



MAR - 5 2018

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for
Mine Safety and Health Administration

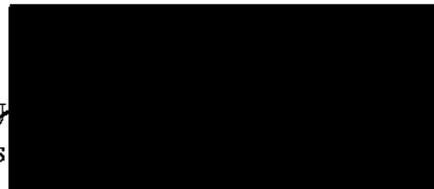
THROUGH:

TIMOTHY R. WATKINS
Deputy Administrator for
Coal Mine Safety and Health



FROM:

THOMAS W. CHARBONEAU
Director, Office of Assessments



SUBJECT:

Mine Safety and Health Administration (MSHA)
Office of Accountability Review
Coal District 3, Bridgeport, West Virginia Field Office



Introduction

This memorandum summarizes the Office of Accountability's review of the subject District Office, Field Office, and mine. This review included MSHA field activities; level of enforcement; conditions and practices at the mine; Field Accompanied Reviews (FARs); Accompanied Activities (AAs) and MSHA supervisory and managerial oversight. The accountability review also included evaluations to determine if there were any issues in areas commonly identified during Agency internal reviews of MSHA's actions following past mining disasters.

Purpose

The purpose of this accountability review is to determine whether MSHA enforcement policies, procedures and guidance are being followed consistently and to assess whether mission critical enforcement activities are accomplished effectively. The accountability review also identifies areas for improvement and the subsequent implementation of effective corrective actions to address any identified issues.

Overview

Office of Accountability (OA) Supervisor Ted Smith and Specialist Troy Davis (Review Team) conducted a review of Coal's District 3 and the Bridgeport, West Virginia Field Office in accordance with the annual accountability review schedule. The on-site portion of the review was conducted from [REDACTED]. The review focused on inspection activities conducted in FY 2016 and included review of supervisory oversight activities. The review concentrated on the regular E01 inspection Event No. [REDACTED] of the [REDACTED] [REDACTED] conducted during the fourth quarter of FY 2016.

The [REDACTED] longwall mine was selected for review due to its size and complexity of mining.

Mine Visit

A member of the Review Team accompanied the Assistant District Manager (Technical ADM), Field Office Supervisor and an inspector to the [REDACTED] coal mine on [REDACTED] as part of a Regular Safety and Health Inspection (E01). During the mine visit, the Team member evaluated general conditions at the mine, assessed whether conditions at the mine are commensurate with enforcement levels documented in the inspection reports reviewed, and observed work practices at the mine site.

The mine is located in [REDACTED] and employs approximately [REDACTED] miners working three, eight-hour production shifts, five days per week. The mine consists of three active working sections, one longwall and two developing sections. The developing sections are full face mining sections using continuous type mining machines equipped with integral roof bolters. The mine produces an average of [REDACTED] of raw coal daily. Coal is transported from the mine by conveyor belts to the surface, and then to the on-site preparation plant.

The mine was conducting a longwall power move underground, therefore the section was not producing at the time of inspection/review. The accompanying inspector issued seven enforcement actions to the mine operator during the visit. The mine visit included inspections and observations of the following:

Working Section:

- examinations of the working section for imminent dangers, methane tests and air readings;
- ventilation, rock dusting, cleanup, and roof and rib conditions;
- work practices;
- permissibility of one scoop and visual observations of the section power center;
- a functional test of the post-accident communication and tracking system;
- Self-Contained Self-Rescuers (SCSRs) cache; and
- 36 man refuge alternative and escapeway maps.

Outby areas:

- travelway and alternate escapeway from the [REDACTED] to the MMU 066-0, signage and lifelines;
- dates, times, and initials of required examinations;
- a portion of the primary escapeway from the working section to 1st East belt drive, signage and lifelines;
- 1st East belt drive and firefighting equipment;
- 1st East conveyor belt entry from block 15 to the section tailpiece; and
- 16D seal set (five 120 psi seals).

Surface areas:

- mine examination records and postings;
- check-in/check-out system;
- communication and tracking system, and the Atmospheric Monitoring System (AMS) for early fire detection;
- posted escapeway maps; and
- the inspector's pre-inspection discussions with the operator.

