



MEMORANDUM FOR PATRICIA W. SILVEY  
Deputy Assistant Secretary for Operations  
Mine Safety and Health Administration

THROUGH: PETER J. MONTALI (b) (6)  
Acting Director of Accountability  
Mine Safety and Health Administration

FROM: ARLIE A. WEBB (b) (6)  
JERRY J. KISSELL (b) (6)  
Accountability Specialists

SUBJECT: MSHA Office of Accountability Audit, District 7, Hazard,  
Kentucky Field Office, (b) (6)  
(b) (6)

#### Introduction

This memorandum summarizes the Office of Accountability audit of the district office, field office, and mine. Audit subjects included MSHA field activities, level of enforcement, conditions and practices at the mine, Field Activity Reviews (FARs), Accompanied Activities (AAs), MSHA supervisory and managerial oversight, and the district's technical (plan approval) division. The audit was conducted by Accountability Specialists Arlie A. Webb and Jerry J. Kissell. Positive findings as well as issues requiring attention are included in this audit report.

#### Overview

The audit was conducted from (b) (6) through (b) (6), and included a review of administrative, inspection, technical, and other areas such as the Alternative Case Resolution Initiative (ACRI) and Special Investigations Program (SI). A mine visit was conducted at (b) (6) and at (b) (6) on (b) (6).

On (b) (6), the inspection party traveled to (b) (6) on a regular (E01) inspection. Accompanying the Accountability Specialist were (b) (6) (b) (6).

Areas and activities examined included the active section (MMU 001-0), work practices, air readings, roof and rib conditions, Joy continuous mining machine, Fletcher dual-head roof bolting machine, two Joy shuttle cars, two Eimco scoops, Johnson Industries diesel-powered personnel carrier, Stamler feeder, Line Power section power center, the mining cycle, permissibility examination, and examination of trailing cables.

Outby areas examined included the primary and alternate escapeways, A.L. Lee "Life Shelter" refuge alternatives, lifelines, SCSR caches, signage, the section belt conveyor and belt drive, main belt conveyor and drive, belt fire detection (Conspec Atmospheric Monitoring System), belt fire suppression systems, a functional test of a fire valve, hose and nozzle, the communication and tracking systems, and a set of bleeder entries.

Surface areas examined included the fan house, mine tracking computer, atmospheric monitoring system computer, surface belts, mine office, mine record books and the mine map.

On (b) (6), the inspection party traveled to (b) (6) on a regular (E01) inspection. Accompanying the Accountability Specialist were (b) (6) (b) (6).

Areas examined included the active section (MMU 001-0), work practices, air readings, roof and rib conditions, Joy continuous mining machine, two Fletcher dual-head roof bolting machines, three Joy shuttle cars, two Eimco scoops, Johnson Industries diesel-powered personnel carrier, Stamler feeder, Line Power section power center, the mining cycle, permissibility examination, and examination of trailing cables.

Outby areas examined included the primary and alternate escapeways, A.L. Lee "Life Shelter" refuge alternatives, lifelines, SCSR caches, signage, the section belt conveyor and belt drive, main belt conveyor and drive, belt fire detection system (Conspec Atmospheric Monitoring System), belt fire suppression systems, a functional test of a fire valve, hose and nozzle, and a set of bleeder entries.

Surface areas examined included the fan house, mine tracking computer, atmospheric monitoring system computer, surface belts, mine office, mine record books and the mine map.

#### S&S Rate Comparison

During FY 2010, the average S&S rate for the Hazard field office was lower than the district average, but was comparable to the national average.

S&S Rate Comparison

Fiscal Year	Hazard, KY Field Office	Coal District 7	National Average
2009	26%	31%	35%
2010	34%	39%	34%

Citations issued during the audit were appropriately issued and consistent with policy and procedures.

### Time and Activity Comparison

A comparison of FY 2009 and FY 2010 time distribution at the Hazard, Kentucky field office and for the entire district shows that time in the other category has been reduced for E01 inspections at all mine types. Likewise, the total on-site time has increased from FY 2009 to FY 2010.

Time Distribution (%) – E01 Inspections at Surface Facilities							
FY	Area/Office	Travel	Other*	Total On-Site**	Citations Issued On-Site	Citations Issued Off-Site	Total
2009	Hazard, KY FO	14%	19%	66%	9%	1%	100%
	District 7	17%	18%	65%	7%	0%	100%
	National Average	17%	17%	66%	5%	0%	100%
2010	Hazard, KY FO	13%	15%	71%	11%	1%	100%
	District 7	17%	16%	67%	7%	0%	100%
	National Average	18%	15%	66%	5%	1%	100%

\* Includes calibration of gas detection equipment, respirable dust pumps, and preparation and mailing of gas and rock dust samples

