April XX, 2009

MEMORANDUM FOR:

MICHAEL A. DAVIS

Deputy Assistant Secretary for Operations Mine Safety and Health Administration

THROUGH:

PETER MONTALI

Acting Director of Accountability for Mine Safety and Health Administration

FROM:

ARLIE A. WEBB

Accountability Specialist

SUBJECT:

MSHA Office of Accountability Audit, Coal District 7,

Hazard, Kentucky, Field Office, and

#### Introduction

This memorandum summarizes the Office of Accountability audit of the subject field office and mine. Audit subjects included but were not limited to, MSHA field activities, level of enforcement, Field Activity Reviews, Accompanied Activities, MSHA supervisory and managerial oversight, mine plans, and the conditions and practices at the mine. The audit was conducted by Arlie A. Webb during the week of through Positive findings and issues requiring attention are included in this audit report.

#### Overview

The field office review was conduc	ted on	and the on-site p	ortion of the	audit
was conducted on th	Accompanying	the auditor were		

On-site areas examined included both active mmus, section equipment, mining cycle, section belt conveyors, several main line belt conveyors, safe havens, lifelines, escapeways, fire protection, fire valves, hoses and nozzles, record books, mine maps, and training procedures. This mine had experienced a change in management just prior to the audit.

# **S&S Rate Comparison**

S&S rates for the Hazard, Kentucky field office are below the district and national levels for Fiscal Year 2008, as well as to-date in FY 2009.

S & S Rate Comparison

Fiscal Year	Field Office	Coal District 7	National
			Average
2008	29.7	34.7	35.3
2009	31.1	33.5	34.5

However, a review of current enforcement actions at this particular mine indicate that gravity, negligence, and number of person affected are being correctly determined.

#### Time and Activity Comparison

The overall time distribution for E01 inspections conducted out of the Hazard Field Office during FY 2008 and to-date during Fiscal Year 2009 is commendable, with an average of 68.2 percent of the total inspection time being spent on-site. However, the Office of Accountability does recommend that an effort be made to reduce the percentage of time spent in the "other" category.

		Surfa	ace Facilitie	s - E01 Inspe	ctions	
	Travel	Other	Total On Site	Citations Written On-site	Citations Written Off-site	Total Percent
% in FY 2008	13.7	18.8	67.4	9.2	0.1	100.0
% in FY 2009	11.5	19.5	68.6	9.9	0.4	100.0

		Sur	face Mines	- E01 Inspec	tions	
	Travel	Other	Total On Site	Citations Written On-site	Citations Written Off-site	Total Percent
% in FY 2008	14.8	17.8	67.2	8.0	0.2	100.0
% in FY 2009	14.3	15.3	70.0	10.4	0.4	100.0

		Under	ground Mir	nes - E01 Insp	ections	
	Travel	Other	Total On Site	Citations Written On-site	Citations Written Off-site	Total Percent
% in FY 2008	13.3	19.2	6Z,1	7.5	0.4	100.0
% in FY 2009	12.0	18.5	69.2	7.0	0.3	100.0

#### **Audit Results**

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

- 1. The District Manager has instituted an accountability program within District 7 as a proactive method for identifying and correcting potential weaknesses.
- 2. Issues regarding lax or inadequate level of enforcement had already been identified and are being addressed.
- 3. CLR decisions and advice given to inspection personnel appears to be in compliance with national guidelines.
- 4. Although inspector "other" time is slightly higher than the national average, the "on-site" time is commendable.
- 5. Violations are correctly cited and gravity and negligence appear to be accurately determined.

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

- 1. Field Activity Reviews and Accompanied Activity Reports should contain more detailed documentation of both positive and negative observations regarding inspector work products and performance.
- 2. Additional attention to detail is recommended for review of inspection reports and other inspector work products
- 3. The field office needs to insure that operators correctly complete MSHA Form 7000-1 (Mine Accident and Injury), especially with regard to information regarding actions to prevent similar accidents in the future.
- 4. Accountability reviews should include a timeline for corrective actions, and methods for follow up and measurement of those actions.

