



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: JERRY J. KISSELL *Peter J. Montali for*  
BILLY RANDOLPH  
ARLIE A. WEBB  
Accountability Specialists

SUBJECT: MSHA Office of Accountability Audit, Coal District 2, Kittanning, PA  
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, Hazard complaints, PKW's, ACR review, and the conditions and practices at the mine. The audit was conducted by Accountability Specialists Arlie A. Webb and Jerry J. Kissell, and Acting Accountability Specialist Billy Randolph, during the week of [REDACTED]. Positive findings and issues requiring attention are included in this audit report.

**Overview**

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

On-site areas examined at the [REDACTED] included the 004-0 working section, intake travelway (primary escapeway) including lifelines, Simons Rand scoop (Unit #3), DBT twin boom roof bolter (Unit #2), H "Butt" rooms, and the alternate escapeway and lifelines. Also examined during the audit were the A, B, C, D, E, F and H intake travelways, the E-main conveyor belt, drive, and fire suppression system, the H conveyor belt, drive, and fire suppression system, three SCSR caches, and a Strata refuge chamber.

The mine phone lines, wireless communications system, electronic tracking system, and communication based tracking systems were examined. The on-site portion of the audit also included examination of pre-shift and on shift records, the imminent danger run, and an observation of inspection activities.

Other observations on-site included a portion of the mining cycle (continuous miner & bridge conveyor) and roof and rib conditions. Two 50/50 (water pressure/volume) tests were performed in different locations and several fire taps were tested a random. Roof support appeared well maintained and the roof control plan appeared adequate for the conditions observed. Rock dusting and general housekeeping looked good in all areas traveled.

On-site areas examined at the [REDACTED] included the 001-0 working section (#1 Butt), the intake travel way (primary escapeway) including lifelines, the No. 7 belt conveyor entries (alternate escapeway) including lifelines, the No. 1 belt drive and the No.1 low belt. A twin-boom roof bolting machine and a Strata refuge chamber were also examined.

In the West Mains area, lifelines, an alternative refuge chamber, phone lines, wireless communication system, tracking system were examined. Portions of the Atmospheric Monitoring System (AMS) were examined along with several sprinkler type fire suppression systems. Miners were interviewed regarding the training plan, emergency response plan and fire-fighting drills. The on-site portion of the audit also included examination of pre-shift and on shift records, the imminent danger run, and an observation of inspection activities.

In addition roof and rib conditions were observed, as well as fire fighting equipment and general housekeeping practices. The mining equipment was free of grease and oil. Rock dusting appeared adequate in the areas traveled. The inspector used a camera to document violations.

The [REDACTED] was idle during the audit. On-site areas examined included the 3 Left rooms (MMU-001-0), the intake travel way (primary escape), lifelines, mantrips, the C-main

conveyor belt and drive, the fire suppression system at the C belt drives, guarding, and an alternative refuge chamber. Also examined were the phone lines, wireless communications, tracking system, and mine records.

During the idle time, mine employees were constructing seals in the "F Butt" area of the mine. Seal construction (Micon Hybrid II 120psi) was observed, including ground control, materials being used, and installation of sample ports.

Roof and rib conditions were inspected and roof support appeared well maintained. The roof control plan appeared adequate for the conditions observed. General clean up and housekeeping was adequate and rock dusting looked good. Several fire taps were tested at random.

**S&S Rate Comparison**

S&S rates for the Kittanning field office were above the district and national levels for FY 2008, FY 2009, and to-date in FY 2010.

<b>S&amp;S Rate Comparison</b>			
<b>Fiscal Year</b>	<b>Kittanning, PA Field Office</b>	<b>Coal District 2</b>	<b>National Average</b>
2008	42.9%	39.6%	34.0%
2009	51.3%	43.6%	35.0%
2010 (to-date)	55.3%	43.4%	33.4%

**Time and Activity Comparison**

Time distribution for E01 inspections conducted out of the Kittanning, PA field office from FY 2008 to date, has shown significant improvement in most areas. Although time spent in the "other" category at surface facilities is higher than the national average, it has decreased during the first half of FY 2010. Likewise, the percentage of time spent on-site has increased during the first half of FY 2010, and is higher than the national average.

<b>Time Distribution (Percent) - E01 Inspections at Surface Facilities</b>						
	<b>Travel</b>	<b>Other</b>	<b>On-Site</b>	<b>Citations Issued On-site</b>	<b>Citations Issued Off-site</b>	<b>Total</b>
2008	18.63%	21.94%	59.18%	2.21%	0.25%	100.0%
Nat'l Avg 2008	17.06%	18.56%	64.07%	5.82%	0.30%	100.0%
2009	14.70%	23.53%	60.97%	6.81%	0.81%	100.0%
Nat'l Avg 2009	16.99%	16.93%	65.88%	5.40%	0.20%	100.0%
2010 (to-date)	11.84%	16.17%	71.37%	4.89%	0.62%	100.0%
Nat'l Avg 2010	17.56%	16.06%	65.98%	4.84%	0.39%	100.0%

Time spent in the "other" category at surface mines is also higher than the national average. However, it too has decreased during the first half of FY 2010. Likewise, the percentage of

time spent on-site has increased during the first half of FY 2010, and is slightly higher than the national average.

<b>Time Distribution (Percent) - E01 Inspections at Surface Mines</b>						
	Travel	Other	On-Site	Citations Issued On-site	Citations Issued Off-site	Total
2008	21.85%	22.05%	54.82%	2.85%	1.28%	100.0%
Nat'l Avg 2008	18.74%	16.88%	64.00%	5.14%	0.38%	100.0%
2009	16.92%	21.19%	60.88%	4.17%	1.01%	100.0%
Nat'l Avg 2009	18.83%	14.64%	66.14%	5.01%	0.39%	100.0%
2010 (to-date)	16.66%	15.39%	67.34%	3.15%	0.61%	100.0%
Nat'l Avg 2010	18.90%	13.45%	67.10%	4.52%	0.55%	100.0%

Underground time distribution has shown dramatic improvement. The percentage of time spent in the "other" category has decreased during the first half of FY 2010, and lower than the national average. Time spent on-site has increased during the first half of FY 2010, and is higher than the national average.

