



January 4, 2013

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for Operations
Mine Safety and Health Administration

THROUGH:

KEVIN G. STRICKLIN
Administrator for
Coal Mine Safety and Health

(b) (6)

FROM:

JAY MATTOS
Director, Office of Assessments, Accountability,
Special Enforcement and Investigations

(b) (6)

SUBJECT:

MSHA Office of Accountability Audit, Coal District 9 and the
Farmington, New Mexico Field Office, (b) (6)
(b) (6)

Introduction

This memorandum summarizes the Office of Accountability audit of the subject district office, field office, and mine. The audit 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 division. The audit included evaluations to determine if there were any deficiencies in areas commonly identified during Agency internal reviews of MSHA's actions following past mine disasters.

Positive findings, as well as issues requiring attention are included in this audit report.

Overview

The audit was conducted by Accountability Specialists Arlie A. Webb, Jerry J. Kissell, and Supervisory Accountability Specialist Ted Smith from (b) (6). The (b) (6) (b) (6) accompanied the accountability specialists during this audit.

The audit team traveled with the inspection party to the mine on a regular (E01) inspection. Following a pre-inspection conference, and an examination of the mine site for imminent dangers, the team travelled to (b) (6). Inspection of (b) (6) included the highwalls, haul roads, berms, B&E Model 495B electric shovel, hauling and dumping activities, high voltage cables, and general work practices.

Inspection of the 6 West pit included maintenance on the electric shovel, coal loading and haulage practices, highwalls, haul roads, berms, high voltage cables, and general work practices.

Other areas inspected were access roads and signage, Caterpillar D-10 bulldozer, spoil banks, abandoned pits, mine communication system, the mine office, bulletin boards, mine record books and the mine map. A close out conference was conducted at the end of the inspection day.

Audit Results

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

1. 103(i) spot inspections (E02) were conducted at irregular intervals and within required time frames.
2. Enforcement personnel used appropriate enforcement tools during the mine site visits.
3. Staff and safety meetings at the Farmington field office were well documented and show a review of current information regarding MSHA policies and procedures.
4. Inspectors at the Farmington field office were courteous and professional in their interactions with miners and mine operators.
5. Each active underground mine in District 9 was visited by a supervisor or manager at least once during FY 2011.
6. The Assistant District Manager (Enforcement Division) completed all required second levels reviews for the audit period.

This audit revealed four issues that require corrective actions:
(Supporting data for each issue can be found in the OA checklist and attachments.)

1. The MSIS database is not being kept up to date with accurate information regarding mine status or mine work schedule. The district should review the status, work schedule and methane liberation rates for each mine to ensure they are properly coded.
2. The tracking system for supervisory mine visits shows that each active underground mine in District 9 was visited by a manager or supervisor during FY 2011. However, the tracking system also shows that three supervisory positions did not conduct the minimum required number of visits.
3. The minimum required Field Activity Reviews (FARs) and 2nd level reviews were not completed for the 2nd half of FY 2011 and the 1st half of FY 2012 for the Farmington, NM field office, and the District's Ventilation and Electrical groups.
4. The minimum required Accompanied Activities (AAs) and 2nd level reviews were not completed for the 2nd half of FY 2011 and the 1st half of FY 2012 in the Farmington, NM field office, and the District's Ventilation, Roof Control, and Electrical groups.

Attachments

A. Internal Review Summary

B. Office of Accountability Checklist

C. Statistics

D. Citations/Orders Issued During Audit

- | | |
|------------|-------------|
| 1. (b) (6) | 77.604 |
| 2. (b) (6) | 77.410(c) |
| 3. (b) (6) | 77.1607(aa) |
| 4. (b) (6) | 77.512 |
| 5. (b) (6) | 77.404(a) |
| 6. (b) (6) | 77.502 |
| 7. (b) (6) | 77.1606(a) |

E. Examples of Citations Issued During Previous E01 Inspections
(No potential issues were identified during this audit)

F. District Corrective Action Plan

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Attachment A – Internal Review Summary

The table below lists the most common internal review findings following mine disasters. District 9 had three of the most commonly identified issues.

	Common Internal Review Findings	Examples of Deficiencies
x	Failure to identify deviations in approved plans.	Not identifying operator departures from requirements in any plan that requires approval, such as training plans, roof control plans, ventilation plans, emergency response plans, etc.
	Incomplete or inadequate inspections.	Not following policy or procedures for conducting inspections. Failure to cite all violations. Not inspecting all areas and equipment.
	Failure to conduct 103(i) spot inspections according to policy.	Not conducting spot inspections not conducted in a timely manner and at irregular intervals.
x	Supervisors did not provide adequate oversight.	No review/lax review of inspection reports. Inadequate review of PKW/SAR forms. Failure to conduct required Field Activity Reviews and Accompanied Activities.
	Improper evaluations of gravity, negligence and type of enforcement action.	Inadequate documentation to support citation and evaluation. Failure to consider and document aggravating or mitigating circumstances.
	Inadequate Peer Reviews	Inadequate district level Peer Reviews. Failure to adopt and follow corrective action plans. Failure to follow up or monitor effectiveness of corrective action plans.
	Weakness in the ACR Program	Not following ACR handbook. Inadequate management oversight. Failure to follow the Mine Act, MINER Act, 30 CFR and MSHA policy.
x	MSHA data not used or reviewed.	Key Indicators, Mine Profile, Inspection completion reports not being used. Failure to keep MSIS data up to date and accurate.
	Lack of unwarrantable failure tracking system	No or inadequate unwarrantable failure sequence tracking system.
	Conflict of Interest	Inspecting prior employers, employment of relatives
	Failure to comply with Hazard Complaint Procedures.	Improper coding of inspections. Inadequate documentation of inspections/investigations.
	Investigations of multi-phase plans	Failure to conduct on-site evaluations of plans.
	Failure to observe retreat mining.	Inadequate periodic evaluations when retreat mining is conducted.

