



December 17, 2010

MEMORANDUM FOR ROBERT L. PHILLIPS

Acting Deputy Assistant Secretary for Operations
Mine Safety and Health

THROUGH:

PETER J. MONTALI

Arlie A. Webb For

Acting Director of Accountability for
Mine Safety and Health

FROM:

ARLIE A. WEBB
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Accountability Specialists

SUBJECT:

MSHA Office of Accountability Audit. Coal District 1. Pottsville. PA
Field Office, and [REDACTED]

Introduction

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

Overview

The district audit was conducted on [REDACTED] and included a review of administrative, technical, and other areas such as Special Investigations and the ACRI Program. The field office audit was conducted on [REDACTED] and the on-site portion of the audit was conducted on [REDACTED]. Accompanying the audit team was [REDACTED].

On [REDACTED] the audit team accompanied the inspection party to the subject underground anthracite mine, which employs approximately 42 persons. On-site examinations included record books, escapeway map, mine ventilation map, the 003-0 section, working faces, feeders, power center, all conveyor belts and belt drives, and the alternate escapeway and lifelines. Also examined were safe rooms, compliance with Emergency Response Plan, signage, Self-Contained, Self-Rescuer caches, and fire suppression systems. Surface areas examined included the crusher building, explosive storage facility, two front-end loaders, fan house, surface belt drive, ventilation boreholes, emergency hoist, haulage roads and berms, mine office, supply rooms and shop, surface read-out for the atmospheric monitoring system, and the tracking system.

S&S Rate Comparison

S&S rates for the Pottsville field office and the district as a whole were lower than national levels for FY2009. Although the S&S rate for District 1 has risen above the national average for FY 2010, the Pottsville field office is still significantly lower.

S&S Rate Comparison			
Fiscal Year	Pottsville, PA Field Office	District 01	National Average
2009	27.61%	21.45%	35.0%
2010 (to date)	27.34%	34.33%	34.0%

Time and Activity Comparison

Only underground mines are inspected out of the Pottsville, PA field office. Time distribution for E01 inspections at these mines for FY2009 to present is also improving. At this point in FY2010, an average of 68.30 percent of the total inspection time is being spent on-site at underground mines, which is slightly above the national average.

Time Distribution (Percent) – E01 Inspections at Underground Mines						
	Travel	Other	Total On-Site	Citations Issued On-site	Citations Issued Off-site	Total Percent*
2009	20.80%	12.17%	66.97%	1.63%	0.06%	100.0%
Nat'l Avg 2009	15.43%	16.97%	67.20%	5.94%	0.40%	100.0%
2010(to date)	21.35%	10.29%	68.30%	1.59%	0.06%	100.0%
Nat'l Avg 2010	15.99%	15.43%	68.11%	5.77%	0.47%	100.0%

* Total on-site time includes citations issued on-site.

Audit Results

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

1. MSHA personnel conducted themselves in a professional and courteous manner to the OA and the mine operator at all times.
2. Violations observed by inspectors during the audit were properly issued and evaluated.
3. Mine plans kept at the district and field office were complete, legible, and easily understood.
4. Roof control plans contain provisions for reducing cut widths when sub-normal roof conditions are encountered.
5. Inspection personnel at the Pottsville, PA field office conducted truck and haulage initiative inspections and retreat mining initiative inspections at least one time each month.

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

1. Three surface mines [REDACTED] were assigned to the Pottsville field office, but were not inspected out of that office.
2. The status of some mines had been retained in "New Mine" or "Temp Idle" for as long as 15 years. [REDACTED] has been in "New Mine" status since 10/24/1997, [REDACTED] has been in "Temp Idle" status since 03/01/1995, and [REDACTED] has been in "Temp Idle" status since 11/27/1995)
3. Although the required underground mine visits were made by the Pottsville field office supervisor, the district as a whole did not conduct the required number of annual supervisory/managerial mine visits during FY 2009. (See Item No. 3)
4. The MSIS system was not being kept up to date regarding methane liberation. (See Item No. 14)
5. It could not be determined if the effectiveness of the corrective action plans resulting from Headquarters and District level Accountability Reviews conducted during FY2009 were being monitored by the District Manager on an ongoing basis. (See Items No. 66 and 67)
6. Inspectors are not always carrying needed inspection equipment with them (smoke tube assembly) and are not properly trained in the use of such equipment.

Attachments

A. Office of Accountability Checklist with comments, recommendations, and references

B. Citations/Orders issued during this audit

- 1. [REDACTED]
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10
- 11

C. Enforcement actions with questionable evaluations

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1. Evaluate supervisory review of inspection reports and documentation for completeness.
- Adequate Inadequate Not Applicable Comments Below

See Item Numbers 19, 77, and 122 below. (Also see Attachment C)

2. Determine if supervisors address report deficiencies immediately
- Adequate Inadequate Not Applicable Comments Below

do not appear to be identifying and addressing deficiencies found during reviews of E01 inspection reports, hazard complaint reports, and the ACRI process, as noted in Items 19, 77, and 122 below.