<b>Time Distribution (Percent) - E01 Inspections at Underground Mines</b>						
	Travel	Other	On-Site	Citations Issued On-site	Citations Issued Off-site	Total
2008	13.86%	20.03%	64.82%	4.32%	1.29%	100.0%
Nat'l Avg 2008	15.44%	18.28%	65.80%	6.30%	0.49%	100.0%
2009	13.88%	18.08%	66.74%	4.05%	1.30%	100.0%
Nat'l Avg 2009	15.43%	16.97%	67.20%	5.94%	0.40%	100.0%
2010 (to-date)	14.25%	11.46%	73.67%	3.25%	0.61%	100.0%
Nat'l Avg 2010	15.99%	15.43%	68.11%	5.77%	0.47%	100.0%

### **Audit Results**

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

1. Uniform Mine File books are in proper order and well maintained.
2. Inspection personnel were professional and courteous
3. In-mine observations revealed good conditions and work practices, good housekeeping and rock dusting, and a safe working attitude.
4. Communications between the mine operator and MSHA appear very good
5. The level of enforcement during the audit appeared accurate
6. Time and activity code information sheets were created and used to assist inspectors in the proper charging of time for specific inspection activities.
7. Safety and health discussions with miners were held and were done very well.
8. Performance issues are identified and immediately addressed

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

1. E-02 (103i) inspections are not being conducted on weekend/off shifts when production is completed (See item 14)
2. No weekend inspections were noted on E01 inspections. Information and interviews indicate that several mines operate on Saturdays.
3. Supervisors and Managers are not completing the required number of mine visits, or are not properly completing the spreadsheet.
4. Several 103(i) spot inspections (E02) were conducted on the same day of the week for three or four consecutive weeks. In addition, an insufficient number of E02 inspections were conducted on off-shifts or weekends.
5. Second-level reviews do not contain sufficient documentation extraordinary actions or constructive criticism.
6. District-level Peer Reviews do not always include a review of the Uniform Mine File and do not always contain information regarding the district manager monitoring the effectiveness of the corrective action plan on an ongoing basis and/or making adjustments to the plan as necessary.
7. Specialist and clerical personnel in the Technical Division do not appear to be sufficient to address the current workload.

**Attachments**

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

B. Citations/Orders issued during this audit

[REDACTED]

- 1. [REDACTED] 75.400
- 2. [REDACTED] 75.1722(a)
- 3. [REDACTED] 75.1101-10
- 4. [REDACTED] 75.380(d)(7)(iv)
- 5. [REDACTED] 75.1506(a)(3)

[REDACTED]

- 6. [REDACTED] 75.400
- 7. [REDACTED] 75.1101-7
- 8. [REDACTED] 75.1722(a)
- 9. [REDACTED] 75.360(f)
- 10. [REDACTED] 75.202(a)

[REDACTED]

- 11. [REDACTED] 75.360(f)
- 12. [REDACTED] 75.1101-6
- 13. [REDACTED] 75.1722(a)

C. Enforcement actions with questionable evaluations

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

Adequate  Inadequate  Not Applicable  Comments Below

The field office supervisor documents report deficiencies and the date reviewed with inspectors and attaches the hand written document to the reports.

2. Determine if supervisors address report deficiencies immediately

Adequate  Inadequate  Not Applicable  Comments Below

See Item 1

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

Adequate  Inadequate  Not Applicable  Comments Below

According to the District 2 spreadsheet for recording manager and supervisor mine visits, four of the nineteen positions listed did not complete the required number of visits during FY 2009. The Ruff Creek Field Office [REDACTED] completed 46 of 48 required visits; the [REDACTED] completed only 13 of 20 required visits; the [REDACTED] completed only 8 of 20 required visits; and the [REDACTED] completed 0 of 12 required visits.

The spreadsheet also indicates the number of mine visits at this point in FY 2010 is low for ten of the nineteen positions listed.

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

Adequate  Inadequate  Not Applicable  Comments Below

The FAR's reviewed indicated positive accomplishments, but no need to improve items were noted.

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

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

District

Field Office

Mine ID

Date

There were no performance or behavior based issues identified during accompanied inspections in FY 2009, or at this point in FY 2010.

6. Evaluate the quality of Accompanied Inspections

Adequate  Inadequate  Not Applicable  Comments Below

The AA's reviewed indicated positive accomplishments, but no needs to improve items were noted.

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

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

There were no performance or behavior based issues identified during accompanied inspections in FY 2009, or at this point in FY 2010.

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

Adequate  Inadequate  Not Applicable  Comments Below

Although managerial mine visits appear adequate, See Item No. 3 regarding supervisory mine visits.

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

District  Field Office  Mine ID  Date

12. Evaluate required monthly reports of supervisory and management mine visits

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

The number of roof control and electrical specialists in the district appear adequate for the number of plans processed. However, the ventilation department has only one specialist assigned to the district office.

The Roof Control Department does not have a secretary. Those duties are shared between four secretaries, who work in other departments. During the audit, several documents or items were requested that required identifying which secretary maintained those files. This overlapping responsibility for completing work and maintaining files creates the potential for errors.

In addition, the Kittanning, PA field office has four specialists (one each for Roof Control, Electrical, Ventilation, and Health). The district should consider if distributing specialists between the Kittanning and Indiana field offices would be more efficient or effective.

*Recommendation: Observations made during the audit indicate the district should consider consolidating Roof Control clerical work under one position to prevent errors and reduce the potential for lost files.*

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

Adequate  Inadequate  Not Applicable  Comments Below

Although time and activity data and records indicate that all required 103(i) inspections were

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

District

Field Office

Mine ID

Date

completed, an insufficient number of these inspections were on off-shifts and weekends. Records indicate that only 11 of the more than 700 E02 inspections conducted during FY 2009 and FY 2010 were conducted on off-shifts, and only 2 of these were conducted on a weekend.

In addition, there were 77 instances when 103(i) inspections were conducted on the same day of the week for two consecutive weeks, 10 instances when 103(i) inspections were conducted on the same day of the week for three consecutive weeks, and 1 instance when 103(i) inspections were conducted on the same day of the week for four consecutive weeks.

*Action Required: 103(i) inspections must be conducted in accordance with requirements of the Mine Act.*

*Reference: Section 103 of the Mine Act*

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

Records indicate that E02 inspections are not being combined with any other type of inspection.