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Attachment B – Audit Checklist (with corrective actions)

1. Determine if complete and thorough E01 inspections are being conducted.

Adequate Corrective Action Needed Comments Below

Determine if citations and orders issued during previous inspections were

2. properly evaluated for gravity, negligence, level of enforcement, number of persons affected, and supported by documentation.

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

This audit included a visit to a surface mine

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

This audit included a visit to a surface mine

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

Adequate Corrective Action Needed Comments Below

A review of rock dust surveys at underground mines shows that areas deemed too wet to sample are being revisited for at least four quarters or until conditions allow the collection of rock dust samples.

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

Adequate Corrective Action Needed Comments Below

This audit included a visit to a surface mine

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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

No PKW forms were reviewed during this audit.

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 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

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18. Are required Field Activity Reviews (FARs) and supervisory follow-ups being conducted and documented according to agency policy and procedures?

Adequate Corrective Action Needed Comments Below

Two of the four required FARs were completed for the 1st half of FY 2012 in the Farmington field office. No FARs were provided to the audit team for 2nd half of FY 2011 for the Farmington field office.

(b) (6) – None of the four required FARs were completed for the 2nd half of FY 2011. One of the two required FARs were completed for the 1st half of FY 2012. (One employee received two FARs, and one employee received zero FARs)

(b) (6) – One of the four required FARs were completed for the 2nd half of FY 2011. Two of the three required FARs were completed for the 1st half of FY 2012.

Coal Mine Safety and Health Supervisors Handbook, AH-08-III-1 Chapter 1, section X, part A states that “The supervisor must document a FAR conducted on a completed inspection assignment for each of his/her inspectors and specialists during the first and second half (six month intervals) of each fiscal year.”

NOTE: During this time frame the (b) (6) was conducting E01, E02, and E04 inspection work. (b) (6)
(b) (6)

The (b) (6), consisting of (b) (6) in the district office, (b) (6) in the Price, Utah field office, and a (b) (6) reviewed 391 plans/addendums and 33 maps for approval during the audit period.

In addition, (b) (6) spent several weeks on site at the aforementioned fire/explosion, and at two other incidents during 2011 and early 2012.

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District Corrective Action:

A memorandum will be issued to the supervisors, instructing them to complete all mine visits, FARs, and AAs as required. To measure the outcome, the Assistant District Managers for Inspection Programs and Technical Programs will require the supervisors to develop and maintain a calendar tracking these activities. Both Assistant District Managers will follow-up in 6 months to ensure this is being done.

19. Are Accompanied Activities (AAs) and supervisory follow-ups being conducted and documented according to agency policy and procedures?

Adequate

Corrective Action Needed

Comments Below

Four of the eight required AAs were completed for the 1st half of FY 2012 in the Farmington, NM field office. No AAs were provided to the audit team for 2nd half of FY 2011 for the Farmington field office.

(b) (6) – Four of the six required AAs were completed for the 2nd half of FY 2011. Two of the six required AAs were completed for the 1st half of FY 2012.

(b) (6) – None of the four required AAs were completed for the 2nd half of FY 2011. Two of the four required AAs were completed for the 1st half of FY 2012.

(b) (6) – One of the four required AAs were completed for the 2nd half of FY 2011. Two of the six required AAs were completed for the 1st half of FY 2012.

Coal Mine Safety and Health Supervisors Handbook, AH-08-III-1 Chapter 1, section X, part B states that “Supervisors shall document an accompaniment for each of their inspectors and specialists at least twice during the first half and second half (six month intervals) of each fiscal year.”

NOTE: During this time frame the (b) (6) was conducting E01, E02, and E04 inspection work. (b) (6)

(b) (6)

The (b) (6), consisting of (b) (6) in the district office, (b) (6) in the Price, Utah field office, and (b) (6) reviewed 391 plans/addendums and 33 maps for approval during the audit period. (b) (6)

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(b) (6) spent several weeks on site at the
aforementioned fire/explosion, and at two other incidents during 2011 and early 2012.

During this time frame there were several bounces/bumps or other roof-related incidents
that required the (b) (6) and (b) (6) to
spend additional time at those mines.

District Corrective Action:

A memorandum will be issued to the supervisors, instructing them to complete all mine
visits, FARs, and AAs as required. To measure the outcome, the Assistant District
Managers for Inspection Programs and Technical Programs will require the supervisors
to develop and maintain a calendar tracking these activities. Both Assistant District
Managers will follow-up in 6 months to ensure this is being done.