\*\* Total On-Site time includes citations written on-site

Time Distribution (%) – E01 Inspections at Surface Mines							
FY	Area/Office	Travel	Other*	Total On-Site**	Citations Issued On-Site	Citations Issued Off-Site	Total
2009	Hazard, KY FO	15%	16%	69%	10%	0%	100%
	District 7	17%	16%	67%	7%	0%	100%
	National Average	19%	15%	66%	5%	0%	100%
2010	Hazard, KY FO	14%	15%	71%	11%	0%	100%
	District 7	18%	13%	69%	7%	0%	100%
	National Average	19%	13%	68%	5%	0%	100%

\* Includes calibration of gas detection equipment, respirable dust pumps, and preparation and mailing of gas and rock dust samples

\*\* Total On-Site time includes citations written on-site

Time Distribution (%) – E01 Inspections at Underground Mines							
FY	Area/Office	Travel	Other*	Total On-Site**	Citations Issued On-Site	Citations Issued Off-Site	Total
2009	Hazard, KY FO	12%	19%	69%	7%	0%	100%
	District 7	16%	18%	66%	6%	0%	100%
	National Average	16%	17%	67%	6%	0%	100%
2010	Hazard, KY FO	12%	17%	70%	9%	1%	100%
	District 7	17%	15%	67%	8%	1%	100%
	National Average	16%	15%	68%	6%	1%	100%

\* Includes calibration of gas detection equipment, respirable dust pumps, and preparation and mailing of gas and rock dust samples

\*\* Total On-Site time includes citations written on-site

## Audit Results

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

1. ACRI files reviewed were well organized with correspondence, notifications, decisions and justifications well documented.
2. The Special Investigations Department is reviewing, evaluating and processing potential cases in a timely manner and according to current policy.
3. Inspectors at the Hazard, Kentucky field office were courteous and professional in their interactions with miners, mine operators, and the Accountability Specialists.

This audit also revealed several issues that require corrective actions, including the following: (Supporting data for each issue can be found in the OA checklist and attachments)

1. A review of previous inspections at the subject mine revealed that citations and orders are not always properly evaluated. Attachment C lists examples.
2. Dates and shifts on the inspection event calendars are not always supported by data entered on time sheets and vice-versa.
3. Information is not always being entered into the MSHA Standardized Information System (MSIS) accurately and/or in a timely manner. This includes information regarding methane liberation rates, mine status, and mine employment. The category for 103(i) spot inspections is not always consistent with the actual methane liberation shown in the analysis of air samples. The mine status and number of employees in the databases are not consistent with the information entered by inspectors on MSHA Form 2000-209 (Mine Information Form). There is no agency-wide guidance on time frames or responsibilities for entering this data.

Attachments

A. Office of Accountability Checklist

B. Citations/Orders issued during this audit

(b) (6)

- |    |         |                  |
|----|---------|------------------|
| 1. | (b) (6) | 75.1103-4(a)     |
| 2. | (b) (6) | 75.512           |
| 3. | (b) (6) | 75.606           |
| 4. | (b) (6) | 75.1502          |
| 5. | (b) (6) | 75.380(d)(4)(ii) |

(b) (6)

- |    |         |            |
|----|---------|------------|
| 1. | (b) (6) | 75.1731(b) |
| 2. | (b) (6) | 75.202(a)  |
| 3. | (b) (6) | 75.400     |
| 4. | (b) (6) | 75.1714(a) |

C. Examples of Citations with Questionable Evaluations

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

District

Coal Dist 7

Field Office

Hazard, KY

Mine ID

(b) (6)

Date

(b) (6)

Attachment A – Audit Checklist

1. Determine if complete and thorough inspections are being conducted

Adequate  Inadequate  Not Applicable  Comments Below

A review of inspection documentation from previous inspections shows that complete and thorough inspections are being made.

2. Determine if citations and orders issued during previous inspections were properly evaluated for gravity, negligence, level of enforcement, number of persons affected, and supported by documentation.

Adequate  Inadequate  Not Applicable  Comments Below

136 citations, orders, and accompanying field notes from previous regular inspections at the subject mines were reviewed during this audit. Examples listed in Attachment C show the following:

1. Multiple violations were sometimes issued in a single citation; and
2. Evaluations of negligence, number of persons affected, S&S, likelihood, injury, and level of enforcement were not always commensurate with the narrative of the citation or the nature of the violation.

3. Evaluate inspector/specialist examination of required record books and postings for compliance with applicable standards.

Adequate  Inadequate  Not Applicable  Comments Below

4. Evaluate inspector/specialist examination of the operator's maps (on-site) for accuracy, escapeway locations, etc.

Adequate  Inadequate  Not Applicable  Comments Below

5. Upon arrival on the working section, accompany and evaluate inspector/specialist examination of all working places for imminent dangers.

(b) (6)

(b) (6)

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

District  Field Office  Mine ID  Date

6. Evaluate the inspector/specialist observation of the work cycle and conditions on the working section during the audit.

