



December 22, 2008

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

FROM: CHARLES J. THOMAS *Charles J. Thomas*
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SUBJECT: MSHA Office of Accountability Audit, Bessemer, Alabama,
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 and Charles J. Thomas. Positive findings and issues requiring attention are included in this audit report.

Overview

The audit team traveled to the subject field office and mine to observe and evaluate enforcement activities and mine conditions. Accompanying the audit team were [REDACTED]

Areas of the mine examined during this audit included the longwall section and face equipment, the entire longwall belt conveyor, and longwall head gate and tail gate travel ways. The faces, roof, ribs, ventilation, entries, and equipment on three continuous mining machine sections (002-0, 003-0, and 004-0) were also examined, along with associated feeders, belts, point-type fire sensors, and Miner Act provisions. Other equipment inspected included shuttle cars, roof bolting machines, power centers, belt conveyor guarding, fire suppression systems, and ventilation fans.

Pressure and function tests were conducted on three separate, 100-foot length sections of fire hose and their associated nozzles and connectors underground.

The Emergency Response Plan was reviewed and verified at the mine. Seventeen boreholes are provided from the surface to the mine elevation, with mobile surface trucks capable of supplying fresh air to each of the five "safe havens" located in the Flat Creek #1, Flat Creek #2, and Flat Creek #3 gate roads, one safe haven in the Flat Creek #4 area, and one in Flat Creek Mains area. Each safe haven has the required number of roof jacks, curtain material, boards, and supplies. The audit team examined three of the safe havens and supplies.

The inspectors and audit team members conducted safety discussions with 3 different bolter crews, longwall crew, 3 continuous mining machine operators, and numerous miners on working sections and outby. Discussion subjects included SCSR training and cache location, fire drills, escapeway drills, actions for excessive methane, red-zone safety precautions and general safety practices. Stickers and handouts regarding best practices, roof bolting safety tips, continuous mining machine safety tips, personal protective equipment stickers and Winter Alert stickers also were distributed.

The roof control 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. No violations of 75.200 were observed during this audit, and no 75.400 violations were observed in any belt conveyor entries during this audit. Although all inspectors accompanying the audit team adequately enforced the regulations, these two areas exemplify MSHA's goals, and the inspectors' attention to detail.
2. Evidence indicates that rock dust is being applied at frequent intervals throughout the mine. The company was using a standard "leaf-blower" to apply rock dust in hard to reach areas in the belt conveyor entries. (See Attachment B)
3. No excessive methane was detected in any area visited by the audit team, and the approved roof control and ventilation plans appeared adequate for current mining conditions.
4. Inspection documentation indicated thorough and complete inspections are being conducted.
5. A 104(d) tracking system is maintained up to date.
6. There is a very high level of communication between the UMWA, the company, and MSHA at this mine. Interviews with [REDACTED] revealed an attitude of cooperation and mutual respect.

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

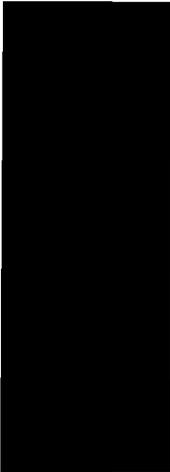
1. In one instance, a citation was not issued for an obvious violation of 30CFR, §75.1722.
2. Inspection Event Calendars and Time and Activity sheets were not always adequately reviewed and compared to identify conflicts in shifts and inspection days.
3. An E02 inspection calendar was not being maintained for all underground mines required to be inspected under 103(i) of the Mine Act.
4. On one isolated occasion an E02 spot inspections was not conducted within the time frames set forth by the Mine Act and MSHA policy.

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. Modification of leaf blower for use as rock duster
- C. Citations issued during this audit

- | | | |
|-----|---|-----------------|
| 1. |  | 75.1725(a) |
| 2. | | 75.512 |
| 3. | | 75.333(h) |
| 4. | | 75.1100-3 |
| 5. | | 75.400 |
| 6. | | 75.320(a) |
| 7. | | 75.342(a)(4)(i) |
| 8. | | 75.380(d)(1) |
| 9. | | 75.380(d)(2) |
| 10. | | 75.1725(a) |
| 11. | | 75.1722 |

- D. Other audit photos

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

Adequate Inadequate Not Applicable Comments Below

The event calendar for inspection event number [REDACTED] was compared to time and activity data from timesheets. Of the 104 data entries, 34 errors were observed, including:

- 14 instances where time was reported on time sheets, but not on the inspection event calendar.
- 16 instances where the shift worked was recorded on the inspection event calendar, but not reported on time sheets.
- 4 instances where the information was recorded on the inspection event calendar and time sheets, but did not match.

In addition, there were two instances where the Special Assessment Review Form (SAR) was found in the inspection report. This document contains privileged and protected information.

Action Required- Improve supervisory review of inspector work products, including time sheets, inspection event calendars, and notes. This is a systemic issue to most of MSHA field reports.

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

2. Determine if supervisors address report deficiencies immediately

Adequate Inadequate Not Applicable Comments Below

There was no indication that errors had been identified, and no corrective actions had been taken.

Action Required- Improve supervisory response to deficiencies found in work products, and actions taken to correct those deficiencies.

