



JUN - 2 2010

MEMORANDUM FOR GREGORY R. WAGNER, M.D.  
Deputy Assistant Secretary for Policy  
Mine Safety and Health

THROUGH: PETER J. MONTALI *Peter J. Montali*  
Acting Director of Accountability for  
Mine Safety and Health

FROM: BILLY RANDOLPH *Peter J. Montali for*  
Acting Accountability Specialist

SUBJECT: MSHA Office of Accountability Audit, Coal District 11, Bessemer,  
Alabama Field Office, [REDACTED]  
[REDACTED]

**Introduction**

This memorandum summarizes the Office of Accountability audit of the subject field office and mine. Audit subjects included MSHA field activities, level of enforcement, Field Activity Reviews (FARs), Accompanied Activities (AAs), MSHA supervisory and managerial oversight, mine plans, and the conditions and practices at the mine. The audit was conducted by Billy Randolph and Peter J. Montali, during the weeks of [REDACTED] and [REDACTED]. Positive findings and issues requiring attention are included in this audit report.

**Overview**

The field office audit was conducted on [REDACTED] and the on-site portion of the audit was conducted on [REDACTED] and [REDACTED]. Accompanying the audit team were [REDACTED] [REDACTED]

On-site areas examined included the working section, main line belt conveyor, mantrips, dewatering screens, and the area around the shaft bottom.

**S&S Rate Comparison**

S&S rates for the Bessemer field office are equal to the district and slightly below the national levels for FY 2009 as well as to-date in FY 2010.

<b>S&amp;S Rate Comparison</b>			
<b>Fiscal Year</b>	<b>Bessemer Field Office</b>	<b>District 11</b>	<b>National Average</b>
2009	33%	33%	35%
2010	29%	29%	34%

**Time and Activity Comparison**

Time distribution for E01 inspections conducted out of the Bessemer, Alabama field office during FY 2009 and FY2010, is good, with on-site times consistently higher than the national average, and time in the "other" category consistently lower than the national average.

<b>Time Distribution (Percent) – E01 Inspections at Surface Facilities</b>						
	<b>Travel</b>	<b>Other</b>	<b>Total On-Site</b>	<b>Citations Issued On-site</b>	<b>Citations Issued Off-site</b>	<b>Total Percent</b>
2009	16.86%	15.75 %	67.39%	5.06%	0.00%	100.0%
Nat'l Avg 2009	16.63%	17.46 %	65.69%	5.45%	0.21%	100.0%
2010	15.85%	14.57 %	69.58%	3.47%	0.00%	100.0%
Nat'l Avg 2010	17.23%	16.45 %	65.85%	4.62%	0.47%	100.0%

<b>Time Distribution (Percent) – E01 Inspections at Surface Mines</b>						
	<b>Travel</b>	<b>Other</b>	<b>Total On-Site</b>	<b>Citations Issued On-site</b>	<b>Citations Issued Off-site</b>	<b>Total Percent</b>
2009	19.60%	12.02 %	68.34%	3.94%	0.04%	100.0%
Nat'l Avg 2009	18.43%	15.35 %	65.85%	5.02%	0.37%	100.0%
2010	19.42%	12.64 %	67.89%	2.60%	0.05%	100.0%
Nat'l Avg 2010	18.15%	13.92 %	67.44%	4.42%	0.49%	100.0%

<b>Time Distribution (Percent) – E01 Inspections at Underground Mines</b>						
	<b>Travel</b>	<b>Other</b>	<b>Total On-Site</b>	<b>Citations Issued On-site</b>	<b>Citations Issued Off-site</b>	<b>Total Percent</b>
<b>2009</b>	17.92%	12.26 %	69.54%	5.75%	0.28%	100.0%
Nat'l Avg 2009	15.19%	17.53 %	66.87%	5.98%	0.41%	100.0%
<b>2010</b>	19.06%	12.48 %	67.90%	5.74%	0.56%	100.0%
Nat'l Avg 2010	15.63%	16.07 %	67.88%	5.71%	0.42%	100.0%

### **Audit Results**

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

1. All violations observed by the inspector were cited
2. With the exception of the Uniform Mine Files, all field office files reviewed were well organized and easily accessible.
3. Termination time for citations appeared to be adequate.
4. Attitude of the Field Inspectors seemed to reflect that compliance is important.

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

1. The Uniform Mine Files were not being maintained as per the Uniform Mine File handbook.
2. During the audit, the inspector was observed using the company's test equipment (Pitot tube and Magnahelic Guage) instead of the Agency's equipment. Equipment that is owned and properly maintained by MSHA should be used by inspection personnel.
3. Inspector notes did not always contain sufficient documentation regarding the degree of operator negligence. (Example: The inspector documented that the section foreman "probably knew" of the violation's existence, but this could not be proven. The inspector indicated however, that if the foreman did not know he should have known). Negligence could have been better documented by describing why the agent had a reason to know. The inspector could have established the presence of the agent by describing his normal work or travel area.
4. There appears to be a conflict of interest as defined in Administrative Information Bulletin No. A08-12. [REDACTED]  
[REDACTED]

**Attachments**

A. Office of Accountability Checklist with comments, recommendations, and references

B. Citations/Orders issued during this audit

- |     |            |                  |
|-----|------------|------------------|
| 1.  | (b) (7)(D) | 75.202(a)        |
| 2.  |            | 75.1100-2(e)     |
| 3.  |            | 75.1910(j)       |
| 4.  |            | 75.1911(a)(4)    |
| 5.  |            | 75.400           |
| 6.  |            | 75.400           |
| 7.  |            | 75.1911(a)(4)    |
| 8.  |            | 75.400           |
| 9.  |            | 75.400           |
| 10. |            | 75.360(g)        |
| 11. |            | 75.220(a)(1)     |
| 12. |            | 75.507-1(a)      |
| 13. |            | 75.507-1(a)      |
| 14. |            | 75.333(c)(3)     |
| 15. |            | 75.380(d)(7)(iv) |
| 16. |            | 75.333(d)(3)     |

C. Enforcement actions with questionable evaluations

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

Adequate  Inadequate  Not Applicable  Comments Below

Citation documentation and body of citation did not always support or agree with the narrative in the citation regarding the hazard/violation cited as to injuries that are expected to result.

*See Attachment C*

2. Determine if supervisors address report deficiencies immediately

Adequate  Inadequate  Not Applicable  Comments Below

Interviews indicated that observed deficiencies were corrected. However, not all deficiencies were identified.

*See Attachment C*

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

Adequate  Inadequate  Not Applicable  Comments Below

The mine visit spreadsheet (completed by the district) indicates one or more of the following:

- 1)  only conducted 14 of the required 24 annual mine visits during FY 2009;
- 2)  conducted only 4 of the required 12 annual mine visits in FY 2009;
- 3)  Bessemer  conducted 40 of the required 48 annual mine visits;
- 4) The mine  visit spreadsheet is not being kept up to date.

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

Adequate  Inadequate  Not Applicable  Comments Below

During this audit, 18 Field Activity Reviews were examined. Of these, 8 contained little or no constructive criticism or other comments, 8 contained adequate documentation of inspector actions, and 2 contained excellent documentation of both deficiencies and extraordinary efforts by the inspector

In addition to the aforementioned issues, it was determined during this audit that a potential conflict of interest exists

[REDACTED]

[REDACTED]

*Action Required - Since there are two work groups in the Bessemer, Alabama field office, either person could be transferred to the opposite field office workgroup to remove this potential conflict of interest.*

*Reference - Administrative Information Bulletin (AIB) No. A08-12*

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 x

No performance or behavioral based issues were identified during the AAs.