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

Adequate Corrective Action Needed Comments Below

21. 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

22. Are supervisors thoroughly reviewing Uniform Mine Files at least annually?

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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24. Are all sections where retreat mining is occurring (not to include longwall mining) being inspected at least monthly?

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

26. After an in-mine visit, evaluate approved plans (ventilation, roof control, training, etc.) for compatibility with mining conditions and equipment.

Adequate Corrective Action Needed Comments Below

Mine plans were adequate for the surface mine visited during the audit

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

Adequate Corrective Action Needed Comments Below

A review of underground mine plans revealed ventilation plans with more than 20 addendums, revisions, and or supplements, making it difficult to identify when operators depart from plan requirements. However, there were no instances identified during the audit of failure to enforce approved plans.

Chapter 5, Section A of the Mine Ventilation Plan Handbook (PH92-V-6) states, "When the number of revisions to the plan make it difficult to determine the operative provisions of the plan, the district manager should notify the operator in writing to submit a revised plan that incorporates all revisions in an orderly manner, and deletes those provisions that are no longer applicable."

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28. 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

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 and reports for accuracy and completeness.

Adequate Corrective Action Needed Comments Below

31. 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

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During FY 2011 –

(b) (6) conducted 13 of 20 required mine visits.
(b) (6) conducted 43 of 48 required mine visits.
(b) (6) conducted 46 of 48 required mine visits.

(b) (6) mine visits listed on the Excel spreadsheet lacked sufficient documentation to verify that mine visits were in compliance with CMS&H Memorandum No. HQ-11-023-A (SEC-103).

(b) (6) spent several weeks on site at the aforementioned fire/explosion, and at two other incidents during 2011 and early 2012.

(b) (6) also participated in the mine explosion, fire, and recovery work from February 2012 thru March 2012.

(b) (6) in the Price, Utah field office was assigned to that position in July 2011. During the period audited, he participated in a heating event at another mine.

District Corrective Action:

A memorandum will be issued to the supervisors, instructing them to complete all mine visits, FARs, and AAs as required. To measure the outcome, the Assistant District Managers for Inspection Programs and Technical Programs will require the supervisors to develop and maintain a calendar tracking these activities. Both Assistant District Managers will follow-up in 6 months to ensure this is being done.

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

(b) (6) _____

33. Determine if District Manager is holding the Supervisory Special Investigator accountable for properly evaluating and initiating or denying potential cases.

Adequate

Corrective Action Needed

Comments Below

The Special Investigations Department was not reviewed during this audit.

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

36. 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 Corrective Action Needed Comments Below

At the time of the audit, the MSIS database was not always being kept up to date and accurate regarding mine status. Examples are:

- Surface facility (b) (6) has been in New Mine status for more than 30 years (b) (6)
- Surface facility (b) (6) has been in Non-Producing Active status for more than 14 years (b) (6)
- Surface mine (b) (6) has been in Non-Producing Active status for more than 3 years (b) (6)
- Surface mine (b) (6) has been in Non-Producing Active status or more than 5 years (b) (6)
- Underground mine (b) (6) has been in New Mine status for more than 4 years.

MSHA's instructions for completing the Mine Information Form (MSHA Form 2000-209) state, "The Mine Information Form is used to add or change data about a mine and is initiated by an Authorized Representative. The Mine Information Form is filled out and entered into the MSIS database." There are no clarifications or other instructions regarding time frames, data entry into the MSIS, responsibility for oversight or accuracy.

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Recent audits show this issue to be systemic to the entire Agency. The Office of Accountability recommends MSHA Headquarters issue a memorandum to all personnel clarifying responsibilities and setting time frames for submission (and data entry) for changes in mine status, methane liberation, employment, and other information required by the Mine Information Form.

District Corrective Action:

The Assistant District Manager for Inspection Programs will issue a memorandum to the field office supervisors requiring them to ensure that Mine Information Form, MSHA Form 2000-209, is being filled out the first day of the E01 inspection and given to the office assistant for entry into the MSIS system. To measure the outcome, the ADMIP will request a status report monthly to ensure the information is accurate.

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

Adequate

Corrective Action Needed

Comments Below

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District Coal District 9 Field Office Farmington, NM Mine ID (b) (6) Date (b) (6)

Attachment C- Statistics

S&S Rate Comparison

During FY 2010 and FY 2011, the average S&S rate for the Farmington field office was above both the district average and the national average.

Fiscal Year	Farmington, NM Field Office	Coal District 9	National Average
2010	34%	24%	34%
2011	37%	26%	35%

Time and Activity Comparison

A comparison of FY 2010 and FY 2011 time distribution for regular (E01) inspections at surface facilities inspected by the Farmington field office shows time in the other category has decreased and on-site time has increased.

