

U.S. Department of Labor

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



FEB 20 2009

MEMORANDUM FOR MICHAEL A. DAVIS
Deputy Assistant Secretary for Operations
Mine Safety and Health

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

SUBJECT: MSHA Office of Accountability Audit, Shamokin, Pennsylvania,
Field Office, and Lehigh Coal 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, and the conditions, practices, and communication at the mine. The audit was conducted during the week of [REDACTED]. Positive findings and issues requiring attention are included in this audit report.

Overview

The auditor traveled to the Shamokin, Pennsylvania field office and to the four (4) pits at [REDACTED] to observe and evaluate enforcement activities and mine conditions. Special note is that two pits are UMWA represented and two pits are non-union. Accompanying the auditor were [REDACTED] [REDACTED] declined to travel with the inspection team, but did attend the close out conference. Areas of the mine examined during this audit included main and secondary access roads, the active pits, highwalls, spoil banks, and repair shop areas. Selected pieces of equipment on the property were inspected during this audit.

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

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

1. Both the [REDACTED] demonstrated excellent communication with the miners, mine operator, and union, and exhibited a genuine concern for the miners.
2. The [REDACTED] and the District Manager have visited numerous mines during the time period covered by this audit.
3. The level of enforcement appears commensurate with the conditions and practices observed.
4. Inspection documentation indicated thorough and complete inspections.

The audit revealed several issues that require corrective actions or clarification (some of which are not within the control of the district), including the following:

1. Ground control plans did not always have clear bench width dimensions and coal seal thickness stated in the plan, this is being corrected by the District.
2. Insufficient documentation of Field Activity Reviews and Accompanied Activities.
3. Fire protection on mobile equipment needs inspected more closely.

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) [REDACTED] 77.1110
- 2) [REDACTED] 77.1606(c)
- 3) [REDACTED] 77.1110
- 4) [REDACTED] 77.409(a)
- 5) [REDACTED] 77.1100

cc: K. Stricklin
T. Bentley
F. Quintana
G. Fesak
W. Wilson
K. Bullock

District Field Office Mine ID Date

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

Adequate Inadequate Not Applicable Comments Below

2. Determine if supervisors address report deficiencies immediately

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

Interviews with indicated the review of work products was excellent. The supervisor returned reports to the inspectors when deficiencies were found, and discussed methods of improvement with the inspectors. However, the Field Activity Review documentation did not reflect these activities.

Recommendation - Supervisors should always accurately and completely document deficiencies and corrective actions, as well as exemplary achievements, on FAR review forms.

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

Interviews with and on-site evaluation of inspector/supervisor interactions indicated an excellent level of supervisory oversight. However, the supervisor did not always adequately document observation and correction of deficiencies. No action required, this should be a priority to supervisors.

Recommendation - Supervisors should always accurately document deficiencies, corrective actions, and exemplary achievements, on Accompanied Activity review forms.

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

Adequate Inadequate Not Applicable Comments Below

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

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

This was addressed in another audit report and recommendations were made concerning electrical specialist.

16. Determine if supervisors, staff assistants, and other management personnel are reviewing work products for accuracy and completeness

Adequate Inadequate Not Applicable Comments Below

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

Positive Comment: Inspector time distribution at this field office for the time period audited was excellent. Inspector on-site time for the field office exceeded 63% of the total event time, with more than 27% being spent in the active pit. Time spent in the "other" category was less than 16%. For this particular mine ID the onsite time was even higher at 64.21% and the other time was lower at 10.25% which is commendable.

19. Determine if supervisors are using the Performance Management System to hold inspectors accountable for properly evaluating gravity and negligence, termination due dates, and timely termination of citations

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

25. Evaluate inspector/specialist knowledge of documentation required and process for completing PKW Forms

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID Date

26. Evaluate the district's process for performing Possible Knowing/Willful (PKW) reviews and initiating or denying special investigations

Adequate Inadequate Not Applicable Comments Below

28. Determine if managers and supervisors are using required "standardized reports" to review critical data relevant to inspections and investigations

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

Positive Comment: Inspection reports and inspector notes reviewed indicate that all surface equipment is being inspected and diligently being tracked on the ITS. Reports and onsite mine observations verify complete inspections.