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6. Evaluate the quality of Accompanied Inspections

Adequate  Inadequate  Not Applicable  Comments Below

During this audit, 9 Accompanied Activities were examined. Of these, 2 contained little or no constructive criticism or other comments, 6 contained adequate documentation of inspector actions, and 1 contained excellent documentation of both deficiencies and extraordinary efforts by the inspector

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

Adequate  Inadequate  Not Applicable  Comments Below

Mine file reviews were inadequate. Items missing from the Uniform Mine File included the mine file retention schedule (MSHA Form 2000-166), a current dust control plans for mechanized mining units, a review of the mine ventilation and roof control plan (MSHA Form 2000-204), an appraisal of the dust control plan (MSHA Form 2000-86), and copies of designated occupation change notices (MSHA Form 2000-96). In addition, there were no 101(c) Petitions for Modification in the UMF. (See Item # 81 also)

*Required Action: The Uniform Mine File must be kept up to date and complete to enable the inspector to determine plan requirements.*

*Reference: Uniform Mine File Procedures Handbook (PH09-V-01)*

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

Adequate  Inadequate  Not Applicable  Comments Below

See Items 3, 4, and 6 above, regarding mine visits, Field Activity Reviews, and Accompanied Activities.

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Date

(6)

9. Determine if District Manager is using Performance Management System to hold ADMs accountable for oversight of subordinates

Adequate  Inadequate  Not Applicable  Comments Below

During this audit, a total of 27 FARs and AAs were examined. Of these, 10 contained little or no comments or constructive criticism. In addition, it was determined that a potential conflict of interest exists. See Items 2, 3, 4, and 6.

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

Adequate  Inadequate  Not Applicable  Comments Below

Mine visit spreadsheet indicates the DM and ADM did visit mines with compliance issues.

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

Adequate  Inadequate  Not Applicable  Comments Below

103(i) inspections conducted in FY 2009 were often conducted on the same day of the week for two or more subsequent weeks. During FY 2009, there were 18 instances when 103(i) inspections were conducted on consecutive Mondays or Tuesdays, etc. at the [REDACTED]. Only 7% of the 103(i) inspections were conducted on Fridays, 4% were conducted on Sundays, and no 103(i) inspections were conducted on Saturdays during FY 2009.

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

Inspection data indicates that 103(i) inspections are not being combined with any other type of inspection.

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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

18. Determine if Standard Operating Procedures (SOPs) are in place, current, and in compliance with MSHA policies and procedures

Adequate  Inadequate  Not Applicable  Comments Below x

Not reviewed during this audit

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

A review of previous inspections indicated questionable evaluations of gravity, negligence, and level of enforcement.

*See Attachment C*

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

Adequate  Inadequate  Not Applicable  Comments Below

See Items 3, 4, 6, and 11 above. While it appears the [redacted] are visiting mines with compliance problems, [redacted] did not conduct the required number of mine visits.

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 x

Not reviewed during this audit.

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22. Determine if District Manager is using discretion in granting conferences  
Adequate  Inadequate  Not Applicable  Comments Below x

Not reviewed during this audit.

23. Determine if second level reviews and Peer Reviews are used to assess supervisory review of enforcement actions  
Adequate  Inadequate  Not Applicable  Comments Below

24. Determine if appropriate actions are taken by supervisors and manager with respect to issues of misconduct and/or poor performance  
Adequate  Inadequate  Not Applicable  Comments Below x

No instances of misconduct or poor performance were found during this audit.

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

Adequate  Inadequate  Not Applicable  Comments Below x

Not reviewed during this audit

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 x

Not reviewed during this audit.

27. Determine if District Manager is using Performance Management System to hold the Supervisory Special Investigator accountable for properly evaluating potential cases

Adequate  Inadequate  Not Applicable  Comments Below x

Not reviewed during this audit

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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

Managers and supervisors use the Key Indicators

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

Adequate  Inadequate  Not Applicable  Comments Below

Documentation indicates complete inspections

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

32. Determine if the SCSR inventory database has been implemented to track inspections of SCSRs

Adequate  Inadequate  Not Applicable  Comments Below X

Not reviewed during the audit.

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

Adequate  Inadequate  Not Applicable  Comments Below

Not reviewed during the audit.

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

See Attachment C

38. Accompany and evaluate inspector's imminent danger run

Adequate  Inadequate  Not Applicable  Comments Below

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39. Check adequacy of preshift/onshift examinations

Adequate  Inadequate  Not Applicable  Comments Below

did not enter the results of the examination of his pre-shift examination.

See attachment B - cit #

40. Evaluate inspector's observation of roof conditions. Is a copy of the currently approved roof control plan maintained on the section?

Adequate  Inadequate  Not Applicable  Comments Below

41. Evaluate operator's workplace examinations

Adequate  Inadequate  Not Applicable  Comments Below

Citations were issued during the audit.

See Attachment B

42. Evaluate conditions on working section.

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

Inspector did not have proper equipment (Pitot Tube and Magnahelic Gauge) to measure the air volume on working section. Inspector borrowed the operators equipment to obtain an air reading.

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

Adequate  Inadequate  Not Applicable  Comments Below

Interviews with miners indicate the primary escapeway is routed to an air shaft that is equipped with a "man basket." The alternate escapeway is routed to the main elevator at a main intake airshaft. Interviews also indicated that examiners are not riding the man-basket, but are conducting a "simulated" run.

Although the smaller escape hoist is closer to the working sections, it is not the most practical method for evacuating underground workers. The round-trip time (from mine to surface and back) for the man basket is 45 minutes. Based on the capacity of the man basket, the estimated evacuation time for approximately 50 miners is approximately 7.5 hours.

45. Determine adequacy of training regarding roof, ventilation, and other plans (interview miners). Do inspection notes document evaluation of this type training?

Adequate  Inadequate  Not Applicable  Comments Below

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 X

Not reviewed during this audit.

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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

Not reviewed during this audit.

50. Examine lifelines, manddoors, and related signage

Adequate  Inadequate  Not Applicable  Comments Below

Citations issued during audit. See Attachment B-Cit #'s  (6)

51. Examine escapeway map for compliance with regulations

Adequate  Inadequate  Not Applicable  Comments Below

See Item 44 above.

52. Evaluate integrity of primary and alternate escapeways

Adequate  Inadequate  Not Applicable  Comments Below

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53. Evaluate integrity of return side stopping line  
Adequate  Inadequate  Not Applicable  Comments Below   
No checked during the audit.

54. Travel and evaluate condition and maintenance of section conveyor belt, structures, and entries  
Adequate  Inadequate  Not Applicable  Comments Below   
Not reviewed during this audit

55. Evaluate conveyor belt isolation from other air courses  
Adequate  Inadequate  Not Applicable  Comments Below   
Citations issued for failure to separate belt conveyor air from intake air. *See Attachment B*

56. Evaluate fire valves and hoses (condition, compatibility of fittings, pressure test)  
Adequate  Inadequate  Not Applicable  Comments Below   
Not reviewed during this audit

57. Observe and evaluate fire detection methods  
Adequate  Inadequate  Not Applicable  Comments Below  
Checked the CO monitoring system at the control room.

