appropriate actions for violations involving the roof bolting machine, pre-shift examinations, guarding, and accumulations of combustible materials (coal and coal dust).

*Recommendation - Based on a review of the violation history, accident history, and inspection records, the mine operator needs to continue to be held accountable and elevated enforcement should continue with emphasis on inadequate examinations as a root cause.*

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

Adequate  Inadequate  Not Applicable  Comments Below

Training at this mine regarding the ERP was exceptional. Interviews with miners revealed a thorough knowledge of escape routes and SCSR locations. In addition, each miner was required to enter the emergency shelter and familiarize himself with its contents.

District  Field Office  Mine ID  Date 

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

Adequate  Inadequate  Not Applicable  Comments Below

SCSR storage caches underground were well maintained. Caches were identified by signage and reflectors.

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

Adequate  Inadequate  Not Applicable  Comments Below

As in Item 44 above, the SCSR training at this mine was exceptional. Miners were required to demonstrate competency in the donning of SCSRs, and had to enter the emergency shelter and familiarize themselves with its operation and contents.

48. Examine electrical cables on several pieces of equipment

Adequate  Inadequate  Not Applicable  Comments Below

Cables were examined on the roof bolter, the continuous miner, one shuttle car, and one face ventilation fan and found to be in compliance.

50. Examine lifelines, personnel doors, and related signage

Adequate  Inadequate  Not Applicable  Comments Below

Lifelines, personnel doors, and related signage were properly installed and well maintained. Lifelines were installed using "bow-tie" cotter pins, which easily releases the life line when it is in use, and provides for rapid re-hanging of the lifeline in the event it is pulled down.

District  Field Office  Mine ID  Date

51.	Examine escapeway map for compliance with regulations					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
The escapeway map on the section and the map on the surface were both accurate, up to date, and contained all required information.						
52.	Evaluate integrity of primary and alternate escapeways					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
Ventilation controls were installed in all required locations to maintain the integrity and separation of the primary and alternate escapeways from other air courses.						

56.	Evaluate fire valves and hoses (condition, compatibility of fittings, pressure test)					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
Although one fire hose storage station did not contain a nozzle for the end of the hose (cited), all other stations examined were in compliance. A pressure test was conducted on a fire hose chosen at random. The valve, hose and nozzle functioned as required.						

59.	Evaluate condition of conveyor belt drives, and fire suppression systems					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
Outby conveyor belts were examined and found to be well maintained and rock dusted. Fire suppression systems were installed and maintained.						

District  Field Office  Mine ID  Date

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

Adequate  Inadequate  Not Applicable  Comments Below

The approved roof control plan text and face sketches indicate both a single-head bolter and a dual-head bolter are used in the face areas. Onsite observations revealed that a dual-head bolter is used on the section and a single-head bolter is maintained for spot bolting in outby areas. The mine operator stated the single-head roof bolter would only be used for spot bolting and supplemental support in outby areas, and would not be used on the working section.

*Recommendation -The Office of Accountability recommends that roof control plans reflect the mining equipment and practices in use at the mine. Roof control plan parameters and face sketches should reflect the actual mining equipment in use, sequence of bolting, and safety precautions to avoid confusion. This will help prevent accidents related to misinterpretation of plans and improper location of the roof bolter and/or the roof bolter operator. If the single boom roof bolting machine is not utilized frequently, task training should be stipulated in the roof control plan before bolters utilize that piece of equipment.*

65. Examine and evaluate at least one set of seals, including methods for obtaining samples from sealed area

Adequate  Inadequate  Not Applicable  Comments Below

Seals were examined and found to be in compliance. The latest sets of seals are constructed to the 120 psi standard and render other sets of seals inby that location unnecessary.

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

Adequate  Inadequate  Not Applicable  Comments Below

District Peer Reviews were conducted at the Ruff Creek and Johnstown field offices between [REDACTED]. One District review was conducted at [REDACTED]. Those reviews audited were sufficient.

District  Field Office  Mine ID  Date

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 2 during 2007. Three internal reviews and accident investigations prohibited the HQ reviews from being conducted.

*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*

**Note: A Headquarters Peer Review is currently being conducted at the Ruff Creek Field Office for September FY2008.**

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  does not address the root cause of issues or the methods for following up or measuring success or failure of corrective actions. The Action Plan did not specify a timeframe for completion of the corrective actions.