Review Results

The review revealed positive findings in the following areas:

- For E01 Event [REDACTED] the ventilation and roof control plan discussions with miners on each section were well documented;
- For E01 Event [REDACTED] the areas traveled (start/stop points) both in the field notes and inspection tracking map were well documented;
- The rockdust map was well documented and easily understood; and
- During the mine visit inspection, the inspector was professional and clear in his interaction with the mine operator and miners.

The accountability review detected two issues that required a corrective action plan. (See Attachment B for Issues Requiring a Corrective Action Plan and Attachment C for Office of Accountability Checklist Items)

Issue 1: The documentation reviewed for the Regular Health and Safety Inspection (E01), Event No. [REDACTED] was not complete. (Office of Accountability Checklist Item #2)

- Copies of approval letters for approved plans were not included with the notes for nine enforcement actions issued for failure to comply with the approved plan.

Issue 2: The approved ventilation plan does not reflect all current conditions or practices in the [REDACTED] (Office of Accountability Checklist Item #25)

- The approved ventilation plan does not include a description or safety precautions for pumping water thru the water traps of 3D, 9D and 16D seals into the sealed area.

District staff along with both members of the Review Team analyzed the findings identified during this review to determine the root cause(s) of the issues. (See Attachment A)

A corrective action plan from the District Manager addressing the identified issues is attached to this report. (See Attachment A)

The Review Team also discussed with District staff inspection and procedural best practices as described in the Coal General Inspection Procedures Handbook (GIPH). Discussion topics are attached. (See Attachment E)

Based on the review of E01 Event No. [REDACTED] discussions concerning the mine's operations, and observations during the mine visit, the Review Team determined that the enforcement levels for the [REDACTED] are commensurate with existing mining conditions and work practices.

Attachments

- A. Corrective Action Plan
- B. Issues Requiring Corrective Action
- C. Office of Accountability Checklist
- D. Citations Issued during Mine Visit

- No. [REDACTED] 75.333(h)
- No. [REDACTED] 75.1731(b)
- No. [REDACTED] 75.363(a)
- No. [REDACTED] 75.503
- No. [REDACTED] 75.400
- No. [REDACTED] 316(b)(2)(A)
- No. [REDACTED] 75.333(h)

- E. Discussion Topics

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

District

Coal District 3

Field Office

Bridgeport, WV
Field Office

Mine ID

[REDACTED]

Date

[REDACTED]

Attachment A - Corrective Action Plan

U.S. Department of Labor

Mine Safety and Health Administration
604 Cheat Road
Morgantown, West Virginia 26508



December 8, 2017

MEMORANDUM FOR THOMAS W. CHARBONEAU
Director, Office of Assessments

THROUGH:

TED D. SMITH [REDACTED]
Supervisor, Office of Accountability

TIMOTHY R. WATKINS [REDACTED]
Acting Administrator for
Coal Mine Safety and Health

MARCUS A. SMITH [REDACTED]
Supervisor, Accident Investigation/
Special Investigations/ACR Group

FROM:

CARLOS T. MOSLEY [REDACTED]
District Manager
Coal Mine Safety and Health, District 3

SUBJECT:

Proposed Corrective Actions

This is a response to the review conducted by the Office of Accountability from [REDACTED] at the Morgantown District Office, Bridgeport Field Office, and the [REDACTED].

The results of your review identified two deficiencies which are required to be addressed by this district.

Issue 1: The documentation reviewed for the Regular Health and Safety Inspection (EOI) Event No. [REDACTED] was not complete. (Office of Accountability Checklist Item #2)

- A copy of the related approval letters for approved plans were not included with inspector's notes for nine enforcement actions issued for failure to comply with the approved plan.

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

District

Coal District 3

Field Office

Bridgeport, WV
Field Office

Mine ID

[REDACTED]

Date

[REDACTED]

ROOT CAUSE

Issue 1 was the result of mine inspectors not following procedures in place for properly documenting citations being issued. The deficiency was contributed to by insufficient supervisory oversight/feedback to inspectors concerning the requirements to include both of the pertinent pages of the approved plan and the approval cover page when issuing enforcement actions for violations of an approved plan.