Time Distribution (%) – E01 Inspections at Surface Facilities							
FY	Area/Office	Travel	**Other	*Total On-Site	Citations Issued On-Site	Citations Issued Off-Site	Total Percent
2010	Farmington FO	31%	19%	45%	<1%	5%	100%
	Nat'l Avg	18%	15%	67%	5%	0%	100%
2011	Farmington FO	31%	13%	56%	9%	0%	100%
	Nat'l Avg	17%	16%	67%	6%	0%	100%

* Includes calibration of gas detectors, respirable dust pumps, preparation and mailing of gas and rock dust samples

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

A comparison of FY 2010 and FY 2011 time distribution for regular (E01) inspections at surface mines inspected by the Farmington field office shows a slight increase of time in the other category and a slight decrease in on-site time.

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Time Distribution (%) – E01 Inspections at Surface Mines							
FY	Area/Office	Travel	**Other	*Total On-Site	Citations Issued On-Site	Citations Issued Off-Site	Total Percent
2010	Farmington FO	25%	17%	58%	0%	<1%	100%
	Nat'l Avg	19%	13%	68%	5%	0%	100%
2011	Farmington FO	24%	19%	57%	0%	<1%	100%
	Nat'l Avg	19%	13%	68%	5%	0%	100%

* Includes calibration of gas detectors, respirable dust pumps, preparation and mailing of gas and rock dust samples

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

A comparison of FY 2010 and FY 2011 time distribution for regular (E01) inspections at underground mines inspected by the Farmington field office shows time in the other category has increased and on-site time is unchanged.

Time Distribution (%) – E01 Inspections at Underground Mines							
FY	Area/Office	Travel	**Other	*Total On-Site	Citations Issued On-Site	Citations Issued Off-Site	Total Percent
2010	Farmington FO	25%	14%	61%	4%	<1%	100%
	Nat'l Avg	16%	15%	68%	6%	1%	100%
2011	Farmington FO	22%	17%	61%	4%	<1%	100%
	Nat'l Avg	16%	14%	69%	6%	1%	100%

* Includes calibration of gas detectors, respirable dust pumps, preparation and mailing of gas and rock dust samples

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

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District Coal District 9 Field Office Farmington, NM Mine ID (b) (6) Date (b) (6)

Attachment D – Citations Issued During Audit

(b) (6)

Mine Citation/Order		U.S. Department of Labor Mine Safety and Health Administration	
Section I—Violation Data			
1. Date Mo Da Yr <u>(b) (6)</u>	2. Time (24 Hr. Clock) <u>(b) (6)</u>	3. Citation/ Order Number	<u>(b) (6)</u>
4. Served To <u>(b) (6)</u>		<u>(b) (6)</u>	
5. Mine <u>(b) (6)</u>		7. Mine ID	<u>(b) (6)</u> (Contractor)
8. Condition of Practice		8a. Written Notice (103g) <input type="checkbox"/>	
<p>The mine operator failed and did not maintain the energized 480 volt breaker panel for the service of the house fans, motors and other 480 volt equipment. The breaker panel was missing the center the cover inside the panel box and was working in Pit 6 on the right rear corner P&H 4100 shovel #S105 inside the machine house. The energized connecting rods and buss bars were exposed to contact. Miners would be exposed to serous electrical shock, smoke fire and burn injuries. This hazardous condition is obvious and extensive has existed for more than a shift to days. The last electrical examination was dated <u>(b) (6)</u>. The mine operator took the shovel out of service and asks for time to correct the hazardous condition.</p>			
See Continuation Form (MSHA Form 7000-3a) <input checked="" type="checkbox"/>			
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 <u>77.512</u>
Section II—Inspector's Evaluation			
10. Gravity:			
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>			
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>			
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: <u>001</u>
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 <u>104(a)</u>		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 of 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 <u>The cover plate that was listed in the body of the citation has now been replaced on the 480 volt breaker panel that was missing on the P&H 4100 shovel #S105.</u>			
18. Terminate 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	
22. Signature <u>(b) (6)</u>		23. AR Number <u>(b) (6)</u>	

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.

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(b) (6)

Mine Citation/Order
 Continuation

U.S. Department of Labor
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Section I—Subsequent Action/Continuation Data

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

Section II—Justification for Action

Continuation of 8. Condition or Practice

Standard 77.512 was cited (b) (6) operator, 0 to a contractor).

See Continuation Form

Section III—Subsequent Action Taken

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

9. Type of Inspection	E01	10. Event Number	(b) (6)
11. Signature	AR Number	12. Date	13. Time (24 Hr. Clock)
(b) (6)	(b) (6)	(b) (6)	(b) (6)

MSHA Form 7000-3a, Mar 85 (revised)

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

District Field Office Mine ID 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 (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 ID (b) (6)	7. Mine ID (b) (6)	(Contractor)

8. Condition or Practice Ba. Written Notice (103g)

Located in Pit 6 on the P&H 4100 shovel #1005 the mine operator failed and access and walkways were not being maintained in safe operating condition. Both side walkways from on top of the machine house to the shovel boom were not being maintained in safe operating condition. The left side hand rails and steeps were broken and cracked in several locations. The chipper shaft end plates covers were laying on the deck in the walkways on both the left and right side and were approximately 20 inches in diameter and the walkway was approximately 30 inches in diameter and 6 inches wide. The damaged hand rail on the left side was broken into and cracked in several locations where a miner could fall through to the ground approximately 20 feet away. Several of the steps were damaged, cracked and broken on one side of the steps on the left side of the access way. It was stated that the access