Adequate  Inadequate  Not Applicable  Comments Below

7. Evaluate the inspector/specialist air quantity, quality, and gas checks during the audit.

Adequate  Inadequate  Not Applicable  Comments Below

8. Evaluate inspector/specialist examination of equipment electrical cables during the audit.

Adequate  Inadequate  Not Applicable  Comments Below

9. Evaluate inspector/specialist examination for permissibility during the audit.

Adequate  Inadequate  Not Applicable  Comments Below

10. Determine if areas deemed too wet for rock dust surveys during previous inspections were re-visited and sampled.

Adequate  Inadequate  Not Applicable  Comments Below

Records show areas initially deemed too wet to sample are re-visited and sampled if conditions in the mine have changed

11. Determine if previous E01 inspections include examinations of the condition and maintenance of conveyor belts, belt entries, belt drives, fire detection and suppression systems, and separation of belt entries from other air courses.

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

12. During the audit, evaluate the inspection of at least one set of seals, including methods for obtaining samples from sealed area.

Adequate  Inadequate  Not Applicable  Comments Below

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

Adequate  Inadequate  Not Applicable  Comments Below

Each inspection report contained very good documentation of close out conferences.

14. Determine if Possible Knowing/Willful (PKW) Forms are documented and processed according to agency policy and procedures.

Adequate  Inadequate  Not Applicable  Comments Below

15. Evaluate 103(i) spot inspection (E02) reports for the office/district being audited for compliance with agency policies and procedures, including compliance with time frames and separating E02 inspections from other events.

Adequate  Inadequate  Not Applicable  Comments Below

103(i) inspections were conducted within the required intervals.

16. Determine if Hazard Complaint inspections/investigations are being conducted according to policy and procedures.

Adequate  Inadequate  Not Applicable  Comments Below

17. Determine if supervisors are monitoring inspector time and activity to ensure proper use of time by inspector, including off-shift and weekend work.

Adequate  Inadequate  Not Applicable  Comments Below

An examination of inspection event calendars and time and activity data revealed the following:

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

District  Field Office  Mine ID  Date

- (b) (6)
1. The inspection event calendar is checked for (b) (6), but no time was charged for this date.
  2. Time was charged on the 2<sup>nd</sup> and 3<sup>rd</sup> shifts for (b) (6), but the inspection event calendar does not match time sheet.
- (b) (6)
1. The inspector charged time for the 3<sup>rd</sup> shift on (b) (6), but did not show the shift worked on the inspection event calendar.
  2. There are multiple event sheets in the inspection file.

18. Are required Field Activity Reviews (FARs) and supervisory follow up being conducted and documented according to agency policy and procedures?  
Adequate  Inadequate  Not Applicable  Comments Below

All of the required Field Activity Reviews in the Hazard field office for FY 2010 were conducted.

19. Are required Accompanied Activities (AAs) and supervisory follow up being conducted and documented according to agency policy and procedures?  
Adequate  Inadequate  Not Applicable  Comments Below

All of the required Accompanied Activity Reviews in the Hazard field office for FY 2010 were conducted.

20. Determine if a 104(d) tracking system is in place and being kept current at the office being audited  
Adequate  Inadequate  Not Applicable  Comments Below

21. Determine if the Uniform Mine File books are being maintained and reviewed as per current agency policy and procedures  
Adequate  Inadequate  Not Applicable  Comments Below

All of the Uniform Mine Files examined during this audit were up to date, and no outdated materials were found

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

District  Field Office  Mine ID  Date

22. Are supervisors thoroughly reviewing Uniform Mine Files at least annually?  
Adequate  Inadequate  Not Applicable  Comments Below

23. Determine if supervisors are visiting each active mine at least annually  
Adequate  Inadequate  Not Applicable  Comments Below   
The tracking system for supervisory mine visits shows that each active underground mine in District 7 was visited by a manager or supervisor during FY 2010.

24. Are all sections where retreat mining is occurring (not to include longwall mining) being inspected at least monthly?  
Adequate  Inadequate  Not Applicable  Comments Below   
Retreat mining was not being conducted at the two mines visited during this audit. However, a review of inspection files shows that mines where retreat mining was being conducted were receiving the required monthly inspections.

25. Review documentation of staff meetings/safety meetings to determine their effectiveness and relevance to current issues and the Agency's mission.  
Adequate  Inadequate  Not Applicable  Comments Below   
Staff and safety meetings are well documented and document participation by all personnel.

26. After an in-mine visit, evaluate approved plans (ventilation, roof control, training, etc.) for compatibility with mining conditions and equipment.  
Adequate  Inadequate  Not Applicable  Comments Below

27. Determine if approved plans are being revised/updated as conditions, equipment, etc. 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

28. Determine if plan reviews are in compliance with current Agency policy and procedures (performed within required time frames, tracked from the date of submission, properly documented, and contain input from all affected departments and field offices).

Adequate  Inadequate  Not Applicable  Comments Below

29. Determine if Assistant District Manager is conducting the required second level reviews and holding supervisors accountable for oversight of Field Activity Reviews and Accompanied Activities.

(b) (6)

(b) (6)

30. Determine if district management personnel are reviewing work products for accuracy and completeness.

Adequate  Inadequate  Not Applicable  Comments Below

32. Determine if ADMs and DMs are conducting required mine visits and properly completing the required spreadsheet.

Adequate  Inadequate  Not Applicable  Comments Below

Required mine visits were conducted during FY 2010

33. Determine if District Manager is using discretion in granting conferences and monitoring the ACRI program to ensure that decisions (including upholding, modifying, or vacating citations) are properly documented and justified by the CLRs.