PROPOSED CORRECTIVE ACTIONS

District 3 utilizes an electronic Uniform Mine File (eUMF). As part of the eUMF, all plans approved by the District Manager are maintained in the eUMF in a "living" plan format, starting with base plans. New base plans supersede all previous approvals. The individual pages are not date stamped when approved. When revisions or supplements are received, the applicable revised page(s) are approval date stamped and replace the previous page(s) in the base plan. The revision approval letter, along with the revision request and the replaced page(s), are maintained in the eUMF in a separate folder, filed by the approval date. We do not believe it would be necessary to include the approval letter for revised pages, since they are individually date stamped. This system was developed in District 3 and is being progressively implemented nationally.

We acknowledge that we did not always follow these procedures in the nine actions identified.

We believe that the intent of the General Inspection Procedures Handbook is to be able to identify the plan which was in effect at the time the citation was issued. District 3 will retrain our supervisors and inspectors to include a copy of the approval letter and pertinent page with the citation notes when the violated page is part of the base plan. We will also train them to only include the appropriate page from the plan when it has an approval date stamped on it. We are requesting that our specific system be considered when approving the corrective action plan.

OFFICE OR POSITION RESPONSIBLE FOR IMPLEMENTING THE CORRECTIVE ACTIONS

The Assistant District Manager for Enforcement will implement the corrective actions

TIMEFRAME FOR COMPLETION OF CORRECTIVE ACTION

The identified deficiencies were discussed in a supervisor staff meeting on April 6, 2017, and again on November 27, 2017. The training will be documented in the agenda and notes will be taken at the meeting. Supervisors will then provide the training to all ARs at their next monthly staff meeting. Attendance sheets will be completed and sent to the Staff Assistant for tracking purposes. The staff meeting

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

District

Coal District 3

Field Office

Bridgeport, WV
Field Office

Mine ID

██████████

Date

██████████

trainings will be completed by December 15, 2017. The final rosters will be maintained with the training records for the district.

METHOD FOR DETERMINING SUCCESS

Top Staff from District 3 will review all Roof Control and Ventilation Plan citations for the 1st Quarter of FY 2018. All Supervisory personnel from the District may assist the Management team with the review. The purpose of the review will be to determine if the corrective actions for this Office of Accountability review were successful, including a copy of the plan approval cover page or ensuring that the individual page is date stamped. The ADM for Enforcement will oversee this review and provide feedback to the District Manager.

A DESCRIPTION OF THE DOCUMENTATION THAT WILL DEMONSTRATE CLOSURE OF THE CORRECTIVE ACTION

The District Manager will send a memorandum to Thomas Charboneau, Director, Office of Assessments; through Ted Smith, Supervisor, Office of Accountability; through Timothy Watkins, Deputy Administrator for Coal Mine Safety and Health; and through Marcus Smith, Supervisor to the Accident Investigation/Special Investigation/ACR Group upon completion and evaluation of the corrective actions.

Issue 2: The approved ventilation plan does not reflect all current conditions or practices in the ██████████ (Office of Accountability Checklist Item #25)

- The plan does not include a description or safety precautions for pumping water through the water traps of the 3D, 9D, and 16D seals into the sealed area.

ROOT CAUSE

Issue 2 was the result of mine inspectors failing to identify violations of existing standards of 75.364(b)(4) & 75.333(h). The deficiency was contributed to by insufficient supervisory oversight/feedback to the inspectors concerning the proper requirements for the examinations of seals with the capability of pumping water through them and a lack of precautions in the Ventilation Plan.

PROPOSED CORRECTIVE ACTIONS

District 3 issued a September 21, 2017, Notice to all Underground Coal Mine Operators detailing proper examination of seals and explains that the ventilation plan must address installation and examination where water is pumped into and out of seals. This notice was provided to all mine operators to ensure all mine operators received

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

District

Coal District 3

Field Office

Bridgeport, WV
Field Office

Mine ID

██████████

Date

██████████

clarification of the policy. District 3 met with all affected underground coal mine operators. These operators were asked to submit a revised Ventilation Plan to include precautions for pumping water through seals when submitting their revision.

OFFICE OR POSITION RESPONSIBLE FOR IMPLEMENTING THE CORRECTIVE ACTIONS

The Assistant District Manager for Technical Programs will implement the corrective actions.