3. Determine if supervisors/managers are visiting each active mine at least annually
- Adequate Inadequate Not Applicable Comments Below

Although all required mine visits were conducted at underground mines, a comparison between the number of surface mines and facilities in District 1 that were active during all or part of FY 2009 and the number of supervisory/managerial mine visits conducted during that period revealed the following:

Mine visits were conducted at only 44 of the 69 surface facilities (64%)
Mine visits were conducted at only 52 of the 67 surface mines (78%)

Recommendation – Managerial and supervisory mine visits should be made to all active coal mines to determine if the level of enforcement is effective and consistent with the conditions and practices in the mine.

Reference – CMS&H Memo No. HQ-08-081-A (SEC-103), dated June 23, 2008.

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

Adequate Inadequate Not Applicable Comments Below

FARs from the 2nd Half of FY 2009 and the 1st and 2nd Halves (to date) of FY 2010 were reviewed. Documentation provided by the field office supervisor indicates that seven of the eight required FARs were conducted. However, deficiencies noted in Items 19 and 77 below were not identified and addressed during reviews.

Recommendation - FARs should include comments by the supervisor to assist the inspector in improving his/her work product.

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

There were no instances of performance or behavior based issues identified during the period audited.

6. Evaluate the quality of Accompanied Inspections

Adequate Inadequate Not Applicable Comments Below

Accompanied Activity reports from the 2nd Half of FY 2009 and the 1st and 2nd Halves of FY 2010 were reviewed. The documentation provided by the field office supervisor indicates that seven of the eight required AAs were conducted. One AA conducted during the 2nd Half of FY 2010 indicated that a trend or deficiency existed, but it was not identified or documented.

Recommendation - AAs should include comments by the supervisor to assist the inspector in improving his/her work product.

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

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

See Item Numbers 3, 4, 6, and 20.

9. Determine if District Manager is using Performance Management System to hold ADMs accountable for oversight of subordinates

Adequate Inadequate Not Applicable Comments Below

See Item Numbers 3, 4, 6, 20 and 23.

11. Determine if ADMs and DMs are visiting mines with poor compliance at least monthly

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

14. Evaluate supervisory and management review of 103(i) (spot inspection) tracking system for compliance with time frames

Adequate Inadequate Not Applicable Comments Below

There are no 103(i) category mines in District 1.

15. Determine if supervisors and managers are ensuring that 103(i) inspections are not combined with any other type of inspection

Adequate Inadequate Not Applicable Comments Below | |

There are no 103(i) category mines in District 1.

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

Adequate Inadequate Not Applicable Comments Below

See Items 19, 77, 122 and 123 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

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

The narrative portion of Citation issued during E01 Event Number early depicts two violations, yet only one citation was issued. A separate citation should have been issued for each grinder that was not maintained in safe operating condition. This oversight was not identified or corrected although the citation was initialed by the field office supervisor, and was reviewed by the CLR and the District Manager during the conference process.

In addition, Attachment C contains several examples of citations issued with questionable evaluations of gravity, negligence, number of persons affected, and level of enforcement.

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

Adequate Inadequate Not Applicable Comments Below

A comparison of the active mines in District 1 to the mine visit spreadsheet indicated that not all required mine visits were conducted during FY 2009. According to the MSHA database, District 1 had 69 facilities, 67 surface mines, and 17 underground mines that were active during at least two quarters during FY 2009. Of these, supervisors or managers visited 44

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(64%) of the facilities, 52 (78%) of the surface mines, and 100% of the underground mines.

Recommendation- Supervisors and managers should visit each active coal mine to determine if the level of enforcement is effective and consistent with the conditions and practices in the mine.

Reference - CMS&H Memorandum No. HQ-08-081-A (SEC-103), dated June 23, 2008.

21. Determine if District Manager is monitoring the ACRI program and using the Performance Management System to ensure that CLR's justify changes

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 | |

Due to a lack of documentation, it could not be determined if the required 2nd level reviews were performed in FY2009. Documentation was, however, being maintained for FY2010.

Action Required - Second-level reviews are to be maintained by the ADM for at least 3 years.

Reference - CMS&H Supervisor's Handbook (AH-08-III-1), Chapter 1, Section XI, Item C-1.

24. Determine if appropriate actions are taken by supervisors and manager with respect to issues of misconduct and/or poor performance

Adequate Inadequate Not Applicable Comments Below

There were no issues related to misconduct or poor performance documented by the district during the period reviewed.

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

Adequate Inadequate Not Applicable Comments Below

PKW forms were well documented with decisions justified.

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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

A review of Special Investigations procedures and an interview with the SSI revealed that PKW forms were completed properly and well documented. The determination to open or deny a special investigation appeared to be well justified.

27. Determine if District Manager is using Performance Management System to hold the Supervisory Special Investigator accountable for properly evaluating potential cases

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

Key Indicators and other reports (generated within the district at the District Manager's request) are being used.