#### **Attachments**

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

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- B. Citations issued during the audit
  - a. 75.220(a)(1)
    b. 75.400
    c. 75.370(a)(1)
    d. 75.1107-16(b)
    e. 75.1722(a)
    f. 75.400

District Coal Dist 7 Field Office Hazard, Ky Mine ID
1. Evaluate supervisory review of inspection reports and documentation for completeness.
Adequate Inadequate X Not Applicable Comments Below
The following unresolved discrepancies were noted during a review of the two most recently completed E01 inspections, and indicate that inspection reports are not always thorough.
On four hours were charged on the 3 <sup>rd</sup> shift, but the shift was not marked on the event calendar.
On the 3 <sup>rd</sup> shift was marked on the event calendar, but no time was charged to this shift.  On the 3 <sup>rd</sup> shift was marked on the event calendar, but no time was charged to this shift.
On the 3 <sup>rd</sup> shift was marked on the event calendar, but no time was charged to this shift.
On fifteen hours were charged to the event, but event sheet.
Item 13 d of the event sheet indicates that 3 respirable dust samples were taken. The Data Retrieval System indicates 34 respirable dust samples were collected.
Item 13 e of the event sheet indicates that 3 noise samples were taken. The Data Retrieval System indicates that 16 samples were taken.
On eleven hours were charged on the 2 <sup>nd</sup> shift, but the shift was not marked on the event calendar.
Item 13 d of the event sheet indicates that 49 respirable dust samples were taken. The Data Retrieval System indicates only 46 respirable dust samples were collected.
Recommendation - Increased scrutiny of inspection reports. Use of FARs Database and the Data Retrieval System to verify information on the Mine Activity Data Sheet and Calendar.

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District Coal Dist 7 Field Office Hazard, Ky Mine ID
2. Determine if supervisors address report deficiencies immediately
Adequate X Inadequate Not Applicable Comments Below
The Hazard field office has as those mentioned in Item 1 above, are now being addressed immediately.
Determine if supervisors are visiting each assigned mine at least annually
Adequate X Inadequate Not Applicable Comments Below
4. Evaluate the quality of Field Activity Review reports (FARs)
Adequate X Inadequate Not Applicable Comments Below
Determine if supervisors/managers are identifying and addressing  5. performance or behavior based issues during and after accompanied inspections are conducted  Adequate X Inadequate Not Applicable Comments Below
6. Evaluate the quality of Accompanied Inspections  Adequate X Inadequate Not Applicable Comments Below
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7. Determine if supervisors are thoroughly reviewing mine files at least annually
Adequate X Inadequate Not Applicable Comments Below

District Coal Dist 7 Field Office Hazard, Ky Mine ID
Determine if Assistant District Manager is holding supervisor accountable for general mine visits, FARs, and accompanied activities
Adequate X Inadequate Not Applicable Comments Below
Fig. 5
A CALL OF THE CONTRACTOR
Determine if ADMs and DMs are visiting mines with poor compliance at least monthly
Adequate X Inadequate Not Applicable Comments Below
Evaluate the location, workload, and availability of specialists (roof control, ventilation, electrical, etc.) within the district
Adequate X Inadequate Not Applicable Comments Below
Determine if supervisors are monitoring inspector time and activity documentation to ensure proper use of time by inspector
Adequate X Inadequate Not Applicable Comments Below
Adequate X Inadequate Not Applicable Comments Below  Other than discrepancies mentioned in Item No. 1 above, inspector time distribution appears to be commensurate with the work schedule at the mine.
Other than discrepancies mentioned in Item No. 1 above, inspector time distribution
Other than discrepancies mentioned in Item No. 1 above, inspector time distribution appears to be commensurate with the work schedule at the mine.  Determine if Standard Operating Procedures (SOPs) are in place, current, and
Other than discrepancies mentioned in Item No. 1 above, inspector time distribution appears to be commensurate with the work schedule at the mine.  Determine if Standard Operating Procedures (SOPs) are in place, current, and in compliance with MSHA policies and procedures
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Other than discrepancies mentioned in Item No. 1 above, inspector time distribution appears to be commensurate with the work schedule at the mine.  Determine if Standard Operating Procedures (SOPs) are in place, current, and in compliance with MSHA policies and procedures  Adequate X Inadequate Not Applicable Comments Below  Determine if supervisors are using the Performance Management System to hold inspectors accountable for properly evaluating gravity and negligence,

