



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

THROUGH: PETER J. MONTALI *Peter J. Montali*
Acting Director of Accountability for
Mine Safety and Health

FROM: ARLIE A. WEBB *Peter J. Montali for*
Accountability Specialist

SUBJECT: MSHA Office of Accountability Audit, Summersville, West Virginia,
Field Office, and [REDACTED]

Introduction

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

Overview

The accountability specialists traveled to the Summersville, West Virginia Field Office and to the [REDACTED] to observe and evaluate enforcement activities, supervisory oversight, and mine conditions. Accompanying the accountability specialists were Coal Mine [REDACTED] During the audit, Robert Hardman - District Manager, also visited [REDACTED]

Areas examined during this audit included the [REDACTED] office, record books and required postings, the [REDACTED] facility, stacker belts and transfer belts, elevated walkways, fire-fighting equipment and materials, the master control room, crusher house, stockpiles, escape tunnels, raw coal screening house, refuse bin, static thickener, shop area, supply house, and surface equipment such as trucks, front end loaders, and bulldozers.

S&S Rate Comparison

Overall, the Significant and Substantial (S&S) rates for the Summersville field office are comparable to the national average. The S&S rate for District 4 as a whole is slightly higher than the national average.

Fiscal Year	Field Office	Coal District 4	National Avg.
2008	32.9%	39.8%	35%
2009	35.0%	38.0%	35%

However, a close examination of the current enforcement actions at this field office indicates that gravity, negligence and S&S determinations are not always consistent with the seriousness of the violations observed.

Time and Activity Comparison

A review of time distribution for the Summersville field office indicates excellent time distribution and commendable on-site time.

Surface Facilities – E01 Inspections						
	Travel Time	Other Time	Total On-Site	Citations Written On-Site	Citations Written Off-Site	Total Percent
% in FY 2008	16.6%	17.0%	66.2%	4.9%	<1.0%	100%
% in FY 2009	17.1%	16.8%	65.9%	3.8%	<1.0%	100%

Surface Mines – E01 Inspections						
	Travel Time	Other Time	Total On-Site	Citations Written On-Site	Citations Written Off-Site	Total Percent
% in FY 2008	15.6%	8.5%	75.9%	8.9%	<1.0%	100%
% in FY 2009	16.7%	6.7%	76.6%	7.5%	0%	100%

Underground Mines – E01 Inspections						
	Travel Time	Other Time	Total On-Site	Citations Written On-Site	Citations Written Off-Site	Total Percent
% in FY 2008	18.1%	14.4%	67.3%	4.7%	<1.0%	100%
% in FY 2009	17.1%	16.6%	66.2%	3.9%	<1.0%	100%

Audit Results

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

1. Conference Litigation Representative (CLR) decisions do not appear to be “conditioning” inspectors.

2. Field Office Supervisors and district supervisors and managers are conducting mine visits on a regular basis.
3. Time spent on off-shifts improved dramatically.
4. The audit team observed two different inspectors conducting quality imminent danger examinations and inspections.

The audit also revealed issues in several categories that require corrective actions, including the following:

1. The level of enforcement does not always reflect repeat violations. (FO)
2. Evaluations of S&S, gravity, negligence, and number of persons affected do not always appear commensurate with the type of violations cited. (FO)
3. Multiple violations were sometimes listed on a single citation. (FO)
4. Peer Reviews were not thorough and did not contain means for follow-up. (HQ)(District)
5. The absence of a set of general guidelines to address injection of slurry into abandoned underground mines. (HQ)

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. Audit Checklist
- B. Citations/Orders issued during audit
- C. Selected citations with apparent inconsistent S&S evaluations
- D. Selected citations with apparent low level of enforcement

District Field Office Mine ID Date

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

Adequate Inadequate Not Applicable Comments Below*Recommendation – Additional attention should be given to comparing IPAL, Time and Activity Sheets, and the Inspection Event Calendar for inspection dates and shifts worked.*

2. Determine if supervisors address report deficiencies immediately

Adequate Inadequate Not Applicable Comments Below

Report deficiencies are immediately addressed, although better documentation is needed.

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

During the time period audited, eighteen Field Activity Reviews were conducted. Positive comments were made in 14 of these. Most of these comments indicated the inspector conducted a complete and thorough inspection, or performed his duties efficiently.

However, 4 FARs contained excellent comments on areas where the inspector needs to improve.