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 77.404(a)
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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 <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
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15. Area or Equipment

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

17. Action to Terminate

18. Terminals A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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Section IV—Automated System Data

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

(b) (6)

Mine Citation/Order Continuation		U.S. Department of Labor Mine Safety and Health Administration		
Section I—Subsequent Action/Continuation Data				
1. Subsequent Action 1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr (b) (6)	3. Citation/Order Number (b) (6)		
4. Served To (b) (6)	5. Operator (b) (6)		6. Mine ID (b) (6)	
6. Mine (b) (6)		(Contractor)		

Section II—Justification for Action

Continuation of 8. Condition or Practice

way and steps were damaged when the hoist bucket was pulled into the boom point and lifted the boom. The condition was listed on the pre-operational check list and the mine operator has planned a change out of the decking and hand rails but miner are required to travel through and work on the walkway during the shift while the machine is not in operation and with a harness on. It was stated the chain access was not in place when the hazardous condition was observed and there were foot prints in the grease and dirt in the walkways. Miners would be exposed to serious slip, trip and fall hazards. The mine operator asks for time to wash, clean and correct the hazardous condition and took the machine out of service.

Standard 77.404(a) was cited (b) (6)
 (b) (6)

See Continuation Form

Section III—Subsequent Action Taken				
8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated <input type="checkbox"/> D. Terminated <input type="checkbox"/> E. Modified	
Section IV—Inspection Data				
9. Type of Inspection E01		10. Event Number (b) (6)		
11. Signature (b) (6)	AR Number (b) (6)	12. Date Mo Da Yr (b) (6)	13. Time (24 Hr. Clock) (b) (6)	

MSHA Form 7000-3a, Mar 85 (revised)

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

District Field Office Mine ID 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		8a. Written Notice (103g) <input type="checkbox"/>

The mine operator failed and did not maintained to assure safe operating condition the SV 828 mechanics service truck. The insulate covers were missing on the exposed wire lugs where they attach the welding leads on the Miller welder that had been mounted on the bed of the service truck. The pre-operation checklist reflects all was ok and the operator stated he did not see the insulated welding covers missing on the lugs when he did the examination. It is obvious that the covers have been missing for more than a shift to days. Miners would be exposed to serious electrical shock, smoke, fire and burn injuries. The mine operator took the unit out of service and asks for time and called for the insulated covers to correct the hazardous condition.

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 77.502
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Section II—Inspector's Evaluation				
10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			D. Number of Persons Affected: 001	
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104(a)		13. Type of issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/Order Number		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)
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Section III—Termination Action	
17. Action to Terminate	

18. Terminate	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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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 Field Office Mine ID Date

(b) (6)

Mine Citation/Order
Continuation

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



Section I—Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr (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)

Section II—Justification for Action

Continuation of 8. Condition or Practice

Citation (b) (6) was written for an inadequate examination for defects affecting safety.

Standard 77.502 was cited (b) (6)
(b) (6)

See Continuation Form

Section III—Subsequent Action Taken

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

9. Type of Inspection E01	10. Event Number (b) (6)		
11. Signature (b) (6)	AR Number (b) (6)	12. Date Mo Da Yr (b) (6)	13. Time (24 Hr. Clock) (b) (6)

MSHA Form 7000-3a, Mar 05 (revised)

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

District Field Office Mine ID 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 (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)	
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The competent person failed to do an adequate examination of the mechanics service truck SV 828 and Citation (b) (6) was written for not maintained to assure safe operating condition. The pre-operation checklist reflects all was ok and the operator stated he did not see the insulated welding covers missing on the lugs when he did the examination.

Standard 77.1606(a) was cited (b) (6)
 (b) (6)

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 77.1606(a)
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Section II--Inspector's Evaluation

10. Gravity:			
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>			
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>			
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			D. Number of Persons Affected: 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 (b) (6)	B. Time (24 Hr. Clock) (b) (6)
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Section III--Termination Action

17. Action to Terminate A safety meeting was given to the miner and the mine operator about the hazards of not doing through and complete examination of the equipment before it is put to work.

18. Terminate	A. Date Mo Da Yr (b) (6)	B. Time (24 Hr. Clock) (b) (6)
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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 District 9 Field Office Farmington, NM 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)				
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"/>				

The mine operator failed to provide adequate protection for the 8KV trailing cable for the B&E 495B Electrical shovel. The trailing has been ran over by a large mobile mining equipment. Tire Marks are evident; Pictures were taken. The location of the 600 foot cable was just a few feet north of the cable tree at the intersection of 4 pit ramp. No outer jacket damage noted; The cable was energized.

9. Violation	A. Health Safety Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	See Continuation Form (MSHA Form 7000-3a) <input type="checkbox"/>
	<input checked="" type="checkbox"/>		77-604	

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 (See Reverse): 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-1, Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/>									
13. Type of Issuance (check one)									
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	B. Time (24 Hr. Clock)
	(b) (6)				(b) (6)

Section III—Termination Action

17. Action to Terminate
The trailing cable was moved and orange cones were placed along the length of the cable to help identify it more easily.

