U.S. Department of Labor

Mine Safety and Health Administration 1100 Wilson Boulevard Arlington, Virginia 22209-3939



December 17, 2010

MEMORANDUM FOR ROBERT L. PHILLIPS Acting Deputy Assistant Secretary for Operations Mine Safety and Health

THROUGH:	PETER J. MONTALI Arlie A. Webt Acting Director of Accountability for	for
	Mine Safety and Health	

FROM:

ARLIE A. WEBB BILLY RANDOLPH Accountability Specialists

SUBJECT:

MSHA Office of Accountability Audit. Coal District 1. Pottsville. PA Field Office, and the second

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 definition and issues requiring attention are included in this audit report.

Overview

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

Or the audit team accompanied the inspection party to the subject underground antoracite 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 Co	mparison	4
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		und 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:

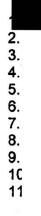
- 1. MSHA personnel conducted themselves in a professional and courteous manner to the OA and the mine operator at all times.
- 2. Violations observed by inspectors during the audit were properly issued and evaluated.
- Mine plans kept at the district and field office were complete, legible, and easily understood.
- Roof control plans contain provisions for reducing cut widths when sub-normal roof conditions are encountered.
- 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 mine ere 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 ea long as 15 years. has been in "New Mine" status since 10/24/1997
 - "Temp Idle" status since 03/01/1995, and 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)
- 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



C. Enforcement actions with questionable evaluations

United States Department of Labor Mine Safety and Health Administration Office of Accountability District Coal Dist 1 Field Office Pottsville, PA Mine ID
1. Evaluate supervisory review of inspection reports and documentation for completeness.
Adequate Inadequate X 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 X Not Applicable Comments Below
Io 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.
X

United States Department of Labor Mine Safety and Health Administration Office of Accountability
District Coal Dist 1 Field Office Pottsville, PA Mine ID Date Date
4. Evaluate the quality of Field Activity Review reports (FARs)
Adequate Inadequate X Not Applicable Comments Below
FARs from the 2 nd Half of FY 2009 and the 1 st and 2 nd 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 conductedAdequateInadequateNot ApplicableComments Belowx
There were no instances of performance or behavior based issues identified during the period audited.
6. Evaluate the quality of Accompanied Inspections
Adequate Inadequate x Not Applicable Comments Below
Adequate Inadequate Not Applicable Comments Below Accompanied Activity reports from the 2 nd Half of FY 2009 and the 1 st and 2 nd 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 2 nd Half of FY 2010 indicated that a trend or deficiency existed, but it was not identified or
Adequate Inadequate x Not Applicable Comments Below Accompanied Activity reports from the 2 nd Half of FY 2009 and the 1 st and 2 nd 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 2 nd 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
Adequate Inadequate x Not Applicable Comments Below Accompanied Activity reports from the 2 nd Half of FY 2009 and the 1 st and 2 nd 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 2 nd 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

United States Department of Labor Mine Safety and Health Administration Office of Accountability
District Coal Dist 1 Field Office Pottsville, PA Mine ID
8. Determine if Assistant District Manager is holding supervisor accountable for general mine visits, FARs, and accompanied activities
Adequate Inadequate X 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 x 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
Adequate X Inadequate Not Applicable Comments Below
13. Evaluate the location, workload, and availability of specialists (roof control, ventilation, electrical, etc.) within the district
Adequate X 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 x
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 X Comments Below
There are no 103(i) category mines in District 1.

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United States Department of Labor Mine Safety and Health Administration Office of Accountability District Coal Dist 1 Field Office Pottsville, PA Mine ID
16. Determine if supervisors, staff assistants, and other management personnel are reviewing work products for accuracy and completeness
Adequate Inadequate X 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 x Inadequate Not Applicable Comments Below
L
Determine if supervisors are using the Performance Management System to hold 19. inspectors accountable for properly evaluating gravity and negligence, termination due dates, and timely termination of citations Adequate Inadequate x Not Applicable Comments Below The narrative portion of Citations, yet only one channel was issued during E01 Event Number(b) (6) early depicts two violations, yet only one channel 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 x 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
Attachment A - Audit Checklist 7

	United States Department of Labor
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District C	oal Dist 1 Field Office Pottsville, PA Mine ID Date
(64%) of th	ne facilities, 52 (78%) of the surface mines, and 100% of the underground mines.
Recommen	dation- Supervisors and managers should visit each active coal mine to determine if the
evel of enfo	preement 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.
- ji	,, ,,,,,,
14	Determine if District Manager is monitoring the ACRI program and using the
21.	Performance Management System to ensure that CLRs justify changes
Adequate	x Inadequate Not Applicable Comments Below
-	
23.	Determine if second level reviews are used to assess supervisory review of
ວ.	enforcement actions
1 an 10	

Auequale			Comments below		
Due to a lack of do	cumentation, it could	d not be determined if t	he required 2 nd level r	eviews	n.
were performed in	FY2009. Documenta	ation was, however, bei	ng maintained for FY	2010.	

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.

Determine if appropriate actions are taken by supervisors and manager with 24. respect to issues of misconduct and/or poor performance Not Applicable Inadequate [Adequate **Comments Below** x There were no issues related to misconduct or poor performance documented by the district during the period reviewed.