*Recommendation – Field Activity Reviews should include documentation of an inspector's extraordinary efforts or accomplishments, as well as areas where improvement is needed. Simply completing a thorough inspection is not extraordinary.**Reference - Coal Mine Safety and Health Supervisor's Handbook (AH-08-III-1(2)), Chapter 1, Section IV, Items E & F, and Chapter 1, Section X, Item A.*

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

6. Evaluate the quality of Accompanied Inspections

Adequate Inadequate Not Applicable Comments Below

Interviews with inspectors and supervisors indicate that quality AAs are being conducted in the field. However, the documentation for AAs needs to be improved.

During the time period audited, twenty-one Accompanied Activities were conducted. Positive comments were made in 10 of these. Most of these comments indicated the inspector conducted a complete and thorough inspection, or performed his duties efficiently. Only one Accompanied Activity indicated an area where the inspector needed to improve.

Recommendation – Accompanied Activity Reports should include documentation of an inspector’s extraordinary efforts or accomplishments, as well as areas where improvement is needed. Simply completing a thorough inspection is not extraordinary.

Reference - Coal Mine Safety and Health Supervisor’s Handbook (AH-08-III-1(2)), Chapter 1, Section IV, Items E & F, and Chapter 1, Section X, Item B.

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

District Field Office Mine ID Date

11.	Determine if ADMs and DMs are visiting mines with poor compliance at least monthly					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

17.	Determine if supervisors are monitoring inspector time and activity documentation to ensure proper use of time by inspector					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

20.	Determine if supervisors are adequately evaluating the level of enforcement by visiting each producing mine					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
Supervisory mine visits were being conducted. However, see Item No. 37 below.						

21.	Determine if District Manager is monitoring the ACRI program and using the Performance Management System to ensure that CLR's justify changes					
Adequate	<input type="checkbox"/>	Inadequate	<input checked="" type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
The district's ACRI program appears to be functioning properly. However, interviews with inspectors, supervisors, and district-level personnel indicate issues within the MSHA/SOL Alternative Case Resolution procedures that cannot be resolved at the district level. Some (but not all) of those issues are as follows:						
a. The currently approved Memorandum of Understanding between MSHA and SOL is not compatible with the currently approved ACRI Handbook. The ACRI Handbook has been revised and is currently awaiting approval.						
b. The current process requires that approximately 96% of all contested cases be handled by CLR's. This is already creating a backlog of cases. Only approximately 4% of contested cases will be handled by SOL, regardless of the actual number of contested cases.						

District Field Office Mine ID Date

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

Adequate Inadequate Not Applicable Comments Below

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

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

District Field Office Mine ID Date

31. Determine that the inspector spent sufficient time on off-shifts and on weekends

Adequate Inadequate Not Applicable Comments Below

An analysis of the first of two E01 inspections reviewed indicated that only 3% of the total time was spent on off-shifts, and almost 9% of the total time was spent in the office.

However, the most recent E01 inspection showed a commendable improvement in time distribution. Approximately 25% of the total inspection time was spent on off-shifts, and less than 5% of the total time was spent in the office. Time spent in the "other" category decreased significantly as well.

34. Determine if all mine record books, postings, and other required materials are examined during the inspection

Adequate Inadequate Not Applicable Comments Below

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

District Field Office Mine ID Date

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

evaluations regarding S&S determinations are not consistent with the type of violation, the wording of the citation or the inspector's notes.

In addition:

- Citation describes accumulations in separate locations in the that should have been cited individually.
- Citation describes inoperative stop devices on four separate conveyor belts that should have been cited individually.
- Citation describes tripping and stumbling hazards on two elevated walkways that should have been cited separately.
- Citation describes accumulations of combustible materials at two different Stamler feeders that should have been cited individually.

In a 22-day period during an E01 inspection, 16 citations were issued on 30 CFR, §77.1104 with no elevation in the level of enforcement. During the following E01 inspection, 9 additional citations were issued on the same section of 30 CFR within a 27-day period. The level of enforcement was not elevated to a 104(d) citation until the last of these 25 citations.

Attachments C and D contain examples relative to the above items.

Citations issued during the audit exhibited the same lack of thorough documentation. More information is needed in the body of the citations to describe:

- How long a violation has existed
- Precisely where the violation is located
- The extent of the violation, such as length, depth, width
- Supporting information such as voltage, amperage
- The number of persons affected by the violation
- The length of time elapsed since an examination of that area was conducted

A descriptive narrative in the body of citations helps to ensure the mine operator is fully aware of the conditions or practices that need to be corrected.

Recommendation – Repeat violations should be considered for elevation in the level of enforcement at a much earlier time. Elevated enforcement should be considered when there are violations as a result of aggravated conduct constituting more than ordinary negligence.