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

Adequate Inadequate Not Applicable Comments Below

1. Inspectors are not always carrying needed inspection equipment with them (smoke tube assembly) and are not properly trained in the use of such equipment.
2. Several required forms and data sheets in the E01 report were mislabeled or improperly completed. (Also See Item 77)
3. Close out conferences were not always documented in E01 notes.

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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

1. Start and stop dates were not always entered on the tracking map, or dates on the tracking map did not match dates in the ITS. (Also See Item 77)
2. Areas identified in the inspection notes were not identified on the tracking map.

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

Adequate Inadequate Not Applicable Comments Below

32. Determine if the SCSR inventory database has been implemented to track inspections of SCSRs

Adequate Inadequate Not Applicable Comments Below

Complete SCSR databases were also included in each E01 inspection report.

33. Determine if areas deemed "too wet" for rock dust surveys are re-visited

Adequate Inadequate Not Applicable Comments Below

The mine included in this audit is an anthracite mine. Application of rock dust is not required.

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

Adequate Inadequate Not Applicable Comments Below

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36. Determine if the amount of time expended on each E01 inspection activity and area of the mine is sufficient to accomplish inspection goals

Adequate Inadequate Not Applicable Comments Below

The amount of on-site inspection time spent at this underground mine appears to be excessive. E01 inspection time (on-site) spent at this mine during the past three quarters of FY2010 was:

1st Quarter on-site time was 149.50 hours.

2nd Quarter on-site time was 230.75 hours

3rd Quarter on-site time was 217.00 hours

During this time, the mine produced coal on 1 shift, 5 days per week.

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

Enforcement actions taken during the audit appeared to be correctly evaluated.

38. Accompany and evaluate inspector's imminent danger run

Adequate Inadequate Not Applicable Comments Below

39. Check adequacy of preshift/onshift examinations

Adequate Inadequate Not Applicable Comments Below

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40. Evaluate inspector's observation of roof conditions. Is a copy of the currently approved roof control plan maintained on the section?

Adequate Inadequate Not Applicable Comments Below

42. Evaluate conditions on working section and observe work cycle

Adequate Inadequate Not Applicable Comments Below

Conditions on the working section appeared good. However, during the work cycle, Citation [redacted] was issued when the continuous miner operator continued to mine without an adequate air quantity in the last open crosscut.

(See Attachment B)

43. Observe air quantity, quality, and gas checks by inspector

Adequate Inadequate Not Applicable Comments Below

44. Determine adequacy of Emergency Response Plan training (interview miners)

Adequate Inadequate Not Applicable Comments Below

45. Determine adequacy of training regarding roof, ventilation, and other plans (interview miners). Do inspection notes document evaluation of this type training?

Adequate Inadequate Not Applicable Comments Below

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46. Evaluate Self-Contained, Self-Rescuer condition storage, signage
Adequate Inadequate Not Applicable Comments Below

47. Determine if the mine operator has conducted SCSR donning expectation training and if the inspector has observed and evaluated the training
Adequate Inadequate Not Applicable Comments Below

50. Examine lifelines, manddoors, and related signage
Adequate Inadequate Not Applicable Comments Below

51. Examine escapeway map for compliance with regulations
Adequate Inadequate Not Applicable Comments Below

52. Evaluate integrity of primary and alternate escapeways
Adequate Inadequate Not Applicable Comments Below

53. Evaluate integrity of return side stopping line
Adequate Inadequate Not Applicable Comments Below

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54. Travel and evaluate condition and maintenance of section conveyor belt, structures, and entries
Adequate Inadequate Not Applicable Comments Below

During the audit, two citations were issued regarding maintenance of conveyor belts, structures and conveyor entries. [redacted] as issued for an improperly aligned belt conveyor rubbing against the belt structure [redacted] was issued for a belt tail roller that was not fully guarded against access.

(See Attachment B)

55. Evaluate conveyor belt isolation from other air courses
Adequate Inadequate Not Applicable Comments Below

56. Evaluate fire valves and hoses (condition, compatibility of fittings, pressure test)
Adequate Inadequate Not Applicable Comments Below

During the audit, [redacted] was issued for the operator's failure to maintain the required fire hose at the section loading point.

(See Attachment B)

57. Observe and evaluate fire detection methods
Adequate Inadequate Not Applicable Comments Below

58. Evaluate cleanup of accumulations and application of rock dust
Adequate Inadequate Not Applicable Comments Below

Cleanup of accumulations was generally good. Rock dusting is not required in anthracite coal mines.

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59. Evaluate condition of conveyor belt drives, and fire suppression systems

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

During the audit was issued for the operator's failure to sign or countersign the record of preshift examinations.

(See Attachment B)

61. Examine mine map for accuracy of workings and escapeway locations

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

63. Interview responsible person(s) and evaluate knowledge of emergency response, evacuation procedures, and fire fighting processes

Adequate Inadequate Not Applicable Comments Below

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64. Determine if approved plans address and are compatible with mining conditions and equipment
Adequate Inadequate Not Applicable Comments Below

66. Determine if MSHA headquarters is conducting sufficient, in-depth Peer Reviews
Adequate Inadequate Not Applicable Comments Below

Although headquarters-level accountability reviews are mandatory, no such reviews have been conducted in District 1 during Calendar Years 2007, 2008, or 2009.