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

Adequate  Inadequate  Not Applicable  Comments Below

See item 1 & 2

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

Analysis of time and activity for FY 2010 (mid-year) indicates that inspectors are spending more time onsite and less time in the "other" category.

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

Standard Operating Procedures were examined during this audit. All applicable SOPs were in place, and several had been recently revised to comply with Agency policy and applicable

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

District

Field Office

Mine ID

Date

regulations.

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

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

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

22. Determine if District Manager is using discretion in granting conferences

Adequate  Inadequate  Not Applicable  Comments Below

During FY 2009, only 27 conferences were conducted by the ACRI Department in District 2. At this point in FY 2010 there have been no conferences held.

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

District  Field Office  Mine ID  Date

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

Adequate  Inadequate  Not Applicable  Comments Below

During this audit, 18 second-level reviews were examined. Of these, only two contained comments (1 positive and 1 negative) regarding the inspector or supervisor's activities. Two of the second-level reviews indicated that an extraordinary effort had been made, but there was no documentation as to what that effort was.

*Recommendation: Second-level reviews need to contain more than just checked boxes. The review should be well documented to help the supervisor and inspector to improve.*

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

There were no instances of misconduct or poor performance identified during FY 2009, or at this point in FY 2010.

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

Adequate  Inadequate  Not Applicable  Comments Below

A review of PKW forms at the district office indicates the inspectorate is knowledgeable in the proper evaluation and completion of all portions of these forms.

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

A review of the Special Investigations Department files indicates the district has an effective process for determining when a special investigation is warranted. Records indicate each PKW is reviewed by several levels of district management and the SSI prior to presenting to the District Manager. Evaluations on the PKWs appear well-reasoned and documented.

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

District

Field Office

Mine ID

Date

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

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

Interviews with supervisors and managers indicated that "Key Indicators" are used to evaluate the inspection program. Other reports, generated by the district's Technical Division, are used to evaluate enforcement in those areas as well as the plan approval process.

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

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

Based on an analysis of E01 inspection times during the first half of FY 2010.

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

Adequate  Inadequate  Not Applicable  Comments Below

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

District

COAL D-2

Field Office

Kittanning, PA

Mine ID

Date

(b) (6)

33.

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

Adequate

Inadequate

Not Applicable

Comments Below

34.

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

Adequate

Inadequate

Not Applicable

Comments Below

Previous E-01 inspection reports include checklists of required posting and records that are examined including the date of review during the inspection.

35.

Determine if all provisions of the MINER Act are evaluated 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

See also Item 17 and 31 above.

37.

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

Adequate

Inadequate

Not Applicable

Comments Below

Citations issued during the audit appeared to be properly evaluated.

38.

Accompany and evaluate inspector's imminent danger run

Adequate

Inadequate

Not Applicable

Comments Below

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

District

Field Office

Mine ID

Date

39. Check adequacy of preshift/onshift examinations

Adequate  Inadequate  Not Applicable  Comments Below

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

42. Evaluate conditions on working section and observe work cycle

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

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

District

Field Office

Mine ID

Date

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

48.

Examine electrical cables on several pieces of equipment

Adequate  Inadequate  Not Applicable  Comments Below

49.

Evaluate several pieces of equipment for permissibility

Adequate  Inadequate  Not Applicable  Comments Below

50.

Examine lifelines, manddoors, and related signage

Adequate  Inadequate  Not Applicable  Comments Below

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

District

Field Office

Mine ID

Date

51. Examine escapeway map for compliance with regulations

Adequate  Inadequate  Not Applicable  Comments Below

52. Evaluate integrity of primary and alternate escapeways

Adequate  Inadequate  Not Applicable  Comments Below

53. Evaluate integrity of return side stopping line

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

55. Evaluate conveyor belt isolation from other air courses

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

United States Department of Labor  
Mine Safety and Health Administration  
Office of Accountability (b) (6)

District

COAL D-2

Field Office

Kittanning, PA

Mine ID

Date

57.

Observe and evaluate fire detection methods

Adequate

Inadequate

Not Applicable

Comments Below

58.

Evaluate cleanup of accumulations and application of rock dust

Adequate

Inadequate

Not Applicable

Comments Below

All mines visited were very clean and well rock dusted.

59.

Evaluate condition of conveyor belt drives, and fire suppression systems

Adequate

Inadequate

Not Applicable

Comments Below

One citation was issued for guarding materials not secured to prevent contact with moving machine parts. Otherwise, machinery and conveyors systems were in excellent condition.

60.

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

Adequate

Inadequate

Not Applicable

Comments Below

61.

Examine mine map for accuracy of workings and escapeway locations

Adequate

Inadequate

Not Applicable

Comments Below

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

District

Field Office

Mine ID  (6)

Date

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

Adequate  Inadequate  Not Applicable  Comments Below

63. Interview responsible person(s) and evaluate knowledge of emergency response, evacuation procedures, and fire fighting processes

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

- Not evaluated  
 - The actual construction of a seal was evaluated during the mine visit

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

Adequate  Inadequate  Not Applicable  Comments Below

Two district-level Peer Review reports (dated June 20, 2008, and June 19, 2009) were examined during this audit. With the exceptions noted in Item 68 below, district-level Peer Reviews appeared to be in-depth and thorough.

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

Adequate  Inadequate  Not Applicable  Comments Below

One headquarters-level Peer Review report (dated September 19, 2008) was examined during

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

District

COAL D-2

Field Office

Kittanning, PA

Mine ID

Date

this audit. With the exceptions noted in Item 68 below, headquarters-level Peer Reviews appeared to be in-depth and thorough.

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

Two district-level and one headquarters-level Peer Reviews were examined during this audit. Although all three reviews identified root causes and corrective actions, the following issues were noted:

1. The June 20, 2008 district-level review of the Johnstown, PA office did not contain a method for follow-up or measurement of the success or failure of corrective actions.
2. The September 15, 2008 headquarters-level review of the New Stanton, PA office did not contain a method for follow-up or measurement of the success or failure of corrective actions.
3. The June 19, 2009 district-level review of the Indiana, PA office did not list the completion dates for corrective actions, or a method for follow-up or measurement of the success or failure of corrective actions.