Determine if supervisors are adequately evaluating the level of enforcement by visiting each producing mine
Adequate X Inadequate Not Applicable Comments Below
Determine if District Manager is monitoring the ACRI program and using the Performance Management System to ensure that CLRs justify changes
Adequate X Inadequate Not Applicable Comments Below
Determine if District Manager is using discretion in granting conferences
Adequate X Inadequate Not Applicable Comments Below
Determine if second level reviews are used to assess supervisory review of enforcement actions
Adequate X Inadequate Not Applicable Comments Below
Adequate X Inadequate Not Applicable Comments Below
Adequate X Inadequate Not Applicable Comments Below  Determine if appropriate actions are taken by supervisors and manager with respect to issues of misconduct and/or poor performance
Determine if appropriate actions are taken by supervisors and manager with
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Determine if appropriate actions are taken by supervisors and manager with respect to issues of misconduct and/or poor performance  Adequate X Inadequate Not Applicable Comments Below
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Determine if appropriate actions are taken by supervisors and manager with respect to issues of misconduct and/or poor performance  Adequate X Inadequate Not Applicable Comments Below  Single determine if appropriate actions are taken by supervisors and manager with respect to issues of misconduct and/or poor performance  Adequate X Inadequate Not Applicable Comments Below  Evaluate inspector/specialist knowledge of documentation required and

District Coal Dist 7 Field Office Hazard, Ky Mine ID
Evaluate the district's process for performing Possible Knowing/Willful (PKW) reviews and initiating or denying special investigations
Adequate X Inadequate Not Applicable Comments Below
Determine if District Manager is using Performance Management System to hold the Supervisory Special Investigator accountable for properly evaluating potential cases
Adequate X Inadequate Not Applicable Comments Below
Determine if managers and supervisors are using required "standardized reports" to review critical data relevant to inspections and investigations
Adequate X Inadequate Not Applicable Comments Below
1. IC.
Determine if complete and thorough inspections are being conducted and
29. adequately documented
Adequate X Inadequate Not Applicable Comments Below
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 X Inadequate Not Applicable Comments Below
Determine that the inspector spent sufficient time on off-shifts and on weekends
Adequate X Inadequate Not Applicable Comments Below
A review of the past 4 E01 inspections revealed that inspector time distribution is as follows:

District Coal Dist 7 Field Office Hazard, Ky Mine ID
Day shift - 65% Evening shift - 23% Night shift - 12%
Determine if areas deemed "too wet" for rock dust surveys are re-visited and sampled
Adequate X Inadequate Not Applicable Comments Below
Determine if all mine record books, postings, and other required materials are examined during the inspection
Adequate X Inadequate Not Applicable Comments Below
Determine if all provisions of the MINER Act are evaluated during the inspection
Adequate X Inadequate Not Applicable Comments Below
Determine if the amount of time expended on each inspection activity and area of the mine is sufficient to accomplish inspection goals
Adequate X Inadequate Not Applicable Comments Below
5) 1 Could 1 1 1
Evaluate each citation/order/safeguard for inspector's determination of gravity, negligence, number of persons affected, and the level of enforcement
Adequate X Inadequate Not Applicable Comments Below
The initial examination of citations, orders, and safeguards issued during the previous two E01 inspections appeared to indicate inconsistencies in determining S&S related to violations of 30 CFR, 75.400. However, observations during a two-day mine visit indicate the determination to evaluate many of these violations as non S&S were correct.

