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; 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 mine 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) Specialists Jerry Kissell and Mark Odum (Review Team) conducted a review of Coal's District 5 and the Pikeville, Kentucky Field Office in accordance with the annual accountability review plan schedule. The Review Team conducted the on-site portion of the review from The review focused on inspection and supervisory oversight activities for Regular Safety and Health Inspection (E01), Event No. conducted during the third quarter of FY 2017. The OA selected the mine for review because it is a large mine and utilizes retreat second mining as part of the mining process.

Mine Visit

The Review Team accompanied the Assistant District Manager for Enforcement, the Field Office Supervisor, the Staff Assistant, and an inspector to the mine on on a Spot Inspection (E02). During the visit the Review Team evaluated general conditions and observed work practices at the mine. The team also assessed whether conditions corresponded with enforcement levels documented in the inspection reports reviewed.

The mine is located in and employs approximately miners working two, ten-hour production shifts and a maintenance shift, five days per week. The mine consists of two mining sections with three Mechanized Mining Units (MMUs) producing an average of of raw coal annually. Coal is transported by conveyor belts to the surface and then by an overland belt to the off-site preparation plant.

The mine visit included inspections and observations of the following:

- mine examination records;
- escapeway map;
- communication and tracking system;
- check-in/check-out system;
- discussions with the mine personnel;
- #1 section, MMUs 006 and 007;
- section air readings and checks of the section for imminent dangers;
- section power center, SCSRs, and refuge alternative;
- 4B conveyor belt drive/transfer area;
- alternate escapeway from the section;
- lifelines and signage; and
- general conditions in all areas traveled – roof and rib conditions, ventilation, clean-up, and rock dusting.
Review Results

The inspection event reviewed revealed positive findings in the following areas:

- Inspectors documented safety talks with miners on all shifts.
- Inspectors used pre-printed note sheets to assist in documenting inspection results.

The review identified one issue that required a corrective action plan. (See Attachment A)

Issue 1: [Redacted]

[See Attachment B for Issues requiring a Corrective Action Plan and Attachment C for Office of Accountability Checklist Items]

District Staff along with the Review Team analyzed the findings to determine the cause of

[Redacted]

The Review Team discussed with District personnel inspection and procedural best practices as described in the Coal Mine Safety and Health General Inspection Procedures Handbook (GIPH). A general outline of discussion topics is attached. (See Attachment E)

As a part of the review, the OA compared enforcement levels of the mine with the District and National averages. The mine had the following statistics for FY 2017: an S&S rate of 20% which was slightly lower than the District average of 25% and the National average of 22% for the same period; an elevated negligence rate of 7.3% as compared to the District average of 6.1% and National average of 4.4%; and had a violation per inspection hour (VPIH) rate of 0.16 compared to the District rate of 0.11 and the National rate of 0.10.

During the mine visit on [Redacted] the inspector issued eight 104(a) enforcement actions. (See Attachment D). Based on observations made during the mine visit, the inspector’s enforcement levels were appropriate.
Attachments

A. Corrective Action Plan

B. Issues Requiring Corrective Action

C. Office of Accountability Checklist

D. Enforcement Actions Issued During the Mine Visit

- 75.202(a)
- 75.220(a)(1)
- 75.370(a)(1)
- 75.1505(a)(1)
- 75.1714-4(e)
- 75.1505(a)(3)
- 75.400
- 75.606

E. Discussion Topics
MEMORANDUM FOR TED SMITH
Supervisor, Office of Accountability

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

MARCUS A. SMITH
Supervisor, Accident Investigation/
Special Investigation/ACR Group

FROM: Gregory B. Meikle
Acting District Manager
District No. 5

SUBJECT: Proposed Corrective Action Plan

This is a response to the review conducted by the Office of Accountability from

[redacted] at the Pikeville, Kentucky Field Office, District 5. The results of

your review identified one (1) deficiency, which is required to be addressed by

District 5.

Issue No. 1:

- Root Cause: [redacted]
- Proposed Corrective Actions: The proposed corrective action for this
deficiency, which was identified during the OA Review conducted.
requirement for this item will be noted from the

CIPRA, an attendance roster will be signed by all participants and a

record of the training will be kept with the corrective actions for this

review.

- **Office or Position Responsible for Implementing the Corrective
  Actions:** The Staff Assistant will be responsible for ensuring the
  implementation of this corrective action.

- **Timeframe for Completion of each Corrective Action:** The
  corrective action will be implemented in the next scheduled
  meeting.