Recommendation – Citations should describe the violation with specificity. The narrative portion of citations should be complete and informative so the mine operator understands what

District Field Office Mine ID Date

conditions or practices need to be corrected.

Reference – 1977 Mine Act, Section 104(d), and Citation and Order Writing Handbook for Coal Mines and Metal and Non Metal Mines (PH08-I-1), Chapter 4, Section XIII, Items A and B.

38. Accompany and evaluate inspector's imminent danger run

Adequate Inadequate Not Applicable Comments Below

41. Evaluate operator's workplace examinations

Adequate Inadequate Not Applicable Comments Below

Adequate examinations and corrective actions would have revealed the violations listed elsewhere in this report.

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID Date

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

Adequate Inadequate Not Applicable Comments Below

Approved plans allow injection of slurry into abandoned underground mines. These mines have areas above and below drainage. Some of the plans were approved between 2001 and 2002. The most recent update in the UMF is a permit renewal letter issued in 2007.

Interviews with inspectors, supervisors, District 4 personnel, and personnel from other districts as well, indicate that currently there are no guidelines for plan approval or subsequent monitoring where slurry is being pumped into abandoned underground mines. Guidelines are needed as a proactive measure to assist districts in the prevention of blow-outs, contamination of ground water, etc.

Recommendation – The Office of Accountability recommend that MSHA headquarters solicit information from the districts and Technical Support and issue a set of general guidelines for the approval/disapproval of plans for the injection of slurry into abandoned underground mines. The guidelines should include provisions for minimum plan requirements and periodic reporting of slurry/water levels within the abandoned mines.

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

District-level reviews and headquarters-level reviews do not adequately address follow-up, evaluation, or methods for measuring the success or failure of corrective actions.

Recommendation – Follow-up, evaluation, and measurement of corrective actions is an important part of the review process, and should always be a part of the review report.

Reference – Accountability Program Handbook (AH08-III-4), Page 8

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

District Field Office Mine ID Date

71. Determine if Peer Reviews accurately reflect and evaluate MSHA activities at all types of mining (underground/surface/surface facilities) within the district

Adequate Inadequate Not Applicable Comments Below

Reviews listed on the district's spreadsheet indicate that both surface and underground mining is included in the review process.

72. Determine if approved plans and the Uniform Mine File books are addressed during each Peer Review

Adequate Inadequate Not Applicable Comments Below

75. Evaluate approved training plan after discussion with miners

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

The inspections appeared to be complete and thorough. However, issues as identified in Items 31 and 37 need to be addressed.

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

District Field Office Mine ID Date

83. Determine if plan review and approval process provides reasonable assurance that miners are protected

Adequate Inadequate Not Applicable Comments Below

85. Determine if miners are adequately trained in the provisions of any new plan prior to its implementation

Adequate Inadequate Not Applicable Comments Below

As per discussion with several miners

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

Adequate Inadequate Not Applicable Comments Below

102. Determine if input is solicited from field office inspectors/supervisors, and recommendations are addressed prior to approval

Adequate Inadequate Not Applicable Comments Below

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

United States Department of Labor
Mine Safety and Health Administration
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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

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	<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)

6. Condition or Practice

8a. Written Notice (103g)

THE ELEVATED WALKWAY, ALONG THE NUMBER 318 AND 324 CONVEYOR BELTS, IN SERVICE AT THE RAW COAL STOCKPILE, WAS NOT BEING KEPT CLEAR OF ALL EXTRANEIOUS MATERIAL. THE WALKWAY CONTAINED A 4 INCH WATERLINE RUNNING THE LENGTH OF THE BELT AND A PIECE OF TOP BELT STRUCTURE. THE PLATFORM OF THE BELT WAS LITTERED WITH OLD LIGHTING FIXTURES, A SHOVEL, SEVERAL PIECES OF SCRAP METAL AND AN OLD BELT SCRAPER.

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

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

15. Area or Equipment

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

Section III--Termination Action

17. Action to Terminate

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

Section IV--Automated System Data

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

22. Signat. 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	2. Time (24 Hr. Clock)	3. Citation/ Order Number
4. Special To	5. Operator	
6. Mine	7. Mine ID	(Contractor)
8. Written Notice (103g)		<input type="checkbox"/>

COMBUSTIBLE MATERIAL, CONSISTING OF LOOSE COAL AND COAL FINES, UP TO 12 INCHES DEEP, 30 FEET LONG, AND 5 FEET WIDE, WAS ALLOWED TO ACCUMULATE ON AND BENEATH THE TAILPIECE, THE BELT STRUCTURE, AND ON THE WORK PLATFORM OF THE ELEVATED NUMBER 316 CONVEYOR BELT. THIS CONDITION WAS OBVIOUS AND EXTENSIVE AND HAD EXISTED FOR MULTIPLE SHIFTS. THIS STANDARD HAS BEEN CITED 9 TIMES IN 2009. THIS CITATION IS AN UNWARRANTABLE FAILURE TO COMPLY WITH A MANDATORY STANDARD.