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)	20. Event Number	21. Primary or Mill
EG1	(b) (6)	
22. Signature	23. AR Number	
(b) (6)	(b) (6)	

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

District Coal District 9 Field Office Farmington, NM 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)				
4. Served To	Mine					5. Operator				
(b) (6)						(b) (6)				
6. Mine						7. Mine ID				
(b) (6)						(b) (6)				
8. Condition or Practice						8a. Written Notice (103g) <input type="checkbox"/>				

The back-up alarm on the DZ 165, D10R, CAT Dozer. The Dozer was operating at the bottom of the 6th West Ramp on the Left side pushing rock. The dozer operator had performed his pre-op's on the DZ and the back-up alarm was functioning 15min prior. The dozer was checked twice, and both time failed to sound. No people observed on foot in this area. The dozer was removed from service to fix the alarm.

9. Violation										See Continuation Form (MSHA Form 7000-3a) <input type="checkbox"/>
A. Health Safety Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>	B. Section of Act					C. Part/Section of Title 30 CFR	75.410(c)	

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 type="checkbox"/> Permanently Disabling <input checked="" type="checkbox"/> Fatal <input type="checkbox"/>										
C. Significant and Substantial (See Reverse): 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										
104-a-1, -2, -3, -4, -5, -6, -7, -8, -9, -10, -11, -12, -13, -14, -15, -16, -17, -18, -19, -20, -21, -22, -23, -24, -25, -26, -27, -28, -29, -30, -31, -32, -33, -34, -35, -36, -37, -38, -39, -40, -41, -42, -43, -44, -45, -46, -47, -48, -49, -50, -51, -52, -53, -54, -55, -56, -57, -58, -59, -60, -61, -62, -63, -64, -65, -66, -67, -68, -69, -70, -71, -72, -73, -74, -75, -76, -77, -78, -79, -80, -81, -82, -83, -84, -85, -86, -87, -88, -89, -90, -91, -92, -93, -94, -95, -96, -97, -98, -99, -100										
13. Type of Issuance (check one)										
Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <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	B. Time (24 Hr. Clock)					
(b) (6)				(b) (6)					

Section III—Termination Action									
17. Action to Terminate									
<i>The alarm was replaced. The alarm sounds fine.</i>									

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									
(b) (6)									
21. Primary or Mill									
22. Signature									
(b) (6)									
23. AR Number									
(b) (6)									

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

District Coal District 9 Field Office Farmington, NM 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)	(b) (6)	(b) (6)
4. Served To				5. Operator	
(b) (6)				(b) (6)	
6. Mine				7. Mine ID	(Contractor)
(b) (6)				(b) (6)	
8. Condition or Practice					
Ba. Written Notice (103g) <input type="checkbox"/>					

The mine operator failed to effectively trim the ~~#~~ 290T Terex MT4400, end dump truck. The truck rounded the intersection off of ramp (4pit) going to the dump site, when a large amount of rock fell off the loaded bed to the haulage road. This condition creates a potential problem for smaller trucks and other vehicles traveling the haulage road. The large rock weight several hundred pounds. The amount of spillage was excessive and dangerous. The rock was higher than the confines of the bed.

9. Violation	A. Health Safety Other	B. Section of Act	C. Part/Section of Title 30 CFR	See Continuation Form (MSHA Form 7000-3a)
	<input type="checkbox"/> <input checked="" type="checkbox"/>		77.1607(a)	

Section II—Inspector's Evaluation					
10. Gravity					
A. Injury or Illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>					
B. Injury or Illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>					
C. Significant and Substantial (See Reverse): Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				D. Number of Persons Affected <u>001</u>	
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				13. Type of Issuance (check one)	
<u>104-a-</u>				Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <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. Time (24 Hr. Clock)
	(b) (6)	(b) (6)

Section III—Termination Action	
17. Action to Terminate	
<u>Safety Meeting held w/ crews. The material was removed from the intersection.</u>	

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

Section IV—Automated System Data			
19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
<u>ED1</u>	(b) (6)		
22. Signature	(b) (6)	23. AR Number	(b) (6)

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

District Field Office Mine ID Date

Attachment E – Examples of Citations Issued During Previous Inspections

(No potential issues were identified during this audit)

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

District Field Office Mine ID Date

Attachment F – District Corrective Action Plan

November 26, 2012

MEMORANDUM FOR TED SMITH

Supervisory Accountability Specialist, Office of Accountability

FROM: CARLOS MOSLEY
Acting District Manager

SUBJECT: District 9 Response and Proposed Corrective Action Plan,
MSHA Office of Accountability Audit, Coal District 9 and the
Farmington, New Mexico Field Office, (b) (6)
(b) (6)

This is in response to the audit conducted by your office from (b) (6) at the
Farmington, NM field office and (b) (6)
(b) (6) The results of your audit identified five
deficiencies which are required to be addressed by this office.

DEFICIENCY 1:

The MSIS database is not being kept up-to-date with accurate information regarding
mine status, mine work schedule, and methane liberation rates.