Reference - Sago, Aracoma, and Darby Internal Review, Recommendations and Corrective Actions

District Field Office Mine ID Date

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

Adequate Inadequate Not Applicable Comments Below

Several departments greatly exceeded the number of required mine visits:

- The [redacted] conducted 2.6 times the number of required visits
- The [redacted] conducted 2.5 times the number of required visits
- The [redacted] conducted 1.4 times the number of required visits
- The [redacted] conducted 1.4 times the number of required visits
- The [redacted] conducted 1.3 times the number of required visits

However, the Bessemer, Alabama field office supervisors conducted only 69 of the required 96 mine visits (72%).

The District Manager and one field office supervisor for District 11 were both assigned to the Crandall Canyon accident investigation during most of the period evaluated and were therefore unable to personally conduct mine visits. Although this gave the appearance that both positions failed to meet the minimum requirements for mine visits, additional research revealed that several subordinate positions (as shown above) conducted mine visits while acting in those capacities.

Recommendation - Persons conducting mine visits while acting in higher level capacities should list mine visit information on the spreadsheet accordingly.

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

Adequate Inadequate Not Applicable Comments Below

[redacted] notes in the Field Activity Reports examined during this audit were repetitive. None of the FARs documented any deficiencies and seldom mentioned constructive criticism.

Action Required - Supervisors must scrutinize inspection reports and take corrective actions immediately for observed deficiencies.

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

District Field Office Mine ID Date

5. Determine if supervisors/managers are identifying and addressing performance or behavior based issues during and after accompanied inspections are conducted

Adequate Inadequate Not Applicable Comments Below

6. Evaluate the quality of Accompanied Inspections

Adequate Inadequate Not Applicable Comments Below

None of the Accompanied Activity Reports examined during this audit included any deficiencies and seldom mention any constructive criticism.

Action Required – Supervisors are required to document deficiencies and corrective actions identified during Accompanied Activities.

Reference – Coal Mine Safety and Health Supervisor’s Handbook – Chapter 1, Section VI- Conducting Accompanied Activities.

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

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID Date

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

Adequate Inadequate Not Applicable Comments Below

This mine produces coal on 3 shifts, 7 days per week. The mine falls under the 5-day spot inspection category as stated in §103(i) of the Mine Act due to a liberation rate well in excess of 1 million cubic feet of methane per 24-hour period.

During Fiscal Year 2008, one 103(i) inspections was missed. An E02 inspection was not conducted during the period beginning March 19, 2008, and ending March 30, 2008 (12 days). Interviews with district personnel revealed this to be the result of a scheduling/communication error. All other E02 inspections were conducted within the established 5-day time frame.

In addition, there were six occasions when the spot inspections were not conducted at irregular intervals:

- Four instances where spot inspections were conducted on consecutive Wednesdays (October 03 & October 10, 2007) (November 14 & November 21, 2007) (April 16 & April 23, 2008) (July 02 & July 09, 2008)
- One instance where spot inspections were conducted on consecutive Thursdays (January 17 & January 24, 2008)
- One instance where spot inspections were conducted on three consecutive Mondays (August 04, August 11, & August 18, 2008)

Action Required – Spot inspections are to be conducted of all or part of the mine during every 5 working days at irregular intervals.

Reference – Federal Mine Safety and Health Act of 1977, §103(i)

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

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

Adequate Inadequate Not Applicable Comments Below

Audit results indicate that E02 inspections are separate from other inspection activities.

District Field Office Mine ID Date

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

With the exception of the issue identified in Item No. 1 above, an evaluation of inspector time distribution for E01 inspections conducted out of this field office was quite commendable:

67% of the total underground inspection time was spent onsite
 65% of the total surface inspection time was spent onsite
 65% of the total surface facility inspection time was spent onsite

Time recorded in the "Other" category averaged 17% overall.

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

CLR decisions appeared logical, well-reasoned, and in compliance with national policy and supported the inspectors when inspector documentation was effective.

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

Adequate Inadequate Not Applicable Comments Below

Second level reviews did not address the issues found in supervisory reviews, FARs and AAs (as noted in Items 1, 2, 4, and 6 above).

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

Adequate Inadequate Not Applicable Comments Below

Inspector field notes, issuances, and tracking maps indicate the mine is being inspected thoroughly.

District Field Office Mine ID Date

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

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

Adequate Inadequate Not Applicable Comments Below

A review of event calendars and inspection time and activity data indicated:

At least 8% of the total inspection time was on Saturdays and Sundays
At least 13% of the total inspection time was on Fridays
At least 16% of the total inspection time was on off-shifts

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

Inspection notes, interviews with inspection personnel, and observation of inspection activities during the audit indicated that all provisions of the MINER Act are being effectively evaluated during inspection activities.

District Field Office Mine ID Date

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

As noted in Items 17 and 31 above.

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

Adequate Inadequate Not Applicable Comments Below

Positive Comment: After a review of enforcement actions taken during the six months prior to the audit, the audit team agreed with the inspector's determination of gravity, negligence, number of persons affected, and the level of enforcement. It should be noted that inspectors in this field office appear to be very conscientious in their evaluations of the number of persons affected. This gravity and negligence is also supported by the conference officer.