**Action Required - Peer Reviews must identify root causes of issues, proposed corrective actions, and the date of implementation and the planned completion of those corrective actions.**

*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  Date

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

Adequate as of audit date when peer review was conducted.

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

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

Adequate  Inadequate  Not Applicable  Comments Below

The Uniform Mine File books were addressed in the Peer Review report.

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 mine is not in 103(i) spot inspection status.

District  Field Office  Mine ID  Date

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. In addition, the UMF contains a "Plan Summary," that lists all plans in the book, with dates to ensure plans are current.

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 the plan was tracked from the time it was submitted, until the time an approved copy was received in the field office.

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

Adequate  Inadequate  Not Applicable  Comments Below

The approved mine map contained the following statements regarding certification:

"Map certification does not include gas wells, oil wells, mines above/below unless specified," and "Surveys by previous engineers digitized onto map, but not certified by current engineer."

The locations of gas wells, oil wells, mines above and below must be certified to ensure miners are protected against inundations of water and gas, and other hazardous conditions.

Action Required - Mine maps must show gas wells, oil wells, and mines above and below with particular accuracy to prevent inundations, explosions, etc. If the location of such structures is unknown, additional survey work must be conducted to accurately locate them.

Reference - 30 CFR, 75.372 , 75.372(b)(3), 75.372(b)(4), 75.372(b)(5)

District  Field Office  Mine ID  Date

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

Adequate  Inadequate  Not Applicable  Comments Below

Interviews revealed that inspectors review the uniform mine file prior to each inspection. Interviews also revealed that questions or comments regarding plan adequacy are answered in a timely manner by plan approval personnel in the district office.

105. Determine if the plan review process includes documentation of the entire review process

Adequate  Inadequate  Not Applicable  Comments Below

The plan approval process is documented from the time of submission until the approved plan is received in the field office.

108. Determine if projected mining relative to overlying, underlying, and adjacent workings was checked

Adequate  Inadequate  Not Applicable  Comments Below

This mine is "sandwiched" between several abandoned mines. The inspector paid particular attention to the proximity of the old works, comparing the current workings to the certified mine map.

See item No. 94 above regarding overlying and underlying mines.

District  Field Office  Mine ID  Date

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.

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

Adequate  Inadequate  Not Applicable  Comments Below

Examination of documentation and interviews with inspection personnel indicate the district is quick to respond to any questions regarding plan adequacy, accuracy, or other technical areas.

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

Adequate  Inadequate  Not Applicable  Comments Below

During this audit, the auditor observed a staff meeting while at the field office. Subjects discussed were immediately relevant to inspector's duties. Supervisors thoroughly discussed each item, and afforded the inspectors ample time to ask for clarification or further instructions. The staff meeting was both effective and efficient, and was attended by all field office personnel.

Mine Citation/Order

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

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

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

Three Ocenco EBA 6.5 Self rescuers Serial Numbers, 06060479, 06060458, and 06060508 are not being maintained in useable condition in that the three Self Rescuers have been saturated with water on the inside of these units. The water that existed inside the self rescuer cases consisted was from a haze and droplets of moisture to one containing 3/4 inch of orange's colored water. These Self Rescuers are being stored on this man trip for miners to use in an emergency while traveling and working under ground. If this condition was allowed to exist 3 miners would believe that the self rescuers were available for emergency evacuation from the mine and would not know that the self rescuers were not properly maintained and miners would be over come from CO gases, Smoke, Fire and all known toxic gases during the time the miners would be dawning and wearing the self rescuers.

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
			75.1714-3

Section II - Inspector's Evaluation

10. Gravity:

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

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

C. Significant and Substantial: Yes  No  D. Number of Persons Affected: 003

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

12. Type of Action 104(d)(1) 13. Type of Issuance (check one) Citation  Order  Safeguard

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

15. Area or Equipment

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

Section III - Termination Action

17. Action to Terminate The three not properly maintained, Ocenco EBA 6.5 Self Rescuers have been removed from the storage case in which they had been stored on the "Mean Green Man trip". And two properly maintained units

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 of Mill
E01		
22. Signature	23. AR Number	

MSHA Form 7000-3, Mar 85 (revised). In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 408 3rd Street, SW, MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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Mine Safety and Health Administration  
Office of Accountability

District  Field Office  Mine ID  Date

Mine Citation/Order  
Continuation

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



Section I - Subsequent Action/Continuation Data

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

Section II - Justification for Action

Continuation of 8. Condition or Practice

To escape from the mine during a coal mine fire and mine explosion. Also Self Rescuer Serial Number 06060458, had not had a 90 day inspection for self rescuers according to the record book located on the surface showing the self rescuers being examined each 90 days. This self rescuer had not been listed for any 90 day inspections in this same record book. A citation will be issued to the mine operator for not conducting at least a 90 day inspection of this self rescuer Manufactured June/2006.