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	77.1104
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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 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 THE NUMBER 316 AND 322 CONVEYOR BELTS AND WORK PLATFORM AROUND THE CONVEYOR BELT TAILPIECES.

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

17. Action to Terminate

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

19. Type of Inspection (activity code)	E16	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 05 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District Coal Dist 4 Field Office Summersville, WV Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I--Violation Data

1. Date Mo Da Yr [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/ Order Number [REDACTED]
4. Served To [REDACTED]		[REDACTED]
6. Mine [REDACTED]		7. Mine ID [REDACTED] (Contractor)

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

THE BACKGUARD PROVIDED FOR THE VERTICAL LADDER, LOCATED AT THE BELT CROSSOVER NEAR THE NUMBER 322 CONVEYOR BELT DRIVE, EXTENDED A DISTANCE MORE THAN 7 FEET FROM THE BOTTOM TO THE TOP OF THE LADDER. WHEN MEASURED, THE BACKGUARD BEGAN 8 FEET ABOVE THE BOTTOM OF THE LADDER.

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 77.206(c)
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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 [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section III--Termination Action

17. Action to Terminate

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) E16	20. Event Number [REDACTED]	21. Primary or Mill
22. Signature [REDACTED]		23. AR Number [REDACTED]

MSHA Form 7000-3, Apr 06 (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	2. Time (24 Hr. Clock)	3. Citation/ Order Number
4. Served To	5. Operator	
6. Mine	7. Mine ID	

(Contractor)

8. Condition or Practice

8a. Written Notice (103g)

THE BREAKER BOX PROVIDED FOR THE HEATER IN THE ELECTRICAL CONTROL ROOM, NEAR THE RAW COAL TRUCK DUMP, WAS NOT BEING PROPERLY MAINTAINED. WHEN EXAMINED, THE CABLE ENTRANCE GLAND ON THE BOTTOM OF THE BREAKER BOX WAS NOT SEALED OR PROVIDED WITH A FITTING.

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
			77.502

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) E16 20. Event Number 21. Primary or Mill 22. Signature 23. AR Number

MSHA Form 7000-3, Apr 06 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 408 3rd Street, SW MC 2120, Washington, DC 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 Mo Da Yr <input type="text"/>	2. Time (24 Hr. Clock) <input type="text"/>	3. Citation/ Order Number <input type="text"/>
4. General Description <input type="text"/>		5. Operator <input type="text"/>
6. Mine Name <input type="text"/>		7. Mine ID <input type="text"/> (Contractor)

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

A SAFE MEANS OF ACCESS WAS NOT PROVIDED BENEATH THE NUMBER 306 ELEVATED CONVEYOR BELT NEAR . THE GUARD INSTALLED BENEATH THE BELT DID NOT EXTEND A DISTANCE SUFFICIENT TO PROTECT PERSONS TRAVELING IN THE ROADWAY BENEATH THE BELT. THIS ROADWAY IS USED BY VEHICLES AND PEOPLE ON FOOT TO ACCESS THE TUNNEL AND RAW COAL BELT AREAS.

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 77.205(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

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

Section IV--Automated System Data

19. Type of Inspection (activity code) E16 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, 400 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District Coal Dist 4

Field Office Summersville, WV

Mine ID [REDACTED]

Date [REDACTED]

Mine Citation/Order

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



Section I—Violation Data

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

g. Conclusion of Practice

Ba. Written Notice (103g)

THE PROPANE GAS CYLINDERS, LOCATED IN THE OIL STORAGE BUILDING, WERE NOT BEING SECURED IN A SAFE MANNER. THREE OF THE TANKS WERE CONNECTED TO HOSES AND WERE SETTING ON THE FLOOR OF THE BUILDING.