TIMEFRAME FOR COMPLETION OF CORRECTIVE ACTION

The identified deficiencies were discussed in a supervisor staff meeting on April 6, 2017, and again on November 27, 2017. The training will be documented in the agenda and notes will be taken at the meeting. Supervisors will then provide the training to all ARs at their next monthly staff meeting. Attendance sheets will be completed and sent to the Staff Assistant for tracking purposes. The guidance will be created and the staff meeting trainings will be completed by December 15, 2017. The final rosters will be maintained with the training records for the district.

METHOD FOR DETERMINING SUCCESS

The Assistant District Manager for Technical Programs will review all new Ventilation Base Plans and revisions to assure pumping water through seals for is properly addressed to comply with the new policy. Additionally, all ARs will be trained to identify on MSHA Form 2000-204 mines pumping water through seals without precautions in their Ventilation Plans.

A DESCRIPTION OF THE DOCUMENTATION THAT WILL DEMONSTRATE CLOSURE OF THE CORRECTIVE ACTION

The District Manager will send a memorandum to Thomas Charboneau, Director, Office of Assessments; through Ted Smith, Supervisor, Office of Accountability; through Timothy Watkins, Deputy Administrator for Coal Mine Safety and Health; and through Marcus Smith, Supervisor to the Accident Investigation/Special Investigation/ACR Group upon completion and evaluation of the corrective actions.

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

District Field Office Mine ID Date

Attachment B - Issues Requiring Corrective Action Plan

Issue 1: The documentation reviewed for the Regular Health and Safety Inspection (E01), Event No. ██████████ was not complete. (Office of Accountability Checklist Item #2)

- Copies of the related approval letters of the approved plans were not included with inspectors' notes for nine of nine enforcement actions issued for failure to comply with approved plans.

Requirement: GIPH, page 2-21: If an enforcement action results from failure to comply with an approved plan, permit, or petition, a copy of the related approval letter and pertinent page(s) shall be included with the inspector's notes.

Issue 2: The approved ventilation plan does not reflect all current conditions or practices in the ██████████ (Office of Accountability Checklist Item #25)

- The ██████████ routinely pumps water in behind seals through the water trap. The ventilation plan does not include a description or safety precautions for pumping water through the water traps of 3D, 9D and 16D seals into the sealed area. During the mine site visit the 16D seals were inspected and revealed that pumping had seized one month prior and the pump line was still attached to the water trap with the valve in the open position in No. 4 seal. The water trap could not be inspected to insure the atmosphere in the sealed area was not communicating through the pipe. The adjacent No. 3 seal was also found to have a two inch flat line attached to a pipe near the top of the seal with the valve open and communicating with the sealed area.

Requirement:

- 30CFR 75.335(b)(i) states in part "An engineering design application shall- Address gas sampling pipes, water drainage systems..."
- 30 CFR 75.335 (c) states in part "The installation of the approved seal design shall be subject to approval in the ventilation plan."

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

District

Coal District 3

Field Office

Bridgeport, WV
Field Office

Mine ID

██████████

Date

██████████

Attachment C - Office of Accountability Checklist

1. Determine if complete and thorough E01 inspections are being conducted and/or if policy and procedures were properly followed.

Adequate

Corrective Action Needed

Comments Below

2. Determine if documentation for inspections is complete and thorough.

Adequate

Corrective Action Needed

Comments Below

See Attachment B

3. 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

Corrective Action Needed

Comments Below

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

Adequate

Corrective Action Needed

Comments Below

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

Adequate

Corrective Action Needed

Comments Below

6. Evaluate, upon arrival on the working section, inspector/specialist examination of all working faces for imminent dangers.

Adequate

Corrective Action Needed

Comments Below

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

District Field Office Mine ID Date

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

Adequate Corrective Action Needed Comments Below

The mining cycle was not reviewed due to the section not producing during the inspection. Work practices and conditions were observed on the section.