*Recommendation: Peer Reviews should set time frames for completion of corrective actions and have a method for follow-up and evaluation to determine if corrective actions are effective.*

*Reference: Accountability Program Handbook (AH08-III-4), page 7-"Accountability Review Report," and page 8-"Follow-Up and Evaluation."*

69.

Determine if Peer Reviews are being used to assess supervisors and managers performance

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

All three Peer Reviews examined during this audit included a mine visit with observation of the required areas/ activities.

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

District

Field Office

Mine ID

Date

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

Adequate  Inadequate  Not Applicable  Comments Below

The three Peer Reviews examined during the audit indicate that underground mines and surface mines were included in the Peer Review process. A surface facility has not yet been included.

*Recommendation: All types of mining activity should be included in Peer Reviews.*

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

Adequate  Inadequate  Not Applicable  Comments Below

The headquarters-level Peer Review documented a thorough review of the Uniform Mine File. The two district-level Peer Reviews examined during this audit did not contain any documentation to indicate the Uniform Mine File had been examined during those audits.

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

Adequate  Inadequate  Not Applicable  Comments Below

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

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

District

Field Office

Mine ID

Date

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

Adequate  Inadequate  Not Applicable  Comments Below

1. No Saturday inspections were done for event  this was the only E-01 event found with this issue.
2. According to the inspector's notes, the air samples collected at the  on 10/13/2009 were collected during an idle shift (section move). These air samples would not accurately reflect the mine's normal air quality or methane liberation rate.
3. Documentation of roof conditions at the  on 12/07/2009, 01/11/2010, 01/13/2010, 01/14/2010, 01/19/2010, 01/20/2010, 01/21/2010, and 01/25/2010, indicate "poor roof" or "bad roof" but do not document if these conditions are prior to the operator's roof control efforts or in spite of those efforts. If the conditions were in spite of the operator's efforts, a citation should have been issued and a recommendation made for revision of the roof control plan.

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

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

Evaluations of S&S, Gravity, and Negligence did not always appear to comply with inspector's notes or the narrative portion of the citations. (See Attachment C)

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

Adequate  Inadequate  Not Applicable  Comments Below

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

District

Field Office

Mine ID

Date

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

Adequate  Inadequate  Not Applicable  Comments Below

82. Determine if all applicable plan reviews were performed within six months, or within the timeframes required

Adequate  Inadequate  Not Applicable  Comments Below

Documentation in inspection reports and district files (MSHA Form 2000-204) indicated the inspectors were reviewing the roof control and ventilation plans during each inspection for the time period audited.

At the district level the plan review process was reviewed for the time period of April 15, 2009 through April 15, 2010. Records indicated that roof control plans were reviewed or processed within the applicable time frames. Of the 797 ventilation related plans reviewed or processed during this time frame, 789 (99%) were completed within the applicable time frame.

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

Adequate  Inadequate  Not Applicable  Comments Below

84. Determine if approved plans are being properly implemented and continue to be revised/adequate as conditions in the mine change

Adequate  Inadequate  Not Applicable  Comments Below

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

District

Field Office

Mine ID

Date

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

Adequate  Inadequate  Not Applicable  Comments Below

86. Determine if Standard Operating Procedures (SOPs) adequately address requirements of MSHA Program Policy Manual

Adequate  Inadequate  Not Applicable  Comments Below

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

A review of district plan approval records indicate that time frames are being met more than 99% of the time. See Item No. 82 above.

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

Adequate  Inadequate  Not Applicable  Comments Below

90. Determine if dated copy of approval/disapproval letter is in file

Adequate  Inadequate  Not Applicable  Comments Below

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

District

Field Office

Mine ID

Date

91. Determine if copies of the plan are distributed as per an established list

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

93. Determine if a due date for formal review of plans is identified

Adequate  Inadequate  Not Applicable  Comments Below

In addition to being identified in the mine file, each department maintains a list of mine plan due dates.

94. Determine if required information is submitted in the plan

Adequate  Inadequate  Not Applicable  Comments Below

95. Evaluate recommendations made to the District Manager proposing approval/disapproval of plan

Adequate  Inadequate  Not Applicable  Comments Below

96. Determine if comments from miner's representatives are addressed

Adequate  Inadequate  Not Applicable  Comments Below

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

District

Field Office

Mine ID

Date

97. Determine if all unusual proposals and requests are properly evaluated during the review process

Adequate  Inadequate  Not Applicable  Comments Below x

No unusual proposals or requests were found during this audit.

98. Determine if proposed plans are evaluated for provisions contrary to standards or regulations

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

100. Determine if all plan approval groups communicate to prevent conflicting elements of plans

Adequate  Inadequate  Not Applicable  Comments Below

All plan approval groups review plans for potential conflicts and document reviews on the tracking sheet.

101. Determine if technical specialists conduct on-site, in-mine reviews as necessary, prior to plan approval

Adequate  Inadequate  Not Applicable  Comments Below

102. Determine if input is solicited from field office inspectors/supervisors, and recommendations are addressed prior to approval

Adequate  Inadequate  Not Applicable  Comments Below

Input is solicited and documented via email and/or on the tracking sheet.

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

District

Field Office

Mine ID

Date

103.

Determine if MSHA personnel from the plan approval group contacted and obtained additional information from the operator when necessary

Adequate  Inadequate  Not Applicable  Comments Below

104.

Determine if results of on-site evaluations are discussed with mine operator and miner's representative

Adequate  Inadequate  Not Applicable  Comments Below

105.

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

Adequate  Inadequate  Not Applicable  Comments Below

Via the tracking sheet and surname copy of the approval memo.

106.

Determine if engineering reports or analyses by third parties or other agencies were relayed to MSHA Technical Support

Adequate  Inadequate  Not Applicable  Comments Below

This applies most often to impoundment plans. However, during the audit, Technical Support was contacted for assistance regarding a bleeder system proposal from an underground mine.

107.

Determine if the overall violation history, plan compliance history, accident and injury reports were considered during plan review

Adequate  Inadequate  Not Applicable  Comments Below

108.

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

Adequate  Inadequate  Not Applicable  Comments Below

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

District

Field Office

Mine ID

Date

109. Determine if projected mining in relation to overlying bodies of water was checked

Adequate  Inadequate  Not Applicable  Comments Below

There are no mines in this district currently mining under a body of water.