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	77.208(d)
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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 <u>[REDACTED]</u>	B. Time (24 Hr. Clock) <u>[REDACTED]</u>
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Section III—Termination Action

17. Action to Terminate THE HOSES WERE DISCONNECTED FROM THE TANKS.

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

19. Type of Inspection (activity code) E16	20. Event Number <u>[REDACTED]</u>	21. Primary or Mill
22. Signature <u>[REDACTED]</u>		23. AR Number <u>[REDACTED]</u>

MSHA Form 7000-3, Apr 06 (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

Mine Citation/Order

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



Section I—Violation Data

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

8. Condition or Practice

8a. Written Notice (103g)

THE TRAVELWAY IN THE OIL STORAGE BUILDING, LOCATED NEAR [REDACTED] WAS NOT BEING KEPT CLEAR OF ALL EXTRANEIOUS MATERIAL AND OTHER STUMBLING OR SLIPPING HAZARDS. THE ENTIRE WALKWAY WAS OBSTRUCTED BY A PILE OF RUBBER HOSE.

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
			77.205(b)

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: 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		E. Citation/Order Number		F. Dated Mo Da Yr	
A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>					
15. Area or Equipment					

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

Section III—Termination Action

17. Action to Terminate THE MATERIAL WAS REMOVED FROM THE WALKWAY.		
18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)

Section IV—Automated System Data

19. Type of Inspection (activity code)	E16	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"/>	2. Time (24 Hr. Clock) <input type="text"/>	3. Citation/ Order Number <input type="text"/>
4. Sent To <input type="text"/>		<input type="text"/>
5. Mine <input type="text"/>	7. Mine ID <input type="text"/>	(Contractor) <input type="text"/>

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

FOUR OF THE CIRCUIT BREAKERS, LOCATED IN LIGHTING PANEL "C", IN THE ELECTRICAL CONTROL ROOM, WERE NOT LABELED TO SHOW WHICH CIRCUITS THE BREAKERS CONTROLLED.

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 77.904
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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 <input type="text"/>	B. Time (24 Hr. Clock) <input type="text"/>
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Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr <input type="text"/>	B. Time (24 Hr. Clock) <input type="text"/>
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Section IV--Automated System Data

19. Type of Inspection (activity code) E16	20. Event Number <input type="text"/>	21. Primary or Mill <input type="text"/>
22. Signature <input type="text"/>	23. AR Number <input type="text"/>	

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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	2. Time (24 Hr. Clock)	3. Citation/ Order Number
4. Served To	5. Operator	
	7. Mine ID	(Contractor)

8. Condition or Practice

8a. Written Notice (103g)

THE ABOVE GROUND OIL STORAGE STATION, LOCATED NEAR [REDACTED], WAS NOT PROVIDED WITH 2 PORTABLE FIRE EXTINGUISHERS OR THE EQUIVALENT.

See Continuation Form (MSHA Form 7000-3e)

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
			77.1109(e)(1)

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: 004

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 OIL STORAGE STATION WAS PROVIDED WITH 2 FIRE EXTINGUISHERS.

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

Section IV—Automated System Data

19. Type of Inspection (activity code) E16 20. Event Number 21. Primary or Mill

22. Signature 23. AR Number

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

Toeboards were not provided were necessary beside the Raw Coal Screen and at the A1 Refuse Screen, In that a small sections was missing from each one.

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	77.205(e)
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			E. Citation/Order Number	F. Dated Mo Da Yr
A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>				
15. Area or Equipment				

16. Termination Due	A. Date Mo Da Yr	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)	E16	20. Event Number	21. Primary or Mill
22. Sign		23. AR Number	

MSHA Form 7000-3a 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 <input type="text" value="Mo Da Yr"/>	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 of Practice		8a. Written Notice (103g) <input type="checkbox"/>

The examinations required at least once every 6 months of the fire extinguishers provided on the 7th, and 4th floor of the and at the bottom of the refuse bin were not being recorded on a permanent tag attached to the extinguisher.

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 77.1110
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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: 002

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

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

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

15. Area or Equipment

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

Section III—Termination Action

17. Action to Terminate The extinguishers were examined and recorded on a permanent tag attached to the extinguisher

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

Section IV—Automated System Data

19. Type of Inspection (activity code) <input type="text" value="E16"/>	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 7000-3a Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District Coal Dist 4 Field Office Summersville, WV Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I—Violation Data

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

A safe means of access was not being provided and maintained to all working places, in that the emergency access off the Static Thickener was obscured by tangled water hose lying in the travelway

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 77.205(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 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		E. Citation/ Order Number	
A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		F. Dated Mo Da Yr	
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 water line was cleared from the walk way.

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) E16	20. Event Number [REDACTED]	21. Primary or Mill
22. Signature [REDACTED]		23. AR Number [REDACTED]

MSHA Form 7000-3a 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 Mo Da Yr <input type="text"/>	2. Time (24 Hr. Clock) <input type="text"/>	3. Citation/ Order Number <input type="text"/>
4. Signed 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 ground wire provided for the frame of the Linatex Screen was not properly attached in that one end had become unattached from the machine.