ROOT CAUSE:

The root cause is "Management System – Standards/Policies/Administrative Controls
Inadequate". Our current process is to periodically check the Mine Information Form,
MSHA Form 2000-209, for accuracy. This form is required to be updated as part of the
documentation for E01 inspections and is initiated by the inspector assigned to the
mine.

PROPOSED CORRECTIVE ACTION:

A memorandum was issued to the field office supervisor's on November 5, 2012
instructing them to have MSHA Form 2000-209 filled out by the inspector on the first
day of the inspection and entered into the MSIS system. The form should contain
current mine information; e.g. mine status, mine work schedule, number of employees
working, etc.

United States Department of Labor
Mine Safety and Health Administration
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Note: The methane liberation cannot be up-dated until the total liberation analysis is received from the lab; however, it will be up-dated as soon as the results are received.

OFFICE RESPONSIBLE FOR IMPLEMENTING:

The field office supervisors will be responsible for assuring that MSHA Form 2000-209 is filled out and put into the MSIS system timely. The Assistant District Manager for Inspection Programs (ADMIP) will assure the mine status is up-dated timely.

TIME FRAME FOR COMPLETION:

The deficiency has already been completed.

METHOD FOR DETERMINING SUCCESS:

Success will be measured by eliminating mines that appear on the report which are in new status, temporarily idled, number of employees, etc. A report will be run by the IT department quarterly for verification.

DEFICIENCY 2:

The tracking system for the (b) (6) mine visits shows that each active underground mine in District 9 was visited by (b) (6) during FY 2011. However, the tracking system also shows that three (b) (6) did not conduct the minimum required number of visits.

ROOT CAUSE:

The root cause is "Management System – Corrective Action". The (b) (6) (b) (6) lacking the required mine visits were (b) (6). The (b) (6) are understaffed. (b) (6) were doing plan reviews in order to keep the approval process flowing. (b) (6) (b) (6) was doing investigations of 101 (c) Petitions for Modification.

PROPOSED CORRECTIVE ACTIONS:

On October 23, 2012, a meeting was held by the Acting Assistant District Manager for Technical (ADMT) with the entire engineering group to discuss the requirement for mine visits. The group was instructed to schedule and make their required mine visits. Additionally, the ADMT issued them a memorandum on November 5, 2012 reinforcing this requirement. Two new engineers were recently hired for the ventilation group which will eventually eliminate the need for the supervisor to do plan submittal reviews. One of the roof control specialists recently received his Authorized Representative credentials and will be able to do more independent field work which should eliminate the supervisor from doing plan submittal reviews. The electrical group has announced

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for a new electrical position in the field, which will eliminate the electrical supervisor from doing as many Petition for Modification investigations.

OFFICE RESPONSIBLE FOR IMPLEMENTING

The ADMT will be responsible for assuring the technical group supervisors make the required mine visits each quarter.

TIME FRAME FOR COMPLETION:

The deficiency has been corrected.

METHOD FOR DETERMINING SUCCESS:

The District Manager (DM) and ADMT will measure success by monitoring the Supervisor/Manager spreadsheet for mine visits quarterly.

DEFICIENCY 3:

The minimum required Field Activity Reviews (FARs) were not completed for the 2nd half of FY 2011 and the 1st half of FY 2012 for the Farmington, NM field office, and the District's (b) (6) groups.

ROOT CAUSE:

The root cause is "Management System – Corrective Action". The (b) (6) (b) (6) lacking the required FARs were the Farmington, NM field office, (b) (6) and (b) (6). Each work group was understaffed. (b) (6) were doing inspections, or plan submittal reviews, or Petition for Modification investigations.

PROPOSED CORRECTIVE ACTIONS:

Since the time of the audit, additional personnel have been hired in the Farmington, NM field office and the ventilation group, which should prevent the supervisors from doing inspection work and plan submittal reviews. Also, the Texas field duty stations were reassigned to another field office lessening the work load of the Farmington field office supervisor. The electrical supervisor has announced a new electrical position which should lessen the need for him to do Petition for Modification investigations. On November 5, 2012, a memorandum was issued to the field office and technical supervisors by both ADMIP and ADMT instructing them to complete each FAR as required by the Supervisor Handbook.

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OFFICE RESPONSIBLE FOR IMPLEMENTING:

The ADMIP and ADMT will be responsible for assuring FARs are conducted for each of their respective supervisors and submitted timely as required. This will be tracked in the Districts spreadsheet for FARs by the Office Assistant for each ADM.

TIME FRAME FOR COMPLETION:

All supervisors will provide to their respective ADM their first level review of the FAR for their employees within 30 days of the activity as required by the Supervisors Handbook. As mentioned above, on November 5, 2012 a memorandum was issued to all supervisors instructing them of their requirements. Also on November 5, 2012, the Acting District Manager issued a memorandum to both ADM's instructing them of their responsibility in regard to FARs.

METHOD FOR DETERMINING SUCCESS:

Success will be measured by use of the District's spreadsheet for tracking FARs and that they are submitted timely as required. Also the District Manager will monitor the 2nd level review spreadsheet to ensure that the reviews are done timely.