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58. Evaluate cleanup of accumulations and application of rock dust

Adequate  Inadequate  Not Applicable  Comments Below

Citations issued during audit. *See Attachment B*

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

Adequate  Inadequate  Not Applicable  Comments Below x

Not reviewed during this audit

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

Adequate  Inadequate  Not Applicable  Comments Below

Citations issued during audit for failure to sign record books. *See Attachment B*

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

Adequate  Inadequate  Not Applicable  Comments Below

Map at the mine appeared accurate. Mine map maintained at the field office was well-maintained, with notations by inspectors to keep it up to date with regard to the location of the working sections.

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

Adequate  Inadequate  Not Applicable  Comments Below

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63.	Interview responsible person(s) and evaluate knowledge of emergency response, evacuation procedures, and fire fighting processes						
Adequate	<input type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below	x
Not reviewed during this audit							

64.	Determine if approved plans address and are compatible with mining conditions and equipment						
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below	
At the time of the audit, the field office had forwarded recommended changes to the roof control plan to address corner/rib bolting. The district office was reviewing those recommendations.							

65.	Examine and evaluate at least one set of seals, including methods for obtaining samples from sealed area						
Adequate	<input type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below	X
Observed seal construction but the plan was not available to determine if the seals were being constructed in accordance to the approved plan. Inspector will need to follow-up and revisit the area to determine proper construction of the seals.							

66.	Determine if districts are conducting sufficient, in-depth Peer Reviews						
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below	

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

Adequate  Inadequate  Not Applicable  Comments Below

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

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

Although the Peer Review conducted by the district did include a visit to a mine, it was a surface lignite mine.

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

Adequate  Inadequate  Not Applicable  Comments Below

Issues with the UMF were identified in the Peer Review\

73. Evaluate the approved roof control plan after in-mine visit

Adequate  Inadequate  Not Applicable  Comments Below

See Item 64 above.

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74. Evaluate approved ventilation plan after in-mine visit

Adequate  Inadequate  Not Applicable  Comments Below

75. Evaluate approved training plan after discussion with miners

Adequate  Inadequate  Not Applicable  Comments Below

Not reviewed during this audit.

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

Adequate  Inadequate  Not Applicable  Comments Below

Although only one E01 report was reviewed due to the size of the reports, there were issues with determination of gravity, negligence, and documentation of the violation. See Items 1 and 2 above, and Attachment C.

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

Adequate  Inadequate  Not Applicable  Comments Below

103(i) inspection reports were not reviewed

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

Adequate  Inadequate  Not Applicable  Comments Below

See Attachment C

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80.	Determine if 104(d) tracking system is in place at the office being audited, and is being kept up to date					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

81.	Determine if all plans and documents in the Uniform Mine File are legible, and up to date					
Adequate	<input type="checkbox"/>	Inadequate	<input checked="" type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

The Uniform Mine File did not contain the following items:  
A mine file retention schedule (MSHA Form 2000-166)  
The current dust control plans for mechanized mining units  
A review of the mine ventilation and roof control plan (MSHA Form 2000-204)  
An appraisal of the dust control plan (MSHA Form 2000-86)  
Copies of designated occupation change notices (MSHA Form 2000-96)

In addition to the aforementioned issues there were no 101(c) Petitions for Modification in the Uniform Mine File although the district office acknowledged the mine has 11 Petitions in effect.

*Required Action: The Uniform Mine File must be kept up to date and complete to enable the inspector to determine plan requirements.*

*Reference: Uniform Mine File Procedures Handbook (PH09-V-01)*

82.	Determine if all applicable plan reviews were performed within six months, or within the timeframes required					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

85. Determine if miners are adequately trained in the provisions of any new plan prior to its implementation

Adequate  Inadequate  Not Applicable  Comments Below x

Did not have the opportunity to review

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

Adequate  Inadequate  Not Applicable  Comments Below

88. Determine if time frames for approval/disapproval of plans were set, and are being met

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below x

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90.	Determine if dated copy of approval/disapproval letter is in file					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

92.	Determine if a copy of the most recent plan is provided for inclusion in the Uniform Mine File					
Adequate	<input type="checkbox"/>	Inadequate	<input checked="" type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
See Item 81 above						

93.	Determine if a due date for formal review of plans is identified					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

94.	Determine if required information is submitted in the plan					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

96.	Determine if comments from miner's representatives are addressed					
Adequate	<input type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
Interview with <input type="text" value=""/> indicated that his comments were taken seriously. The roof control plan was in the process of being revised during the audit.						

98.	Determine if proposed plans are evaluated for provisions contrary to standards or regulations					
Adequate	<input type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input checked="" type="checkbox"/>	Comments Below

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99.	Determine if the uniform mine file is reviewed for information related to plan adequacy					
Adequate	<input type="checkbox"/>	Inadequate	<input checked="" type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
Reviews are being done. However, see Items 7, 64, and 81 above regarding the lack of content in the UMF.						

101.	Determine if technical specialists conduct on-site, in-mine reviews as necessary, prior to plan approval					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
An in-mine review of the roof control plan was being conducted during this audit.						

102.	Determine if input is solicited from field office inspectors/supervisors, and recommendations are addressed prior to approval					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

105.	Determine if the plan review process includes documentation of the entire review process					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

111.	Determine if plans contain required safety precautions for operating remote controlled equipment					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

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

District

Field Office

Mine ID

Date

112. Determine if the plan describes methods for protecting persons from falling material at highwalls and drift openings

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

See item # 43

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

Adequate  Inadequate  Not Applicable  Comments Below

Notes from the previous inspection indicated that daily and final close out conferences are being held and are adequate. The inspection conducted during this audit was still on-going and a final close out conference was not observed.

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

**Mine Citation/Order** U.S. Department of Labor  
Mine Safety and Health Administration

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**Section I - Violation Data**

1. Date <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>	2. Time (24 Hr. Clock) <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>	3. Citation/Order Number <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>
4. Section In <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>		5. Operator <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>
6. Mine <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>		7. Mine ID <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span> (Contractor)
8. Condition or Practice		9. Written Notice (165a)

The 2 batteries located on the Lee Tram c/n 2725 are not secured nor insulated with flame resistant material treated to resist chemical reaction to electrolyte. This insulation being on the battery terminal connections.