District Coal Dist 7 Field Office Hazard, Ky Mine ID
Accompany and evaluate inspector's imminent danger run
Adequate X Inadequate Not Applicable Comments Below
Check adequacy of preshift/onshift examinations
Adequate X Inadequate Not Applicable Comments Below
Evaluate inspector's observation of roof conditions. Is a copy of the currently approved roof control plan maintained on the section?
Adequate X Inadequate Not Applicable Comments Below
Evaluate operator's workplace examinations
Adequate X Inadequate Not Applicable Comments Below
Evaluate conditions on working section and observe work cycle
Adequate X Inadequate Not Applicable Comments Below
Observe air quantity, quality, and gas checks by inspector
Adequate X Inadequate Not Applicable Comments Below

District Coal Dist 7 Field Office Hazard, Ky Mine ID
Determine adequacy of Emergency Response Plan training (interview miners)
44.
Adequate Inadequate X Not Applicable Comments Below
A review of the escape drill record book revealed that drills were not being properly rotated between the primary and alternate escapeways on part of the operator. No action required by the District the escape drills were properly cited.
Note: The inspector had cited this violation prior to the beginning of the audit.
Determine adequacy of training regarding roof, ventilation, and other plans (interview miners). Do inspection notes document evaluation of this type
training? Adequate X Inadequate Not Applicable Comments Below
Evaluate Self-Contained, Self-Rescuer condition, storage, signage
Adequate X Inadequate Not Applicable Comments Below
Startlei
de capew and sale
Determine if the mine operator has conducted SCSR donning expectation
47. training and if the inspector has observed and evaluated the training
Adequate X Inadequate Not Applicable Comments Below
Examine electrical cables on several pieces of equipment
Adequate X Inadequate Not Applicable Comments Below

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District Coal Dist 7 Field Office Hazard, Ky Mine ID
Evaluate several pieces of equipment for permissibility  Adequate X Inadequate Not Applicable Comments Below
50. Examine lifelines, mandoors, and related signage
Adequate X Inadequate Not Applicable Comments Below
51. Examine escapeway map for compliance with regulations
Adequate X Inadequate Not Applicable Comments Below
52. Evaluate integrity of primary and alternate escapeways
Adequate X Inadequate Not Applicable Comments Below
Evaluate integrity of return side stopping line
Adequate X Inadequate Not Applicable Comments Below
Travel and evaluate condition and maintenance of section conveyor belt, structures, and entries
Adequate X Inadequate Not Applicable Comments Below

Attachment A

District Coal	l Dist 7	Field Office	Hazard,	Ку	Mine ID		
55. Ev	valuate	conveyor b	elt isolat	tion fro	m other	air cours	es
Adequate	X	Inadequate	е	Not A	pplicabl	ë 🔲	Comments Below
					*		
	valuate est)	fire valves	and hose	es (con	dition, co	mpatibil	ity of fittings, pressure
Adequate	X	Inadequa	te	Not .	Applicab	le 🔲	Comments Below
	fire val	ve with a m	issing h	andle, t			ough one citation was ir of vise-grips attached.
57. O	bserve	and evaluat	e fire de	etection	methods	S	
Adequate	X	Inadequate	е 🔲	Not A	pplicabl	e 🗌	Comments Below
			4	A	Apli 1		
58. Ev	valuate	cleanup of	accumul	lations	and appl	ication o	f rock dust
Adequate	X	Inadequate	e	Not A	pplicabl	e	Comments Below
	proactiv	ve regardin	g belt co	nveyor	mainten	ance. Th	anagement team was le accumulations adit.

