



FEB 20 2009

MEMORANDUM FOR MICHAEL A. DAVIS
Deputy Assistant Secretary for Operations
Mine Safety and Health

THROUGH: CHARLES J. THOMAS *Charles J. Thomas*
Director of Accountability for
Mine Safety and Health

FROM: ARLIE A. WEBB *A. Webb for*
Accountability Specialist

SUBJECT: MSHA Office of Accountability Audit, Shamokin, Pennsylvania,
Field Office, and [REDACTED]
[REDACTED]

Introduction

This memorandum summarizes the Office of Accountability audit of the subject mine and field office. Audit subjects included the Uniform Mine File, MSHA field activities, level of enforcement, Field Activity Reviews (FARs), MSHA supervisory and managerial oversight, mine plans, and the conditions and practices at the mine. The audit was conducted during the week of [REDACTED] by Arlie A. Webb. Positive findings and issues requiring attention are included in this audit report.

Overview

The auditor traveled to the Shamokin, Pennsylvania field office and to the [REDACTED] to observe and evaluate enforcement activities and mine conditions.

Accompanying the auditor were [REDACTED] Areas of the mine examined during this audit included main and secondary access roads, the active pit, highwall, spoil banks, repair shop areas, and explosive storage magazines. Selected pieces of equipment on the property were inspected during this audit.

The ground control plan was compared to the conditions and practices in the mine.

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

1. Both the inspector and field office supervisor demonstrated excellent communication with the miners, mine operator, and union, and exhibited a genuine concern for the miners.

2. Despite the fact that many persons in District 1 perform the tasks of multiple positions, ([REDACTED]) and the District Manager have visited numerous mines during the time period covered by this audit.
- 3.) The level of enforcement appears commensurate with the conditions and practices (observed.
- 4.) Inspection documentation indicated thorough and complete inspections.
5. The 104(d) tracking system is well maintained and up to date.

The audit revealed several issues that require corrective actions or clarification (some of which are not within the control of the district), including the following:

1. Insufficient documentation of Field Activity Reviews and Accompanied Activities. (District)
2. Lack of policy regarding maps of underlying workings at or near the mine site. (HQ)
3. Lack of MSHA policy or procedures regarding dust and noise sampling of transient workers. (HQ)
4. Lack of policy regarding protection of valve on compressed gas cylinders during transportation. (HQ)

Recommendation:

1. Recommendation that an electrical specialist position be established for the field office. (District & HQ)

Audit Results

The attached checklist addresses the findings of the audit. Positive issues as well as issues requiring action are covered in detail in the checklist.

Attachments

- A. Office of Accountability Checklist, with comments, recommendations, and references
- B. Citations issued during this audit

- | | | |
|----|--|--------------|
| 1) | | 77.400(a) |
| 2) | | 77.401(a)(2) |
| 3) | | 77.1605(b) |
| 4) | | 47.41(a) |

C. Photographs

1. Photo of haul truck trapped by failure of strata between haul road and underlying workings
2. Photo of compressed gas cylinders on welder's truck

District Field Office Mine ID Date

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

Adequate Inadequate Not Applicable Comments Below

2. Determine if supervisors address report deficiencies immediately

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

Interviews with inspectors and the field office supervisor indicated the review of work products was excellent. The supervisor returned reports to the inspectors when deficiencies were found, and discussed methods of improvement with the inspectors. However, the Field Activity Review documentation did not reflect these activities.

Recommendation - Supervisors should always accurately and completely document deficiencies and corrective actions, as well as exemplary achievements, on FAR review forms.

District Field Office Mine ID Date

5. Determine if supervisors/managers are identifying and addressing performance or behavior based issues during and after accompanied inspections are conducted

Adequate Inadequate Not Applicable Comments Below

Interviews with inspectors, the field office supervisor, and on-site evaluation of inspector/supervisor interactions indicated an excellent level of supervisory oversight. However, the supervisor did not always adequately document observation and correction of deficiencies. No action required, this should be a priority to supervisors.

Recommendation – Supervisors should always accurately document deficiencies, corrective actions, and exemplary achievements, on Accompanied Activity review forms.

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

Although personnel from this field office inspect a total of 92 active entities (44 facilities and 48 surface mines), currently this field office does not have an electrical inspector.

Recommendation – The Office of Accountability recommends the addition of an electrical specialist to this field office. This is not a requirement, just a recommendation and the position could be collateral duty.