8. Evaluate the inspector/specialist air quantity, quality, and gas checks during the review.

Adequate Corrective Action Needed Comments Below

9. Evaluate inspector/specialist examination of equipment electrical cables during the review.

Adequate Corrective Action Needed Comments Below

10. Evaluate inspector/specialist examination for permissibility during the review.

Adequate Corrective Action Needed Comments Below

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 Corrective Action Needed Comments Below

12. Evaluate, during the review, the inspection of at least one set of seals, including methods for obtaining samples from sealed area.

Adequate Corrective Action Needed Comments Below

See Attachment E

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

District

Coal District 3

Field Office

Bridgeport, WV
Field Office

Mine ID

██████████

Date

██████████

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

18. Determine if required Accompanied Activities (AAs); Field Activity Reviews (FARs) and supervisory follow-ups are being conducted and documented according to agency policy and procedures?

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

District

Coal District 3

Field Office

Bridgeport, WV
Field Office

Mine ID

██████████

Date

██████████

19. Determine if a 104(d) tracking system is in place and being kept current at the office being reviewed.

Adequate

Corrective Action Needed

Comments Below

20. Determine if the Uniform Mine File books are being maintained and reviewed according to current agency policy and procedures.

Adequate

Corrective Action Needed

Comments Below

District is using electronic mine file.

21. Determine if supervisors are thoroughly reviewing Uniform Mine Files at least annually?

Adequate

Corrective Action Needed

Comments Below

22. Determine if supervisors are visiting each active underground mine at least annually.

Adequate

Corrective Action Needed

Comments Below

23. Determine if all sections where retreat mining is occurring (not to include longwall mining) are being inspected at least monthly?

Adequate

Corrective Action Needed

Comments Below

24. Determine if documentation of staff meetings/safety meetings are effective and relevant to current issues and the Agency's mission.

Adequate

Corrective Action Needed

Comments Below

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

District

Coal District 3

Field Office

Bridgeport, WV
Field Office

Mine ID

[REDACTED]

Date

[REDACTED]

[REDACTED]

25. Determine, after an in-mine visit, if approved plans (Ventilation, Roof Control, Training, Emergency Response Plan (ERP), etc.) are compatible with mining conditions and equipment.

Adequate Corrective Action Needed Comments Below

See Attachment B

26. Determine if approved plans are being revised or updated to reflect changes in conditions and/or equipment.

Adequate Corrective Action Needed Comments Below

27. Determine if plan reviews are in compliance with current agency policy and procedures (performed within required timeframes, tracked from the date of submission, properly documented, and contain input from all affected departments and Field Offices).

Adequate Corrective Action Needed Comments Below

28. 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.

[REDACTED]

29. Determine if District management personnel are reviewing work products and reports for accuracy and completeness.

Adequate Corrective Action Needed Comments Below

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

District

Coal District 3

Field Office

Bridgeport, WV
Field Office

Mine ID

██████████

Date

██████████

30. Determine if District Managers, Assistant District Managers, and supervisors are conducting required mine visits and properly completing the required spreadsheet.

Adequate Corrective Action Needed Comments Below

31. Determine if District Manager is using discretion in granting conferences and monitoring the Alternative Case Resolution (ACR) program to ensure that all decisions (including upholding, modifying or vacating citations) are properly documented and justified by the Conference and Litigation Representatives (CLRs).

Adequate Corrective Action Needed Comments Below

NA – not part of this review

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

Adequate Corrective Action Needed Comments Below

33. Determine if Districts are conducting reviews in compliance with agency policy and procedures including follow-up to determine the effectiveness of corrective actions.

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

District Field Office Mine ID Date

35. Determine if District Managers are using the Report Center to identify overdue responses from operators and take appropriate actions.

36. Determine if a complete permissibility inspection of each longwall system is being conducted by electrical specialists or inspectors who hold a current MSHA electrical qualification card on at least an annual basis.

Adequate Corrective Action Needed Comments Below

37. Determine if a proper examination of the Atmospheric Monitoring System (AMS) and/or AMS systems that operate Carbon Monoxide (CO) sensors is being conducted. A complete inspection includes those items in the Coal General Inspection Procedures Handbook (GIPH) AMS checklist.

Adequate Corrective Action Needed Comments Below

38. Determine if SSIs are maintaining a memorandum detailing the reasons for not conducting a special investigation when the District Manager decides to take no further action, in accordance with the Special Investigations Procedures Handbook.