Attachment A

District Coal Dist 7 Field Office Hazard, Ky Mine ID
59. Evaluate condition of conveyor belt drives, and fire suppression systems  Adequate X Inadequate Not Applicable Comments Below  Conveyor belts and drives were in excellent condition.
Determine if all required record books are adequately completed and in compliance with applicable standards
Adequate X Inadequate Not Applicable Comments Below
Examine mine map for accuracy of workings and escapeway locations
Adequate X Inadequate Not Applicable Comments Below
Examine mine bulletin board and evaluate adequacy of all required postings
Adequate X Inadequate Not Applicable Comments Below
Interview responsible person(s) and evaluate knowledge of emergency response, evacuation procedures, and fire fighting processes
Adequate X Inadequate Not Applicable Comments Below
Determine if approved plans address and are compatible with mining conditions and equipment

District Coal Dist 7 Field Office Hazard, Ky Mine ID
Adequate X Inadequate Not Applicable Comments Below
Everying and evaluate at least one set of scale including weath defeat
Examine and evaluate at least one set of seals, including methods for obtaining samples from sealed area
Adequate X Inadequate Not Applicable Comments Below
Examination of seals appears adequate. Only one issue was noted during a review of seal examinations, notes and air sampling procedures.  entered an air quantity reading on an air sample collected from behind a seal. This resulted in the gas analysis laboratory calculating a methane liberation rate for this sample.
Recommendation – Increased attention to detail when completing air analysis cards and notes.
Note - This issue has been corrected by the field office supervisor.
Determine if districts are conducting cufficient in death Deer Pavierre
Determine if districts are conducting sufficient, in-depth Peer Reviews
Adequate X Inadequate Not Applicable Comments Below
In addition to the reviews already conducted, the District Manager is instituting a very proactive system to audit each field office at least once per year.
Determine if MSHA headquarters is conducting sufficient, in-depth Peer 67. Reviews
Adequate X Inadequate Not Applicable Comments Below
A district-level accountability review was conducted by a team lead by from a neighboring district.

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District Coal Dist 7 Field Office Hazard, Ky Mine ID
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 X Not Applicable Comments Below
The review report, while thorough, did not address follow-up measures to determine whether or not corrective actions are effective.
Action Required – Establish and follow a method to measure the success or failure of proposed corrective actions resulting from accountability reviews.
Reference – Accountability Program Handbook (AH08-III-4), Page 8
Determine if Peer Reviews are being used to assess supervisors and managers
69. performance
Adequate X Inadequate Not Applicable Comments Below
Interviews with the supervisors and managers indicate that reviews are taken seriously, and discussed at length with subordinates.
Determine if Peer Reviews include a visit to the mine, and include
70. observation of the producing section, conveyor belt entries, escapeways and
the ERP provisions Adequate X Inadequate Not Applicable Comments Below
The state of the s
Determine if approved plans and the Uniform Mine File books are addressed during each Peer Review
Adequate X Inadequate Not Applicable Comments Below

District Coal Dist 7 Field Office Hazard, Ky Mine ID
73. Evaluate the approved roof control plan after in-mine visit
Adequate X Inadequate Not Applicable Comments Below
Evaluate approved ventilation plan after in-mine visit
Adequate X Inadequate Not Applicable Comments Below
Evaluate approved training plan after discussion with miners
Adequate X Inadequate Not Applicable Comments Below
res plan to a
Evaluate the two most current completed E01 (regular) inspection reports (two quarters)
Adequate X Inadequate Not Applicable Comments Below
Inspections appear to be complete and thorough.
78. Ten most current completed E02 (103(i) spot) inspection reports
78. Ten most current completed E02 (103(i) spot) inspection reports  Adequate  Not Applicable  X Comments Below
Adequate Inadequate Not Applicable X Comments Below
Adequate

District Coal Dist 7 Field Office Hazard, Ky Mine ID
Determine if 104(d) tracking system is in place at the office being audited, and is being kept up to date
Adequate X Inadequate Not Applicable Comments Below
The tracking system spreadsheet and SOP are both contained in the UMF.
u ssigal con
Determine if all plans and documents in the Uniform Mine File are legible, and up to date
Adequate X Inadequate Not Applicable Comments Below
Determine if miners are adequately trained in the provisions of any new plan prior to its implementation
Adequate X Inadequate Not Applicable Comments Below
Interviews with miners and mine managers indicate that proper training is being conducted.
Determine if Standard Operating Procedures (SOPs) adequately address requirements of MSHA Program Policy Manual
Adequate X Inadequate Not Applicable Comments Below
Determine if a copy of the most recent plan is provided for inclusion in the Uniform Mine File
Adequate X Inadequate Not Applicable Comments Below
Determine if spreadsheets and/or databases provided for tracking of mine visits by supervisors and managers is kept up to date
Tions of supervisors and managers is rept up to date
Adequate X Inadequate Not Applicable Comments Below