110. Determine if the overall design of the mine plan was assessed to avoid future problems

Adequate  Inadequate  Not Applicable  Comments Below

111. Determine if plans contain required safety precautions for operating remote controlled equipment

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

113. Determine if all affected plans were compared (such as ventilation, training, roof control, etc.) to eliminate conflicts prior to approval of a plan

Adequate  Inadequate  Not Applicable  Comments Below

Interviews with the Technical Division personnel indicate that plan approval groups communicate on a regular basis to prevent conflicts in plans. The tracking sheet documents each department's review.

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

Adequate  Inadequate  Not Applicable  Comments Below

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

District

Field Office

Mine ID

Date

Spreadsheets are provided and appear to be up to date regarding mine visits.

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

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

Staff meetings, training sessions, and electrical re-certification sessions were ongoing at the time of this audit.

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

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

All field offices have a "50/50 gauge" (water pressure/flow meter) per work group except the Ruff Creek field office. This causes scheduling conflicts when multiple inspectors need a gauge during the same day or shift.

*Recommendation: Each work group should have a 50/50 gauge to alleviate scheduling conflicts.*

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

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

District

Field Office

Mine ID

Date

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

120.	Determine if E01 inspections at surface mines includes an observation/evaluation of blast hole drilling, loading, and blasting operations.					
Adequate	<input type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input checked="" type="checkbox"/>	Comments Below
This audit involved mine visits to three underground mines.						

121.	Determine if manpower at the field office is sufficient to ensure adequate, complete inspections, investigations, and other activities.					
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 COAL D-2 Field Office Kittanning, PA Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I—Violation Data

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

8. Condition or Practice

Written Notice (103g)

The H Drive belt conveyor take-up unit was not adequately guarded to prevent a person from reaching in or falling into the exposed moving rollers and the take-up dolly.

This is the first issuance of 75.1722(a) in the last 2 years.

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 75.1722(a)
--------------	--	-------------------	---

Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is)	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	Permanently Disabling	Fatal <input checked="" type="checkbox"/>	
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	D. High <input checked="" type="checkbox"/>	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

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

15. Area or Equipment

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

Section III—Termination Action

17. Action to Terminate The take-up is adequately guarded.

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

Section IV—Automated System Data

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

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 1-888-REG-FAIR (1-888-734-3247) or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW, MC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District COALD-2 Field Office Kittanning, PA Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I--Violation Data

1. Date Mo Da Yr [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/ Order Number [REDACTED]
4. Section Title [REDACTED]	5. Operator [REDACTED]	
6. Mine [REDACTED]	7. Mine ID [REDACTED] (Contractor)	
9. Condition or Practice		8a. Written Notice (103g)

The audible alarm for the H Belt drive, water sprinkler fire suppression is not of sufficient volume that a miner could hear over the surrounding machinery noise. The last recorded examination of this fire suppression system was 4/6/2010.

This is the first issuance of 75.1101-10 in the last 2 years.

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 75.1101-10
--------------	--	-------------------	---

Section II--Inspector's Evaluation

10. Gravity						
A. Injury or illness (has) (is):		No Likelihood	Unlikely <input checked="" type="checkbox"/>	Reasonably Likely	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	No <input checked="" type="checkbox"/>	D. Number of Persons Affected: 001	
11. Negligence (check one)						
A. None		B. Low <input checked="" type="checkbox"/>	C. Moderate	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						
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 alarm is repaired and functions as designed.

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) <input checked="" type="checkbox"/> E01	20. Event Number [REDACTED]	21. Primary or Mill	
22. Signature [REDACTED]			23. AR Number [REDACTED]

MSHA Form 70  
 Pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District **COAL D-2** Field Office **Kittanning, PA** Mine ID [REDACTED] Date [REDACTED]

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

Section I--Violation Data		
1 Date [REDACTED] Mo Da Yr	2 Time (24 Hr. Clock) [REDACTED]	3 Citation/Order Number [REDACTED]
4 Served To [REDACTED]		5 Operator [REDACTED]
6 Mine [REDACTED]		7 Mine ID [REDACTED] (Contractor)
8. Condition of Practice <span style="float: right;">8a Written Notice (103g)</span>		

The lifeline located in the No.4 entry Intake travel way (primary escapway) was not installed in such a manner for miners to use effectively to escape at two locations. The life line is installed over the phone lines at both locations, D Mains and E-Mains Intake travel way phones. This condition would not let the lifeline fall to a usable level for miners to escape. This is the first issuance of this standard in the last 2 years.

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 <b>75.380(d)(7)(iv)</b>
-------------	--	------------------	--

Section I--Inspector's Evaluation						
10. Gravity:						
A Injury or illness (has) (is):		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	Permanently Disabling	Fatal <input checked="" type="checkbox"/>	
C Significant and Substantial.		Yes <input checked="" type="checkbox"/>	No	D Number of Persons Affected: <b>009</b>		
11. Negligence (check one) A None B Low C. Moderate D. High <input checked="" type="checkbox"/> E. Reckless Disregard						
12 Type of Action <b>104(a)</b>			13. Type of issuance (check one) Citation <input checked="" type="checkbox"/> 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 [REDACTED] Mo Da Yr	B Time (24 Hr. Clock) [REDACTED]
--------------------	----------------------------	----------------------------------

Section III--Termination Action

17 Action to Terminate **The phone lines were re-routed and the lifelines are clear.**

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

Section IV--Automated System Data		
19. Type of Inspection (activity code) <b>E01</b>	20. Event Number [REDACTED]	21. Primary or Mill
22. Signature [REDACTED]		23. AR Number [REDACTED]

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 (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW, A/C 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 **COAL D-2** Field Office **Kittanning, PA** Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I—Violation Data

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

The Strata fresh air bay, Refuge alternative utilized for the H2 Butt Rooms (MMU-004) working section is not equipped with a method for monitoring gas concentrations.  
 This is the first issuance of 75.1506 (a)(3) in the last 2 years.

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	75.1506(a)(3)
-------------	--	-------------------	---------------------------------	---------------

Section II—Inspector's Evaluation

10 Gravity:	A. Injury or illness (has) (is)	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		Permanently Disabling	Fatal <input checked="" type="checkbox"/>		
C. Significant and Substantial:	Yes <input checked="" type="checkbox"/>	No			D. Number of Persons Affected:	009	
11 Negligence (check one)	A. None	B. Low	C. Moderate	D. High <input checked="" type="checkbox"/>	E. Reckless Disregard		
12. Type of Action	[04(a)]		13. Type of Issuance (check one)	Citation <input checked="" type="checkbox"/>	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 A method for monitoring gas concentrations is provided at the refuge alternative.