According to the Accountability Handbook currently in effect, headquarters-level reviews are to be conducted on a timetable outlined annually in each Administrator's *Accountability Review Plan*.

Reference - Accountability Program Handbook (AH08-III-4), Page 4 - The Accountability Review Process - Headquarters Reviews

67. Determine if districts are conducting sufficient, in-depth Peer Reviews
Adequate Inadequate Not Applicable Comments Below

During the period audited, a District-Level review was conducted at the Shamokin, PA field office (Memo dated September 10, 2009). The review identified issues, root causes, corrective actions, completion dates for corrective actions, follow-up and/or monitoring of the success or failure of those corrective actions.

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

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71.	Determine if Peer Reviews accurately reflect and evaluate MSHA activities at all types of mining (underground/surface/surface facilities) within the district					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
Documentation included in reviews conducted in District 1 indicates that both surface and underground operations are included in district-level reviews.						

72.	Determine if approved plans and the Uniform Mine File books are addressed during each Peer Review					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

73.	Evaluate the approved roof control plan after in-mine visit					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

74.	Evaluate approved ventilation plan after in-mine visit					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

75.	Evaluate approved training plan after discussion with miners					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

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

Adequate Inadequate Not Applicable Comments Below

E01 Event Number [REDACTED]

1. ATF Form is mislabeled as "[REDACTED]"
2. The first on-site day of inspection was 21 days after the event was opened.
3. Daily close out conferences were not always documented.
4. Water delivery capability was not determined in accordance with MSHA Program Policy Letter No. P08-V-5.
5. "Portal to portal" respirable dust sampling was not accomplished on two separate occasions, when the inspector shut off respirable dust pumps underground and then brought them to the surface.
6. There were 6 instances where time was charged for E01 activity, but no entries were made on the event calendar sheet.
7. Respirable dust data sheets indicate 18 samples were taken; however, only 17 samples were found in the data retrieval system.

E01 Event Number [REDACTED]

1. Start and stop dates were not always entered on the tracking map, and several dates on the tracking map do not match dates in the Inspection Tracking System.
2. Areas documented in the inspection notes, such as "North Pitch" and "East Intake" are not identified on the tracking map.
3. There were 7 instances where time was charged for E01 activity, but no entries were made on the event calendar sheet.
4. Respirable dust data sheets indicate 28 samples were taken; however, only 27 samples were found in the data retrieval system.

Action Required - Inspectors shall clearly mark the extent of daily travels that contribute to an E01 inspection event in each air course on a mine map, line diagram or combination of a mine map and line diagram until each intake or return aircourse is fully inspected.

Reference - PH08-V-1, Coal General Inspection & Tracking System Handbook, pages 36-37.

Recommendation - Including the Mine ID number or Company Name on the ATF form would avoid confusion when a parent or controlling company holds the ATF license.

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78. Ten most current completed E02 (103(i) spot) inspection reports
Adequate Inadequate Not Applicable Comments Below | |
District 1 does not have any mines in the 103(i) category.

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

82. Determine if all applicable plan reviews were performed within six months, or within the timeframes required
Adequate Inadequate Not Applicable Comments Below

87. Determine if district management reviewed the final version of all approved plans
Adequate Inadequate Not Applicable Comments Below

88. Determine if time frames for approval/disapproval of plans were set, and are being met
Adequate Inadequate Not Applicable Comments Below

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89. Determine if the plan is tracked from date of submission through the review process

Adequate Inadequate Not Applicable Comments Below

90. Determine if dated copy of approval/disapproval letter is in file

Adequate Inadequate Not Applicable Comments Below

91. Determine if copies of the plan are distributed as per an established list

Adequate Inadequate Not Applicable Comments Below

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

93. Determine if a due date for formal review of plans is identified

Adequate Inadequate Not Applicable Comments Below

94. Determine if required information is submitted in the plan

Adequate Inadequate Not Applicable Comments Below

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95. Evaluate recommendations made to the District Manager proposing approval/disapproval of plan
Adequate Inadequate Not Applicable Comments Below

97. Determine if all unusual proposals and requests are properly evaluated during the review process
Adequate Inadequate Not Applicable Comments Below
No unusual requests or proposals were noted in plans reviewed during this audit.

98. Determine if proposed plans are evaluated for provisions contrary to standards or regulations
Adequate Inadequate Not Applicable Comments Below
No such proposals were noted in plans reviewed during this audit.

100. Determine if all plan approval groups communicate to prevent conflicting elements of plans
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

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105.	Determine if the plan review process includes documentation of the entire review process					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

108.	Determine if projected mining relative to overlying, underlying, and adjacent workings was checked					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

109.	Determine if projected mining in relation to overlying bodies of water was checked					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	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	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
The spreadsheet appeared to be up to date. (See also Item No. 20)						

116.	Review documentation of staff meetings/safety meetings to determine their effectiveness and relevance to the Agency's mission and current issues					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

118.	Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

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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.