Adequate Corrective Action Needed Comments Below

NA – not part of this review

39. Determine if proper procedures for conducting, documenting, and reviewing MSHA respirable dust surveys are being followed. Proper documentation to include blue cards, 2000-86s, etc.

Adequate Corrective Action Needed Comments Below

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

District Field Office Mine ID Date

Determine if District Managers and Assistant District Managers are providing acting Field Office Supervisors with the level of oversight necessary to manage their work groups on a temporary basis including an online distance learning training course with a knowledge check for temporarily promoted supervisors. The guidance will be included in each District's Standard Operating Procedure (SOP) for training newly promoted Field Office Supervisors.

40.

[REDACTED]

The Roof Control Plan SOP should comply with the established Program Policy Manual requirements as identified by the OIG report to address deficiencies identified in the Internal Review report. The SOPs should account for:

41.

- checking that required information is submitted
- checking for communication with other plan approval groups
- assuring that designated MSHA personnel contact the operator for additional information
- discussing results of on-site evaluations with the operator and identified miners' representatives.

Adequate Corrective Action Needed Comments Below

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

District Coal District 3 Field Office Bridgeport, WV
Field Office Mine ID [REDACTED] Date [REDACTED]

Attachment D - Citations issued during Mine Visit

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

Section I - Violation Data

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

The permeant ventilation controls that isolate the belt air from the intake air is not maintained to serve as the purpose for which they were built in the following locations along the 1E coal conveyor belt. (1) There is a 3 by 3" hole in the top inby corner of the stopping at 26 block. (2) The return stopping at 28 block has a hole in the top inby corner measuring 2" by 12".

Standard 75.333(h) was cited [REDACTED]

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety Other	B. Section of Act	C. Part/Section of Title 30 CFR	75.333(h)
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Section II - Inspector's Evaluation

10. Gravity:

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

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

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

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

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

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

15. Area or Equipment

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

Section III - Termination Action

17. Action to Terminate

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. AR Name	23. AR Number		

MSHA Form 7000-1, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 2002, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive complaints 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, 406 G St Street, SW, MC 3120, Washington, DC 20416. Please note, however, that your right to file a complaint 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 District 3 Field Office Bridgeport, WV
Field Office 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 B. Written Notice (103g)

The 1E coal conveyor belt is not properly aligned to prevent the moving belt from contacting the belt structure or components. The bottom belt is rubbing the metal belt stands from 25 to 26 3/4 block on the tight side of the belt.

Standard 75.1731(b) was cited [REDACTED]

See Contention Form (MSHA Form 7000-2a)

9. Violation	A. Health Safety or Other	B. Section of Act	C. Part/Section of Title 30 CFR 75.1731(b)
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Section II - Inspector's Evaluation

10. Gravity

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

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

C. Significant and Substantial: Yes No D. Number of Persons Affected: (00)

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

12. Type of Action (04(a)) 13. Type of Issuance (check one) Citation Order Safeguard Written Notice

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

15. Area or Equipment

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

Section III - Termination Action

17. Action to Terminate The bottom belt roller has been adjusted to align the bottom belt to prevent the moving belt from rubbing the structure or belt components.

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. Priority of AR 22. AR Name 23. AR Number

This form is used to report violations and conditions found during inspections. It is not to be used for administrative purposes. The information on this form is used to determine the appropriate citation and order. The citation and order are issued by the Mine Safety and Health Administration. The citation and order are issued by the Mine Safety and Health Administration. The citation and order are issued by the Mine Safety and Health Administration.

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

District Coal District 3 Field Office Bridgeport, WV
Field Office Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I—Violation Data		
1. Date <small>Mo Da Yr</small> [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] <small>(Contractor)</small>
8. Condition or Practice <small>See Written Notice (103g)</small>		

The operator entered in the pre shift record book a violation of standard 75.1731(b) of the 1E coal conveyor belt not properly aligned 25 to 27 block for 4 consecutive shifts with no corrective actions taken.