38. Accompany and evaluate inspector's imminent danger run

Adequate Inadequate Not Applicable Comments Below

42. Evaluate conditions on working section and observe work cycle

Adequate Inadequate Not Applicable Comments Below

The continuous mining machine sections were clean, well ventilated, and well supported. Rock dusting was excellent, and observation of the mining cycle indicated safe working habits.

District Field Office Mine ID Date

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

Miners were familiar with the location of escapeways, escapeway maps, location of the ERP supplies, and SCSR cache locations.

45. Determine adequacy of training regarding roof, ventilation, and other plans (interview miners)

Adequate Inadequate Not Applicable Comments Below

At least 14 miners were interviewed during this audit. The interviews indicate all miners are being well trained in the provisions of the roof control plan, ventilation plan, emergency and evacuation plans, SCSR storage and donning of SCSRs.

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

Adequate Inadequate Not Applicable Comments Below

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

Interviews with miners indicated a thorough knowledge of donning technique and cache locations.

District Field Office Mine ID Date

48. Examine electrical cables on several pieces of equipment

Adequate Inadequate Not Applicable Comments Below

49. Evaluate several pieces of equipment for permissibility

Adequate Inadequate Not Applicable Comments Below

50. Examine lifelines, personnel doors, and related signage

Adequate Inadequate Not Applicable Comments Below

51. Examine escapeway map for compliance with regulations

Adequate Inadequate Not Applicable Comments Below

52. Evaluate integrity of primary and alternate escapeways

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID Date

53. Evaluate integrity of return side stopping line

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

Section conveyor belts were maintained in excellent condition with regard to rock dusting, ventilation, examinations, and maintenance of rollers.

55. Evaluate conveyor belt isolation from other air courses

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

A functional/pressure test was conducted on three fire valves, hoses, and nozzles during this audit. All tested equipment functioned properly. The average elapsed time from notification that a test was being conducted until water was being applied to the belt was less than 3 minutes.

District Field Office Mine ID Date

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

Adequate Inadequate Not Applicable Comments Below

Two citations were issued during this audit for conditions found at belt drives.

- Excessive distance between drop-off rollers on a take-up unit resulted in the belts rubbing together within the take-up unit.
- The tail pulley on a main line belt drive was not adequately guarded.

However, in one instance, the belt conveyor drive and belt take-up unit at the mouth of a developing longwall gate entry were not adequately guarded. (Photographs of the belt conveyor take-up unit are in Appendix D)

Interviews indicated this condition was an obvious violation that had not been cited during past inspections. The district decided to give the operator the opportunity to correct the hazard as a result of its oversight. The condition was corrected immediately.

Action Required – Authorized Representatives are required by the Mine Act to issue citations and/or orders for all observed violations.

Reference – Federal Mine Safety and Health Act of 1977, §104(a)

Recommendation –OA audit teams have also observed inadequate and/or insubstantial guarding of belt conveyor take-up units in other districts. The OA recommends a review of current MSHA guidelines on guarding. This issue appears to be systemic to MSHA, and should be addressed. Wire ropes along the belt conveyor take up units are inadequate to prevent contact with moving drop-off rollers and stands, and movable end-roller carriages. This condition is exacerbated when the ropes are in close proximity to the equipment.

62. Examine mine bulletin board and evaluate adequacy of all required postings

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID Date

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

One district-level Peer Reviews (Accountability Reviews) was conducted in District 11 during FY2008, it was thorough and in-depth. The review was well documented, and included an examination of E01 reports (regular inspections), E02 reports (103(i) spot inspections), E03 reports (hazard complaint inspections), E16 reports (spot inspections), Time and Activity data, the Uniform Mine File, and GPRA Goals. The review also included a mine visit.

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

Adequate Inadequate Not Applicable Comments Below

There were no headquarters-level reviews conducted in District 11 during FY2008. The required four (4) reviews were conducted in other Districts.

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

No headquarters reviews were conducted in District 11 during FY2008.

Although the district-level review included an analysis of root causes, corrective actions, and proposed implementations dates, there is no documentation of the method(s) to be used to measure the success or failure of the corrective actions.

Recommendation – All district-level reviews should contain one or more methods to be used for measuring whether or not the corrective actions are working.

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	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

72.	Determine if approved plans and the Uniform Mine File books are addressed during each Peer Review					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

77.	Evaluate the two most current completed E01 (regular) inspection reports (two quarters)					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

District Field Office Mine ID Date

78. Ten most current completed E02 (103(i) spot) inspection reports

Adequate Inadequate Not Applicable Comments Below

During this audit, there were 20 E02 inspection reports examined. The ten most recent E02 reports for the mine being audited. An additional ten reports were randomly selected from other mines inspected out of the Bessemer field office.

- 11 (55%) indicated the inspector traveled to a working section
- 9 (45%) indicated the main purpose of the inspection was to examine seals
- No permissibility examinations or methane monitor calibrations were documented for any of the inspections. This is not a requirement, but is encouraged to better protect miners.
- 9 citations were issued during these 20 events

*Recommendation - 103(i) Spot Inspections **should** frequently include examination of permissibility, water sprays, methane monitor calibration, and maintenance of air course ventilation controls, and other potential hazards relative to excessive methane liberation rates. FARs and AA may reward any effort above the minimum spot requirements.*

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

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

District Field Office Mine ID Date

103.	Determine if MSHA personnel from the plan approval group contacted and obtained additional information from the operator when necessary					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

114.	Determine if spreadsheets and/or databases provided for tracking of mine visits by supervisors and managers is kept up to date					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
Although the spreadsheet appeared up to date, the number of mine visits was insufficient, as noted in Item 3 above.						