- **Method for Determining Success:** The Staff Assistant:

  will be responsible for ensuring the success of this corrective action. Also, a short memo/checklist will be put together
  addressing these issues and will be included in the files.

The District Manager will send a memorandum to Thomas W. Charboneau,
Director, Office of Assessment through Ted Smith, Supervisor, Office of
Accountability, through Timothy R. Watkins, Deputy Administrator for Coal Mine
Safety and Health, and through Marcus A. Smith, Supervisor, Accident
Investigation/Special Investigations/ACR Group upon completion and evaluation
of the corrective actions.
Attachment B - Issues requiring Corrective Action

Issue 1:

Requirements:

Citation and Order Writing Handbook for Coal Mines and Metal and Nonmetal Mines, PH13-I-1, June 2013 –

p. 2 - Mine Safety and Health Administration (MSHA) personnel must constantly strive for accuracy in writing citations and orders. A significant percentage of citations and orders have been overturned during the legal process for reasons such as:

• failure to cite the appropriate standard;

• failure to establish the existence of an imminent danger;

• assumptions or suppositions not based on evidence of facts;

• failure to specifically describe the area of danger or area affected;

• issuance of a 107(a) order for control purposes when no imminent danger exists;

• illegible or confusing writing; and
• failure to properly evaluate the degree of gravity, exposure to the hazard, or the mine operator's negligence.

The description of a violation must be written in such a manner that all parties know the true nature of the situation. The descriptive narrative must include information that clearly establishes a violation and describes with particularity the nature of the violation. The proposed civil penalty prepared by the Office of Assessments is determined, in part, by information contained in the citation or order.
### 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

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 to the active pit, inspector/specialist examination of all working areas and highwalls for imminent dangers.
   
   - [ ] Adequate
   - [ ] Corrective Action Needed
   - [ ] Comments Below
<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>7.</td>
<td>Evaluate the inspector/specialist observation of the work cycle and conditions in the active mining area during the review. Adequate ( \times ) Corrective Action Needed ( \square ) Comments Below ( \square )</td>
</tr>
<tr>
<td>8.</td>
<td>Evaluate the inspector/specialist air quantity, quality, and gas checks during the review. Adequate ( \times ) Corrective Action Needed ( \square ) Comments Below ( \square )</td>
</tr>
<tr>
<td>9.</td>
<td>Evaluate inspector/specialist examination of equipment electrical cables during the review. Adequate ( \times ) Corrective Action Needed ( \square ) Comments Below ( \square )</td>
</tr>
<tr>
<td>10.</td>
<td>Evaluate inspector/specialist examination for permissibility during the review. Adequate ( \times ) Corrective Action Needed ( \square ) Comments Below ( \square )</td>
</tr>
<tr>
<td>11.</td>
<td>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 ( \times ) Corrective Action Needed ( \square ) Comments Below ( \square )</td>
</tr>
<tr>
<td>12.</td>
<td>Evaluate, during the review, the inspection of at least one set of seals, including methods for obtaining samples from sealed area. Adequate ( \square ) Corrective Action Needed ( \square ) Comments Below ( \times ) Seals not inspected due to none near the inspection area.</td>
</tr>
</tbody>
</table>
13. Determine if adequate close-out conferences are being conducted at the end of each inspection.
Adequate [X] Corrective Action Needed [ ] Comments Below [ ]

14. Determine if Possible Knowing/Willful (PKW) Forms are documented and processed according to agency policy and procedures.
Adequate [X] 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 [X] Corrective Action Needed [ ] Comments Below [ ]

16. Determine if Hazard Complaint inspections/investigations are being conducted according to policy and procedures.
Adequate [X] 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 [X] 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.
<p>| | | | | |</p>
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</thead>
<tbody>
<tr>
<td>19.</td>
<td>Determine if a 104(d) tracking system is in place and being kept current at the office being reviewed.</td>
<td>Adequate</td>
<td>Corrective Action Needed</td>
<td>Comments Below</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>X</strong></td>
<td></td>
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<tr>
<td>20.</td>
<td>Determine if the Uniform Mine File books are being maintained and reviewed according to current agency policy and procedures.</td>
<td>Adequate</td>
<td>Corrective Action Needed</td>
<td>Comments Below</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>X</strong></td>
<td></td>
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<tr>
<td>21.</td>
<td>Determine if supervisors are thoroughly reviewing Uniform Mine Files at least annually.</td>
<td>Adequate</td>
<td>Corrective Action Needed</td>
<td>Comments Below</td>
</tr>
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<td></td>
<td></td>
<td><strong>X</strong></td>
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<tr>
<td>22.</td>
<td>Determine if supervisors are visiting each active underground mine at least annually.</td>
<td>Adequate</td>
<td>Corrective Action Needed</td>
<td>Comments Below</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>X</strong></td>
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<td>23.</td>
<td>Determine if all sections where retreat mining is occurring (not to include longwall mining) are being inspected at least monthly.</td>
<td>Adequate</td>
<td>Corrective Action Needed</td>
<td>Comments Below</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>X</strong></td>
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<tr>
<td>24.</td>
<td>Determine if documentation of staff meetings/safety meetings are effective and relevant to current issues and the Agency's mission.</td>
<td>Adequate</td>
<td>Corrective Action Needed</td>
<td>Comments Below</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>X</strong></td>
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</tbody>
</table>
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 [X] Corrective Action Needed [] Comments Below []