District Field Office Mine ID Date

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

Adequate Inadequate Not Applicable Comments Below

17. Determine if supervisors are monitoring inspector time and activity documentation to ensure proper use of time by inspector

Adequate Inadequate Not Applicable Comments Below

Inspector time distribution at this field office for the time period audited was excellent. Inspector on-site time exceeded 63% of the total event time, with more than 27% being spent in the active pit. Time spent in the "other" category was less than 16%.

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID Date

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

Adequate Inadequate Not Applicable Comments Below

26. Evaluate the district's process for performing Possible Knowing/Willful (PKW) reviews and initiating or denying special investigations

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

With regard to this field office, inspection notes and accompanying documentation indicate full and complete inspections are being made.

However, during the mine visit it was discovered that several company employees regularly travel between as many as three separate mines (each with its own unique ID number) to perform welding, repair, or other work. Currently, MSHA noise sampling and respirable dust sampling policies and procedures do not address transient workers.

District Field Office Mine ID Date

Recommendation – MSHA headquarters should consider issuing a policy to address an effective means to accurately sample transient workers who work at more than one MSHA ID number during the course of their shift.

31. Determine that the inspector spent sufficient time on off-shifts and on weekends
Adequate Inadequate Not Applicable Comments Below

34. Determine if all mine record books, postings, and other required materials are examined during the inspection
Adequate Inadequate Not Applicable Comments Below

Although District 1 personnel are enforcing the provisions of 30 CFR, 77.1200, there is no MSHA policy regarding the definition of "at or near the mine."

A map of underlying abandoned mine workings for the subject mine was not available to mine managers and foremen onsite, and could only be examined by leaving mine property and traveling approximately 3 miles to the main office in [REDACTED]

In the past, this same company experienced a "near miss" type accident at a different mine specifically related to this issue. The strata between a haul road and underlying workings failed, resulting in a large haul truck falling into the void. Had the tuck fallen forward into the void, this could easily have resulted in a fatality (Photo attached).

In addition, failure to consider the effects of underlying mine workings on surface mining activities has been determined to be a contributing factor in surface mine fatalities.

Recommendation – The Office of Accountability recommends that MSHA take proactive measures to prevent accidents similar to the attached photo by developing and implementing policy regarding 77.1200, to avert hazards associated with surface mining near underlying mine works. Mine operators should be required to maintain a map of underlying workings (with elevations shown) on mine property for review by mine managers and MSHA.

Reference – Report of Investigation, Fatal Fall of Highwall, [REDACTED] and [REDACTED] and Report of Investigation, Fatal Fall of Highwall, [REDACTED]

District Field Office Mine ID Date

It should also be noted that District 1 is currently attempting to address this issue with mine operators and engineering firms, but not all mines have such maps onsite.

36. Determine if the amount of time expended on each inspection activity and area of the mine is sufficient to accomplish inspection goals

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

Determinations of gravity, negligence, and number of persons affected for citations and orders issued by this field office appear to be in compliance with MSHA policies.

However, further clarification is needed regarding protection of valves on compressed gas cylinders during transportation as per 30CFR §77.208(e). During this audit, compressed gas cylinders were observed permanently mounted on a welder's truck. Valves and gauges were protected by a "cage" of substantial construction that was also permanently mounted to the truck. (See attached photo).

Recommendation - The Office of Accountability recommends that headquarters consider clarifying the definition of "covers" as used in the subject standard. Clarification of this term will promote consistency of enforcement nationwide. Until such time, the Office of Accountability recommends a strict interpretation of the wording of 77.208(e).

38. Accompany and evaluate inspector's imminent danger run

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID Date

39. Check adequacy of preshift/on-shift examinations

Adequate Inadequate Not Applicable Comments Below

41. Evaluate operator's workplace examinations

Adequate Inadequate Not Applicable Comments Below

With respect to Item 34 above, an adequate workplace examination should include a comparison of the current pit and haulage road elevations to the elevations of the abandoned workings below.

Recommendations - The same as in Item 34 above.

42. Evaluate conditions on working section and observe work cycle

Adequate Inadequate Not Applicable Comments Below

48. Examine electrical cables on several pieces of equipment

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID Date

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

Adequate.

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

Adequate Inadequate Not Applicable Comments Below

There were no headquarters-level accountability reviews conducted in District 1 during CY 2008. Four other Districts were audited in 2008 as required in the Accountability handbook.