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

Section IV—Automated System Data

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

MSHA Form 700  
 of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District COAL D-2 Field Office Kittanning, PA Mine ID [REDACTED] Date [REDACTED]

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

Section I--Violation Data			
1. Date <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;">[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		8a. Written Notice (103g)	

Combustible material, loose coal and coal dust, was allowed to accumulate on the 1 Butt Rooms, MMU OC1-3 section. The affected area was crosscut #3 to #4 (SS#13107). The combustible material was approx. 0 to 12 inches in depth by 3 to 18 inches in width by approximately 20 feet in length. The coal was dry throughout the entire accumulation.

This will be the tenth issuance of 75.400 in the last two years.

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>
--------------	--	-------------------	---

Section II--Inspector's Evaluation						
10. Gravity						
A. Injury or illness (has) (is)		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		Permanently Disabling	Fatal <input checked="" type="checkbox"/>
C. Significant and Substantial:		Yes <input checked="" type="checkbox"/>	No	O. Number of Persons Affected: 007		
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		F. Dated Mo Da Yr	
A. Citation			B. Order		C. Safeguard	
D. Written Notice						
15. Area or Equipment						

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>

Section III--Termination Action	
17. Action to Terminate The accumulation of coal and coal fines were cleaned up and the area was rock dusted.	

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 Mill
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. 10-2000) provides information on the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street SW, MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District **COAL D-2** Field Office **Kittanning, PA** Mine ID [REDACTED] Date [REDACTED]

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

**Section I--Violation Data**

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

4 Served To (6) [REDACTED]

7 Mine ID [REDACTED] (Contractor)

8a Written Notice (103g)

The sprinkler system, which provides fire protection for the 1-Butt drive and belt, was not set up and maintained properly in accordance with the National Fire Protection Association. Several of the sprinkler heads were arranged in such a manner that if activated the water spray pattern would miss their intended target. Also, under sized water hose that supplies water to the sprinkler designated to protect the belt starter box did not have the capacity to supply the proper GPM flow required by the national fire code.

This will be the first issuance of 75.1101-7 in the last two years.

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	75.1101-7
-------------	---	------------------	--------------------------------	-----------

**Section II--Inspector's Evaluation**

10 Gravity:

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

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

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

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

12 Type of Action 104(a)  13 Type of Issuance (check one) Citation  Order  Safeguard  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 [REDACTED] B Time (24 Hr. Clock) [REDACTED]

**Section III--Termination Action**

17. Action to Terminate

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

**Section IV--Automated System Data**

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

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

MSHA Form 70 of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a Small Business Administration Office of the National Ombudsman, 409 3rd Street, SW, MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District **COAL D-2** Field Office **Kittanning, PA** Mine ID [REDACTED] Date [REDACTED]

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

Section I - Violation Data			
1 Date	Mo Da Yr	2 Time (24 Hr. Clock)	3 Citation/Order Number
4 Served To	(6)	5 Operator	
6 Mine		7 Mine ID	(Contractor)
8 Condition or Practice		8a Written Notice (103g)	

(6) Adequate guarding was not provided to prevent a person from coming in contact with both sides of the tandem drive pulleys or the 1- Butt Belt drive. When measured, the exposed area measured approximately 10 inches by 20 inches on the clearance side of the belt drive and approximately 0 to 20 inch exposed area on the tight side of the belt drive.

This will be the second issuance of 75.1722(b) in the last two years.

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
			75.1722(b)

Section II - Inspector's Evaluation

10 Gravity:				
A Injury or illness (has) (is):				
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	Permanently Disabling <input checked="" type="checkbox"/>	Fatal	
C Significant and Substantial:				D. Number of Persons Affected
Yes <input checked="" type="checkbox"/>	No			001
11 Negligence (check one):				
A. None	B. Low	C. Moderate <input checked="" type="checkbox"/>	D. High	E. Reckless Disregard
12. Type of Action		13 Type of Issuance (check one)		
104(a)		Citation <input checked="" type="checkbox"/>	Order	Safeguard
14. Initial Action		E Citation/Order Number		F Dated
A Citation	R Order	C Safeguard	D Written Notice	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 (6) Adequate guarding was installed and securely mounted to the 1- Butt belt drive.

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

Section IV - Automated System Data

19 Type of Inspection (activity code)	E01	20. Event Number	21 Primary or Mill
22. Signature	(6)	23. AR Number	

MSHA Form 71 established a... of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a... and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District COAL D-2 Field Office Kittanning, PA Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I - Violation Data

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

The record of the results of the pre-shift exam performed on the 1-butt belt flight on 4/6/10 and 4/7/10 had the wrong dates entered. The dates that were entered showed the exam was performed on 5/6/10 and 5/7/10. Also, two of the entries made in the pre-shift exam book was not signed by the examiner.

This will be the third issuance of 75.360(f) in the last two years.

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
			75.360(f)

Section II - Inspector's Evaluation

10 Gravity				
A Injury or illness (has) (is)	No Likelihood <input checked="" type="checkbox"/>	Unlikely	Reasonably Likely	Highly Likely
B Injury or illness could reasonably be expected to be	No Lost Workdays <input checked="" type="checkbox"/>	Lost Workdays Or Restricted Duty	Permanently Disabling	Fatal
C Significant and Substantial	Yes	No <input checked="" type="checkbox"/>	D Number of Persons Affected	
			000	
11 Negligence (check one)				
A None	B Low	C Moderate <input checked="" type="checkbox"/>	D High	E Reckless Disregard
12. Type of Action		13 Type of Issuance (check one)		
104(a)		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)
			[REDACTED]

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)	E:01	20 Event Number	21 Primary or Mill
22 Signature			23 AR Number
[REDACTED]			[REDACTED]

MSHA Form 71  
 established a  
 enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW, MC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District COAL D-2 Field Office Kittanning, PA Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I--Violation Data

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

b. Condition or Practice

8a. Written Notice (103g)

The roof area where persons work or travel is not supported or otherwise controlled to protect persons from hazards related to falls of roof, face or ribs in the #7 Belt, the affected area began at the #7 Belt tailpiece and extended outby approximately five cross cuts (SS#13004). Loose hanging rock 0 to five inches thick by several feet in diameter was detected at several locations within the five crosscut area.