See Continuation Form (MSHA Form 7000-3a)

8. Violation	A. Health Safety or Other	B. Section of Act	C. Part/Section of Title 30 CFR <span style="float: right;">75.1910(j)</span>
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**Section II - Injury'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

**Section III - Termination Action**

16. Termination Due

A. Date <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>	B. Time (24 Hr. Clock) <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>
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17. Action to Terminate (6)

18. Terminated

A. Date <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>	B. Time (24 Hr. Clock) <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>
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**Section IV - Automated System Data**

19. Type of inspection (activity code) <span style="border: 1px solid black; padding: 2px;">E01</span>	20. Event Number <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>	21. Primary or Mill <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>
22. Signature <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>		23. AR Number <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>

MSHA Form 7000-3a (Rev. 10/99) For use (persons) 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 18 Regional Follow-up 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 (1-888-734-3847), 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 orders 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 District 11 Field Office Bessemer, AL Mine ID [REDACTED] Date (6)

**Mine Citation/Order** **U.S. Department of Labor**  
**Mine Safety and Health Administration**

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**Section I - Violation Data**

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

8. Condition or Practice 9a. Written Notice (103a)

The fire suppression nozzle at the front of the engine compartment on the off operator's side is not protected from foreign material, such as mud, coal dust, and rock dust from entering the opening. It is observed that the nozzle is packed with dry mud. This condition is found on the Lee Tram c/n 2725.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety Other	B. Section of Act	C. Part/Section of Title 30 CFR <b>75.1911(a)(4)</b>
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**Section L - Reporter'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: <b>001</b>		

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
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15. Area or Equipment

16. Termination Due	A. Date <b>Mo Da Yr</b> [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section M - Termination Action (6)

17. Action to Terminate

18. Terminated	A. Date <b>Mo Da Yr</b> [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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**Section N - Automated System Data**

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

MSHA Form 7000-3a, page 1 of 2 (Rev. 10/2004) 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 (1-888-734-3347), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 400 3rd Street, SW MC 2130, 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 District 11 Field Office Bessemer, AL Mine ID [REDACTED] Date (6)

**Mine Citation/Order**

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

**Section I - Violation Data**

1. Date <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>	2. Time (24 Hr. Clock) <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>	3. Citation/Order Number <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>
4. Served To <span style="border: 1px solid black; padding: 2px;">(6)</span>		5. Mine ID <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>
		7. Mine ID <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span> (Contractor)

**(8) Condition or Practice** See Written Notice (100a)

The Lee Tram c/n 2725 has accumulations of oil and grease throughout the engine compartment to include electrical connections at the starter solenoid. Also on the off operator's side hydraulic tank there are accumulations of oil on the top of the tank and oil in the belly pan of the tank that measures up to 1 inch in depth. This citation additionally puts the operator on notice that continued inadequate pre-operational checks and hazards found on mobile diesel equipment will result in elevated enforcement.

See Continuation Form (MSHA Form 7000-3a)

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

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				D. Number of Persons Affected: 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 <input type="checkbox"/> F. Dated Mo Da Yr <input type="checkbox"/>				
15. Area or Equipment				

16. Termination Date	A. Date <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>	B. Time (24 Hr. Clock) <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>
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**Section III - Termination Action**

17. Action to Terminate		
18. Terminated	A. Date <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>	B. Time (24 Hr. Clock) <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>

**Section IV - Automated System Data**

19. Type of Inspection (activity code) E01	20. Event Number <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>	21. Primary or MB <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>
22. Signature <span style="border: 1px solid black; padding: 2px;">(6)</span>		23. AR Number <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span>

MSHA Form 70... For Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 18 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 (1-888-734-3347), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 400 3rd Street, SW MC 2136, 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 District 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. Mine ID [REDACTED] (Contractor)
6. Condition or Practice		7a. Written Notice (100%)

Loose coal and coal fines have been allowed to accumulate at the Mother Belt Sump area along the sides of the sump. These accumulations are up to 6 inches deep and extend for approximately 100 feet. These accumulations are damp to wet in nature.

See Continuation Form (MSHA Form 7000-3a)

8. Violation	A. Health Safety <input checked="" type="checkbox"/> Other	B. Section of Act	C. Part/Section of Title 30 CFR 75.400
<b>Section II—Inspector's Evaluation</b>			
10. Gravity:			
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input 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: 003
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 [04(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 [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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**Section III—Termination Action**

17. Action to Terminate		
18. Terminated		
A. Date Mo Da Yr	B. Time (24 Hr. Clock)	

**Section IV—Automated System Data**

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

MSHA Form 7000  
 Pursuant to 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 (1-888-734-3347), or write the Ombudsman of 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.

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

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

**Mine Citation/Order Continuation** U.S. Department of Labor  
Mine Safety and Health Administration

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**Section I - Subsequent Action/Continuation Data**

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

**Section II - Justification for Action** (6)

<b>Change</b>	<b>From</b>	<b>To</b>
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**8. Condition Or Practice**  
**Reason** Change: Mother Belt Sump to De-water Sump.

The loose coal and coal fines at the cited location have been removed.  
 This cited location is hereby change from Mother Belt Sump to De-water Sump.

See Continuation Form

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**Section III - Subsequent Action Taken**

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

<b>9. Type of Inspection</b> E01	<b>10. Event Number</b> [REDACTED]
<b>11. Signature</b> [REDACTED]	AR Number [REDACTED]
	<b>12. Date</b> Mo Da Yr [REDACTED]
	<b>13. Time (24 Hr. Clock)</b> [REDACTED]

MSHA Form 7000-3a, Mar 85 (rev'd)

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 Date		
1. Date <input type="text" value="Mo Da Yr"/>	2. Time (24 Hr. Clock) <input type="text" value="(6)"/>	3. Citation/Order Number <input type="text" value="(6)"/>
4. Served To <input type="text" value="(6)"/>		5. Operator <input type="text" value="(6)"/>
6. Mine <input type="text" value="(6)"/>		7. Mine ID <input type="text" value="(6)"/>
8. Condition or Practice <input type="text" value="(6)"/>		9. Written Notice (100%) <input type="text" value="(6)"/>

The discharge nozzle of the fire suppression that is directed to the hydraulic tank located in the back seat area of the Hummer c/n 2701 is not protected from foreign material such as mud, coal dust and rock dust from entering the opening. The nozzle opening is clear at the time of inspection and the nozzle cap is hanging by the rubber tether attached to the nozzle.

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	75.1911(a)(4)
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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"/> Last 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="Mo Da Yr"/>	B. Time (24 Hr. Clock) <input type="text" value="(6)"/>
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Section III - Termination Action

17. Action to Terminate		
18. Terminated	A. Date <input type="text" value="Mo Da Yr"/>	B. Time (24 Hr. Clock) <input type="text" value="(6)"/>

Section IV - Automated System Data

19. Type of Inspection (activity code): E01	20. Event Number <input type="text" value="(6)"/>	21. Primary or MII <input type="text" value="(6)"/>
22. Signature <input type="text" value="(6)"/>	23. AIR Number <input type="text" value="(6)"/>	

MSHA Form 700 (6) 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 (1-888-734-3347), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 408 3rd Street, SW, MC 2136, 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 District 11 Field Office Bessemer, AL Mine ID (6) ] Date (6)  

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 ID
7. Mine		(Contractor)	
8. Condition or Practice		9. Written Notice (155)	

(6) The hydraulic tank mounted in the back seat area of the Hummer c/n 2701 has accumulations of hydraulic oil and loose coal fines on top of the tank. Also the diesel engine has accumulations of oil and grease on the engine block and the fuel injector manifold up to 1/4 inch in depth. Additionally, the engine area has mud and coal fines and coal dust mixed with these lubricants.