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 77.701
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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 <input type="text"/>	B. Time (24 Hr. Clock) <input type="text"/>
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Section III—Termination Action

17. Action to Terminate

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

19. Type of Inspection (activity code) E16	20. Event Number <input type="text"/>	21. Primary or Mill <input type="text"/>
22. Signature <input type="text"/>	23. AR Number <input type="text"/>	

MSHA Form 7000-3, Apr 06 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District Coal Dist 4 Field Office Summersville, WV Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I--Violation Data

1. Date Mo Da Yr [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/ Order Number [REDACTED]
4. Mine ID [REDACTED]	5. Operator [REDACTED]	
6. Mine [REDACTED]	7. Mine ID [REDACTED]	(Contractor)

8. Condition or Practice

8a. Written Notice (103g)

A toeboard was not being provided where necessary, in that the removable toeboard was not in place in front of the opened machinery door on the second floor of the new side of the plant

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 77.205(e)
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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 [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section III--Termination Action

17. Action to Terminate The toeboard was put 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) E16	20. Event Number [REDACTED]	21. Primary or Mill
22. Signature [REDACTED]		23. AR Number [REDACTED]

MSHA Form 7000-3a of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Regulatory Enforcement Fairness Board 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, 400 3rd Street, SW MC 2120, Washington, DC 20415. 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"/>	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)

A safe means of access was not being provided and maintained in all working places, in that the stairs leading to the was obscured by three loose water lines lying on the stairs.

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 77.205(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 <input type="text"/>	B. Time (24 Hr. Clock) <input type="text"/>
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Section III—Termination Action

17. Action to Terminate

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

19. Type of Inspection (activity code) E16	20. Event Number <input type="text"/>	21. Primary or Mill <input type="text"/>
22. Sign <input type="text"/>		23. AR Number <input type="text"/>

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

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

District Coal Dist 4 Field Office Summersville, WV Mine ID [REDACTED] Date [REDACTED]

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

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

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

Small quantities of Flammable liquids were not being stored in properly identified safety cans, in that approximately 1/2 gallon of gasoline was being stored in an unmarked 1 gallon (windshield washer fluid type) plastic bottle in the plant at the bottom of the [REDACTED].

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	77.1103(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 [REDACTED] F. Dated Mo Da Yr

15. Area or Equipment

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

Section III--Termination Action

17. Action to Terminate The container was removed from the plant and the flammable liquid was placed in a proper container.

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

Section IV--Automated System Data

19. Type of Inspection (activity code) <u>E16</u>	20. Event Number <u>[REDACTED]</u>	21. Primary or Mill <input type="checkbox"/>
22. Signature <u>[REDACTED]</u>		23. AR Number <u>[REDACTED]</u>

MSHA Form 7000-3a of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 408 3rd Street, SW MC 2120, Washington, DC 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 <input type="text" value="Mo Da Yr"/>	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 of Practice 8a. Written Notice (103g)

The structure on top of the Refuse Bin was not being maintained in good repair to prevent accidents and injuries to employees, in that non combustible materials were allowed to accumulate under the head drive platform of the Refuse Belt up to 2 feet thick over an area of 8 feet wide by 8 feet long. This is approximately 7 tons of material on top of the bin that was not accounted for in the engineering design calculations.

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 77.200
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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 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

15. Area or Equipment

16. Termination Due	A. Date <input type="text" value="Mo Da Yr"/>	B. Time (24 Hr. Clock) <input type="text" value=""/>
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Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date <input type="text" value="Mo Da Yr"/>	B. Time (24 Hr. Clock) <input type="text" value=""/>
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Section IV--Automated System Data

19. Type of Inspection (activity code) <input type="text" value="E16"/>	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 7000-3a 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, 400 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District Coal Dist 4 Field Office Summersville, WV Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I--Violation Data

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

8. Condition or Practice

8a. Written Notice (103g)

Combustible material, in the form of fine and course raw coal were allowed to accumulate on the platforms outside the Raw Coal Screening building. These accumulations were up to 2.5 feet thick and over an area of 8 feet by 10 feet on two separate floors. This condition was extensive and obvious and had existed for several shifts. This condition has been cited 10 times in 2009 and is considered unwarrantable failure to comply to a mandatory standard.

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 <u>77.1104</u>
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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: 004

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

12. Type of Action 104(d)(1) 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 [REDACTED] F. Dated Mo Da Yr
[REDACTED]

15. Area or Equipment The platforms outside the Raw Coal Screening building and work areas beneath the platforms where material may fall.