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

Adequate [X] Corrective Action Needed [] Comments Below []

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 [X] Corrective Action Needed [] Comments Below []

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.

Determine if District management personnel are reviewing work products and reports for accuracy and completeness.
Determine if District Managers, Assistant District Managers, and supervisors are conducting required mine visits and properly completing the required spreadsheet.

Adequate $\checkmark$ Corrective Action Needed $\Box$ Comments Below $\Box$

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 $\Box$ Corrective Action Needed $\Box$ Comments Below $\checkmark$

NA – not part of this review

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

Adequate $\checkmark$ Corrective Action Needed $\Box$ Comments Below $\Box$

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

Adequate $\checkmark$ Corrective Action Needed $\Box$ Comments Below $\Box$

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 $\checkmark$ Corrective Action Needed $\Box$ Comments Below $\Box$
Determine if District Managers are using the Report Center to identify overdue responses from operators and take appropriate actions.

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.

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.

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.

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.
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.

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:

- 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 [X] Corrective Action Needed [ ] Comments Below [ ]
The roof, face and ribs of areas where persons work or travel shall be supported or otherwise controlled to protect persons from hazards related to falls of the roof, face or ribs and coal or rock bursts. Drawrock is present located at the end of track and in the travelway on the 006/007 mmu. When measured the drawrock in by the end of track (approx. 90') was approx. 2 inches thick, when pulled it broke into 3 different pieces was pulled each piece was approx. 2' long 12 to 18 inches wide. The drawrock in the travelway was approx. 5 inches thick and was 12' wide when pulled it broke into 2 pieces. This condition exposes miners to the hazards related to injuries from fallen rock.

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

District | Coal District 5  
Field Office | Pikeville, KY  
Mine ID |  
Date |  

| Mine Citation/Order | U.S. Department of Labor  
| Mine Safety and Health Administration |  
| Section 1: Subsequent Action & Continuation Data |  
| 1. Subsequent Action & Continuation Date |  
| 2. Date (Original Issued) |  
| 3. Citation/Order Number |  
| 4. Served To |  
| 5. Date |  
| 6. Mine |  
| 7. Mine ID |  
| (Contractor) |  

Section 2: Justification for Action  

Continuation of & Citation of Practice  

Standard 75.202(a) was cited  

Section 3: Inspection Data  

| Type of Inspection |  
| Event Number |  
| 11. A|  
| A Number |  
| 12. Date |  
| 13. Time (24 Hr. Clock) |  

MSHA Form 7000-1&  
Mar 18  

See Continuation Form
The operator has failed to comply with the approved roof control plan dated The #8 heading bid off was not bolted to within 4 feet of the face as required by page #17 of the roof control plan. When measured the last row of bolts was approx. 6 feet from the face. This condition exposes miners to the hazards of traveling inby permanent support.

Standard 75.220(a)(1) was cited
# Mine Citation/Order

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

**District** Coal District 5  **Field Office** Pikeville, KY  **Mine ID**  **Date**

<table>
<thead>
<tr>
<th>Mine Citation/Order</th>
<th>U.S. Department of Labor</th>
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<tbody>
<tr>
<td><strong>Section 1—Violation/Order</strong></td>
<td>Mine Safety and Health Administration</td>
</tr>
<tr>
<td>1. Date</td>
<td>Mo Da Yr</td>
</tr>
<tr>
<td>2. Time (24 Hr. Clock)</td>
<td></td>
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<tr>
<td>3. Citation/Order Number</td>
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<tr>
<td>4. Served To</td>
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<tr>
<td>5. Operator</td>
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<td>6. Mine</td>
<td></td>
</tr>
<tr>
<td>7. Mine ID</td>
<td></td>
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<tr>
<td>8. Condition or Practice</td>
<td>By Written Notice (102p)</td>
</tr>
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</table>

The operator has failed to comply with the approved ventilation plan dated in the 007 mmu. Page 123 requires 2,000 cfm behind the line curtain in idle places. When checked the #5 right and #6 heading didn't have the required amount of air. When checked only 1,133 cfm was at #5 right and only 784 cfm was at #6 heading. This condition exposes miners to the hazards related to methane buildup. 0% methane was detected across the section.