See Construction Form (MSHA Form 7000-2a)

9. Violation	A. Health Safety Other	B. Section of Act	C. Part/Section of Title 30 CFR
			75.400
Section I—Inspector's Evaluation			
10. Gravity:			
A. Injury or illness (has): No Likelihood    Unlikely    Reasonably Likely <input checked="" type="checkbox"/> Highly Likely    Occurred			
B. Injury or illness could reasonably be expected to be: No Lost Workdays    Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently disabling    Fatal			
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No			D. Number of Persons Affected: 001
11. Negligence (check one)    A. None    B. Low    C. Moderate <input checked="" type="checkbox"/> D. High    E. Reckless/Disregard			
12. Type of Action 104(a)		13. Type of issuance (check one)    Citation <input checked="" type="checkbox"/> Order    Safeguard    Written Notice	
14. Initial Action		E. Citation/Order Number	
A. Citation    B. Order    C. Safeguard    D. Written Notice		F. Dated    Mo Da Yr	
15. Area or Equipment			
16. Termination Due			
A. Date    Mo Da Yr		B. Time (24 Hr. Clock)	
(6)		(6)	
Section II—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	
E01		(6)	
22. Signature		21. Primary or MR	
(6)		(6)	
		23. AR Number	
		(6)	

MSHA Form 7000-2a (6)  
 \* 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 (1-888-734-3347), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 400 3rd Street, SW MC 2136, 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 District 11 Field Office Bessemer, AL Mine ID [REDACTED] Date (6)

Mine Citation/Order		U.S. Department of Labor Mine Safety and Health Administration	
<small>Section I—Violation Data</small>			
1. Date Mo Da Yr [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/Order Number [REDACTED]	
4. Served To (6)		5. Operator (6)	
6. Mine (6)		7. Mine ID [REDACTED] (Contractor)	
8. Condition or Practice		9a. Written Notice (103)	

(6) Combustible accumulations in the form of paper rock dust sacks, pallets, old crib timbers, plastic mud buckets and plastic drink bottles have been allowed to exist along the rib line on the South Main Roadway 1 cross cut inby and 1 cross cut outby the #5 cross cut. Additionally the same type accumulations are observed between the brattice walls that house 2 power centers at cross cut #5.

<small>See Continuation Form (MSHA Form 7000-3a)</small>			
9. Violation	A. Health Safety <input checked="" type="checkbox"/> Other: <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.400
<small>Section II—Injury or Illness Evaluation</small>			
10. Gravity:			
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input 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: 003
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 Insurance (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 Date		A. Date Mo Da Yr [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
<small>Section III—Termination Action</small>			
17. Action to Terminate: (6) The combustible trash accumulations have been removed from the cited area along the South Main roadway and at the electrical installations.			
18. Terminated		A. Date Mo Da Yr [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]

<small>Section IV—Automated System Data</small>			
19. Type of Inspection (activity code) E01	20. Event Number (6)	21. Primary or MII	23. AR Number (6)
22. Signature			

MSHA Form 701  
 Under 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 (1-888-734-2347), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 400 2nd Street, SW MC 2129, 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 District 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. Record To (6) [REDACTED]	(6) [REDACTED]	5. Operator (6) [REDACTED]
6. Mine (6) [REDACTED]	7. Mine ID (6) [REDACTED]	(Contractor) <input type="checkbox"/>
8. Condition or Practice (6) [REDACTED]		9a. Written Notice (103g) <input type="checkbox"/>

The pre-shift examiner who made the examination on the evening shift for the owl shift failed to sign the record book by or at the end of his shift. The record was called out and the miner receiving the call out signed the record. The examiner who performed the exam did not sign the record.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input checked="" type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR  75.360(g)
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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 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 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 (6) [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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**Section III—Termination Action**

17. Action to Terminate (6) [REDACTED]		
18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)

**Section IV—Automated System Data**

19. Type of Inspection (activity code) E02	20. Event Number [REDACTED]	21. Primary or MII
22. Signature [REDACTED]		23. AR Number [REDACTED]

MSHA Form 7000-3a is a 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-RSD-FAIR (1-888-734-3347), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 408 3rd Street, SW MC 2130, 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 Date

1. Date Mo Da Yr <input type="text" value="(b) (6)"/>	2. Time (24 Hr. Clock) <input type="text" value="(b) (6)"/>	3. Citation/ Order Number <input type="text" value="(6)"/>
4. Served To <input type="text" value="(b) (6)"/>	5. Operator <input type="text" value="(b) (6)"/>	
6. Mine <input type="text" value="(b) (6)"/>	7. Mine ID <input type="text" value="(b) (6)"/>	(Contractor)
8. Condition or Practice <input type="text" value="(6)"/>		9a. Written Notice (103g) <input type="checkbox"/>

Page 8, #5 of the approved roof control plan for this mine states in part: Damaged and/or loose rib bolts will be replaced or permanent supplemental roof support installed. On West Main Right section, in the #7 entry approximately 10 feet outby spud # 10+25 there is a rib bolt that is loose due to rib sloughage. The rib bolt itself is exposed for 4 inches behind the rib bolt plate. The area was dangered off until a permanent support is put in place.

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 75.220(a)(1)
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Section II - Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			D. Number of Persons Affected: 001	
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104(a)		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> 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
15. Area or Equipment				F. Dated Mo Da Yr

16. Termination Due	A. Date Mo Da Yr <input type="text" value="(b) (6)"/>	B. Time (24 Hr. Clock) <input type="text" value="(b) (6)"/>
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Section III - Termination Action

17. Action to Terminate <input type="text" value="(6)"/>		
18. Terminated	A. Date Mo Da Yr <input type="text" value="(b) (6)"/>	B. Time (24 Hr. Clock) <input type="text" value="(b) (6)"/>

Section IV - Automated System Data

19. Type of Inspection (activity code) E02	20. Event Number <input type="text" value="(b) (6)"/>	21. Primary or MB
22. Signature <input type="text" value="(b) (6)"/>	<input type="text" value="(6)"/>	23. AR Number <input type="text" value="(b) (6)"/>

MSHA Form 7000-3a 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 1-800-REG-FAIR (1-800-734-3347), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 408 3rd Street, SW, Rm 2120, Washington, DC 20415. 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 District 11 Field Office Bessemer, AL Mine ID [REDACTED] Date (6)

**Mine Citation/Order** U.S. Department of Labor  
 Mine Safety and Health Administration

**Section I - Violation Data**

1. Date [REDACTED] 2. Time (24 Hr. Clock) [REDACTED] 3. Citation/Order Number [REDACTED]

4. Sent To (6) 5. Operator [REDACTED]

6. Mine [REDACTED] 7. Mine ID (6) (Contractor)

8. Location of Finding [REDACTED] 9a. Written Notice (105g)

The inner machine cable conduit around the 2 energized cables from the starter box to the fan motor are not being maintained. At the starter box, the power cable conduit is split and torn exposing the power cables. There is no damage to the power cables themselves. This condition is located on the West Mains Right section auxiliary fan # G295.

9. Violation A. Health  B. Section of Act [REDACTED] C. Part/Section of Title 30 CFR 75.507-1(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 [REDACTED] F. Dated [REDACTED]

15. Area or Equipment [REDACTED]

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

**Section III - Termination Action**

17. Action to Terminate (6)

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

**Section IV - Automated System Data**

19. Type of Inspection (activity code) E02 20. Event Number [REDACTED] 21. Primary or Mill [REDACTED]

22. Signature (6) 23. AR Number (6)

MSHA Form 701 (6) 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 1-800-FED-FAIR (1-800-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 400 3rd Street, SW MC 2130, 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="(b)(6)"/>	2. Time (24 Hr. Clock) <input type="text" value="(b)(6)"/>	3. Citation/ Order Number <input type="text" value="(b)(6)"/>
4. Served To <input type="text" value="(b)(6)"/>	5. Mine ID <input type="text" value="(b)(6)"/>	(Contractor) <input type="text" value="(b)(6)"/>
6. Condition or Practice <input type="text" value="(b)(6)"/>		7a. Written Notice (10/30) <input type="checkbox"/>

The inner machine cable conduit around the 2 energized cables from the starter box to the fan motor are not being maintained. At the starter box, the power cable conduit is split and torn exposing the power cables. There is no damage to the power cables themselves. This condition is located on the West Mains Right section auxiliary fan # G298.