(b) (6)

(b) (6)

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

District  Field Office  Mine ID  Date

34. Determine if District Manager is holding the Supervisory Special Investigator accountable for properly evaluating and initiating or denying potential cases.  
(b) (6)

35. 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

Key Indicators and information from the district's Program Analyst is being used.

36. Determine if Districts are conducting in-depth Peer Reviews in compliance with Agency policy and procedures including follow-up to determine the effectiveness of the corrective actions.

Adequate  Inadequate  Not Applicable  Comments Below

A district-level peer review was conducted in District 7 from (b) (6). Although the review was thorough and contained identification of deficiencies, root causes, corrective actions and time lines for corrections, it could not be determined if the (b) (6) was monitoring the effectiveness of the corrective actions.

37. Is information (mine status, methane liberation, number of employees, etc.) being entered into the MSHA Standardized Information System (MSIS) accurately and in a timely manner?

Adequate  Inadequate  Not Applicable  Comments Below

Information regarding methane is not always being entered into the Agency's databases accurately and/or in a timely manner. The category for 103(i) spot inspections (methane liberation spots) is not always consistent with the actual methane liberation shown in the analysis of air samples. Data retrieved from the MSHA Standardized Information System (MSIS) shows methane liberation at 19 mines in District 7. A review of the most recent air sample analysis results shows there are actually 31 underground mines in District 7 that liberate methane.

The methane liberation rates in cubic feet per 24 hours (cfh) and the category for 103(i) spot inspections in MSIS does is not always consistent with the actual liberation rates shown by the results of air sample analysis. Some examples are:

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

District  Field Office  Mine ID  Date

1. MSIS data shows Mine ID (b) (6) in a 10-day inspection category, with a methane liberation rate of 543,959 cfd. The most recent air sample analysis shows a liberation rate of 181,634 cfd, which would remove the mine from 103(i) inspection category.
2. MSIS data shows Mine ID (b) (6) in a 5-day inspection category based on a methane liberation rate of 1,000,000 cfd. The most recent air sample analysis shows a liberation rate of 638,646 cfd, which would place the mine in a 10-day inspection category.
3. MSIS data shows Mine ID (b) (6) in a 15-day inspection category, but the methane liberation rate is shown as 0. The most recent air sample analysis shows a liberation rate of 234,006 cfd.
4. MSIS data shows Mine ID (b) (6) in a 10-day inspection category, but the methane liberation rate is shown as 0. The most recent air sample analysis shows a liberation rate of 487,418 cfd, which would place the mine in a 15-day inspection category.

Mine status data is also questionable due to the length of time several mines have been in an idle or non-producing status. Some examples are:

1. Underground mine (b) (6) has been in Temporarily Idle status since (b) (6). The last regular inspection (AAA) date at this mine was (b) (6).
2. Underground mine (b) (6) has been in Temporarily Idle status since (b) (6). The last regular inspection (E01) date at this mine was (b) (6).
3. Surface mine (b) (6) has been in Temporarily Idled status since (b) (6). The last regular inspection (AAA) date at this mine was (b) (6).
4. Surface mine (b) (6) has been in Temporarily Idled status since (b) (6). There are no regular inspections on record for this mine.
5. Surface facility (b) (6) has been in Temporarily Idled status since (b) (6). The last regular inspection (AAA) date at this mine was (b) (6).
6. Surface facility (b) (6) has been in Temporarily Idled status since (b) (6). The last regular inspection (AAA) date at this mine was (b) (6).

Likewise, a comparison of MSIS data to MSHA Form 2000-209 – Mine Information Form (MIF) shows discrepancies in mine employment information. Some examples are:

1. Underground mine (b) (6) – MSIS shows (b) (6) employees and the MIF shows (b) (6) employees.
2. Surface mine (b) (6) – MSIS shows (b) (6) employees and the MIF shows (b) (6) employees.
3. Surface mine (b) (6) – MSIS does not show any employees and the MIF shows (b) (6) employees.

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

District  Field Office  Mine ID  Date

4. Surface facility (b) (6) – MSIS shows (b) (6) employees and the MIF shows only (b) (6) employees.

*Action Required – All information regarding mine status, methane liberation, mine employment, etc. must be kept up to date and accurate.*

38. Evaluate the overall condition of the mine relative to the level of enforcement documented in previously completed inspections.