This type violation has not been cited at this mine in the previous two years.

Continuation of 17. Action to Terminate

were installed in the storage case on this same "Mean Green Man trip" This storage case for self rescuers now contain 5 properly maintained Ocenco EBA 6.5 Self Rescuers.

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 B01	10. Event Number [Redacted]		
11. Signature [Redacted]	AP Number [Redacted]	12. Date Mo Da Yr [Redacted]	13. Time (24 Hr. Clock) [Redacted]

MSHA Form 7000-001 (Rev. 03/2005)

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

District  Field Office  Mine ID  Date

Mine Citation/Order  
Continuation

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



Section I-Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) <input type="checkbox"/>	3. Citation/Order Number
5. Operator		7. Mine ID (Contractor)

Section II-Justification for Action

Change	From	To
12. Type of Action:	104(d)(1)	104(a)

Reason

The mine operator stated that he conducted a inspection of the stored Ocenco EBA 6.5 self rescuers immediately prior to the M.S.H.A. inspection of the self rescuers on the "Mean Green Man trip". He stated he looked at the pressure gauges and all were with in normal range and he believes that is all he is required to inspect.

After a review of the information received from the mine operator, it is the issuing M.S.H.A. inspectors determination that, this 104 D (1) Citation is being modified to a 104 (a) Citation.

See Continuation Form

Section III-Subsequent Action Taken

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

9. Type of Inspection	E01	10. Event Number	
11. Signature		AR Number	
12. Date	Mo Da Yr	13. Time (24 Hr. Clock)	

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

District  Field Office  Mine ID  Date

713106  
 09

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. Subject To [REDACTED]		5. Operator [REDACTED]
		7. Mine ID [REDACTED] (Contractor)

8. Condition or Practice

8a. Written Notice (103g)

There has not been a 90 day inspection conducted for Ocenco EBA 6.5 Self Rescuer Serial Number, 06060458 being stored for use in an emergency on the "Mean Green Mantrip". Also during a M.S.H.A. inspection of ocenco self rescuers being stored on this man trip this same self rescuer was found not to be properly maintained, in that it contained moisture and water on the inside of storage case. This condition presents a highly likely condition for a miner to receive a fatal injury by believing that this self rescuer is a functional life saving device that the miner would use in a emergency during a coal mine fire and coal mine explosion, as the miner attempts to escapes from the mine. And after dawning this self rescuer the miner would find out that the self rescuer was defective and the miner would have inhaled CO, Smoke, Fire, and all toxic gases associated with

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 75.1714-3(c)
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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 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 [REDACTED] B. Time (24 Hr. Clock) [REDACTED]

Section III--Termination Action

17. Action to Terminate The Ocenco EBA 6.5, S/N 06060458, self rescuer was removed from the storage case located on the "Mean Green Man trip" and taken out of service.

18. Terminated A. Date [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 of Mill
22. Signature [REDACTED]		23. AR Number [REDACTED]

MSHA Form 7000-3, Mar 85 (6/15ed) 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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District  Field Office  Mine ID  Date

Mine Citation/Order  
Continuation

U.S. Department of Labor  
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Section I--Subsequent Action/Continuation Data

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

Section II--Justification for Action

Continuation of 8. Condition or Practice

coal mine fires and coal mine explosions. The miner would die from the exposure. Citation number [REDACTED] was issued for this self rescuer, being one of the three Ocenco EBA 6.5 self rescuers not being properly maintain on the "Mean Green Man trip" being that it contained moisture and water inside the self rescuer

When a inspection of the 90 day record book for inspections of Ocenco EBA 6.5 self rescuers being inspected. There was no record found for this self rescuer being inspected at this mine. The Date of Manufacturing of this self rescuer, read June/2006.

This type violation has not been cited at this mine during the past two years.