Adequate Inadequate Not Applicable Comments Below | x |

The district completed 100% of E01 inspections during FY2009.

The Pottsville, PA field office currently consists of [redacted] CMS&H Inspectors [redacted] Ventilation Specialist [redacted] Field Office Supervisor, and [redacted] clerk. Although there are 20 underground mines assigned to this field office, only 8 are active (with a total of 14 mmus). Of those 8 active mines, 3 are currently under 104(b) Order for failure to develop and implement an ERP as required by §316(b) of the MINER Act. Of the remaining 12 mines, 2 are in "New Mine" status, 2 are in "Non-Producing" status, and 8 are in "Temp Idle" status. There are approximately 90 miners employed at these underground mines, with the [redacted]

Including the mines listed as "Active," "New Mine," and "Non-Producing," the ratio of mines to inspectors is 2:1. However, in addition to conducting 100% of the required inspections at their assigned underground mines, inspectors assigned to the Pottsville, PA field office also conducted or participated in at least 61 regular (E01) inspections and 35 spot (E15/E16) inspections at surface mines and surface facilities assigned to the Shamokin, PA and Wilkes-Barre, PA field offices.

122. Determine if Hazard Complaint inspections are being conducted according to policy and procedures.

Adequate Inadequate Not Applicable Comments Below | |

Ten hazard complaint inspection reports were selected at random for review. Time frames were met for all complaints. Complaints not under MSHA jurisdiction were properly referred to other agencies. However, there were two issues identified during the audit:

1) Three of the ten reports did not contain documentation to describe whether they were investigated as "103(g)" or "other" complaints.

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- 2) Three of the ten reports did not contain documentation that a sanitized version of the complaint was provided to the operator.

Note: The Hazard Complaint Handbook (PH08-I-8) is not consistent with the current hazard complaint process. There are no instructions in the handbook for the following:

1. Responsibilities regarding Hot Line Calls
2. Proper completion, distribution, filing or retention of the Escalation Form
3. Entering data into the MSIS and responsibility for accuracy of data

Recommendation - The handbook should be revised to address the aforementioned issues as well as the level of supervisory or management responsibility for each item.

123. Is the MSIS system being kept up to date?

Adequate Inadequate Not Applicable Comments Below

Analysis of air samples taken on 04/28/2010 indicated that mine liberated 3,421 cubic feet of methane per 24 hours. Analysis of air samples taken on 05/12/2010 indicated that mine operated 21,721 cubic feet of methane per 24 hours. This information was not being entered into the MSIS database. A check of the MSIS database during the audit revealed both mines were listed as having "0" methane liberation.

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

District Coal Dist 1 Field Office Pottsville, PA Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I - Violation Date

1. Date	[REDACTED]	3. Citation/Order Number	[REDACTED]
[REDACTED]		[REDACTED]	

(Contractor)

Ba. Written Notice (103g)

The travelway on the first floor - north side of the cleaning plant was not maintained in a safe condition in that there was a opening in the travelway 31 inches long by 14 inches wide. The stairs leading to this travelway was not provided with a handrail. The plant operator uses this travelway as necessary. It is reasonably likely that the plant operator would fall through the opening and receive serious injuries.

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	77.205(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 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 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	[REDACTED]
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Section III - Termination Action

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

Section IV - Automated System Data

19. Type of Inspection (activity of)	20. Event Number	21. Primary or Mit
[REDACTED]	[REDACTED]	[REDACTED]
22. Signature		23. AR Number
[REDACTED]		[REDACTED]

MSHA Form 7000-3e, revised 10/2000. Pursuant to 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
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District Field Office Mine ID

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 Mine Safety and Health Administration



Section I—Violation Data

1. Date		3. Citation/Order Number
	5. Operator	

(Contractor)

8. Condition or Practice

8a. Written Notice (103g)

The travelway on the third floor of the south side of the cleaning plant had a piece of rebar extending across the width of the travelway located 6 inches off of the floor which created a tripping hazard. This exposed the plant operator to a trip and fall hazard which would result in injuries.

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
			77.205(b)

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	B. Time (24 Hr. Clock)

Section III—Termination Action

17. Action to Terminate The Mine Operator removed the rebar from the travelway.

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

Section IV—Automated System

19. Type of Inspection (activity)	20. Event Number	21. Primary or Mill
22. Signat	23. AR Number	

MSHA Form 701 established a National 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
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District Coal Dist 1 Field Office Pottsville, PA Mine ID [REDACTED]] Date [REDACTED]]

Mine Citation/Order

U.S. Department of Labor
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Section I - Violation Data	
1. Date <u>[REDACTED]</u>	2. Time (24 Hr. Clock) <u>[REDACTED]</u>
3. Citation/Order Number <u>[REDACTED]</u>	
(Contractor) <input type="checkbox"/>	
See Written Notice (103g) <input type="checkbox"/>	

The drive motor v-belt pulley and head drive shaft were inadequately guarded on the second floor of the cleaning plant at the belt head. A 2 inch space existed on the v-belt pulley guard which exposed the drive belt. The drive head shaft was exposed for 8 inches in length, and was 6 inches above the floor on the opposite side of the belt head. The plant operator could come in contact with moving parts which would result in serious injury.