Two inspection notes did not have arrival time for Event [redacted] on [redacted] and [redacted] Reference Coal Inspection Procedures handbook. General Coal Mine Inspection Procedures and Inspection Tracking System (PH-09-V-1), Chapter II, General Procedures, Page 9, Paragraph D

This Handbook took effect on January 01, 2008.

Arrival at the Mine. ARs should arrive at the mine in time for pre-inspection contacts, a preliminary review of the record books, and an overview of the mine map to determine which area of the mine to begin the inspection or investigation. **The arrival time at the mine shall be entered on the Daily Cover sheet and will be considered the official time of arrival. The arrival time shall be independent from other agency time reporting data (People Time, Weekly Time and Activity, etc.).** A departure time is not required.

District Field Office Mine ID Date

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

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

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

38. Accompany and evaluate inspector's imminent danger run

Adequate Inadequate Not Applicable Comments Below

39. Check adequacy of preshift/on-shift examinations

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID Date

41. Evaluate operator's workplace examinations

Adequate Inadequate Not Applicable Comments Below

Positive Comment concerning MSHA: Fire suppression was not being maintained on two pieces of equipment and was immediately and properly cited, **the operator however is not conducting adequate fire protection examinations which is the root cause of the violation occurring.** MSHA should require the operator to make more diligent work place and equipment examinations concerning equipment fire protection maintenance.

42. Evaluate conditions on working section/pit and observe work cycle

Adequate Inadequate Not Applicable Comments Below

48. Examine electrical cables on several pieces of equipment

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

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

Issue requiring attention: Ground control plan for the did not have bench width in three drawings in agreement with paragraph in the plan. One bench width stated 10-30' width on page 6, and pages 10-12 drawings depicted 15-30' bench width. The acknowledged ground control plan should agree with one standard bench width.
Reference: 30CFR 77.1100

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

Adequate Inadequate Not Applicable Comments Below

There were no headquarters-level accountability reviews conducted in District 1 during CY 2008. Four other Districts were audited in 2008 as required in the Accountability handbook.

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

A district-level accountability review was conducted from May 20 to June 04, 2008. Although the review appears to have been thorough, the report does not contain a means for conducting effective follow-up activities.

Action Required - District and headquarters level accountability reviews must contain a means for follow-up and evaluation of the corrective actions.

Reference - Accountability Program Handbook AH08-III-4, page 8, Follow-Up and Evaluation.

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

District Field Office Mine ID Date

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

Adequate Inadequate Not Applicable Comments Below

Positive Comment: During one event the inspector observed the annual refresher training and evaluated and documented that the content and training was sufficient.

79. Citations, orders, and safeguards issued during previous two quarters

Adequate Inadequate Not Applicable Comments Below

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

92. Determine if a copy of the most recent plan is provided for inclusion in the Uniform Mine File

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

District Field Office Mine ID Date

1108. Determine if projected mining relative to overlying, underlying, and adjacent workings was checked

Adequate Inadequate Not Applicable Comments Below

Mine map with underground workings was on site in the Engineering trailer near the mine office.

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

Positive Comment: The field office supervisor and the ADM have routine meetings with operators that need improvement in compliance with the regulations. Key indicator reports are being utilized and second level reviews indicate MSHA management's oversight, involvement, and support to the field office.

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

Adequate Inadequate Not Applicable Comments Below

The communication between the district and field offices is highly effective and occurs on a daily basis.

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

Staff meetings contain relevant information to keep the inspectorate up to date on recent HQ memorandums and changes.

117. Are MSHA Forms 7000-1 accurately reviewed for proper information and potential violations, unsafe practices, or conditions?