See Continuation Form (MSHA Form 7000-04)

8. 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="75.507-1(a)"/>
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**Section II—Inspector's Evaluation**

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input 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: <input type="text" value="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 <input type="text" value="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"/>				

**18. Area or Equipment**

16. Termination Due	A. Date Mo Da Yr <input type="text" value="(b)(6)"/>	B. Time (24 Hr. Clock) <input type="text" value="(b)(6)"/>
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**Section III—Termination Action**

17. Action to Terminate		
18. Terminated	A. Date Mo Da Yr <input type="text" value="(b)(6)"/>	B. Time (24 Hr. Clock) <input type="text" value="(b)(6)"/>

**Section IV—Automated System Data**

19. Type of inspection (activity code) <input type="text" value="E02"/>	20. Event Number <input type="text" value="(b)(6)"/>	21. Primary or Mail <input type="text" value="(b)(6)"/>
22. Signature <input type="text" value="(b)(6)"/>	23. AR Number <input type="text" value="(b)(6)"/>	

MSHA Form 701  
 one 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 actively evaluates enforcement activities and rules 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 2130, 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 District 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 (6)	5. Mine (6)	6. Mine ID (6)
7. Condition of Practice (6)		8. Written Notice (10%) <input type="checkbox"/>

When not in use, personnel doors shall be closed. At cross cut #35 along the West Main Roadway, it is observed that the 4 foot by 4 foot personnel door is opened 6 inches when measured. This door separates the West Main Primary Escapeway (roadway intake) from the West Main Alternate Escapeway (belt entry). The air is coursing from the belt entry into the intake entry feeding the West Main Left miner section.

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 75.333(c)(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

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 personnel door has been shut and latched.

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) E02

20. Event Number [REDACTED]

21. Primary or MII

22. Signature (6)

23. AR Number [REDACTED]

MSHA Form 70 is 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 2130, 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 District 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 <b>Mo Da Yr</b> [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/ Order Number [REDACTED]
4. Served To (b) (7) (C)		5. Operator (b) (7) (C)
6. Mine (b) (7) (C)		7. Mine ID (b) (7) (C) (Contractor)
8. Condition or Practice (b) (7) (C)		9a. Written Notice (102g) <input type="checkbox"/>

The primary escapeway lifeline is not located in such a manner for miners to use effectively escape. At cross cut 35 on the West Mains roadway the lifeline is wrapped around electrical cables that are coursed adjacent to the lifeline.

See Citation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety Other <input checked="" type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.380(d)(7)(iv)
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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  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: (b) (7) (C) The lifeline has been cut and re-routed to omit tangling in the electrical cables.

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

**Section IV - Automated System Data**

19. Type of Inspection (activity code) E02 20. Event Number (b) (7) (C) 21. Primary or Mill

22. Signature (b) (7) (C) 23. AR Number (b) (7) (C)

MSHA Form 70 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 (1-888-754-3347), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 408 2nd 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 District 11 Field Office Bessemer, AL Mine ID (b)(6) Date (b)(6)

Mine Citation/Order

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

Section I - Violation Data

1. Date Mo Da Yr <span style="border: 1px solid black; padding: 2px;">(b)(6)</span>	2. Time (24 Hr. Clock) <span style="border: 1px solid black; padding: 2px;">(b)(6)</span>	3. Citation/Order Number <span style="border: 1px solid black; padding: 2px;">(b)(6)</span>
4. Sent To <span style="border: 1px solid black; padding: 2px;">(b)(6)</span>		5. Operator <span style="border: 1px solid black; padding: 2px;">(b)(6)</span>
6. Mine ID <span style="border: 1px solid black; padding: 2px;">(b)(6)</span>		(Contractor) <span style="border: 1px solid black; padding: 2px;">(b)(6)</span>

7. Location of Offense (b)(6) 8. Written Notice (104)

The double equipment doors located at cross cut #5 on West Main roadway are opened approximately 6 inches at each set of doors. Double air-lock doors (both sets), will be closed when not in use. The intake air is coursing from the intake to belt intake air course. These air-lock doors also separate the primary escapeway from the alternate escapeway.

See Continuation Form (MSHA Form 7000-30)

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(d)(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

15. Area or Equipment

16. Termination Due A. Date Mo Da Yr (b)(6) B. Time (24 Hr. Clock) (b)(6)

Section III - Termination Action (b)(6)

17. Action to Terminate Both sets of air lock doors have been closed.

18. Terminated A. Date Mo Da Yr (b)(6) B. Time (24 Hr. Clock) (b)(6)

Section IV - Automated System Data

19. Type of Inspection (activity code) E02 20. Event Number (b)(6) 21. Primary or Mill

22. Signature (b)(6) 23. AR Number (b)(6)

MSHA Form 7000-30 (6) If the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3347), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 408 3rd Street, SW MC 2130, 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 District 11 Field Office Bessemer, AL Mine ID [REDACTED] Date [REDACTED] (6)

Citations with questionable evaluations

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
[REDACTED]	[REDACTED]		104(a)	75.400	N	Unlikely	Lost Days	1	Moderate
<p>Combustible material in the form of wooden pallets, empty oil cans, empty paper bags, and cardboard boxes was allowed to accumulate at crosscut 86 along the North Main roadway. The material measured 25 feet in length and up to 5 feet high.</p> <p>This citation appears to meet the criteria for S&amp;S. Depending on the length of time the violation existed, an additional citation could have been issued for inadequate examinations.</p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
[REDACTED] (6)	[REDACTED] (6)		104(a)	75.400	N	Unlikely	Lost Days	1	Moderate
<p>Combustible material in the form of float coal dust has been allowed to accumulate in the North Main right return from crosscut no. 63 to crosscut no. 58. The float coal dust was present on the roof, ribs, and mine floor.</p> <p>This citation appears to meet the criteria for S&amp;S.</p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
[REDACTED] (6)	[REDACTED] (6)		104(a)	75.701	N	Unlikely	Lost Days	1	Moderate
<p>The three cable plug assemblies that receive power from the power center located at cross cut #7 on G-8 section is not being grounded by methods approved by an authorized representative of the secretary in that the ground wires were not connected to the cable plugs.</p> <p>This citation appears to meet the criteria for S&amp;S.</p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
[REDACTED] (6)	[REDACTED] (6)		104(a)	75.1914(a)	N	Unlikely	Lost Days	2	Moderate
<p>The company number 5716, 3.5 loader is not being maintained in approved and safe condition and was not removed from service. The loader was smoking excessively and was being operated on the North roadway.</p> <p>This citation appears to meet the criteria for S&amp;S. This mine liberates in excess of 9 million cubic feet of methane every 24 hours. All permissibility violations should be given serious consideration for S&amp;S. Based on the length of time the machine had been smoking, an additional citation should have been considered for inadequate examinations or pre-op examinations.</p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
[REDACTED] (6)	[REDACTED] (6)		104(a)	75.1722(b)	N	Unlikely	Permanent	1	Moderate
<p>The installed chain length fencing guards provided along the travelway side of the G-6 ( MMU-007-0 ) beltline ( take-up area between crosscut no. 5-6 ) did not extend a distance sufficient to prevent a person from reaching behind the guard and contacting the operating belt. Three opening locations were observed in these areas.</p> <p>This citation appears to meet the criteria for S&amp;S.</p>									