115.	Evaluate the effectiveness of management's support of, and communication with, inspectors and specialists					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
Interviews with inspectors and supervisors indicated an exceptional level of communication between the field office and district.						

District Field Office Mine ID Date

Use of Leaf Blower for Spot Rock Dust Application

During this audit, the team observed company personnel utilizing a leaf blower to apply rock dust to locations along belt conveyors that otherwise, would have required stoppage of the belt and the removal of guards. This method of applying rock dust merits consideration as a means to prevent accidents. When guards do not have to be removed to apply rock dust, the potential for improperly replacing those guards is eliminated.

The leaf blower used at this mine for rock dusting included the following components that make it ideal for rapid application of rock dust.

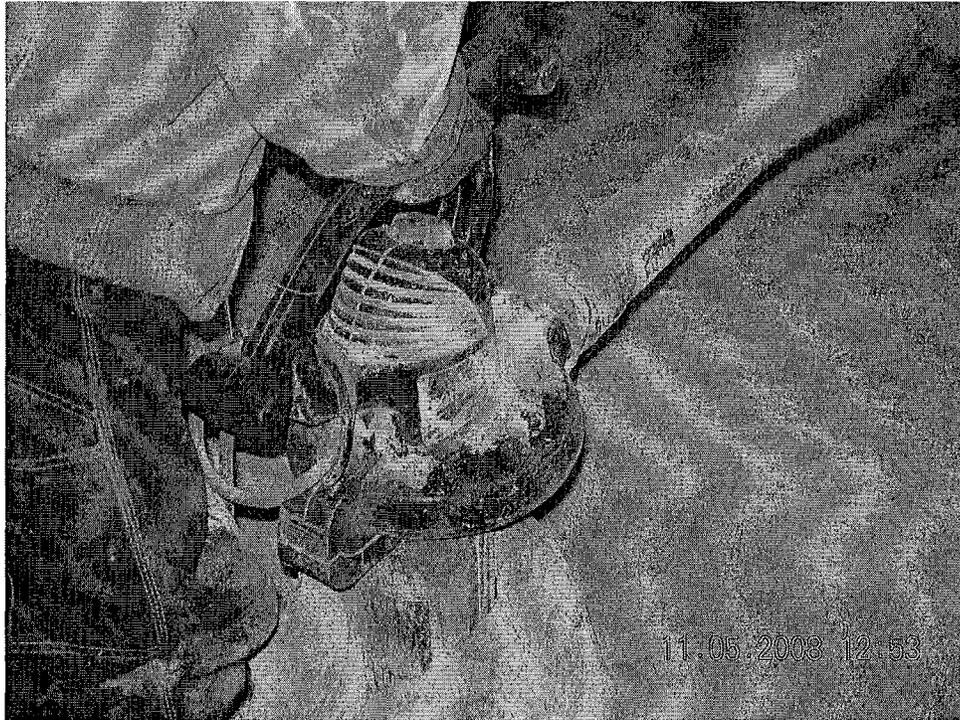
1. 110 VAC operation
2. Wind speed at nozzle is approximately 200 mph
3. Vacuum pipe and nozzle are easily cleaned
4. Impeller is metal, which resists abrasion

When the suction (vacuum) pipe is slowly lowered into a standard bag of rock dust, the rock dust is pulled into the impeller blade and forced out through an extended nozzle at high speed. Rock dust was applied to an area approximately 20-feet away using this method.

The total cost is less than \$100.00

Eye protection is mandatory and respirator protection encouraged and recommended .

District Coal Dist 11 Field Office Bessemer, AL Mine ID [REDACTED] Date [REDACTED]



Photograph 1 Leaf blower used as rock duster



Photograph 1 Leaf blower in use in belt entry

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	2. Time (24 Hr. Clock)	3. Citation/ Order Number
4. Mine	5. Operator	
6. Mine	7. Mine ID	(Contract)

8. Condition or Practice
 8a. Written Notice (103g)
 The operator failed to maintain the chain hoist securing the coupler on the outby end of the railcar located at the end of the Flat Creek 3 track. The hooks on both ends of the chain hoist were spread with latches sprung, indicating the weight of the coupler was stretching.

The operator immediately removed the chain hoist from service.

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: 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 Y

15. Area or Equipment

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

Section III--Termination Action

17. Action to Terminate

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

Section IV--Automated System Data

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

22. Signature 23. AR Number

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration 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, 40 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	<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=""/>
8. Condition or Practice			(Contractor) <input type="checkbox"/>
			8a. Written Notice (103g) <input type="checkbox"/>

The 110 VAC electrical cable located in the Longwall conveyor belt entry was not being maintained. The polarity (hot lead and neutral lead) was reversed. All electrical equipment shall be examined and tested weekly by a qualified person.