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID Date

118. Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections

Adequate Inadequate Not Applicable Comments Below

Recommendation not a requirement: The surface inspectors conducting off shift examinations do not always wear reflective coveralls. OA recommends that reflective vest be worn when on foot around large mobile surface equipment during both daylight and night time inspections to better protect the inspectors and make them more visible to equipment operators. This is a recommendation only and Metal and Non/Metal inspectors have ordered reflective vest for their surface inspectors. The vests also fit over their overcoats during the winter season when reflective coverall tops are covered with the coat or jacket.

Also citizen band radios would be useful to communicate with equipment operators, the inspector I traveled with did not have a citizen band radio.

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

Adequate Inadequate Not Applicable Comments Below

121. Determine if manpower at the field office is sufficient to ensure adequate, complete inspections, investigations, and other activities

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

Mine Citation/Order

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



Section I - Violation Data

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

When examined, the fire-suppression system located on the DeMag H285 Hyd. Exc. S/N 78110, had not been examined since May, 2008. Fire suppression systems are required to be examined at least once every 6 months, and the date of the examination recorded on a permanent tag attached to the fire suppression system.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			77.1110

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 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 7000-3a 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 1-866-REG-FAIR (1-866-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 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
Continuation

DRAFT



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 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

Inc. indicated the hoses that carry CO2 and activate the fire suppression system on the H285 DeMag needed to be replaced, Also the hoses in the engine compartment that are part of the fire suppression system needed to be replaced in addition to testing the cylinders. The Safety Director has requested additional time to correct these problems. Additional time is granted to the mine operator.

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		
11. Signature	LAP 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

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 or Practice		8a. Written Notice (103g) <input type="checkbox"/>

When examined, the headlight, located on the left front of the John Deere Articulating Truck, Model 350D, S/N DW350DT604468, was smashed and unable to function as required.

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 <input type="text" value="77.1606(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:

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 of 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... 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
Continuation

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



Section I--Subsequent Action/Continuation Data

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

Section II--Justification for Action

The mine operator has replaced the headlight assembly on the John Deere Articulating truck, Model 350D S/N DW350DT604468. When demonstrated by the truck driver, the high and low beams worked as required.

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 checked="" 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		
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

Mine Citation/Order

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



Section I - Violation Data

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

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

When inspected,, the fire-extinguisher located inside the Lima 2400 "A" Model Dragline, Co. No. 34, has not been examined since May, 2008. Fire-Extinguishers are required to be examined at least once every 6 months and the date of the examination recorded on the permanent tag attached to the fire-extinguisher.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			77.1110

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 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 mine safety director has examined the fire-extinguisher, and recorded the date of the examination on the permanent tag attached to the fire-extinguisher.

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 information on 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 1 Field Office Shamokin, PA 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	2. Time (24 Hr. Clock)	3. Citation/ Order Number
4. Served To	5. Operator	
	7. Mine ID	(Contractor)

8. Condition or Practice

8a. Written Notice (103g)

When examined, the Lima 2400 "A" Model Dragline, Co. No. 34, located at Bank No. 7, was not provided with a warning device that could be sounded by the operator prior to starting operation.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			77.409(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 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

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, Mine Safety and Health Administration. Pursuant to 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 1-808-REG-FAIR (1-808-734-3247), 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
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) Mo Da Yr	3. Citation/Order Number
4. Served To	5. Operator	
6. Mine	7. Mine ID	(Contractor)

Section II-Justification for Action

The mine operator has replaced the horn assembly and the tubing for the warning horn on the Lima 2400 "A" model dragline, Co. No. 34.

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 checked="" 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		
11. Signature	AP Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)

MSHA Form 7000-108 (Rev. 10-2000)

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. Served To	5. Operator	
6. Mine	7. Mine ID	(Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

When examined, the fire-suppression system located on the EUCLID R100 haul truck S/N 69330, company number 652, had not been examined since May, 2008. Fire suppression systems are required to be examined at least once every 6 months, and the date of the examination recorded on a permanent tag attached to the fire suppression system. The truck was observed in operation on the haul road between the West #99 pit dump and the Great Lakes Silt Operation.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	77.1110
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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 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, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 400 3rd Street, SW 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.