District Coal Dist 7 Field Office Hazard, Ky Mine ID
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Evaluate the effectiveness of management's support of, and communication with, inspectors and specialists
Adequate X Inadequate Not Applicable Comments Below
Interviews with inspectors and field office supervisors indicate that communication and cooperation between district specialists and field offices is excellent.
Review documentation of staff meetings/safety meetings to determine their effectiveness and relevance to the Agency's mission and current issues
Adequate X Inadequate Not Applicable Comments Below
Are MSHA Forms 7000-1 accurately reviewed for proper information and potential violations, unsafe practices, or conditions?
Adequate X Inadequate Not Applicable Comments Below
Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.
Adequate Inadequate X Not Applicable Comments Below
Inspectors do not have a method for protecting air sample bottles from breakage during inspection activities. Shipping containers are too large to allow inspectors to carry a sufficient number of sample bottles for certain portions of the inspection. This issue appears to be systemic to the entire agency and therefore should be referred to MSHA HQ for resolution.
Recommendation – The Office of Accountability recommends that MSHA provide a compact means of protecting air sample bottles while on the inspector's person during inspection activities. Use of such a container will not only protect inspection personnel from injuries related to broken sample bottles, but would also improve the efficiency of inspections by preventing duplication of activities caused by sample bottles broken en-route out of the mine.

Attachment A

District C	oal Dist 7 Field Office Hazard, Ky Mine ID
119.	Determine if adequate close-out conferences are being conducted at the end of each inspection.
Adequate	X Inadequate Not Applicable Comments Below
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	$-\frac{1}{2}$
121.	Determine if manpower at the field office is sufficient to ensure adequate, complete inspections, investigations, and other activities.
Adequate	X Inadequate Not Applicable Comments Below