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	75.512
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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"/> Written Notice <input type="checkbox"/>			
14. Initial Action	A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>			E. Citation/Order Number	F. Dated Mo Da Yr
15. Area or Equipment					

16. Termination Due	A. Date <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	B. Time (24 Hr. Clock)

Section IV-Automated System Data

19. Type of Inspection (e)	20. Event Number	21. Primary or Mill
22. Sig	23. AR Number	

MSHA provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a Regulatory Review Board 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 <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) <input type="checkbox"/>
8. Condition or Practice	8a. Written Notice (103g) <input type="checkbox"/>

All ventilation controls shall be maintained for the purpose for which they were built. The stopping located in crosscut number 14 in the longwall conveyor belt entry has a hole that measured 8 inches by 8 inches. This stopping separates the track entry from the belt 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
			75.333(h)

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"/> Written Notice <input type="checkbox"/>				
14. Initial Action		E. Citation/Order Number			F. Dated Mo Da Yr	
A. Citation <input type="checkbox"/>		B. Order <input type="checkbox"/>		C. Safeguard <input type="checkbox"/>		D. Written Notice <input type="checkbox"/>
15. Area or Equipment						

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

Section III - Termination Action	
17. Action to Terminate The hole has been sealed.	

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

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

MSHA Form 7000-3a of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a Small Business Regulatory Enforcement Fairness Act of 1996 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 <input type="text" value="Mo Da Yr"/>	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 of Practices		8a. Written Notice (103g) <input type="checkbox"/>

All firefighting equipment shall be maintained in a usable and operative condition. The fire valve outlet located at the number 9 monorail in Longwall conveyor belt entry was not useable. The fire outlet (pipe nipple) had a metal cap screwed that could not be removed by hand. A pipe wrench had been to be used to remove the cap. The fire valve could not be operated by hand.

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 75.1100-3
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Section II--Inspector's Evaluation

10. Gravity:

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

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

C. Significant and Substantial: Yes No D. Number of Persons Affected: 008

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

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

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

16. 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 fire valve has been replaced and the pipe nipple has been installed so a fire hose could connected. The fire valve functioned properly when tested.

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

Section IV--Automated System Data

19. Type of Inspection (activity code) <input type="text" value="R01"/>	20. Event Number <input type="text" value=""/>	21. Primary or Mill <input type="text" value=""/>
22. Signa <input type="text" value=""/>		23. AR Number <input type="text" value=""/>

MSHA Form 7000-3a (Rev. 10-2008) Pursuant to the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District Coal Dist 11 Field Office Bessemer, AL Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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

Section I--Violation Data

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

8. Condition or Practice

8a. Written Notice (103g)

Combustible material in the form of oil and coal fines were allowed to accumulate in the tram motor compartments of the No.609417 continuous miner at the Flat Creek Main section (MMU-017). The oil and coal fines were hard packed and measured from 1/4 inch in depth up to 1 1/2 inches in depth in the bottom of the pan and covered the electrical components located in the compartment.

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: 002

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

12. Type of Action 104(a)

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

14. Initial Action

A. Citation B. Order C. Safeguard D. Written Notice

E. Citation/Order Number

F. Dated Mo Da Yr

15. Area or Equipment

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

17. Action to Terminate The accumulations have been removed from the cited areas.

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

19. Type of Inspection (activity code) E01	20. Event Number [REDACTED]	21. Primary or Mill [REDACTED]
22. Signature [REDACTED]	23. AR Number [REDACTED]	

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 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, 41 Street, SW MC 2120, Washington, DC 20410. 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 <input type="text" value="[REDACTED]"/>	3. Citation/Order Number <input type="text" value="[REDACTED]"/>
4. Sent To <input type="text" value="[REDACTED]"/>	5. Operator <input type="text" value="[REDACTED]"/>
6. Mine <input type="text" value="[REDACTED]"/>	7. Mine ID <input type="text" value="[REDACTED]"/> (Contractor)

8. Condition or Practice 8a. Written Notice (103g)
 The MSHA approved gas detectors shall be calibrated with a known methane air-mixture at least once every 31 days. The gas detector in the emergency storage box located in crosscut 21 in the Longwall track entry. The gas detector was removed from the mine.

See Continuation Form (MSHA Form 7000-3a)

8. Violation	A. Health Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.320(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: 003

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 Written Notice

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

15. Area or Equipment

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

Section III - Termination Action

17. Action to Terminate The hand held gas detector was replaced with a calibrated gas detector. The gas detector was removed from the mine and calibrated.

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

Section IV - Automated System Data

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

MSHA is committed to the principles of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established an Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120 Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District 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" 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=""/>	
8. Condition or Practice		8a. Written Notice (103g)

The operator failed to use persons properly trained in the maintenance, calibration, and permissibility of the methane monitors to calibrate the monitor on the continuous minor No.609417 on the Flat Creek Mains section (Mt 017). When tested the electricians assigned to conduct maintenance on the section by the operator were unable to calibrate the methane monitor. When asked the electricians said they had not been trained on this methane monitor system and that their normal place of work was outby.

This constitutes more than ordinary negligence and is an unwarrantable failure to comply with an mandatory safety and health standard.