Adequate  Inadequate  Not Applicable  Comments Below

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

District Coal Dist 7 Field Office Hazard, KY Mine ID (b) (6) Date (b) (6)

Attachment B – Citations Issued During the Audit

Mine Citation/Order		U.S. Department of Labor Mine Safety and Health Administration	
Section I--Violation Data			
1. Date (b) (6)	2. Time (24 Hr. Clock) (b) (6)	3. Citation/Order Number (b) (6)	
4. Served To (b) (6)		5. Operator (b) (6)	
6. Mine (b) (6)		7. Mine ID (b) (6) (Contractor)	
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>	
<p>The operator has failed to install a CO sensor in the belt's carbon monoxide monitoring system at the slope belt portal to provide CO monitoring protection for approximately 600 feet of the No.1 Mains belt extending from the belt portal to the No.1 CO sensor located just inby the bottom of the slope. The mine has a blowing fan ventilating system with the belt air traveling outby along all belt conveyors.</p>			
See Continuation Form (MSHA Form 7000-3a) <input type="checkbox"/>			
9. Violation	A. Health Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.1103-4(a)
Section II--Inspector's Evaluation			
10. Gravity:			
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>			
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>			
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			D. Number of Persons Affected: 001
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>			
12. Type of Action 104(a)		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>	
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/Order Number	
15. Area or Equipment			
16. Termination Due A. Date (b) (6)		B. Time (24 Hr. Clock) (b) (6)	
Section III--Termination Action			
17. Action to Terminate A calibrated CO sensor (#25) has been installed in the monitoring system at the slope belt portal to provide the entire belt with carbon monoxide monitoring protection.			
18. Terminated A. Date (b) (6)		B. Time (24 Hr. Clock) (b) (6)	
Section IV--Automated System Data			
19. Type of Inspection (activity code) E01		20. Event Number (b) (6)	
22. Signature (b) (6)		21. Primary or Mill	
		23. AR Number (b) (6)	

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  Field Office  Mine ID  Date

Mine Citation/Order

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



Section I—Violation Data

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

The company no. SC-75 A Joy shuttle car being used to transport coal on the 010-0 MMU is not being properly maintained by a qualified person to assure safe operating condition. The front inside sheave roller that assists with the trailing cable both being spooled on and off of the cable reel is stuck and will not turn.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR <b>75.512</b>
--------------	--	-------------------	--

Section II—Inspector's Evaluation

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

15. Area or Equipment

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

Section III—Termination Action

17. Action to Terminate The sheave wheel has been freed up and lubricated, and will now turn to assist the trailing cable on and off of the cable reel.

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

Section IV—Automated System Data

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

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 Dist 7 Field Office Hazard, KY Mine ID (b) (6) Date (b) (6)

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

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

The trailing cable provided for the company no. SC-75A shuttle car being used to transport coal on the 010-0 MMU is not being adequately protected to prevent damage by mobile equipment. When examined an approximate 3/4 inch split is present in the trailing cables outer insulating jacket, which is exposing the bare wires of the ground conductor. The mine floor ranges from dry to damp to wet in various locations across the active section. This hazardous condition exposes miners to a possible electrical shock hazard. The shuttle car was immediately removed from service by the operator until the condition can be corrected.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	75.606
--------------	--	-------------------	---------------------------------	--------

Section II--Inspector's Evaluation

10. Gravity:  
 A. Injury or illness (has) (is): No Likelihood  Unlikely  Reasonably Likely  Highly Likely  Occurred   
 B. Injury or illness could reasonably be expected to be: No Lost Workdays  Lost Workdays Or Restricted Duty  Permanently Disabling  Fatal   
 C. Significant and Substantial: Yes  No  D. Number of Persons Affected: 001

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

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

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

15. Area or Equipment

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

Section III--Termination Action

17. Action to Terminate The trailing cable has been adequately re-insulated at the cited location.

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

Section IV--Automated System Data

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

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  Field Office  Mine ID  Date

Mine Citation/Order

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



Section I--Violation Data

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

The operator is failing to comply with the Carbon Monoxide Monitoring System section of the Mine Emergency Evacuation and Fire Fighting requiring that all CO sensors located along the belt conveyors shall be capable of detecting CO in air at a level of +/- 1 ppm throughout the operating range. When tested with a known mixture of 50 ppm CO, the No.22 CO sensor located down wind of the No.3 East tail roller is only detecting 25 ppm of CO.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.1502
--------------	--	-------------------	--

Section II--Inspector's Evaluation

10. Gravity:			
A. Injury or Illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>			
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>			
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			D. Number of Persons Affected: 004
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>			
12. Type of Action 104(a)		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>	
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>			E. Citation/ Order Number
15. Area or Equipment			

16. Termination Due	A. Date (b) (6)	B. Time (24 Hr. Clock) (b) (6)
---------------------	--------------------	-----------------------------------

Section III--Termination Action

17. Action to Terminate A new calibrated CO sensor has been installed at the cited location, and when tested will now correctly identify the known mixture of 50 ppm CO.