DEFICIENCY 4:

The minimum required Accompanied Activities (AAs) were not completed for the 2nd half of FY 2011 and the 1st half of FY 2012 in the Farmington, NM field office, and the (b) (6)

ROOT CAUSE:

The root cause is "Management System – Corrective Action". The (b) (6) (b) (6) lacking the required AAs were the Farmington, NM field office, and the District's (b) (6). Each of these groups was understaffed and (b) (6) were doing inspections, plan reviews in order to keep the approval process flowing, and 101 (c) Petitions for Modification investigations.

PROPOSED CORRECTIVE ACTIONS:

As mentioned above, additional personnel have been hired in the Farmington, NM field office and the ventilation group, and a new AR roof control specialist in the field should prevent the supervisors from doing inspection work and plan submittal reviews. Also, the Texas field duty stations were reassigned to another field office lessening the work load of the Farmington field office supervisor. The electrical supervisor has announced a new electrical position, which should lessen the need for him to do Petition for Modification investigations.

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On November 5, 2012, a memorandum was issued to the field office and technical supervisors by both ADMIP and ADMT instructing them to complete each AA as required by the Supervisor Handbook. Also on November 5, 2012, the Acting District Manager issued a memorandum to both ADM's instructing them of their responsibility regarding AAs.

OFFICE RESPONSIBLE FOR IMPLEMENTING:

The ADMIP and ADMT will be responsible for assuring AAs are conducted for each of their respective supervisors and the spreadsheet up-dated timely as required. This will be tracked in the District's spreadsheet for AAs by the ADM's.

TIME FRAME FOR COMPLETION:

Due to the holidays and scheduled and approved leave, this will be completed by April 30, 2013.

METHOD FOR DETERMINING SUCCESS:

Success will be measured by monitoring the District's Supervisor/Manager mine visit spreadsheet and by monitoring the District's spreadsheet for tracking AAs and that they are submitted timely as required. Also the District Manager will monitor the 2nd level review spreadsheet to ensure that the reviews are done timely.

DEFICIENCY 5:

A review of underground plans revealed ventilation plans with more than 20 addendums, revisions, and or supplements, making it difficult to identify when operators depart from plan requirements. However, there were no instances identified during the audit of failure to enforce approved plans.

ROOT CAUSE:

The root cause is "Management System – Corrective Action". As previously mentioned, the ventilation group has been understaffed, having one engineer in the District office and a vent specialist in the field. The 6-month reviews were behind but are being brought up to date as quickly as possible. The number of addendums grew as resources were used to catch up on the 6-month reviews.

PROPOSED CORRECTIVE ACTIONS:

We recently hired two ventilation engineers for the District office and have announced for another ventilation specialist in the field. However, the field specialist position is still in progress. It is anticipated that with these new additions in personnel, the ventilation

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group will be able to conducted 6-month reviews more timely and be able to remove addendums that are no longer applicable from the ventilation plan. Additionally, when our inspectors are reviewing the UMF in preparation for the inspection, we are going to have them bring to the attention of the field office supervisor any outdated addendums; e.g. site specific plans, which are no longer applicable at the mine and remove them from the file.

The district is currently progressing toward an electronic uniform mine file (eumf) which includes "living plans" by the mine operators. Once this is fully implemented changes will be incorporated into the base plan such that the plans will be consolidated and easier to follow. The software to start making this happen was purchased by HQ and installed last week.

OFFICE RESPONSIBLE FOR IMPLEMENTING:

The field office and technical group supervisors will be responsible for assuring that a minimal amount of addendums are in the UMF. The ADMT will provide oversight.

TIME FRAME FOR COMPLETION:

Due to the holidays and scheduled and approved leave, this will be completed by April 30, 2013.

METHOD FOR MEASURING SUCCESS:

Success will be measured by monitoring the MPA system by the ADMT to ensure that there is not an unusual amount of addendums, revisions, or supplements in the ventilation plan. The technical groups will also be developing work flow guidelines that will require new consolidated base plans after an undetermined number (less than 10) of addendums.

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Coal Mine Safety and Health
Coal District 9

November 5, 2012

MEMORANDUM FOR DON GIBSON

Acting Assistant District Manager for Technical
Programs

CLARK BLACKBURN

Acting Assistant District Manager for Inspection
Programs

(b) (6)

FROM:

CARLOS MOSLEY ✓
Acting District Manager

SUBJECT:

Mine visits, Accompanied Activities, and Field Activity
Reviews

During an Office of Accountability audit there were issues identified that require corrective actions. The minimum required mine visits, Accompanied Activities, and Field Activity Reviews were not completed for the 2nd half of FY 2011 and the 1st half of FY 2012 by the District's (b) (6) groups, and the Farmington, NM field office.

The audit team determined that the (b) (6) mine visits listed on the Excel spreadsheet lacked sufficient documentation to verify that mine visits were in compliance with CMS&H Memorandum No. HQ-11-023-A (SEC-103).

They also determined the second level reviews for AAs and FARs lacked documentation that the reviews were completed in compliance with Coal Mine Safety Health Supervisors Handbook, AH-08-III-1 Chapter 1, section XI, part B.

As you are aware, these activities are essential and serve an important function for the District and the field office. You are to ensure that mine visits, AAs, FARs, and first and second level reviews are completed timely as required.