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	75.342(a)(4)(i)
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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 checked="" type="checkbox"/> Lost Workdays Or Restricted Duty <input 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 type="checkbox"/> D. High <input checked="" type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action		13. Type of Issuance (check one)		
I04(d)(2)		Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/>		
14. Initial Action			E. Citation/ Order Number	
A. Citation <input type="checkbox"/> B. Order <input checked="" type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>			7693188	
			F. Dated	
			Mo Da Y 09/20/20	
15. Area or Equipment Flat Creek Main Section (MMU-017), No.609417 continuous miner.				

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

Section III--Termination Action

17. Action to Terminate The electricians have been trained on the calibration of the methane monitor.

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

Section IV--Automated System Data

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

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 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, 40 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	<input type="text" value="[REDACTED]"/>	2. Time (24 Hr. Clock)	<input type="text" value="[REDACTED]"/>	3. Citation/Order Number	<input type="text" value="[REDACTED]"/>
4. <input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>	5. <input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>
6. <input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>	7. Mine ID	<input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>	(Contractor) <input type="checkbox"/>

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

The secondary escapeway provided for the Flat Creek No. 2 longwall section was not being maintained to always assure passage of persons, including disabled persons. There was an accumulation of water present, of 55.51.89 and extending away for a distance of approximately 140' feet. The water extended out to and up to 14" (fourteen) inches in depth.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety Other <input checked="" type="checkbox"/>	B. Section of Act	<input type="text" value="[REDACTED]"/>	C. Part/Section of Title 30 CFR	<input type="text" value="75.380(1)"/>
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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 (See Reverse): Yes No D. Number of Persons Affected

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

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 Primary or Mill

22. Sign 23. AR Number

MSHA Form

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 3. Citation/Order Number

4. 5. Operator

6. (Contractor)

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

The secondary escapings provided for the Flat Creek No. 2 Longwall Section, was not clearly marked to show the route and direction of travel. The reflecting material provided in the escapings was covered with a thick coating of hard packed rock dust that prevented visibility. This condition extended from 42+40 and only to the mouth of the Longwall panel.

9. Violation A. Health Safety Other B. Section of Act - C. Part/Section of Title 30 CFR 75.380 (a)

See Continuation Form (MSHA Form 7000-3a)

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 (See Reverse): Yes No D. Number of Persons Affected:

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

12. Type of Action Citation Order Safeguard

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

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. Sign 23. AR Number

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

The Flat Creek 3 belt was not being maintained in safe operating condition. The slide rollers in the belt take up were not secured which allowed them to slide to the outby end of the take-up. The missing allowed the second layer of belt to drop down and contact the bottom layer of belt for approximately 23 feet.

The operator immediately removed the belt from service.

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: 001

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

12. Type of Action 104(a)

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

14. Initial Action

A. Citation B. Order C. Safeguard D. Written Notice

E. Citation/Order Number

F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due

A. Date Mo Da Yr

B. Time (24 Hr. Clock)

Section III--Termination Action

17. Action to Terminate The rollers have been reset and the belt is no longer contacting itself.

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 7000-3a provides instructions on the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration 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, 41 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 [REDACTED]	2. Time (24-Hr. Clock) [REDACTED]	3. Citation/ Order Number [REDACTED]
4. Served To [REDACTED]	5. Operator [REDACTED]	
6. Mine [REDACTED]	7. Mine ID [REDACTED] (Contractor)	

8. Condition or Practice

8a. Written Notice (103g)

The tail pulley on the North Main belt No.1 was not adequately guarded. The guard was loose and had relocated itself against the moving tail pulley roller to the extent it had worn a hole through the guard.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.1722
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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 Mo Da Yr [REDACTED] B. Time (24 Hr. Clock) [REDACTED]