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>77.400(a)</u>
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: <u>001</u>
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>			
12. Type of Action <u>104(a)</u>		13. Type of issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>	
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>			E. Citation/Order Number
F. Dated <u>Mo Da Yr</u>			
15. Area or Equipment			

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

Section IV - Automated System Data

19. Type of Inspection (activity code) <u>E01</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 (Rev. 10-2000) Instructions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a Small Business Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 408 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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District Coal Dist 1 Field Office Pottsville, PA Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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Section I—Violation Data

1. Date [REDACTED] 3. Citation/Order Number [REDACTED]

(Contractor)

8a. Written Notice (103g)

The elevated walkway on the third floor of the cleaning plant was not provided with an adequate handrail in the area below the vibrator. Screens were laid against the frame of the vibrator mounting deck but did not cover the entire length of the opening. The cleaning plant operator could fall through the opening which would result in injuries.

Elevated walkways shall be provided with handrails and maintained in good condition.

See Continuation Form (MSHA Form 7000-3a)

9. Violation A. Health Safety Other 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 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 [REDACTED] B. Time (24 Hr. Clock) [REDACTED]

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 [REDACTED] 21. Primary or Mill

22. Signature [REDACTED] 23. AR Number [REDACTED]

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, 408 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

United States Department of Labor
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 Mine Safety and Health Administration



Section I—Violation Data	
1. Date <input type="text" value="(b) (6)"/>	3. Citation/Order Number <input type="text" value="[REDACTED]"/>
(Contractor)	

8. Condition or Practice 8a. Written Notice (103g)
 A one gallon non-approved plastic gasoline container was observed outside of the parts trailer entrance.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR <input type="text" value="77.208(c)"/>
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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: <input type="text" value="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 <input type="text" value="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 <input type="text" value="[REDACTED]"/>	B. Time (24 Hr. Clock) <input type="text" value="[REDACTED]"/>
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Section III—Termination Action

17. Action to Terminate

18. Terminated	A. Date <input type="text" value="[REDACTED]"/>	B. Time (24 Hr. Clock) <input type="text" value="[REDACTED]"/>
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Section IV—Automated System Use		
19. Type of Inspection (activity code) <input type="text" value="E01"/>	20. Event Number <input type="text" value="[REDACTED]"/>	21. Primary or Mill <input type="text" value="[REDACTED]"/>
22. Signature <input type="text" value="[REDACTED]"/>		23. AR Number <input type="text" value="[REDACTED]"/>

MSHA Form 7000-3a (Rev. 10-2000) has been established a National 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 1 Field Office Pottsville, PA Mine ID [REDACTED]

Mine Citation/Order

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 Mine Safety and Health Administration



Section I - Violation Data		3. Citation/Order Number	
1. Date	[REDACTED]	[REDACTED]	[REDACTED]
		(Contractor)	
8a. Written Notice (103g)			

The preshift examination on the MMU 003-0 section was recorded in the preshift examination book but was not signed by the preshift mine examiner or countersigned by the mine superintendent at the end of their shift on 07-13-2010.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input checked="" type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	75.360(g)
Section II - Inspector's Evaluation				
10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input checked="" type="checkbox"/> Unlikely <input 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 checked="" type="checkbox"/> Lost Workdays Or Restricted Duty <input 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: 000
11. Negligence (check one): A. None <input type="checkbox"/> B. Low <input checked="" type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action: 104(a)		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: [REDACTED] Mo Da Yr	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	B. Time (24 Hr. Clock)

Section IV - Automated System Data		
19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill
E01	[REDACTED]	[REDACTED]
22. Signat	23. AR Number	
[REDACTED]	[REDACTED]	

MSHA Form 7000-3a (Rev. 10-2009) is required by the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Regulatory Enforcement Fairness Act of 2002, and the Small Business Regulatory Enforcement Fairness Act of 2005. The Small Business Regulatory Enforcement Fairness Act of 1996 established a National 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 3. Citation/Order Number

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

The Stamler Feeder (s/n 11492) plug in the 003-0 Southwest section was not plugged into the breaker that was identified as the feeder breaker. Circuit breakers and plug ins shall be clearly identified and matched to avoid confusion to miners in the section.

See Continuation Form (MSHA Form 7000-3e)

9. Violation A. Health Safety Other B. Section of Act C. Part/Section of Title 30 CFR

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:

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

Section III--Termination Action

17. Action to Terminate The Chief Electrician removed the feeder label from one breaker and attached it to another breaker and inserted the identified feeder plug to it. This eliminates any confusion for miners.