68. Determine if Peer Reviews identify root causes of deficiencies, corrective actions, set time lines for corrections, and identify a method for accurately measuring the success or failure of corrective actions.

Adequate Inadequate Not Applicable Comments Below

A district-level accountability review was conducted from May 20 to June 04, 2008. Although the review appears to have been thorough, the report does not contain a means for conducting effective follow-up activities.

*Action Required - District and headquarters level accountability reviews must contain a means for follow-up and evaluation of the corrective actions. This could be accomplished by a FAR or second level review concerning systemic issues.**Reference - Accountability Program Handbook AH08-III-4, page 8, Follow-Up and Evaluation.*

District Field Office Mine ID Date

70. Determine if Peer Reviews include a visit to the mine, and include observation of the producing section, conveyor belt entries, escapeways and the ERP provisions

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID Date

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

Refer to Item Number 34 above.

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

The communication between the district and field offices is highly effective and occurs on a daily basis.

District Field Office Mine ID Date

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

118. Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

121. Determine if manpower at the field office is sufficient to ensure adequate, complete inspections, investigations, and other activities.

Adequate Inadequate Not Applicable Comments Below

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

District Field Office Mine ID Date

Mine Citation/Order

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



Section I--Violation Data

1. Date Mo Da Yr [redacted] 12 Time (24 Hr. Clock) [redacted]	3. Citation/ Order Number [redacted]
4. Served To [redacted]	5. Operator [redacted]
6. Mine [redacted]	7. Mine ID [redacted] (Contractor)
8. Condition or Practice	
8a. Written Notice (103g) <input type="checkbox"/>	

The guard provided for the swing generator on the Marion 7800 dragline, Company No. 535 was not in place. The guard should be mounted on two pins. It was only on one pin and was swung into an open position exposing the moving and energized parts. Maintenance work was done on the generator on Saturday.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	77.400(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 type="checkbox"/> Permanently Disabling <input checked="" type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				D. Number of Persons Affected: 001
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104(a)		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>				E. Citation/Order Number
15. Area or Equipment				

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

17. Action to Terminate The guard was put back in place.

18. Terminated	A. Date Mo Da Yr [redacted]	B. Time (24 Hr. Clock) [redacted]
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Section IV--Automated System Data

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

MSHA Form 7000-3a provides information regarding 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

Mine Citation/Order

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



Section I--Violation Data

1. Date	2. Mine Name	3. Citation/Order Number
4. Served To	5. Operator	
6. Mine	7. Mine ID	(Contractor)

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

The tool rest provided on the bench grinder located on the Marion 7800 dragline, Company No. 535 was not set as close as practical to the grinding wheel. The wheel was worn and the rest was one half inch away from it.

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
			77.401(a)(2)

Section II--Inspector's Evaluation

10. Gravity:

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

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

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

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

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

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

15. Area or Equipment

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

Section III--Termination Action

17. Action to Terminate The tool rest was adjusted as close as practical to the wheel.

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

Section IV--Automated System Data

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

22. Signature 23. AR Number

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

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

District Field Office Mine ID Date

Mine Citation/Order

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



Section I--Violation Data

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

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

The Toyota forklift, Company No. 918, parked in the welding shop was not equipped with adequate brakes. The right brake pedal has a hydraulic leak and will stop the forklift but does not hold it in a stationary position. The forklift was not in use at the time but was available.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 77.1605(b)
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Section II--Inspector's Evaluation

10. Gravity:

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

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

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

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

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

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

15. Area or Equipment

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

Section III--Termination Action

17. Action to Terminate

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

Section IV--Automated System Data

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

22. Signature 23. AR Number

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

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

District Field Office Mine ID Date

Mine Citation/Order

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



Section I--Violation Data

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

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

The diesel fuel tank for the generator in the Wadesville pit was not labeled. The tank has a capacity of approximately 300 gallons. The generator is used to power a submersible pump as needed. This installation has been in service for about three weeks.

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

15. Area or Equipment

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

Section III--Termination Action

17. Action to Terminate The tank has been properly labeled.

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

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number <input type="text" value=""/>	21. Primary or Mill <input type="text" value=""/>
22. Signature <input type="text" value=""/>		23. AR Number <input type="text" value=""/>

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.