Section III--Termination Action

17. Action to Terminate The guard has been repaired and set in the proper place.

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

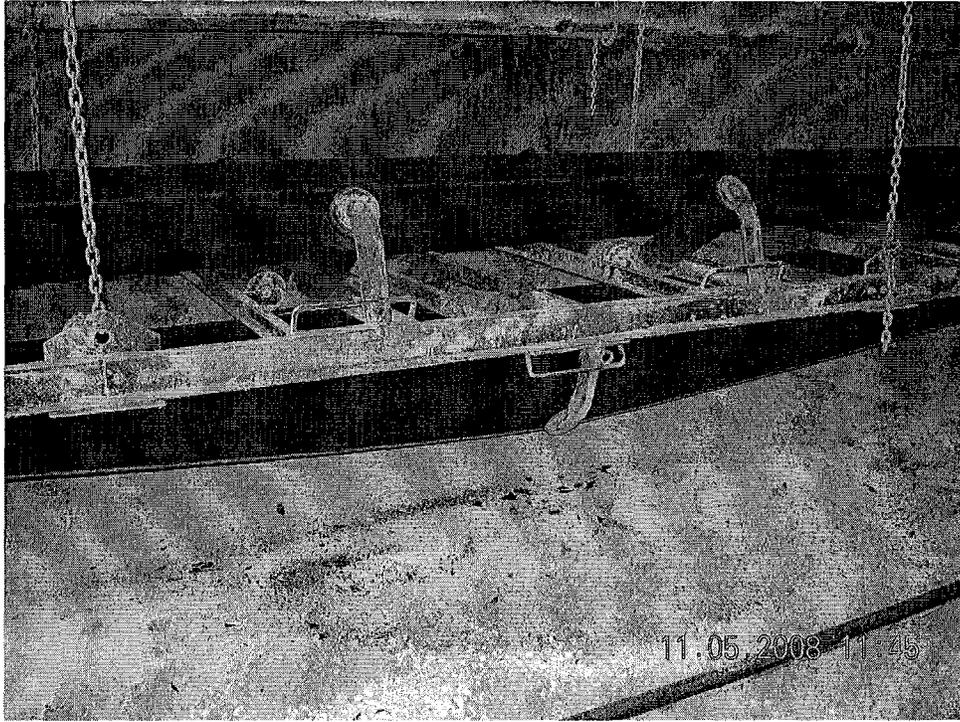
Section IV--Automated System Data

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

District Field Office Mine ID Date

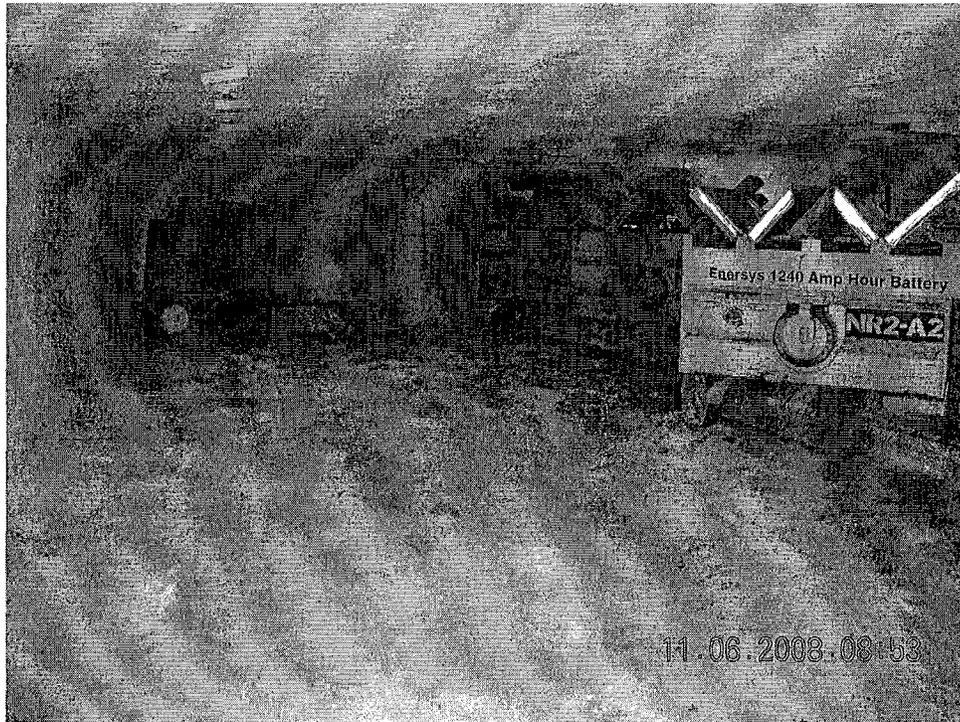


Photograph 1 General condition of belt conveyor entries, and top roller used on bottom belt to maintain alignment