Standard 75.370(a)(1) was cited.

<table>
<thead>
<tr>
<th>Section 2—Inspector's Evaluation</th>
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<tr>
<td>10. gravity</td>
<td>A. Injury or Illness (has it)</td>
</tr>
<tr>
<td></td>
<td>B. Likelihood</td>
</tr>
<tr>
<td></td>
<td>C. Probability</td>
</tr>
<tr>
<td></td>
<td>D. Occurrence</td>
</tr>
</tbody>
</table>

11. Negligence (check one)
A. None | B. Lack | C. Moderate | D. High |

12. Type of Action [114(2)]
A. Notice | B. Order | C. Safeguards | D. Citation |

14. Area of Equipment

16. Termination Date
A. Date | Mo Da Yr |

17. Action to Terminate
The operator has increased the amount of air in the idle places. #5 right has 2,483 and #6 heading has 2,156.

18. Termination Date
A. Date | Mo Da Yr |

19. Action to Terminate

20. Type of Inspection (activity code) | J102 |

22. AR Name | |

*Note: From 70045, Apr 09 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1995, the Small Business Administration has established a Small Business and Agriculture Regulatory Enforcement Program and an Ombudsmen Board to receive complaints from small businesses about agency enforcement actions. The Ombudsmen annually evaluates enforcement agencies and reports its findings to Congress. This program is available to all businesses. If you wish to comment on the enforcement actions of MSHA, you may call 1-866-622-6271 (1-866-622-6271), or write the Ombudsmen at: Small Business Administration, Office of the National Ombudsmen, 420 3rd Street SW, MC 1310, Washington, DC 20410. Please note, however, that your sign on a file is a comment with the Ombudsmen in addition to any other rights you may have, including the right to file a complaint and receive a response and obtain a hearing before the Federal Mine Safety and Health Review Commission.*

20
The escapeway map provided for the 006/007 mine is not being kept up to date. When checked, the map does not show the outby refuge shelter and does not clearly mark the route of travel in that previously mined panel. This condition would delay escape of the miners.

United States Department of Labor
Mine Safety and Health Administration
Office of Accountability
District Coal District 5
Field Office Pikeville, KY

Mine ID
Date

<table>
<thead>
<tr>
<th>Type of Action/Order</th>
<th>Description</th>
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<tbody>
<tr>
<td>A. Notice</td>
<td>No Notice</td>
</tr>
<tr>
<td>B. Penalty</td>
<td>No Penalty</td>
</tr>
<tr>
<td>C. Suspension</td>
<td>No Suspension</td>
</tr>
<tr>
<td>D. Revocation</td>
<td>No Revocation</td>
</tr>
<tr>
<td>E. Cessation</td>
<td>No Cessation</td>
</tr>
<tr>
<td>F. Other</td>
<td>No Other</td>
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</table>

Standard 75.150(d)(1) was cited.
The SCSR's stored on the 006/007 mlu is not be stored properly. The SCSR's storage boxes are damage. The lid on the 3 SCSR box lid will not close and the main SCSR's box has been weight down causing the top to sag in and not allowing the door to open and the other door will not close. When checked no visible damage was seen.

Standard 75.1714-4(e) was cited.
The escapeway map provided for the 006/007 mnu refuge shelter is not being kept up to date. When checked, the map does show the outby refuge shelter and doesn't clearly mark the route of travel in that previously mined panel still show the escapeway route. This condition would delay escape of the miners.
Combustible material is present around the 006/007 main section tailpiece. Coal spillage is present at the front of the tailpiece and at the tail roller. The spillage at the front measures up to 4 inches deep and was starting to come in contact with the moving belt. The spillage at the rear was approx. 7 inches high. The tailpiece was setting in standing water approx. 4 inches deep.