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	E01	10. Event Number	[REDACTED]
11. Signature	[REDACTED]	12. Date	Mo Da Yr [REDACTED]
		13. Time (24 Hr. Clock)	[REDACTED]

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Mine Citation/Order

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

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

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

The Fletcher Twin Boom, S/N, 81074, rotary drill is not being maintained in safe operating condition in that both right and left side fast feed manual operated, hydraulic valves had been defeated by installing metal mine spades between the manual hydraulic leavers and the hydraulic valve banks. This condition existed on the active coal producing, 003, (M.M.U.), Last Left, development mining section of mine in the immediate face area. If this condition were allowed to exist it would cause a injury to highly likely to occur to a miner as the miner would receive fatal injuries as the drill head traveled rapidly upward while drilling roof bolt holes in mine roof and installing roof bolts. As the drill head thrust rapidly upward the drill steals would break and bent and a miner would be struck in the head by the rotating drill steel. Also when the miner would be installing 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
			75.1725(a)

Section II - Inspector's Evaluation

10. Gravity:

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

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

C. Significant and Substantial: Yes  No  D. Number of Persons Affected: 002

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

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 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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Mine Citation/Order  
Continuation

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Section I-Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr [REDACTED]	3. Citation/Order Number [REDACTED]
4. Served To [REDACTED]		[REDACTED]
6. Mine [REDACTED]		

Section II-Justification for Action

Continuation of B. Condition or Practice

bolts into the drilled roof bolt hole a miner would be struck in the head by bent roof bolts and broken bolt tighten wrench, This mine has a history of roof bolters receiving injuries while operating and installing roof bolts.

The Fletcher roof drill was taken out of service immediately.

In order to terminate this citation the mine operator will conduct safety meetings with all miners and explain the hazardous associated with the hazards of defeating manually operated hydraulic control circuits.

This type violation has been cited one time at this mine in the past two years.

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 E01	10. Event Number [REDACTED]
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11. Signature [REDACTED]	AR Number [REDACTED]	12. Date Mo Da Yr [REDACTED]	13. Time (24 Hr. Clock) [REDACTED]
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713105100

Mine Citation/Order

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Section I - Violation Data

1. Date Mo Da Yr	2. Time (24 Hr. Clock)	3. Citation/ Order Number
4. Served To	5. Operator	
6. Mine		8a. Written Notice (103g)

B. Condition or Practice

The Certified person conducting the pre-shift examination on [redacted] for the day shift mining crew. On the last left 003, (M.M.U.) development mining section. Failed to conduct a adequate pre-shift examination in that the certified person who conducted the pre-shift examination failed to recognize a hazardous condition of dry, black and powdery coal accumulations in the active area of mine where miners normally work and travel. The accumulations of dry, black and powdery coal existed in by the section coal feeder at numbers 5 entry between number 69 and 70 cross-cut, where the accumulations measured 18 feet wide and 4 inches in-depth for a distance of 80 feet. These coal accumulations peaked along the left side rib and measured 4 inches to 12 inches in depth for a distance of 80 feet, in this same number 5 entry.

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
			75.360(b)(3)

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 type="checkbox"/> Highly Likely <input checked="" type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: 008	
11. Negligence (check one): A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input checked="" type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action: 104(d)(1)		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				F. Dated Mo Da Yr

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 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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 Continuation

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Section I - Subsequent Action/Continuation Data

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

Section II - Justification for Action

Continuation of 8. Condition of Practice

Also the same type accumulations existed in number 71 cross-cut between number 6 and 7 entry that measured from 4 inches in depth to 8 inches in depth and rib to rib a distance of 18 feet and 40 feet long. In number 8 entry of number 72 cross-cut a coal pile accumulation exist in the immediate intake ventilation air course that measured 8 feet wide, 8 feet long and from 6 inches to 28 inches in depth. In number 70 cross-cut number 1 cross-cut to number 2 cross-cut same kind of accumulations exist rib to rib (18 feet) for a distance of 50 feet that measured from 4 inches to 10 inches in depth. Number 1 cross-cut between number 4 and 5 entry the coal accumulations measured 17 feet wide by 40 feet long and from 4 inches to 8 inches in depth along the total entry where mining ventilation air connection was created on [Redacted]. If inadequate pre-shift examinations are allowed to continuous it is highly likely miners well receive fatal injuries as the miners would enter the under ground workings expecting everything was in good condition and would experience a coal mine fire, coal mine dust explosion before realizing the accumulations of dry, black powdery coal existed in the immediate active mining area of mine where electrically powered mining equipment is being operated and driven on to the accumulations of dry, black and powdery coal exist. These accumulations were very obvious and the accumulations that existed had been rock dusted over.

This type violation has not been cited at this mine in the past two years.