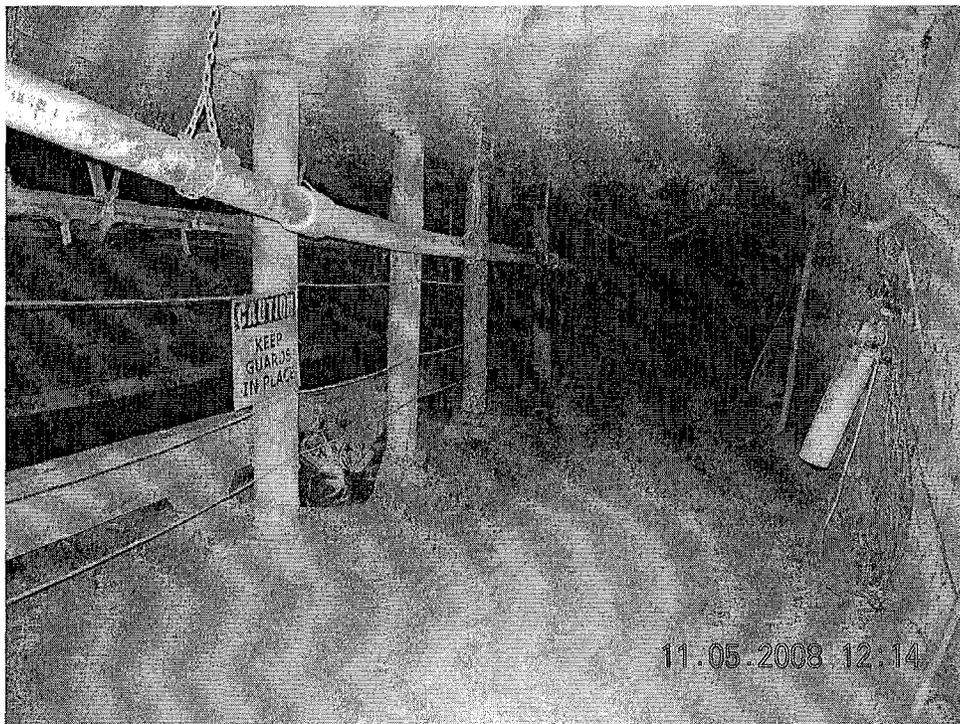


Photograph 2 General condition of belt conveyor entries at drives

District Field Office Mine ID Date

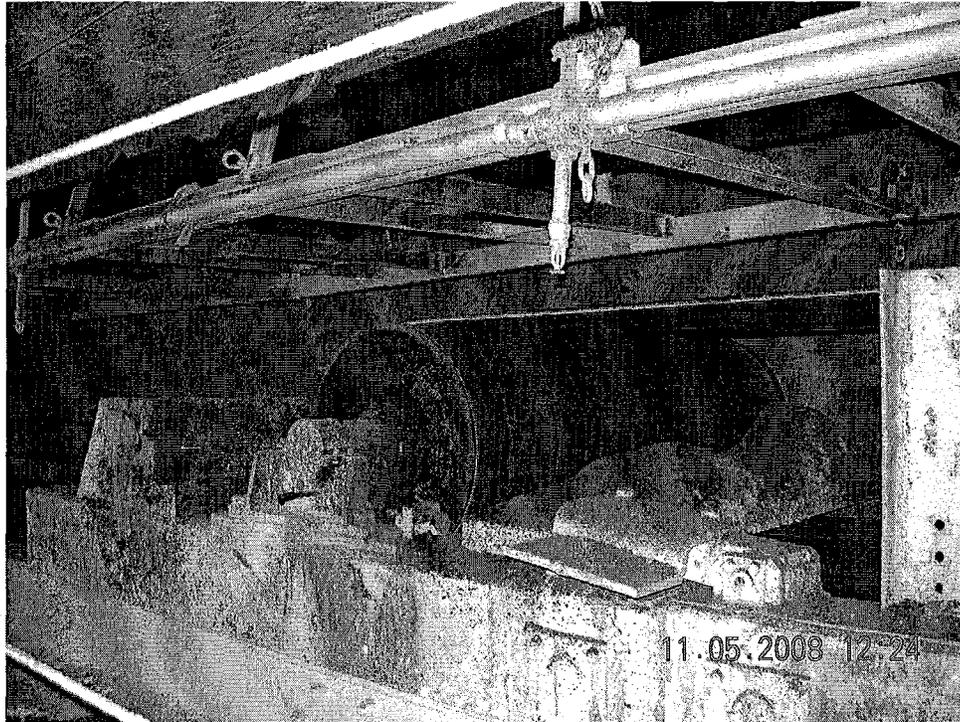


Photograph 3 Underground battery charging station

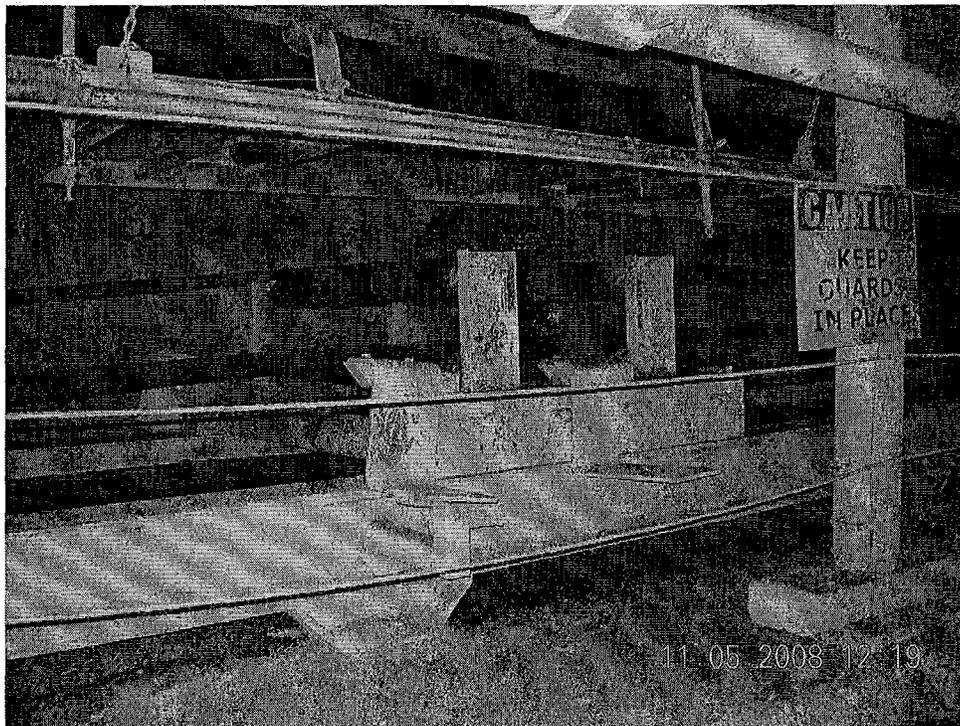


Photograph 4 Inadequate guarding of conveyor belt take-up unit

District Field Office Mine ID Date



Photograph 5 Inadequate guarding of conveyor belt take-up unit roller and moveable carriage



Photograph 6 Inadequate guarding of conveyor belt take-up unit drop-off rollers and slide assembly