18. Terminated	A. Date (b) (6)	B. Time (24 Hr. Clock) (b) (6)
----------------	--------------------	-----------------------------------

Section IV--Automated System Data

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

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 Dist 7 Field Office Hazard, KY Mine ID (b) (6) Date (b) (6)

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

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

8. Condition or Practice  
 The operator is failing to maintain to a width of 4 feet the primary escapeway where the escapeway route of travel passes through the first airlock door in the mine fan house, which is part of the primary escapeway to the surface. When checked the two piece air lock doors would only open approximately 18 to 24 inches wide, which henders the ability of miners to escape quickly in the event of an emergency.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	75.380(d)(4)(ii)
--------------	--	-------------------	---------------------------------	------------------

Section II--Inspector's Evaluation

10. Gravily:  
 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: 020

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 (b) (6)	B. Time (24 Hr. Clock) (b) (6)
---------------------	-----------------	--------------------------------

Section III--Termination Action

17. Action to Terminate The packed dirt and gob has been removed from in front of the air lock doors, and the doors can now be opened to a width of 6 feet.

18. Terminated	A. Date (b) (6)	B. Time (24 Hr. Clock) (b) (6)
----------------	-----------------	--------------------------------

Section IV--Automated System Data

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

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 Dist 7 Field Office Hazard, KY Mine ID (b) (6) Date (b) (6)

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

Section I--Violation Data		3. Citation/Order Number
1. Date Mo Da Yr <u>(b) (6)</u>	2. Time (24 Hr. Clock) <u>(b) (6)</u>	<u>(b) (6)</u>
4. Served To <u>(b) (6)</u>		7. Mine ID <u>(b) (6)</u> (Contractor)
6. Mine <u>(b) (6)</u>		8a. Written Notice (103g) <input type="checkbox"/>

8. Condition or Practice  
 The 001-0 MMU section conveyor belt is not being maintained in a good working condition in that when checked the bottom belt was rubbing the bottom of the top rollers located at break #23, the stands were cool to the touch, and wet.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR <u>75.1731(b)</u>
--------------	--	-------------------	--

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  
 E. Reckless Disregard

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

15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr <u>(b) (6)</u>	B. Time (24 Hr. Clock) <u>(b) (6)</u>
---------------------	------------------------------------	--

Section III--Termination Action  
 17. Action to Terminate Corrections to the conveyor belt has been made.

18. Terminated	A. Date Mo Da Yr <u>(b) (6)</u>	B. Time (24 Hr. Clock) <u>(b) (6)</u>
----------------	------------------------------------	--

Section IV--Automated System Data

19. Type of Inspection (activity code) <u>E01</u>	20. Event Number <u>(b) (6)</u>	21. Primary or Mill	23. AR Number <u>(b) (6)</u>
--	------------------------------------	---------------------	---------------------------------

22. Signature (b) (6)

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 Dist 7 Field Office Hazard, KY Mine ID (b) (6) Date (b) (6)

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

Section I--Violation Data		3. Citation/Order Number
1. Date Mo Da Yr <u>(b) (6)</u>	2. Time (24 Hr. Clock) <u>(b) (6)</u>	<u>(b) (6)</u>
4. Served To <u>(b) (6)</u>		5. Operator <u>(b) (6)</u>
6. Mine <u>(b) (6)</u>	7. Mine ID <u>(b) (6)</u>	(Contractor)
8a. Written Notice (103g) <input type="checkbox"/>		

8. Condition or Practice  
 The mine roof is not adequately supported or otherwise controlled in the #4 left crosscut of the face area located on the 001-0 MMU. Mine roof materials are scaling in a 30 foot area 5-10 feet wide. The area has been supported using large pizza pans and metal straps.  
 Standard 75.202(a) was cited (b) (6) to the operator, 0 to a contractor).

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.202(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 (b) (6) B. Time (24 Hr. Clock) (b) (6)

Section III--Termination Action  
 17. Action to Terminate The affected area has been scaled of all loose draw rock.

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

Section IV--Automated System Data

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

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 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District Coal Dist 7 Field Office Hazard, KY Mine ID (b) (6) Date (b) (6)

Mine Citation/Order

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



Section I--Violation Data

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

Combustible material in the form of hydraulic oil has been allowed to accumulate on the EIMCO scoop, co. # ES510, being operated on the 001-0 MMU.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			75.400

Section II--Inspector's Evaluation

10. Gravity:

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

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

C. Significant and Substantial: Yes  No  D. Number of Persons Affected: 001

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

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

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

15. Area or Equipment

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

Section III--Termination Action

17. Action to Terminate The oil has been removed.

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

Section IV--Automated System Data

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

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 Dist 7 Field Office Hazard, KY Mine ID (b) (6) Date (b) (6)

Mine Citation/Order

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



Section I--Violation Data

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

The approved self rescue devices ( OCENCO 6.5 ) stored in the #8 break on the #6 belt line are not being maintained in a good working conditions in that when checked one (1) of the 30 stored was found to have a damaged seal, it was protruding from the jacket of the device.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.1714(a)
--------------	--	-------------------	---

Section II--Inspector's Evaluation

10. Gravity:

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

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

C. Significant and Substantial: Yes  No

D. Number of Persons Affected: 001

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

12. Type of Action 104(a)

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

14. Initial Action A. Citation  B. Order  C. Safeguard  D. Written Notice

E. Citation/Order Number

F. Dated Mo Da Yr

15. Area or Equipment

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

Section III--Termination Action

17. Action to Terminate The rescue device was replaced with an operational one.

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

Section IV--Automated System Data

19. Type of Inspection (activity code) E01

20. Event Number (b) (6)

21. Primary or Mill

22. Signature (b) (6)

23. AR Number (b) (6)

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 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District Coal Dist 7 Field Office Hazard, KY Mine ID (b) (6) Date (b) (6)