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Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
[REDACTED]	(b)(7)(C)		104(a)	75.1722(b)	N	Unlikely	LostDays	1	Moderate
<p>(6) Guards at the Main North #2 conveyor drive and take up do not extend a distance sufficient to prevent a person from reaching behind the guards and becoming caught between the belt and pulley.</p> <p>This citation appears to meet the criteria for S&amp;S.</p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
[REDACTED]	[REDACTED]		104(a)	75.400	N	Unlikely	LostDays	8	Moderate
<p>(6) Combustible material in the form of trash, cardboard, empty plastic oil bottles, broken pallets, filters, and float coal dust was allowed to accumulate in the North Main secondary roadway from crosscut no. 20 to 25. the trash and broken pallets was present in the crosscuts between the primary and secondary roadway and was coated with a heavy layer of float coal dust. The float coal dust was present on roof, ribs, and floor of the secondary roadway. This intake ventilates all four sections in the mine.</p> <p>This citation appears to meet the criteria for S&amp;S, especially in a mine that liberates over 9 million cubic feet of methane every 24 hours. Depending on the length of time the violation existed, an additional citation could have been issued for inadequate examinations.</p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
[REDACTED]	(b)(7)(C)		104(a)	75.400	N	Unlikely	LostDays	1	Moderate
<p>(6) Combustible material in the form of spilled hydraulic oil and gear oil, trash, wooden pallets, cardboard, and used oil cans were allowed to accumulate in the Oil Storage station for G-8 section at crosscut no. 39. The oil was pooled on the mine floor and wooden pallets and trash were piled on top of the partially empty oil cans.</p> <p>This citation appears to meet the criteria for S&amp;S, especially in a mine that liberates over 9 million cubic feet of methane every 24 hours. Depending on the length of time the violation existed, and the repetitive nature of this type of violation, consideration should have been given to unwarrantable failure as well as additional citations for inadequate examinations.</p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
[REDACTED]	(b)(7)(C)		104(a)	75.503	N	Unlikely	LostDays	1	Moderate
<p>The permissible diesel Wagner 25X Scoop, Co. #5704, was not being maintained in permissible condition. An opening in excess of .007 inches was present along the flame path of the alternator.</p> <p>This mine liberates in excess of 9 million cf of methane every 24 hours. Any permissibility violation should be given serious consideration for S&amp;S</p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
[REDACTED]	(b)(7)(C)		104(a)	75.503	N	Unlikely	LostDays	1	Moderate
<p>The diesel permissible Wagner 3.5 Scoop, Co. #5710 was not being maintained in approved permissible condition. The alternator had an opening into the flame path in excess of .007 inches for a distance of one inch.</p> <p>This mine liberates in excess of 9 million cf of methane every 24 hours. Any permissibility violation should be given serious consideration for S&amp;S</p>									

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Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
[REDACTED]	[REDACTED]		104(a)	75.380(a)	N	Unlikely	LostDays	8	Moderate
<p>The mine operator failed to maintain separate and distinct primary and alternate escape ways from the projected loading point of the G-8 section where mechanized equipment is being installed in the back bleeder. The stopping at No. 48 crosscut between the G-8 belt (alternate escapeway) and intake travel way (primary escapeway) was not completed. The stoppings between the G-8 belt entry (alternate escapeway) and the intake travel way (primary escapeway) at No. 49 and No. 50 crosscuts had been removed. The stopping between the back bleeder intake travel way (primary escape way) and the future back bleeder belt drive area (alternate escapeway) had been removed. The primary and secondary escape way air currents were common from the No. 48 crosscut on the G-8 entries inby to the face area of the back bleeder.</p>									
<p>This citation appears to meet the criteria for unwarrantable failure to comply. A separate citation for inadequate examinations should also have been considered.</p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
[REDACTED]	[REDACTED]		104(a)	75.1905(d)	N	Unlikely	LostDays	1	Moderate
<p>(6) Diesel fuel must not be dispensed to the fuel tank of diesel-powered equipment while the equipment engine is running. The operator of the Kubota Tractor company number fireboss, was dispensing diesel fuel into the tractor diesel fuel tank while the equipment engine is running. The tractor is located in the elevator fuel center.</p>									
<p>This citation appears to meet the criteria for S&amp;S.</p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
[REDACTED]	[REDACTED]		104(a)	75.400	N	Unlikely	LostDays	5	Moderate
<p>(6) Combustible materials in the form of coal fines and loose coal have been allowed to accumulate in the north main 1 belt entry in crosscut 19. The accumulation measured 6 feet in depth by 8 feet by 31 feet. The accumulation was not in contact with ignition source.</p>									
<p>This citation appears to meet the criteria for S&amp;S, especially in a mine that liberates over 9 million cubic feet of methane every 24 hours. Depending on the length of time the violation existed, and the repetitive nature of this type of violation, consideration should have been given to unwarrantable failure as well as additional citations for inadequate examinations.</p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
[REDACTED]	[REDACTED]		104(a)	62.130(a)	N	Unlikely	Permanent	1	Moderate
<p>Based on the results of a MSHA full-shift technical noise survey conducted on 1/14/2009, the Company Number 2902 continuous mining machine operator (occupation code 036), located on the G-9 section (MMU 014-0), received a permissible exposure level of 242.5 percent. This exceeds the permissible exposure level of 100% plus error (or 132%). The operator was observed wearing hearing protection. Hearing protection must continue to be worn by the miner operating this machine until the exposure is reduced to or below the permissible exposure level. It has been determined through observations and discussions with the operator that all feasible engineering and/or administrative controls have not been implemented and/or maintained. The miner is enrolled in a Hearing Conservation Program.</p>									

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Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
<input type="text" value="(6)"/>	<input type="text" value="(6)"/>		104(a)	75.400	N	Unlikely	LostDays	1	Moderate

(6) Combustible materials in the form of coal dust and coal fines have been allowed to accumulate in the North Main Belt entry at crosscut 58. The accumulations measured 3 feet in depth by 15.5 feet by approximately 100 feet. The accumulation was wet and not in contact with a ignition source.

This citation appears to meet the criteria for S&S, especially in a mine that liberates over 9 million cubic feet of methane every 24 hours. Depending on the length of time the violation existed, and the repetitive nature of this type of violation, consideration should have been given to unwarrantable failure as well as additional citations for inadequate examinations.

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
<input type="text" value="(6)"/>	<input type="text" value="(6)"/>		104(a)	75.503	N	Unlikely	LostDays	6	Moderate

(6) The following cap lights number 55, 158, 821, 875, 909, 912 were not being maintained in permissible condition. The cap light numbers 55, 158, 821, 875 cable jackets had cut places in them and the phase leads were exposed. The cap light numbers 909 and 912 light lens locks were broken.