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 E01	10. Event Number [Redacted]		
11. Signature [Redacted]	AP Number [Redacted]	12. Date Mo. Da. Yr.	13. Time (24 Hr. Clock) [Redacted]

MSHA Form 7000-3a, Mar. 85 (revised)

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Section I - Violation Data

1. Date	2. Time (24 Hr. Clock)	3. Citation/Order Number
4. Served To	5. Operator	7. Mine ID
8. Condition or Practice		8a. Written Notice (103g)

An accumulation of dry, black powdery coal has been allowed to accumulate on the active coal producing development mining section, Last Left 003-0 (M.M.U.). The accumulations existed in by the section coal feeder at number 5 entry between number 69 to 71 cross-cut, where the accumulations measured 18 feet wide and 4 inches in-depth for a distance of 80 feet. These accumulations peaked along the left side rib and measured 4 inches to 12 inches in-depth for a distance of 80 feet, in this same number 5 entry. Also the same type accumulations existed in the number 71 cross-cut between number 6 and 7 entry that measured from 4 inches in depth to 8 inches in depth and rib to rib a distance of 18 feet and 40 feet long. In the number 8 entry of 72 cross-cut a coal pile accumulation exist in the immediate intake ventilation air course that measured 8 feet wide by 8 feet long and

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

Section II - Inspector's Evaluation

10. Gravity:

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

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

C. Significant and Substantial: Yes  No

D. Number of Persons Affected: 008

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

12. Type of Action  104(d)(1) 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

15. Area or Equipment The Last Left section from the feeder in by to all the active working faces and travel ways.

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 (rev 5/84). 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.

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Section I - Subsequent Action/Continuation Data

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

Section II - Justification for Action

Continuation of 6. Condition or Practice

from 6 inches to 28 inches in depth. In number 70 cross-cut number 1 cross-cut to number 2 cross-cut same kind of accumulation existed rib to rib (18 feet) for a distance of 50 feet that measured from 4 inches to 10 inches in depth. Number 1 cross-cut between number 4 and 5 entry the coal accumulations measured 17 feet wide by 40 feet long and from 4 inches to 8 inches in depth along the total entry where a mining ventilation air connection was created on [REDACTED]. If these accumulations of dry, black and powdery coal are allowed to exist, a highly likely injury to miners of a fatal nature will occur as massive electrically powered mining equipment is being operated and driven through these accumulations of dry, black powdery coal during their normal operation of producing coal mined at the face. Which would cause a coal mine fire and coal dust explosion to occur as the electrical power cables from the electrically powered mining equipment lay and are dug through these accumulations. These accumulations of dry, black and powdery coal had been rock dusted over and was very obvious they existed when M.S.H.A. inspection was conducted in this active area of mine.

Citation number [REDACTED] was issued for a violation of 75.360 (b) (3) in this same area for the same dry, black and powdery coal accumulations existing.

This type violation has been cited 5 times during the past two years at this mine.

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	B01	10. Event Number	[REDACTED]
11. Signature	[REDACTED]	AR Number	[REDACTED]
12. Date	Mo Da Yr	13. Time (24 Hr. Clock)	[REDACTED]

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Section I - Violation Data

1. Date Mo Da Yr <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>	2. Time (24 Hr. Clock) <input type="text" value=""/>	3. Citation/ Order Number <input type="text" value=""/>
4. Served To <input type="text" value=""/>		5. Operator <input type="text" value=""/>
6. Mine <input type="text" value=""/>	7. Mine ID <input type="text" value=""/> (Contractor)	
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The Tail Roller on the active in operation Number 3 Main Conveyor belt was not adequately guarded to prevent a miner from contacting the moving conveyor belt tail roller. In that the existing metal cover was not secured to prevent a miner from accidentally dislocating the existing guarding. And the existing guarding allows a opening on right side at end of tail roller that measured 10 inches wide by 12 inches high. Where a miner could reach in and become entangled in the moving conveyor belt tail roller and moving conveyor belt. If this condition were allowed to exist a injury is highly likely to occur to a miner that would be fatal. The nature of injury would be from accidentally slipping or tripping, as a miner would travel through this area and slip on the slippery damp mine floor and dislodge the metal plate that exist as guarding for the moving conveyor belt tail roller. Also

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 75.1725(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 type="checkbox"/> Highly Likely <input checked="" type="checkbox"/> Occurred <input type="checkbox"/>			
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>			
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: 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 <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>	B. Time (24 Hr. Clock) <input type="text" value=""/>
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Section III - Termination Action