Standard 75.363(a) was cited [REDACTED]

See Construction Form (MSHA Form 7000-3a)

8. Violation	A. Health Safety <input checked="" type="checkbox"/> Other	B. Section of Act	C. Part/Section of Title 30 CFR 75.363(a)
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Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (last) (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 (M(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 <small>Mo Da Yr</small> [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]	
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Section III—Termination Action

17. Action to Terminate Corrective action has been taken to correct the rubbing belt and the results have been recorded in the surface on shift record book.

18. Terminated	A. Date <small>Mo Da Yr</small> [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]	
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Section IV—Automated System Data

19. Type of Inspection (activity code) [01]	20. Event Number [REDACTED]	21. Primary or M2	
22. AR Name [REDACTED]	23. AR Number [REDACTED]		

This form is used to report violations of the Federal Mine Safety and Health Act of 1970, the Surface Mine Control and Reclamation Act of 1976, and the Federal Coal Leasing Reform, Administration, and Control Act of 1980. It is not to be used for reporting violations of the Federal Mine Safety and Health Act of 1970, the Federal Coal Leasing Reform, Administration, and Control Act of 1980, or the Federal Surface Mine Control and Reclamation Act of 1976. This form is not to be used for reporting violations of the Federal Mine Safety and Health Act of 1970, the Federal Coal Leasing Reform, Administration, and Control Act of 1980, or the Federal Surface Mine Control and Reclamation Act of 1976. This form is not to be used for reporting violations of the Federal Mine Safety and Health Act of 1970, the Federal Coal Leasing Reform, Administration, and Control Act of 1980, or the Federal Surface Mine Control and Reclamation Act of 1976.

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District Coal District 3 Field Office Bridgeport, WV
Field Office 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		9a. Written Notice (103g)	

The permissible Bucyrus scoop serial #620-2004 being operated on the 1E coal producing section, 066-MMU is not maintained in permissible condition. There is an opening in the main breaker panel exceeding 5 thousands of an inch when checked with a fillers gauge.

Standard 75.503 was cited [REDACTED]

See Continuation Form (MSHA Form 7000-1a)

9. Violation	A. Health Safety Other	B. Section of Act	C. Part/Section of Title 30 CFR
	<input checked="" type="checkbox"/>		75.503

Section II - Inspector's Evaluation

10. Gravity:

A. Injury or illness (yes) (no) No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

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

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

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

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

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

15. Area or Equipment

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

Section III - Termination Action

17. Action to Terminate: The panel lid has been removed, cleaned and sealed to gain compliance of permissibility.

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. AR Name 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 Act 10 Regional Farmers Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-866-REG-FAIR (1-866-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW, MC 2123, 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.

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District Coal District 3 Field Office Bridgeport, WV
Field Office 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)

Combustible materials in the form of coal and coal fines have accumulated in the deck of the Bucyrus scoop, serial #620-2004 being operated on the 1E coal producing section, 066-MMU. The coal and coal fines measure 3' by 3' up to 10" deep.

Standard 75.400 was cited [REDACTED]

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 75.400
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Section II—Inspector's Evaluation

10. Gravity:						
A. Injury or illness (has) (is):		No Likelihood <input type="checkbox"/>	Unlikely <input checked="" type="checkbox"/>	Reasonably Likely <input type="checkbox"/>	Highly Likely <input type="checkbox"/>	Occured <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 checked="" type="checkbox"/>	C. Moderate <input type="checkbox"/>	D. High <input type="checkbox"/>	E. Reckless Disregard <input type="checkbox"/>
12. Type of Action (1)(4)(a)		13. Type of issuance (check one)				
		Citation <input checked="" type="checkbox"/>		Order <input type="checkbox"/>	Safeguard <input type="checkbox"/>	Written Notice <input type="checkbox"/>
14. Initial Action		E. Citation/ Order Number			F. Dated Mo Da Yr	
A. Citation <input type="checkbox"/>		B. Order <input type="checkbox"/>		C. Safeguard <input type="checkbox"/>		D. Written Notice <input type="checkbox"/>
15. Area or Equipment						

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

17. Action to Terminate The accumulations have been removed and the deck of the scoop cleaned.

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

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

MSHA Form 7000-3, Apr 04 (rev/04) 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, 408 3rd Street, SW, M/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.