This mine liberates in excess of 9 million cf of methane every 24 hours. Any permissibility violation should be given serious consideration for S&S. Separate equipment what policy is this for one citation? If the non permissible lights caused a mine explosion how many people in the mine would likely be injured?

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
<input type="text" value="(6)"/>	<input type="text" value="(6)"/>		104(a)	75.1905(d)	N	Unlikely	LostDays	1	Moderate

Diesel fuel must not be dispensed to the fuel tank of diesel-powered equipment while the equipment engine is running. The operator of the 3.5 loader company number 5718, was dispensing diesel fuel into the loader diesel fuel tank while the equipment engine is running. The loader is located in the elevator fuel center.

This citation appears to meet the criteria for S&S.

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
<input type="text" value="(6)"/>	<input type="text" value="(6)"/>		104(a)	75.400	N	Unlikely	LostDays	3	Moderate

Accumulation of coal fines and loose coal have been allowed to accumulate in the North Main 3 belt. The accumulation began 50 feet outby crosscut 62 and continued inby to crosscut 65, this is a distance of 450 feet. The accumulation measured upto 23 inches in depth by 79 inches in width. The accumulation was not in contact with an ignition source.

This citation appears to meet the criteria for S&S, especially in a mine that liberates over 9 million cubic feet of methane every 24 hours. Depending on the length of time the violation existed, and the repetitive nature of this type of violation, consideration should have been given to unwarrantable failure as well as additional citations for inadequate examinations.

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Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
[REDACTED]	[REDACTED]		104(a)	62.130(a)	N	Unlikely	Permanent	1	Moderate
<p>Based on the results of a MSHA full-shift technical noise survey conducted on 02/19/2009, the Company Number 7908 return side roof bolting machine operator (occupation code 014), located on the West Main section (MMU 001-0), received a permissible exposure level of 220.8 percent. This exceeds the permissible exposure level of 100% plus error factor (or 132%). The operator was observed wearing hearing protection. Hearing protection must continue to be worn by the miner operating this machine until the exposure is reduced to or below the permissible exposure level. It has been determined through observations and discussions with the operator that all feasible engineering and/or administrative controls have not been implemented and/or maintained. The miner is enrolled in a Hearing Conservation Program.</p> <p>Loss of hearing should be considered S&amp;S. Repeat violations of this type should be considered for unwarrantable failure.</p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
[REDACTED]	[REDACTED]		104(a)	75.600-1	N	Unlikely	LostDays	1	Moderate
<p>Circuit breakers providing short circuit protection for trailing cables shall be set so as not to exceed the maximum allowable instantaneous trip settings for the cable. The circuit breaker providing protection for the Utah power box located G-7 belt discharge was set at 1500 amperes. The cable size is a 2 AWG and the maxiable trip setting for this cable is 800 amperes. This condition was located North Main roadway crosscut 63 in power center serial number E964-1193.</p> <p>This citation appears to meet the criteria for S&amp;S. Consideration should have been given to issuing an additional citation for inadequate examinations.</p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
[REDACTED]	[REDACTED]		104(a)	75.370(a)(1)	N	Unlikely	NoLostDays	4	Moderate
<p>The operator is not following the approved ventilation plan for longwall shearer dust suppression. Four out of five sprays located over the face conveyor are not in service (in-line valves are closed).</p> <p>Failure to suppress dust leads to health hazards as well as ignition hazards. This citation appears to meet the criteria for S&amp;S.</p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
[REDACTED]	[REDACTED]		104(a)	75.370(a)(1)	N	Unlikely	Permanent	4	Moderate
<p>The throat and pan water sprays on the G-9 section continuous mining machine (Co. No. 2902) are not operational during mining of the No. 3 place as required by page 7 of the approved ventilation plan. Dust from the mining machine boom is bypassing the exhaust tubing at the face, flowing directly to the return over the miner operator, the miner helper, and two shuttle car operators.</p> <p>Failure to suppress dust leads to health hazards as well as ignition hazards. This citation appears to meet the criteria for S&amp;S.</p>									

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Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
[REDACTED]	[REDACTED]		104(a)	75.380(a)	N	Unlikely	LostDays	3	Moderate

The Primary and Alternate escapeways on the G-8 section (MMU 009-0) are not separated in that there are 2 brattices leaking air from the Primary into the Alternate Escapeway. There is a hole measuring 8 inches X 10 inches in the stopping in crosscut No.10 along the outby rib and there is a repair made in the bottom center of the stopping in Crosscut No.42 that has not been sealed on the pressure side of the stopping.

This citations appears to meet the criteria for S&S. In addition, citations should have been considered for inadequate examinations.

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
[REDACTED]	[REDACTED]		104(a)	75.515	N	Unlikely	LostDays	1	Moderate

The SMC permissible power box (Model No. SM1401, Serial No. 567511200612, X/P No. 1770-77) located at No. 32 crosscut on the No. 3 entry (can line / future tailgate) of the G-7 longwall section (MMU 007-0) was not maintained in permissible condition. The energized (575 VAC 3-phase, 4/0 3-conductor input power cable was loose in the packing gland. The cable pulled in and out of the packing nut up a distance measuring up to 2 inches.

This mine liberates in excess of 9 million cf of methane every 24 hours. Any permissibility violation should be given serious consideration for S&S

[REDACTED]

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
[REDACTED]	[REDACTED]		104(a)	75.351(c)(2)	N	Unlikely	Fatal	6	Moderate

The Atmospheric monitoring system in use at the mine failed to automatically provide visual and audible signals at the designated surface location when the methane concentration or carbon monoxide concentration reached the alarm levels during testing. No record of alert or alarm was recorded on the status report of the system when methane was applied to the No. 15 sensor as well as when carbon monoxide was applied to the No.11 sensor.

Such a failure of the AMS system can and has lead to catastrophic loss of life in the mining industry. An additional citation should have been considered for inadequate examinations, testing, and calibration.

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Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
<input type="text" value="(6)"/>	<input type="text" value="(6)"/>		104(a)	75.400	N	Unlikely	NoLostDays	1	Moderate
<p>Coal dust was allowed to accumulate at the Mother Belt Sump location. Coal had been pushed up in separate piles in separate intersections at this location. The coal in the piles measured as much as 36 inches in depth and was primarily dry in nature.</p>									
<p>Based on the history of accumulations violations at this mine, and the nature of this particular citation, it should have been considered for S&amp;S as well as unwarrantable. An additional citation should have been considered for inadequate examinations.</p>									

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Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Negligence
<input type="text" value=""/>	<input type="text" value=""/>		104(a)	62.130(a)	N	Unlikely	Permanent	1	Moderate

Based on the results of a MSHA full-shift technical noise survey conducted on 12/22/2009, the Company Number 8095 scraper operator (occupation code 310), operating on the surface, received a permissible exposure level of 218.2 percent. This exceeds the permissible exposure level of 100% plus error (or 132%). The operator was observed wearing hearing protection. Hearing protection must continue to be worn by the miner operating this machine until the exposure is reduced to or below the permissible exposure level. It has been determined through observations and discussions with the operator that all feasible engineering and/or administrative controls have not been implemented and/or maintained. The miner is enrolled in a Hearing Conservation Program.

Loss of hearing should be given serious consideration as an S&S violation.