17. Action to Terminate		
18. Terminated	A. Date Mo Da Yr <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>	B. Time (24 Hr. Clock) <input type="text" value=""/>

Section IV - Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number <input type="text" value=""/>	21. Primary or Mill
22. Signature <input type="text" value=""/>		23. AR Number <input type="text" value=""/>

MSHA Form 7000-3, Mar 86 (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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Mine Citation/Order  
Continuation

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Section I - Subsequent Action/Continuation Data

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

Section II - Justification for Action

Continuation of 8: Condition or Practice

the guarding as installed, allows a miner to contact the the moving conveyor belt tail roller and conveyor belt through the 10 inch by 12 inch opening. Distance from existing guarding to contact point of tail roller was 8 to 10 inches. This type accident occurring would cause a miner to loose his life as the miner would receive torn limes, broken bones or become completely entangled in the conveyor belt tail roller and conveyor belt.

The conveyor belt was taken out of service until this condition is corrected.

This type violation has been issued two time at this mine during the past two years.

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 E01	10. Event Number [Redacted]		
11. Signature [Redacted]	AR Number [Redacted]	12. Date M [Redacted]	13. Time (24 Hr. Clock) [Redacted]

MSHA Form 7000-3a, Mar. 86 (revised)

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Mine Citation/Order

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

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

8. Condition of Practice

8a. Written Notice (103g)

The Deluge type water spray system nozzles attached to the branch line did not have blow off dust covers installed on seven nozzles that provide fire protection for the operating Number 4 Main conveyor belt at the conveyor belt drive area. If this condition were allowed to exist the water spray nozzles will be blocked by corrosion, dust and nozzle would be damaged from roof rock falling.

This type violation has been issued one time at this mine in the past two years.

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	75.1101-1(b)
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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 checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				D. Number of Persons Affected: 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)

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.

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

District  Field Office  Mine ID  Date

Mine Citation/Order

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



Section I - Violation Data

1. Date Mo Da Yr <input type="text"/>	2. Time (24 Hr. Clock) <input type="text"/>	3. Citation/ Order Number <input type="text"/>
4. Served To <input type="text"/>	5. Operator <input type="text"/>	
6. Mine <input type="text"/>	7. Mine ID <input type="text"/> (Contractor)	
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The 500 feet of fire hose stored for fire protection at the Number 4 Main Conveyor Belt Drive area, does not have a fire hose water spray nozzle. If this condition were allowed to exist and a conveyor belt fire were to occur, with out the use of a fire hose water spray nozzle, fire fighting would be limited to only providing volumes of water and not being able to direct a stream of water or a fog of water to get closer to the fire or direct the water at a specific location.

This type violation has not been issued at this mine in the past two years.

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 75.1100-2(b)
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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 checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>			
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: 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
15. Area or Equipment			

16. Termination Due	A. Date Mo Da Yr <input type="text"/>	B. Time (24 Hr. Clock) <input type="text"/>
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Section III - Termination Action

17. Action to Terminate: A water hose, water spray nozzle has been provided in the fire hose storage container.

18. Terminated	A. Date Mo Da Yr <input type="text"/>	B. Time (24 Hr. Clock) <input type="text"/>
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Section IV - Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number <input type="text"/>	21. Primary or Mill <input type="text"/>
22. Signature <input type="text"/>		23. AR Number <input type="text"/>

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.

September 22, 2008

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

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

FROM: ARLIE A. WEBB  
Accountability Specialist

SUBJECT: MSHA Office of Accountability Audit, Ruff Creek, Pennsylvania,  
Field Office, and [REDACTED]  
[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 Ruff Creek, Pennsylvania, Field Office and to [REDACTED] to observe and evaluate enforcement activities and mine conditions. Accompanying the auditor was [REDACTED]

[REDACTED] Underground areas of the mine examined during this audit included the main intake and return, section belt line, outby belt line, continuous miner section, SCSR caches, escapeways, and refuge chamber. Permissibility inspections were conducted on the continuous mining machine, roof bolting machine, and one shuttle car and all trailing cables.

The Emergency Response Plan was reviewed and verified at the mine. Currently, the operator has a refuge chamber in place in the mine.

CONCURRENCES	Initials	✓	CJJ	RUF					
	Date	✓	[REDACTED]						
	Last Name	✓		FRIND					
	Office Symbol	✓		ORS					