16. Termination Due	A. Date <u>Mo Da Yr</u> <u>[REDACTED]</u>	B. Time (24 Hr. Clock) <u>[REDACTED]</u>
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Section III--Termination Action

17. Action to Terminate

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

19. Type of Inspection (activity code) <u>E16</u>	20. Event Number <u>[REDACTED]</u>	21. Primary or Mill <u>[REDACTED]</u>
22. Signature <u>[REDACTED]</u>	23. AR Number <u>[REDACTED]</u>	

MSHA Form 7000-3a (Rev. 10-2008) Under 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.

District Field Office Mine ID Date

Issuances with Questionable S&S Evaluation

Violation No.	Type of Issuance	30 CFR	Inspector's S&S Evaluation
<input type="text" value=""/>	104(a) Citation	77.202	Non S&S
Combustible material consisting of loose coal and coal fines, up to 8" in depth was allowed to accumulate in the clean coal load out facility, beginning on the <input type="text" value=""/> floor and extending through the load out to the 1st floor.			

Violation No.	Type of Issuance	30 CFR	Inspector's S&S Evaluation
<input type="text" value=""/>	104(a) Citation	77.1104	Non S&S
Accumulations of combustible materials consisting of hydraulic oil and coal float dust, up to 1/8 inch in depth, was allowed to accumulate on the hydraulic tank and final drive on the D10R Caterpillar dozer (Co number 617) in service at the raw coal storage area.			

Violation No.	Type of Issuance	30 CFR	Inspector's S&S Evaluation
<input type="text" value=""/>	104(a) Citation	77.1607(cc)	Non S&S
The pull cord provide for the length of the unguarded No. 360 Raw coal reclaim conveyor belt, was not being maintained along the elevated walkway. The cord was loose and lying on the elevated travel way for a distance of 25 feet near the entrance to the screening building.			

Violation No.	Type of Issuance	30 CFR	Inspector's S&S Evaluation
<input type="text" value=""/>	104(a) Citation	77.204	Non S&S
An opening measuring 66 inches in height and 32 inches in width is located on the backside of the first floor of the refuse bin building with no protective railing provided.			

Violation No.	Type of Issuance	30 CFR	Inspector's S&S Evaluation
<input type="text" value=""/>	104(a) Citation	77.502	Non S&S
The emergency stop devices along with the corresponding jog stations provided for the Number 322,316,149, and 360 conveyor beltlines were not being properly maintained. When tested with the emergency stop device pulled, the belt could be energized from the jog switch. The emergency stop will de-energize the belt when running.			

Violation No.	Type of Issuance	30 CFR	Inspector's S&S Evaluation
<input type="text" value=""/>	104(a) Citation	77.1104	Non S&S
Combustible material, consisting of coal, coal fines, and grease, up to 12 inches in depth, was allowed to accumulate around the operating pick breaker shaft and bearing of the Number 325 <input type="text" value=""/> coal feeder in service in the <input type="text" value=""/> building.			

District Field Office Mine ID Date

Issuances with Questionable S&S Evaluation

Violation No.	Type of Issuance	30 CFR	Inspector's S&S Evaluation
<input type="text" value=""/>	104(a) Citation	77.205(b)	Non S&S
<p>The travelway and platform around the columns, located on the 3rd floor of the <input type="text" value=""/> were not being kept clear or extraneous materials to prevent stumbling and tripping hazards. The travelways were covered with Magnetite, float dust, and promoter oil.</p>			

Violation No.	Type of Issuance	30 CFR	Inspector's S&S Evaluation
<input type="text" value=""/>	104(a) Citation	77.1607(cc)	Non S&S
<p>The pull cord, provided for the unguarded, elevated, refuse belt, in service at the <input type="text" value=""/> would not stop the belt when activated near the platform at the top of the refuse bin.</p>			

Violation No.	Type of Issuance	30 CFR	Inspector's S&S Evaluation
<input type="text" value=""/>	104(a) Citation	77.400(d)	Non S&S
<p>The guard provided for the tail roller, on the clean coal tunnel belt, to prevent a person from becoming caught between the conveyor belt tail roller and the conveyor belt, was not being kept securely in place while the belt was in operation. The clamps securing the guard at the bottom were broken and the guard could be raised up, exposing the operating tail roller and belt.</p>			

Violation No.	Type of Issuance	30 CFR	Inspector's S&S Evaluation
<input type="text" value=""/>	104(a) Citation	77.1104	Non S&S
<p>Combustible materials, consisting of dry dust and float dust, up to 4 inches in depth, was allowed to accumulate on the eclectic circuits and in the bottom of the circuit cabinet, located near the control room of the <input type="text" value=""/></p>			