Attachment C - Examples of Citations with Questionable Evaluations

Mine ID	Violation Number	Date Issued	Type Issuance	Standard Cited	S&S	Likely	Injury	Affect	Neg
(b) (6)	(b) (6)	(b) (6)	104(a) Citation	75.400	N	UL	LWD	1	Mod
<p>The intake slope from top to bottom has accumulations of coal dust and float coal dust on previously rock dusted surfaces.</p> <p>What were the dimensions and characteristics of the accumulations (length, width, depth, color)? Should the number of persons affected have been higher? This section of 30 CFR was cited (b) (6) during the previous (b) (6) (b) (6), which would support a higher level of enforcement.</p>									

Mine ID	Violation Number	Date Issued	Type Issuance	Standard Cited	S&S	Likely	Injury	Affect	Neg
(b) (6)	(b) (6)	(b) (6)	104(a) Citation	75.370(a)(1)	Y	RL	PD	3	Mod
<p>The operator fails to comply with the approved ventilation plan (b) (6), in that;(1) dust on haul roads (003/MMU and alternate escapeway leading to 003/MMU) is not being controlled as required by page 4, item U.(2) Joy continuous miner (serial #JM501A)(003/MMU) is operating without the required 48 water sprays at 60 psi. The miner is operating with 38 water sprays at 55 PSI. This is corrected during the inspection. At 23:30 the miner is operating with the required 48 sprays at 60 PSI.(3) the water reservoir for the dust collection system on the Fletcher roof bolter (serial # 2004006) is dry. Evidence indicates that this bolter is being operated dry of water in the reservoir.(4) the dust from the dust box of Fletcher roof bolter (serial # 2004006) is not being emptied along the rib as required. The dust is being emptied in the center of the entry, where mobile equipment can cause it to become suspended in the air.</p> <p>Based on the narrative of the citation, this should have been issued as four separate violations:</p> <ol style="list-style-type: none"> <li>1. Dust on the haul road;</li> <li>2. The miner operating without the required number of water sprays;</li> <li>3. The empty water reservoir on the bolter; and</li> <li>4. The bolter dust box being emptied in the center of the entry.</li> </ol> <p>This section of 30 CFR was cited (b) (6) during the previous (b) (6). Was a citation for inadequate examinations considered based on the number of water sprays and the reduced water pressure on the continuous mining machine, and the lack of water in the dust collection system on the roof bolting machine?</p>									

Mine ID	Violation Number	Date Issued	Type Issuance	Standard Cited	S&S	Likely	Injury	Affect	Neg
(b) (6)	(b) (6)	(b) (6)	104(a) Citation	75.512	N	UL	LWD	2	Mod
<p>The 001/MMU section power center (Pemco serial # F864-304) is not being properly maintained, in that;(1) the 120 volt control power to the monitors is being controlled by a 20 amp circuit breaker, instead of the required 5 amp fuse (control fuse by-passed) and (2) the fuse holders for the utility and control transformers show arcing and one of the fuse holders is cracked.</p> <p>According to the narrative of this citation, the fuse for a circuit inside the power center was by-passed and a circuit breaker was substituted. In addition, the newly installed circuit breaker was oversized for the application. Based on the narrative, this citation meets the criteria for an elevated level of enforcement. This section of 30 CFR was cited (b) (6) during the previous (b) (6). Was an additional citation considered for inadequate examinations?</p>									

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

District Coal Dist 7 Field Office Hazard, KY Mine ID (b) (6) Date (b) (6)

Mine ID	Violation Number	Date Issued	Type Issuance	Standard Cited	S&S	Likely	Injury	Affect	Neg
(b) (6)	(b) (6)	(b) (6)	104(a) Citation	75.512	N	UL	LWD	1	Mod
<p>The Johnson Industries 2 man battery personal carrier company number 7 is not being maintained in a proper operating condition. The 2 batteries and controls terminals located just behind the operator seat is not protected from short circuit. There is not insulating material to prevent the contact with the "live" circuits. This exposes miners to the hazards of fire from short circuits of the electrical system.</p> <p>Based on the narrative of the citation, this violation meets the requirements for S&amp;S. Should the lack of insulation material have been discovered during an examination? This section of 30 CFR was cited (b) (6) during the previous (b) (6). Since a reasonable pre-operational examination should have revealed this condition, was a citation considered for inadequate examination?</p>									