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

Section IV--Automated System Data

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

22. Signatur 23. AR Number

MSHA Form 700
 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="[REDACTED]"/>	3. Citation/Order Number	<input type="text" value="[REDACTED]"/>	
4. Served To	<input type="text" value="[REDACTED]"/> art. Sunt.	5. Operator	<input type="text" value="[REDACTED]"/>	
(Contractor) <input type="checkbox"/>				
8a. Written Notice (103g) <input type="checkbox"/>				

The Continuous Miner in the 003-0 Southwest section mined one shuttle car without adequate air quantity at the face. The air measured 6,120CFM at the time of mining. The Operator's plan states that at least 9,000 CFM will be available for mining. Both the Superintendent and Section Foreman went outby to find the ventilation problem and neither one notified the Miner Operator that the air was inadequate for mining.

See Continuation Form (MSHA Form 7000-3a) <input type="checkbox"/>			
9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.370(a)(1)
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: 008
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 <input type="text" value="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 <input type="text" value="[REDACTED]"/>	B. Time (24 Hr. Clock) <input type="text" value="[REDACTED]"/>
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Section III--Termination Action

17. Action to Terminate The Operator tightened outby ventilation controls and restored adequate air to the face area for mining.

18. Terminated	A. Date Mo Da Yr <input type="text" value="[REDACTED]"/>	B. Time (24 Hr. Clock) <input type="text" value="[REDACTED]"/>
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Section IV--Automated System			
19. Type of Inspection (activity code)	<input type="text" value="E01"/>	20. Event Number <input type="text" value="[REDACTED]"/>	21. Primary or Mill <input type="text" value="[REDACTED]"/>
22. Signature <input type="text" value="[REDACTED]"/>			23. AR Number <input type="text" value="[REDACTED]"/>

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

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District Coal Dist 1 Field Office Pottsville, PA Mine ID [REDACTED] Date [REDACTED] -2010

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

Section I--Violation Data

1. Date [REDACTED] 2. Time (24 Hr. Clock) [REDACTED] 3. Citation/Order Number [REDACTED]

(Contractor) 8a. Written Notice (103g)

The Operator failed to supply the required fire hose from the loading point to the face in the 003-0 Southwest section.

See Continuation Form (MSHA Form 7000-3a)

9. Violation A. Health B. Section of Act C. Part/Section of Title 30 CFR 75.1100-2(a)

A. Safety Other

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: 008

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 [REDACTED] B. Time (24 Hr. Clock) [REDACTED]

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 [REDACTED] 21. Primary or Mill

22. Signature [REDACTED] 23. AR Number [REDACTED]

MSHA Form 700 provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a national small business 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="[REDACTED]"/>	3. Citation/Order Num	<input type="text" value="[REDACTED]"/>
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(Contractor) or Written Notice (103g)

The 1 South Belt was observed rubbing a bottom structure 14' outby spad 258. The bottom structure was warm to the touch. Left unattended this conditions presents a fire hazard to all miner inby the area.

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	75.1731(b)
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Section II - Inspector's Evaluation

10. Gravity:

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

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

C. Significant and Substantial: Yes No D. Number of Persons Affected: 008

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 Mo Da Yr B. Time (24 Hr. Clock)

Section III - Termination Action

17. Action to Terminate The Chief Electrician trained the belt so the bottom belt did not touch the warm bottom structure. This eliminated the danger of a belt fire affecting miners inby the warm bottom structure.

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

Section IV - Automated System

19. Type of Inspection (activity code) 20. Event Number 21. Primary or Mill 23. AR Number

MSHA Form 7... all 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
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Mine Citation/Order

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



Section I--Violation Data

1. Date	2. Time	3. Citation/Order Number
[REDACTED]	[REDACTED]	[REDACTED]
4. Served To		
(b) (6)		

(Contractor)

8. Condition or Practice

8a. Written Notice (103g)

The #3 Belt tail roller guard does not fully guard the tail roller from access on the left side looking outby. The unguarded area is approximately 2' by 1'. Guards at conveyor tails shall extend a distance sufficient to prevent a person from reaching behind the guard and becoming caught between the belt and the roller. The Belt Man is required to work around this unguarded area.

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
			75.1722(b)

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 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 MII 22. Signature 23. AR Number

MSHA Form 7000, revised 10/2009. Under the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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District Field Office Mine ID