This standard was cited 9 times in two years at this mine.

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 75.202(a)
-------------	---	------------------	---

Section II--Inspector's Evaluation

10 Gravity:

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

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

C. Significant and Substantial.    Yes     No

D. Number of Persons Affected:    001

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

12 Type of Action    104(a)

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

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

15 Area or Equipment

16 Termination Due

A. Date    Mo Da Yr    [REDACTED]

B. Time (24 Hr. Clock)    [REDACTED]

Section III--Termination Action

17. Action to Terminate

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)    R01

20. Event Number    [REDACTED]

21. Primary or Mill

22. Signature    [REDACTED]

23. AR Number    [REDACTED]

MSHA Form 70  
 established a Small Business Regulatory Enforcement Fairness Act of 1996 the Small Business Administration has established 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW, MC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District **COAL D-2**

Field Office

**Kittanning, PA**

Mine ID [REDACTED]

Date [REDACTED]

Mine Citation/Order

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



Section I--Violation Data

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

A record of the results of the pre-shift exams conducted on the mines Refuge Alternatives had not been recorded in the pre-shift exam book. Confirmation that the exams were conducted was verified by the DTI boards located at the Refuge Alternatives.

This will be the first issuance of 75.360(f) in the last two years.

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 75.360(f)
-------------	---	------------------	---

Section II--Inspector's Evaluation

10 Gravity	A Injury or illness (has) (rs) No Likelihood Unlikely <input checked="" type="checkbox"/> Reasonably Likely Highly Likely Occurred
B Injury or illness could reasonably be expected to be:	No Lost Workdays <input checked="" type="checkbox"/> Lost Workdays Or Restricted Duty Permanently Disabling Fatal
C Significant and Substantial.	Yes No <input checked="" type="checkbox"/> D Number of Persons Affected 000
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 F Dated Mo Da Yr
A. Citation B. Order C. Safeguard D. Written Notice	
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 mine management retrained the mine examiners on proper record keeping techniques.

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) E:01	20 Event Number [REDACTED]	21 Primary or Mill
22. Signature [REDACTED]	23 AR Number [REDACTED]	

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration Office of the National Ombudsman, 409 3rd Street, SW MC 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 COAL D-2 Field Office Kittanning, PA Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

**DRAFT**



Section I--Violation Data

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

The sprinkler system, which provides fire protection for the C-Mains drive and belt, was not set up and maintained properly. Five sprinkler heads were covered with mud/sludge, the heat sensing elements were not visible, entombed in a thick layer of debris. Several of the sprinkler heads were not aimed properly or were missing the dispersion apparatus (daisy), this condition would limit the water spray pattern ability to hit the intended targets.

This will be the first issuance of 75.1101-6 in the last two years.

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	75.1101-6
-------------	---	-------------------	--------------------------------	-----------

Section II--Inspector's Evaluation

10 Gravity								
A Injury or illness (has) (is)		No Likelihood	Unlikely <input checked="" type="checkbox"/>	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 <input checked="" type="checkbox"/>		
C. Significant and Substantial		Yes	No <input checked="" type="checkbox"/>	D Number of Persons Affected. 002				
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		A Citation	B Order	C Safeguard	D Written Notice	E Citation/Order Number	F Dated	Mo Da Yr
15 Area or Equipment								

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

Section III--Termination Action

17 Action to Terminate The water sprinkler heads were cleaned, replaced and repositioned as needed.

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

Section IV--Automated System Data

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

MSHA Form 7000-3, Apr 00 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247) or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District COAL D-2 Field Office Kittanning, PA Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order DRAFT

Section I - Violation Data			
1 Date	Mo Da Yr	2 Time (24 Hr. Clock)	3 Citation/Order Number
4 Signed To		(6)	5. Operator
6. Mine		7. Mine ID	(Contractor)
8 Condition of Practice		8a Written Notice (103g)	

The exposed main drive belts and pulleys (tandem) on the C-Main belt drive was not guarded to prevent miners from coming in contact with the pinch points. A belt cross over/under access point was installed in close proximity to the tandem drive pulleys. This condition places miners near the tandem pulleys. A miner traveled through this area while the inspection was in progress. The exposed area measured approx. 22 inches X 36 inches.

This will be the second issuance of 75.1722(a) in the last two years.

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 75.1722(a)
-------------	---	-------------------	--

Section II - Inspector's Evaluation						
10. Gravity						
A. Injury or illness (has) (is):		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	Permanently Disabling	Fatal <input checked="" type="checkbox"/>	
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		13 Type of Issuance (check one)				
I04(a)		Citation <input checked="" type="checkbox"/>		Order	Safeguard	Written Notice
14 Initial Action		E Citation/Order Number		F Dated	Mo Da Yr	
A. Citation		B. Order	C. Safeguard	D. Written Notice		
15. Area or Equipment						

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

Section III - Termination Action

17 Action to Terminate

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

Section IV - Automated System Data			
19 Type of Inspection (activity code)	E01	20 Event Number	21 Primary or Mill
22 Signature		23 AR Number	

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247) or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District **COAL D-2** Field Office **Kittanning** Mine ID **(b) (6)** Date **(b) (6)**

Mine ID	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
(b) (6)	(b) (6)		104(a) Citation	75.503	N	UL	LD	1	Mod

All electric face equipment, which is taken into or used in by the last open crosscut, was not maintained in permissible condition. The #1 scoop, SN 482-1731, located in the F1 Rooms section, had two loose bolts in the plane joint cover of the breaker box and one loose bolt in the plane joint cover of the main control panel. When measured with a gauge, there was no gap exceeding .004 inches between the cover and the box of either panel. Methane readings at the faces of the F1 Rooms section were 0.0%. This is the 13th violation of 75.503 at this mine in the last two years.

Considering the number of times this was cited, a higher degree of negligence should have been considered. An occurrence related to permissibility would also be likely to affect more than 1 person.

Mine ID	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
(b) (6)	(b) (6)								

Considering the number of times this was cited, a higher degree of negligence should have been considered.