Standard 75.400 was cited.
United States Department of Labor  
Mine Safety and Health Administration  
Office of Accountability  

District: Coal District 5  
Field Office: Pikeville, KY  

 Mine Citation/Order  

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

**District**: Coal District 5  
**Field Office**: Pikeville, KY  
**Mine ID**  
**Date**  

| Mine Citation/Order | U.S. Department of Labor  
|---------------------|-------------------------|
| **Section I—Violation Details** | **Mine Safety and Health Administration**  
| **1. Date** |  
| **2. Time (24 Hr. Clock)** |  
| **3. Citation/Order Number** |  
| **4. Issued To** |  
| **5. District** |  
| **6. Mine** |  
| **7. Mine ID** |  
| **8. Condition or Practice** |  
| **9. Written Notice (106g)** |  

### Violation

The Shuttle car (s/n ET16909) cable is not be protected from mobile equipment. When checked the shuttle car was park on top of its cable. This shuttle car is used to haul coal on the 006 main. This condition exposes miners to the hazards related to electrical shock. The section is wet with standing water in places.

**Standard 75.606 was cited**

### Section II—Inspection Details

<table>
<thead>
<tr>
<th>9. Violation</th>
<th>A. Health</th>
<th>B. Section of Act</th>
<th>C. Part/Section of Title 30 CFR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>75.606</td>
</tr>
</tbody>
</table>

### Section III—Inspection Details

<table>
<thead>
<tr>
<th>10. Gravity</th>
<th>A. Injury or Illness (Injury)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No Likelihood</td>
</tr>
<tr>
<td></td>
<td>B. Injury or Illness could reasonably be expected to be</td>
</tr>
<tr>
<td></td>
<td>No Lost Workdays</td>
</tr>
<tr>
<td></td>
<td>Permanently Disabled</td>
</tr>
<tr>
<td></td>
<td>C. Significant and Substantial</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>D. Number of Persons Affected</td>
</tr>
</tbody>
</table>

### Section IV—Inspection Details

<table>
<thead>
<tr>
<th>11. Negligence (check one)</th>
<th>A. None</th>
<th>B. Low</th>
<th>C. Moderate</th>
<th>D. High</th>
<th>E. Reckless Disregard</th>
</tr>
</thead>
</table>

### Initial Action

<table>
<thead>
<tr>
<th>12. Type of Action</th>
<th>04(b)</th>
</tr>
</thead>
</table>

### Action to Terminate

The operator moved the shuttle car and checked the cable for damage.

### Action to Terminate

<table>
<thead>
<tr>
<th>16. Termination Date</th>
<th>A. Date</th>
<th>B. Time (24 Hr. Clock)</th>
</tr>
</thead>
</table>

**Notes**

1. The citation is for a violation of the Surface Mining Act of 1977, which applies to mining activities on lands subject to Federal jurisdiction. You may file a federal lawsuit within 30 days of the date of issuance of the citation, or you may contest the citation by requesting a hearing before the Federal Mine Safety and Health Review Commission. You may also file a state court lawsuit within any time period allowed by the state law. Please note, however, that the right to contest the citation is in addition to any other rights you may have, including the right to contest violations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.  

2. **Title 30 of the Code of Federal Regulations (CFR)** is the official codification of the Federal Rules and Regulations. The Code of Federal Regulations is published by the Office of the Federal Register, National Archives and Records Administration (NARA). The regulations are organized by topic, and each regulation has a specific code and number. The Code of Federal Regulations is an official publication of the United States Government and is updated regularly to reflect changes in federal regulations. The Code of Federal Regulations is divided into 50 titles, each containing parts that are further divided into chapters. The citation for the regulation that is being cited in this document is **75.606**, which relates to the protection of mobile equipment from electrical hazards. This regulation is located in **Title 30, Part 75, Section 606** of the Code of Federal Regulations. This section of the Code of Federal Regulations contains regulations that are specific to the mining industry, including regulations related to the protection of mobile equipment from electrical hazards.

3. The citation was issued by the Mine Safety and Health Administration (MSHA) on May 31, 2012, at 12:00 PM. The citation was issued to the mine operator, who was charged with failing to protect mobile equipment from electrical hazards. The citation included a penalty of $10,000, which the mine operator was required to pay within 15 days of the date of issuance. The citation was issued after an inspection of the mine by MSHA inspectors, who found that the mobile equipment was not properly protected from electrical hazards. The citation was issued under the authority of the Surface Mining Act of 1977, which established the MSHA and set forth the regulations governing the mining industry.
Attachment E – Discussion Topics

Enforcement Actions:
- discussed documentation of reasons for gravity and negligence for five of 82 issuances (See GIPH p. 2-20 for reference)

Uniform Mine File:
- discussed the need to remove obsolete information in UMF – one letter needed to be removed from special attention area
- discussed the need to update 104(d) status/tracking information (See Coal Uniform Mine File Procedures Handbook, PH14-V-1, January 2014, p. 1-1 and 1-2 for reference)