District Field Office Mine ID Date

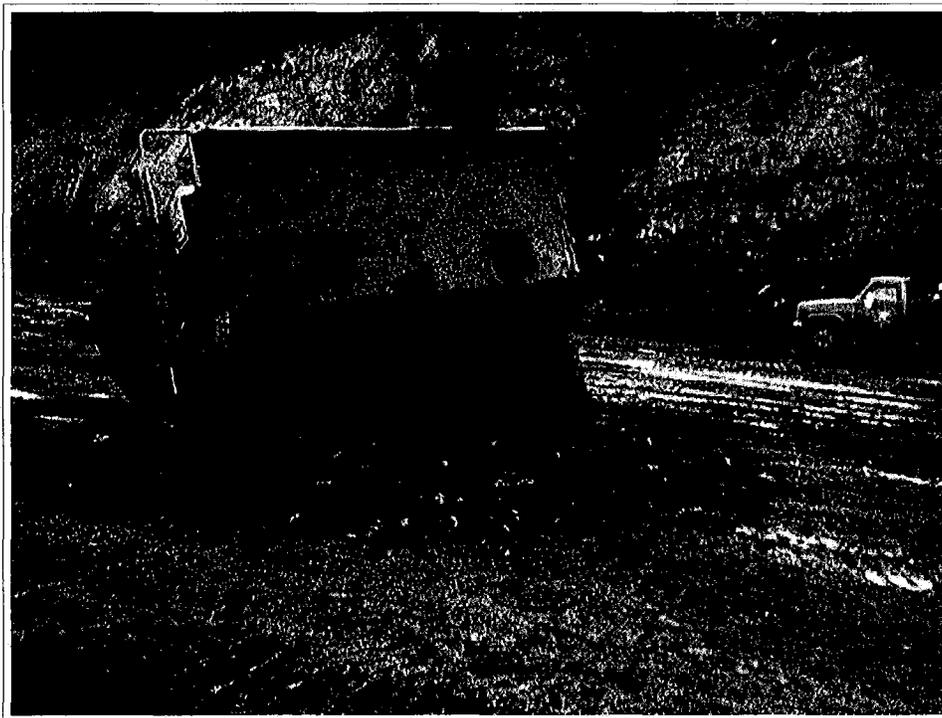


Photo No. 1. Past accident at a different mine of this company in which a haul truck fell through to underlying mine workings when the intervening strata failed.

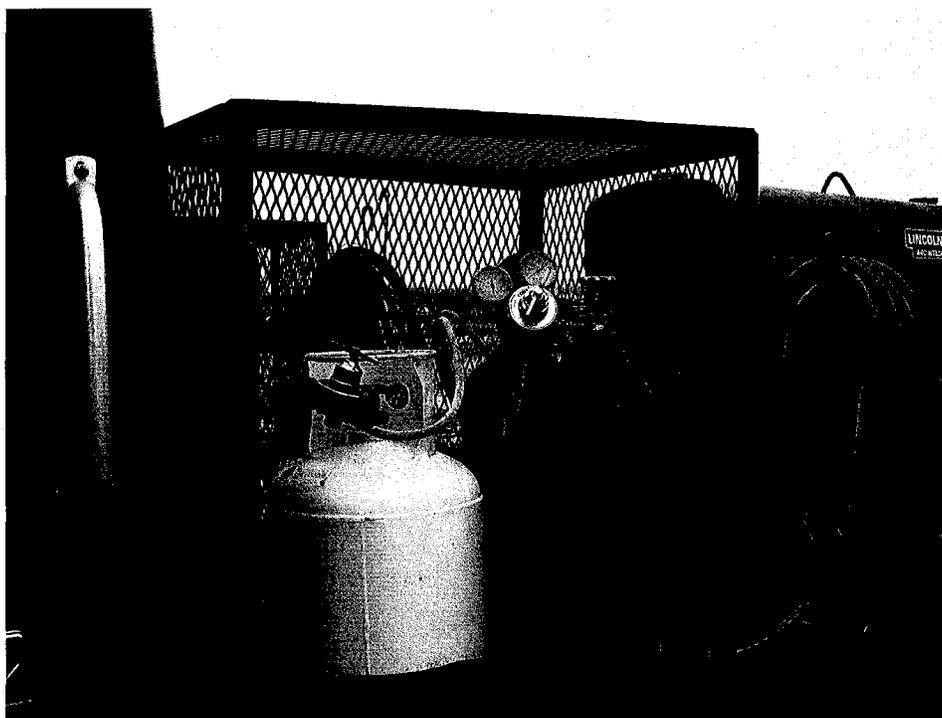


Photo No. 2. Cage around compressed gas cylinders on welder's truck