Mine ID	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
(b) (6)	(b) (6)		104(a) Citation	75.204(c)(1)	Y	RL	PD	1	Low

There were five fully grouted 42 inch resin roof bolts installed in the intersection of the #3 Lo-Lo Belt entry, just in by the Lo-Lo belt tail, MMU 004-0, F1 Butt Rooms, that the bearing plates were not installed firmly to the roof line. When minimal pressure was applied the bearing plates could be spun easily. The Eimco continuous miner and the Long Airdox MBC were tramming through this area. This will be the first issuance of 75.204(c)(1) in the last two years.

A citation for inadequate examinations should have also been considered.

Mine ID	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
(b) (6)	(b) (6)								

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

District COAL D-2 Field Office Kittanning Mine ID [REDACTED] Date [REDACTED]

Mine ID	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
[REDACTED]									

Mine ID	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
[REDACTED]									

Mine ID	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
[REDACTED]									

Mine ID	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
[REDACTED]									

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

District **COAL D-2**

Field Office **Kittanning**

Mine ID **(b)(6)**

Date **(b)(6)**

(b)(6) [Redacted]

Mine ID	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
(b)(6)	(b)(6)		104(a) Citation	75.333(c)(1)	N	UL	FTL	9	Mod

The distance between personnel doors in permanent stoppings, used to separate the belt conveyor haulageway from the return air course, was more than 300 feet in a seam height below 48 inches. The required door between #3 and #2 heading, in 1 North East Main, located one crosscut in by ss 11092, in #3 heading, was gobbled and impassable. This is the 2nd violation of 75.333(c)(1) at this mine in the past two years.

A citation for inadequate examinations should have also been considered.

Mine ID	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
(b)(6)	(b)(6)		104(a) Citation	75.517	N	UL	FTL	1	Mod

Power wires and cables were not insulated adequately and fully protected. The outer conduit of the size 6, 480 volt, cable, supplying electrical power to the #20, 30 HP, pump had separated from the switch box connector, exposing the insulated inner wires. The exposed area measured approximately one half inch. The pump is located along the tight side of the 2 West Beltline, in the #3 entry and was immediately removed from service by the operator. This is the thirteenth violation of 75.517 at this mine in the past two years.

Considering the number of times this was cited, a higher degree of negligence should have been considered.

Mine ID	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
(b)(6)									

Mine ID	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
(b)(6)			104(a)	75.517	N	UL	FTL	2	Mod

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

District **COAL D-2**

Field Office **Kittanning**

Mine ID [REDACTED]

Date [REDACTED]

3.

Mine ID	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
[REDACTED]	[REDACTED]		104(a) Citation	75.333(c)(1)	N	UL	FTL	7	Mod

The distance between personnel doors, installed in permanent stoppings constructed after November 15, 1992, permitting travel between aircourses, was more than 300 feet in a seam height below 48 inches. The distance between personnel doors in 1st North West Mains, crosscut 38 and 45 was approximately 420 feet. These doors are to permit travel between the primary and secondary escapeways. This is the third violation of 75.333(c)(1) at this mine in the past two years..

A citation for inadequate examinations should have also been considered.

Mine ID	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
[REDACTED]	[REDACTED]		104(a) Citation	75.1725(a)	Y	RL	FTL	2	Mod

The #4 twin boom Fletcher roof bolting machine, s/n 2006023, operating on the I-Butt rooms MMU-002 section was not being maintained in safe operating condition. A cross member plate that was welded on the back of the ATRS support bracket assembly was broke completely off. The Assistant to the Mine Foreman, Rick Beers immediately removed this roof bolter from service. Within the last two years this section of the law has been cited 13 times.

Considering the number of times this was cited, a higher degree of negligence should have been considered.

Mine ID	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
[REDACTED]	[REDACTED]		104(a) Citation	75.1725(a)	Y	RL	FTL	1	Low

The #18 Marmon Research mantrip (s/n 372B-27) located in the pit charging bay was not maintained in a safe operating condition. The Look-a-head-system when tested did not work. The tram pedal was left in the on position and the panic bar (emergency shut down system) was tested, when the panic bar was reset with the tram pedal in the on position the mantrip started to move in high tram. The mine mechanic immediately removed this mantrip from service. This is the 14th time this section of the law has been cited within the last two years.

Considering the number of times this was cited, a higher degree of negligence should have been considered. The number of persons affected does not reflect that this is a mantrip.

Mine ID	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
[REDACTED]	[REDACTED]		104(a) Citation	75.1100-3	Y	RL	FTL	7	Mod

All firefighting equipment was not maintained in a usable and operative condition. The firehose, located at the 3-Left Butt beltline tailpiece, was not equipped with a nozzle to control the spray of water. This is the second violation of 75.1100-3 at this mine in the past two years.

A citation for inadequate examinations should have also been considered.

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

District COAL D-2 Field Office Kittanning Mine ID (b) (6) Date (b) (6)

Mine ID	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
<span style="background-color: black; color: black;">[REDACTED]</span>	<span style="background-color: black; color: black;">[REDACTED]</span>		104(a) Citation	75.1101-6	N	UL	LD	8	Mod

The water sprinkler (required for firefighting) system installed to protect the I Butt belt-conveyor drive was not installed and maintained in accordance with Sections 75.1101-7 through 75.1101-11. Both branch lines were installed above the top belt instead of one branch line positioned above the top belt and one installed between the top and bottom belt, as required by 75.1101-8(b). Also, no sprinkler was installed above the electrical control (starter box), as required by 75.1101-8(a). This mine operator has not been cited for violations of this standard at this mine in the last two years.

A citation for inadequate examinations should have also been considered.

Mine ID	Citation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Negligence
<span style="background-color: black; color: black;">[REDACTED]</span>	<span style="background-color: black; color: black;">[REDACTED]</span>		104(a) Citation	75.1100- 2(b)	N	UL	LD	8	Low

The waterline installed parallel to the F Butt belt conveyor was not equipped with firehose outlets with valves at 300-foot intervals. The distance from the firehose outlet just outby Survey Spad No.967 to the firehose outlet near Survey Spad No.928 was approximately 500 feet. This mine operator has not been cited for violations of this standard at this mine in the last two years.

A citation for inadequate examinations should have also been considered.