Violation No.	Type of Issuance	30 CFR	Inspector's S&S Evaluation
<input type="text" value=""/>	104(a) Citation	77.205(a)	Non S&S
<p>A safe means of access was not being maintained from the escape tube of the mag tunnel to the surface. The metal lid and hinges, covering the top of the tube at ground level, had deteriorated (Rusted) from the tube and when the door was opened it would fall back into the tube.</p>			

District Field Office Mine ID Date

Issuances with Questionable S&S Evaluation

Violation No.	Type of Issuance	30 CFR	Inspector's S&S Evaluation
<input type="text" value=""/>	104(a) Citation	77.205(b)	Non S&S
The elevated walkway, along the number 318 and 324 conveyor belts, in service at the raw coal stockpile, was not being kept clean of all extraneous material. The walkway contained a 4-inch waterline running the length of the belt and a piece of top belt structure. The platform of the belt was littered with old lighting fixtures, a shovel, several pieces of scrap metal and an old belt scraper.			

Violation No.	Type of Issuance	30 CFR	Inspector's S&S Evaluation
<input type="text" value=""/>	104(a) Citation	77.205(a)	Non S&S
A safe means of access was not provided beneath the Number 306 elevated conveyor belt near the <input type="text" value=""/> . The guard installed beneath the belt did not extend a distance sufficient to protect persons traveling in the roadway beneath the belt. The roadway is used by vehicles and people on foot to access the tunnel and raw coal belt areas.			

Violation No.	Type of Issuance	30 CFR	Inspector's S&S Evaluation
<input type="text" value=""/>	104(a) Citation	77.205(b)	Non S&S
Slippery Material, consisting of loose coal fines and water, up to 6 inches in depth, was allowed to accumulate in the work and travel areas around the Primary Clean Coal Spirals.			

Violation No.	Type of Issuance	30 CFR	Inspector's S&S Evaluation
<input type="text" value=""/>	104(a) Citation	77.205(b)	Non S&S
Slippery Material, consisting of loose raw coal fines, up to 8 inches in depth, was allowed to accumulate on the catwalk beside the raw coal screen.			

Violation No.	Type of Issuance	30 CFR	Inspector's S&S Evaluation
<input type="text" value=""/>	104(a) Citation	77.1104	Non S&S
Combustible material up to 8 inches in depth, in the form of clean coal, was allowed to build up around the electric drive motor on the sampler crusher.			

Violation No.	Type of Issuance	30 CFR	Inspector's S&S Evaluation
<input type="text" value=""/>	104(a) Citation	77.205(a)	Non S&S
A safe means of access was not being maintained on the off side of the Clean Coal #2 Belt. Material had fallen from the adjacent wall and accumulated between the wall and belt line in depth up to and over the belt rails.			

District Field Office Mine ID Date

Issuances with Questionable S&S Evaluation

Violation No.	Type of Issuance	30 CFR	Inspector's S&S Evaluation
<input type="text" value=""/>	104(a) Citation	77.205(a)	Non S&S
A safe means of access was not being maintained to all working places, in that the walk way around the <input type="text" value=""/> was full of spilled material up to and over the toeboard on all sides of the elevated platform.			

Violation No.	Type of Issuance	30 CFR	Inspector's S&S Evaluation
<input type="text" value=""/>	104(a) Citation	77.1104	Non S&S
Accumulations of combustible materials in the form of fine coal were allowed to accumulate along the wall behind the 325 <input type="text" value=""/> feeder. The material was 1" to 7" in depth and covered an area of 15' by 3'. Also the 319 <input type="text" value=""/> had leaked hydraulic oil on to the floor over an area of 9' by 4'.			

Violation No.	Type of Issuance	30 CFR	Inspector's S&S Evaluation
<input type="text" value=""/>	104(a) Citation	77.400(a)	Non S&S
The head roller of the 324 belt (in operation) was not being guarded from contact by persons, in that the guard on the belt scraper adjustment was left off, exposing a hole 10" by 12" in the head chute, just 2" from the rotating head roller.			

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

District Field Office Mine ID Date

Example of lack of increase in the level of enforcement

Event No.	Violation	Date Issued	Action	Issuance	30 CFR	S&S
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	Y
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	Y
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	Y
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	Y
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	Y
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	Y
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	Y
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(a)	Citation	77.1104	N
[REDACTED]	[REDACTED]	[REDACTED]	104(d)(1)	Citation	77.1104	Y