Mine ID	Violation Number	Date Issued	Type Issuance	Standard Cited	S&S	Likely	Injury	Affect	Neg
(b) (6)	(b) (6)	(b) (6)	104(a) Citation	75.512	N	UL	PD	1	Mod
<p>The B+D Repair Power Distribution Box (s/n 90105) company number 4 is not being maintained in a proper operating condition.1.) There are 2 of the 12470 volt AC power leads that arcing at the terminations.2.) The shielding on the 12470 input cable has not been terminated back to the mine ground field.3.) There is a damaged insulator and receptacle labeled 4 West Head Drive. This a 480 volt AC circuit. The housing is cracked approximately 1 inch at the top of the receptacle. The insulator has part of the divider between the ground and the phase connectors. This would expose miners to the hazards of electrical shocks and burns.</p> <p>Based on the narrative of this citation, the following conditions should have been issued as two separate violations:</p> <ol style="list-style-type: none"> <li>1. Power leads (12470 VAC) arcing and failure to adequately terminate shielding to the ground field (30 CFR, 75.810)</li> <li>2. The damaged insulator and receptacle (480 VAC) for the 4 West Head Drive (30 CFR, 75.512)</li> </ol> <p>The damaged insulator and receptacle should have been considered as S&amp;S based on the hazards involved. Section 75.512 was cited (b) (6) during the previous (b) (6). Should an additional citation for inadequate examinations have been considered based on the cited conditions?</p>									

Mine ID	Violation Number	Date Issued	Type Issuance	Standard Cited	S&S	Likely	Injury	Affect	Neg
(b) (6)	(b) (6)	(b) (6)	104(a) Citation	75.512	N	UL	PD	1	Mod
<p>The DBT Scoop Charger company number 10 is not being maintained in a proper operating condition. The charger has a damaged and non-functional emergency stop switch. The button has been broken off the switch and the switch is disconnected.</p> <p>The narrative in the citation and notes documents the emergency stop switch was disconnected, which shows a higher level of neglect. How long had this condition existed, and was an additional citation considered for inadequate examinations?</p>									

Mine ID	Violation Number	Date Issued	Type Issuance	Standard Cited	S&S	Likely	Injury	Affect	Neg
(b) (6)	(b) (6)	(b) (6)	104(a) Citation	75.1909(b)(2)	N	UL	PD	1	Mod
<p>The Eimco Scoop (s/n 70660085) used to transport supplies to the mmu's will start while the machine is in gear. The neutral start switch is not functioning properly. This would allow the scoop to move when starting, exposing miner to crushing hazards.</p> <p>Based on the narrative of the citation, this citation should have been evaluated as S&amp;S. Was an additional citation considered for an inadequate pre-operational examination?</p>									

INTERNAL REVIEW AUDIT MATRIX SCORING SYSTEM - HAZARD, KY FIELD OFFICE AUDIT, FEBRUARY 11, 2011										
CAT	Applies to Program Area	Internal Review Findings	Summation or Examples	Category Base Point Value	Base Points	RESPONSIBILITY			SUM	Internal Review Category Percentage
					Value	Inspector =1	Supervisor = 2	District = 3		
1	C/MNM	MSHA failed to identify the deviations in approved plans	All plans, training, escape, roof, ventilation, anything that requires approval	5	0	0	0	0	0	0%
2	C/MNM	Incomplete or inadequate inspections	Not following policy, procedures, failure to cite violations, inspecting all areas/equipment, conducting 103(i) inspections	5	0	0	0	0	0	0%
3	C/MNM	Supervisors did not provide adequate oversight	No review/lax review of inspection reports/ PKW/SAR/FAR/AA	5	5	N/A	2	0	7	70%
4	C/MNM	Improper evaluation of gravity, negligence, type of enforcement action	Self evident/ Inadequate documentation/note taking	5	5	1	2	0	8	73%
5	C/MNM	Peer Reviews were inadequate	Did not include audit reviews, follow up, FARs/AAs	4	0	N/A	0	0	0	0%
6	C/MNM	Weakness in the ACRI Program	Not following ACRI policy/handbook, management oversight of ACRI program, ACRI program consistent with Mine Act, 30 CFR, MSHA policy	3	0	N/A	N/A	0	0	0%
7	C/MNM	MSHA Data not used/reviewed	Key Indicators, Mine Profile, Inspection Completion Statistics, Databases not maintained	2	2	0	0	3	5	63%
8	C/MNM	Lack of Unwarrantable Failure Tracking System	Self Explanatory	1	0	N/A	0	0	0	0%
9	C/MNM	Conflict of Interest	Prior employment, supervision of relatives, etc.	1	0		0	0	0	0%
10	C/MNM	Failure to comply with Hazard Complaints procedures	Hazard Complaint handbook, policies, procedures not being followed	1	0	0	0	0	0	0%
11	C	Failure to conduct investigations for multi-phase plans	No on-site investigations	1	0	N/A	N/A	0	0	0%
12	C	Failure to observe retreat mining	Wherever retreat mining is conducted (except longwall mining)	1	0	0	0	0	0	0%
TOTAL SCORE									20	

Minimum Score = 0  
Coal Maximum Score = 96  
MNM Maximum Score = 85

Summary:

- A) The audit revealed the Hazard, Kentucky field office had 3 of the 12 most common issues found in the internal review reports as issues identified by the audit team.
- B) 3 of the 10 internal review categories that relate to the metal-nonmetal program area were identified during this audit.