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Mine Citation/Order

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



Section I--Violation Data

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

The ERP plan is not being followed for the 1E coal producing section, 066-MMU. When observed a miner at the Refuge Alternative at 28 block, the dispatcher can only locate the miner location at 19 block on the 1E coal conveyor belt. Page 4, part 1 vii of the ERP plan states that Locating a reader to determine the location of miners within 200' of refuge alternatives.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety <input checked="" type="checkbox"/> Other	B. Section of Act 316(b)(2)(A)	C. Part/Section of Title 30 CFR
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Section II--Inspector's Evaluation

10. Gravity:								
A. Injury or illness (has)		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:				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
15. Area or Equipment								

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

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

Section IV--Automated System Data

19. Type of Inspection (activity code)	E01	20. Event Number	21. Primary or Mfr
22. AR Name			23. AR Number

MSHA Form 7000-3, Apr 04 (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, 408 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.

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Section I—Violation Data

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

8. Condition or Practice

B. Written Notice (103g)

The following 120 psi seals in the 16D district are not maintained to serve the purpose for which they were built. (1) The #3 seal has a 2" plastic pipe through the seal, with the ball valve on the end of the pipe in the open position allowing the sealed atmosphere behind the seal to enter the 9 South right return air course. (2) The #4 seal has the 8" shut off valve left in the open position in the seal trap.

Standard 75.333(h) was cited

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	75.333(h)
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Section II—Inspector's Evaluation

10. Gravity				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				D. Number of Persons Affected: 001
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input checked="" 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 Mo Da Yr <u> </u>	B. Time (24 Hr. Clock) <u> </u>
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Section III—Termination Action

17. Action to Terminate The valves have been turned to the closed position at the #3 and #4 seal to prevent the air from the sealed area to enter the return air course.

18. Terminated	A. Date Mo Da Yr <u> </u>	B. Time (24 Hr. Clock) <u> </u>
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Section IV—Automated System Data

19. Type of inspection (activity code) E01	20. Event Number <u> </u>	21. Primary or MR
22. AR Name <u> </u>		23. AR Number <u> </u>

MSHA Form 7000-3, Apr 88 (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 18 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 408 Srd 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 correct citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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Attachment E – Discussion Topics

Topics discussed with the District that do not require a corrective action plan are as follows:

- Documentation of Enforcement Actions – On four citations the negligence determinations were not clearly justified; on two citations the gravity determinations were not clearly justified for citations issued during the E01 Event reviewed. See Citation and Order Writing Handbook For Coal Mines and Metal and Nonmetal Mines, PH13-I-1(1), pages 10-18; Coal Mine Safety and Health General Inspection Procedures Handbook (GIPH), PH16-V-1, pages 2-19 through 22.
- MSHA Form 2000-22 – Discussed the following items: air sample records, Impoundments/Refuse Piles record and the Remarks section.
- MSHA Form 2000-141 -- Discussed completion of the Impoundment Inspection Form concerning the documentation of conditions observed.
- Inspection Tracking System (ITS) – Discussed documentation of equipment. Not all equipment documented in the field notes were in the ITS. GIPH 3-49
- Seals - Air quality readings were not always measured and documented downwind of the last seal in the each seal set (GIPH 3-64).
- Smoke Search Program (75.1702 Plan) – The current plan on file is dated [REDACTED] for the [REDACTED]
- Respirable Dust – The intake sample collected on MMU 062-0 was marked as type 7 on the blue card but recorded as Designated Area (DA) 862-0. Also MMU 069-0 sampled on [REDACTED] had recorded the [REDACTED] as a DA on the 2000-86 form.
- Ventilation Plan - The ventilation map depicts Evaluation Points (EPs) for evaluations of the West Main intake aircourses from 6 North bleeder to 8 North and Main West intake aircourse just inby the 7 South seals. There is no language in the ventilation plan which describes the purpose of these EPs or actions to be taken for changes in the air measurements or action levels which would prompt an immediate investigation of the area. The District is in the process of revising the plan. The team also discussed the section of the plan pertaining to the Methane Drainage system and recommended the Standard Dimension Ratio (SDR) rating for the pipe be listed in the approved ventilation plan.