n I-Violation Data e ved To	Mine Safety and Heal		\ \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
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ved To		3. Citation/ Order Number	
			(Contractor)
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intersection in the last open cros			
ss cut is located 1 cross cut outby			
ding.			
	Markey and		
13	Lis Noint > Har		
	4 1 165300 T	See Continuation	on Form (MSHA Form 7000-3a)
ation A Health ☐ B Section C. Safety ✓ of Act Other	. Part/Section of Title 30 CFR	75.220(a)(	1)
IIInspector's Evaluation			
avity:	1,1122_1150		
njury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely	Highly Likely	Occurred [
njury or illness could rea-	kdays Or Restricted Duty	Permanently Dis	sabling   Fatal
conably be expected to be: No Lost Workdays Lost Work		1 Cillianollily Dia	rabiling [
	may or mountaine out,	D 11 1 10	
Significant and Substantial: Yes No 💆	way or not more out,	D. Number of Pers	ons Affected: 001
Significant and Substantial: Yes No 🗹	Moderate ✓ D. High		ons Affected: 001
Significant and Substantial: Yes No 🗹	Moderate  ✓ D. High	E. Reci	001
Significant and Substantial: Yes No 99  gligence (check one) A. None B. Low C. I  pe of Action 104(a) 13. Type of Issuance tial Action	Moderate   D. High  ce (check one) Citation   E. Citation/	E. Reci	kless Disregard
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Significant and Substantial: Yes No 99  gligence (check one) A. None B. Low C. I  pe of Action 104(a) 13. Type of Issuance tial Action	Moderate   D. High  ce (check one) Citation   E. Citation/	E. Reci	kless Disregard   Written Notice
Significant and Substantial:  Yes No   gligence (check one) A. None B. Low C. I  pe of Action 104(a) 13. Type of Issuance ital Action Italion B. Order C. Safeguard D. Written Notice	Moderate   D. High  ce (check one) Citation   E. Citation/	E. Reci	kless Disregard   eguard  Written Notice
Significant and Substantial:  Yes No   gligence (check one) A. None B. Low C. I  pe of Action 104(a) 13. Type of Issuance ital Action Italion B. Order C. Safeguard D. Written Notice	Moderate   D. High  ce (check one) Citation   E. Citation/	E. Reci	kless Disregard Written Notice
Significant and Substantial:  Yes No   gligence (check one) A. None B, Low C. I  pe of Action 104(a) 13. Type of Issuand  ital Action Italion B. Order C. Safeguard D. Written Notice  pa or Equipment	Moderate D. High ce (check one) Citation  E. Citation/ Order Number	E. Reci	kless Disregard Written Notice
Significant and Substantial:  Yes No   Gligence (check one) A. None B. Low C. I  pe of Action 104(a) 13. Type of Issuance italial Action itation B. Order C. Safeguard D. Written Notice as or Equipment	Moderate D. High ce (check one) Citation  E. Citation/ Order Number	E. Reci	kless Disregard   Written Notice
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Significant and Substantial:  Yes No   gligence (check one) A. None B. Low C. I  pe of Action 104(a) 13. Type of Issuand itation B. Order C. Safeguard D. Written Notice pa or Equipment  The control of	Moderate D. High ce (check one) Citation  E. Citation/ Order Number	E. Reci	kless Disregard   Written Notice
Significant and Substantial:  Yes No   gligence (check one) A. None B. Low C. I  pe of Action 104(a) 13. Type of Issuance itation B. Order C. Safeguard D. Written Notice pa or Equipment  Thin attention Due A. Date B. Time (24 Hr. Clock)	Moderate D. High ce (check one) Citation  E. Citation/ Order Number	E. Reci	kless Disregard Written Notice
Significant and Substantial:  Yes No   gligence (check one) A. None B. Low C. I  pe of Action 104(a) 13. Type of Issuand itation B. Order C. Safeguard D. Written Notice pa or Equipment  The control of	Moderate D. High ce (check one) Citation  E. Citation/ Order Number	E. Reci	kless Disregard   Written Notice
Significant and Substantial:  Yes No   Gligence (check one) A. None B. Low C. I  De of Action 104(a) 13. Type of Issuand  Itial Action itation B. Order C. Safeguard D. Written Notice Dea or Equipment  Trainination Due A. Date B. Time (24 Hr. Clock)  III—Termination Action  Itininated B. Da Yr.  Mo Da Yr.  Mo Da Yr.	Moderate D. High ce (check one) Citation  E. Citation/ Order Number	E. Reci	kless Disregard   Written Notice
Significant and Substantial:  Yes No   gligence (check one) A. None B. Low C. I  pe of Action 104(a) 13. Type of Issuand itation B. Order C. Safeguard D. Written Notice pa or Equipment  The control of	Moderate D. High ce (check one) Citation  E. Citation/ Order Number	E. Reci	kless Disregard   Written Notice
Significant and Substantial:  Yes No   gligence (check one) A. None B. Low C. I  pe of Action 104(a) 13. Type of Issuand ital Action itation B. Order C. Safeguard D. Written Notice  pa or Equipment  Translation Due A. Date B. Time (24 Hr. Clock)  III—Termination Action Ition to Terminate A test hole was drilled i	Moderate D. High ce (check one) Citation  E. Citation/ Order Number	E. Reci	kless Disregard   Written Notice
Significant and Substantial:  Yes No   Gligence (check one) A. None B. Low C. I  De of Action 104(a) 13. Type of Issuand  Itial Action itation B. Order C. Safeguard D. Written Notice Dea or Equipment  Translation Due A. Date B. Time (24 Hr. Clock)  IIII—Termination Action  Ition to Terminate A test hole was drilled italianted A. Date Mo Da Yr  B. Time (24 Hr. Clock)  IV—Automated System Data  De of Inspection 20. Event Number	Moderate D. High ce (check one) Citation  E. Citation/ Order Number	E. Reci	kless Disregard   Written Notice
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						See Continuation F	Form (MSHA Form 7000-3a)
The state of the s	Health Safety V	B. Section of Act		C. Part/Section Title 30 CFR		75.400	
	Other						
Section II-Inspector's	Evaluation						
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	ess (has) (is):	No Likeliho	N			Highly Likely	Occurred [
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Date	Mo Da Vr	2. Time	(24 Hr Clo	ck)				100000	Citation. Order N			
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Condition or P	ractice										Writte	n Notice (103g)
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									See Cor	ntinuation F	Form (MSH	A Form 7000-3a)
Violation A.	Health Safety V	B. Section of Act			C. Part/Section					0(a)(1)	Form (MSH	A Form 7000-3a)
ction IIInspector	Safety 🗸 Other										Form (MSH	A Form 7000-3a)
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Willie Citat	ion/Order				U.S. Departr		bor Administration	1	<b>(6)</b>
Section I-Viola	ition Data			*****		The Comment	7 1411111111111111111111111111111111111		
1 Date	Mo Da Yr	2. Time	(24 Hr. Clock)				3. Citation/ Order Numbe		
4 Conved To			_		5 Operator		Older Nambe		
									(Contractor)
8 Condition	or Practice					83, IVe		8a Written	(Contractor) Notice (103g)
when ex	xamined th	ne hand	eing mainta dle is miss e if needed	ing and	d a pair	of vise	grips i		
9. Violation	A. Health Safety V	B. Section of Act			art/Section of tile 30 CFR		See Continuati 75.1107-16		A Form 7000-3a)
10. Gravity:	ector's Evaluation								
	r Illness (has) (is):	No Likelih	ood [] Unlike	y 🗸	Reasonably Like	ly [] H	Highly Likely	Occurr	red []
	r illness could rea- be expected to be	No Los	st Workdays	Lost Workda	ays Or Restricted		Permanently Dis	sabling []	Fatal 🗍
	ant and Substantia	il: Ye	s [] No 🗸			. [	). Number of Pers	ons Affected:	010
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	ce (check one)		B. Low [	C. Mo	derate 🗸				
11 Negligeno	se (check one)	A. None			(check one)			equard [1]	Written Notice
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19. Type of Inspection