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Neg
(b) (6)			104(a) Citation	75.370(a)(1)	Y	RL	LD	8	Mod
<p>The operator did not develop and follow a plan approved by the district manager to pillar the east mains section. The operator pillared the area starting at spad number 1645 and continued to pillar outby to spad number 1175 a distance of approximately 2200 feet. The area was pillared from rib to rib across the section.</p> <p>How did the additional pillar recovery affect the ventilation system? Was this citation considered for elevated enforcement? Was the roof control plan reviewed to determine if that plan was not being complied with, or if conflicts existed between it and the ventilation plan?</p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Neg
██████████			104(a) Citation	75.370(a)(1)	Y	RL	LD	8	Mod
<p>The operator did not follow the provisions of the approved ventilation plan for the south dip of the east mains section. The operator continued to recover pillars starting at spad number 2192 on the ventilation map and continued to recover the pillars to the east mains at spad number 1764. The pillars were recovered from rib to rib.</p> <p>What was the distance between the spads in the citation? How did the additional pillar recovery affect the ventilation system? Was this citation considered for elevated enforcement?</p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Neg
██████████			104(a) Citation	75.334(b)(2)	Y	RL	LD	8	Mod
<p>The operator did not maintain a bleeder system to the pillared section south of the east mains. The operator pillared the area starting at the crosscut span number 2192 and continued outby to the east main section at spad number 1764. The area was pillared from rib to rib. The area could not be ventilated and the area was not sealed.</p> <p>Was the degree of negligence indicated by violations cited in Citations (b) (6) considered for elevated enforcement? What was the distance between the spads?</p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Neg
██████████			104(a) Citation	75.203(b)	N	UL	LD	1	Low
<p>The sightline used for directional control in the #2 entry on the 004-0 section was not surveyed and followed. The continuous miner drifted toward the #3 entry. Roof bolts and additional timber was installed in this area.</p> <p>The cited conditions or practices were not described in sufficient detail. How far was the entry off centers and over what distance? Did this result in the entry being too wide? Was the violation extensive enough to consider elevated enforcement?</p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Neg
██████████			104(a) Citation	75.1505(b)	N	NL	NLD	7	Mod
<p>The escapeway map on the mmu 003-0 section was not kept up to date. All maps shall be kept up-to-date and any change in route of travel, location of doors, location of refuge alternatives, or direction of airflow shall be shown on the maps by the end of the shift on which the change is made.</p> <p>What was the date on the escapeway map (How long had the incorrect map been on the section)? How far had the mine advanced (or retreated) since the map was last updated?</p>									

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Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Neg
			04(a) Citation	77.208(d)	N	UL	LD	1	Low
<p>An Acetylene tank located at a storage area outside of the maintenance building was not secured in a safe manner to prevent it from falling or being knocked over. Compressed and liquid gas cylinders shall be secured in a safe manner.</p> <p>Was the acetylene tank unsecured, or not adequately secured? Did the cylinder have a safety cap on it? How likely was the tank to be knocked over (any activity in the area)? How long had the condition existed?</p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Neg
			104(a) Citation	62.130(a)	N	UL	PD	2	Hi
<p>The Mine Operator did not follow their Hearing Conservation Program. The miners did not rotate bolting responsibilities in teams of two (2) for a five (5) hour period each or one half of the scheduled production shift.</p> <p>The narrative of the citation did not contain sufficient information to properly evaluate the condition or practice. Would overexposure to high levels of noise be likely to cause permanent hearing loss? This citation appears to meet the criteria for S&S. Did the inspector review any records that would support the loss of hearing for the bolter operators? Had any engineering changes been done to reduce the noise level? Was hearing protection being worn by the miners? Since the inspector evaluated the negligence as "high," was an elevated level of enforcement considered?</p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Neg
			104(a) Citation	62.130(a)	N	UL	PD	2	Hi
<p>Based on the results of a full shift (10 hours) noise survey taken on December 09, 2009, the permissible noise level has been exceeded on the roof bolter operator (occupation code 046) and the roof bolter helper (occupation code 047) on the 004-0 section of the mine. The results were recorded by a Quest Model NoisePro DL Dosimeter show a dose of 1257% for the roof bolter operator and 419% for the roof bolter helper. The roof bolter operator and the roof bolter helper are enrolled in the company's hearing conservation program. The roof bolter operator and the roof bolter helper were wearing dual hearing protection at the time of this survey. Both must continue to wear dual hearing protection until the noise exposure level is reduced to a permissible level. The mine operator must use all feasible engineering and /or administrative controls to reduce the miners exposure to within the permissible exposure level. The operator was cited for this condition on June 3, 2003. The operator used administrative controls and a Remote MINOVA Auto Rock Drill to achieve compliance with this standard. The operator was using a Mid Western Drill at the time of this survey on December 9, 2009.</p> <p>The narrative of this citation indicates the operator began using a different type drill that did not match the noise reduction levels of the previous drill. Should this citation have been issued under 62.110 based on the operator's failure to evaluate the miner's noise exposure on a continuing basis?</p>									

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Neg
			104(a) Citation	77.400(a)	N	UL	LD	1	Low
<p>A Milwaukee 7 inch Heavy Duty hand held grinder and a Dewalt 4 inch hand held grinder, were not maintained in safe operating condition. When examined, both grinders were not provided with guards on the grinding wheels to prevent contact by a person, to contain debris, and to prevent the grinder from "Walking" if the grinder is set down while the grinding wheel is still rotating. These grinders were not in use, however they were available for use.</p> <p>This should have been two separate citations. Inspection notes and the citation itself, indicate two distinct violations on two distinct pieces of equipment. Each of the violations was abated in a different manner.</p>									