(activity code)
22. Signature

20. Event Number

E01

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

District Coal Dist 7 Field Office Hazard, Ky Mine ID Mine Citation/Order U.S. Department of Labor Mine Safety and Health Administration Section I--Violation Data 1. Date Mo Da Yr 3. Citation/ Order Number (Contractor) 8 Condition or Practice 8a. Written Notice (103g) The cover for the sequence roller for the 201 0 and 002-0 super section is flipped up and exposing the moving wheel dised to detect movement. The opening measures approximately 6 inches by 6 inches. See Continuation Form (MSHA Form 7000-3a) 9. Violation A. Health C. Part/Section of B. Section Safety V Title 30 CFR 75.1722(a) 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 rea-Lost Workdays Or Restricted Duty 📝 Fatal T No Lost Workdays Permanently Disabling sonably be expected to be C. Significant and Substantial: D. Number of Persons Affected: 001 Yes [ No V 11. Negligence (check one) B. Low C. Moderate V D. High E. Reckless Disregard A. None Written Notice 12. Type of Action 13. Type of Issuance (check one) Citation 🗸 Order Safequard 104(a) 14. Initial Action F Dated E. Citation/ Mo Da Yr A. Citation B. Order -D. Written Notice [ C. Safequard T Order Number 15. Area or Equipment distante en en 河里和 16. Termination Due Mo Da 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

MSHA Form 70
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 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.

21. Primary or Mill

23. AR Number

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