25. Evaluate inspector/specialist for completing PKW Forms.	knowledge of documentation required and process
Adequate x Inadequate	Not Applicable Comments Below
PKW forms were well documented with	decisions justified.
) (Attachment A - Audit Checklist 6	8

United States Department of Labor Mine Safety and Health Administration Office of Accountability District Coal Dist 1 Field Office Pottsville, PA Mine ID
26. 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
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.
Determine if District Manager is using Performance Management System to hold 27. the Supervisory Special Investigator accountable for properly evaluating potentia 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
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 X Not Applicable Comments Below
 Inspectors are not always carrying needed inspection equipment with them (smoke tube assembly) and are not properly trained in the use of such equipment. Several required forms and data sheets in the E01 report were mislabeled or improperly completed. (Also See Item 77) Close out conferences were not always documented in E01 notes.

United States Department of Labor Mine Safety and Health Administration Office of Accountability				
District Coal Dist 1	Field Office Pottsvi	lle, PA Mine ID		
	-	s, air samples, rock dust sat spector's assertion that the	• •	
Adequate	Inadequate 🗴	Not Applicable	Comments Below	
tracking map	did not match date	vays entered on the trackin in the ITS. (Also See Item n notes were not identified	77)	
e C				
31. Determine	e that the inspector	spent sufficient time on of	f-shifts and on weekends	
Adequate x	Inadequate	Not Applicable	Comments Below	
Determine if the SCSR inventory database has been implemented to track32. inspections of SCSRs				
Adequate x	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 X Comments Below
The mine included in this audit is an anthracite mine. Application of rock dust is not required.

34.		ne if all mine record d during the inspect	books, postings, and othe tion	r required materials are
Adequate	x	Inadequate	Not Applicable	Comments Below

United States Department of Labor Mine Safety and Health Administration Office of Accountability
District Coal Dist 1 Field Office Pottsville, PA Mine ID Date
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 x 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:
1 st Quarter on-site time was 149.50 hours. 2 nd Quarter on-site time was 230.75 hours 3 rd Quarter on-site time was 217.00 hours
During this time, the mine produced coal on 1 shift, 5 days per week.
 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
Enforcement actions taken during the audit appeared to be correctly evaluated.

38. Accom	pany and evaluate in	spector's imminent dange	er run
Adequate x	Inadequate	Not Applicable	Comments Below
1. 	· · · · · · · · · · · · · · · · · · ·	м. I.	- -
39. Check	adequacy of preshift,	onshift examinations	
Adequate x	Inadequate	Not Applicable	Comments Below

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United States Department of Labor Mine Safety and Health Administration Office of Accountability District Coal Dist 1 Field Office Pottsville, PA Mine ID
Evaluate inspector's observation of roof conditions. Is a copy of the currentlyapproved roof control plan maintained on the section?
Adequate x Inadequate Not Applicable Comments Below
42. Evaluate conditions on working section and observe work cycle
Adequate Inadequate Not Applicable Comments Below X
Conditions on the working section appeared good. However, during the work cycle, Citation 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 x Inadequate Not Applicable Comments Below
44. Determine adequacy of Emergency Response Plan training (interview miners)
Adequate x 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 X Inadequate Not Applicable Comments Below

District Coal Dist 1 Fig	Mine Safe	States Department of Labor y and Health Administration fice of Accountability le, PA Mine ID	n,	
46. Evaluate Self			orage, si	gnage
Adequate x Ina	adequate	Not Applicable] (Comments Below
L	- 12 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1		2	
		or has conducted SCS ved and evaluated th		ng expectation training g
Adequate x Ina	adequate	Not Applicable] (Comments Below
	9		Γ.,	
50. Examine life	ines mandoors	and related signage		90
	adequate	Not Applicable] (Comments Below
macquate [x] ma				
				P.
51. Examine esca	apeway map for	compliance with regu	ilations	
Adequate x Ina	idequate	Not Applicable] (Comments Below
3				
52. Evaluate inte	grity of primary	and alternate escape	ways	
Adequate x Ina	idequate	Not Applicable] (Comments Below
53. Evaluate inte	grity of return si	de stopping line		
Adequate x Ina	idequate	Not Applicable] (Comments Below
	1			

United States Department of Labor Mine Safety and Health Administration Office of Accountability
District Coal Dist 1 Field Office Pottsville, PA Mine ID
54. Travel and evaluate condition and maintenance of section conveyor belt, structures, and entries
Adequate Inadequate x Not Applicable Comments Below
During the audit, two citations were issued regarding maintenance of conveyor belts, structures and conveyor entries. A sissued for an improperly aligned belt conveyor rubbing against the belt structure that was not fully guarded against access. (See Attachment B)
55. Evaluate conveyor belt isolation from other air courses
Adequate X Inadequate Not Applicable Comments Below
56. Evaluate fire valves and hoses (condition, compatibility of fittings, pressure test)
Adequate Inadequate x Not Applicable Comments Below
During the audit, 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 X Inadequate Not Applicable Comments Below
58. Evaluate cleanup of accumulations and application of rock dust
Adequate X Inadequate Not Applicable Comments Below
Cleanup of accumulations was generally good. Rock dusting is not required in anthracite coal mines.

United States Department of Labor Mine Safety and Health Administration Office of Accountability
District Coal Dist 1 Field Office Pottsville, PA Mine ID
59. Evaluate condition of conveyor belt drives, and fire suppression systems
Adequate X Inadequate Not Applicable Comments Below
 Determine if all required record books are adequately completed and in 60. compliance with applicable standards
Adequate Inadequate X 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)
X
61. Examine mine map for accuracy of workings and escapeway locations
Adequate X Inadequate Not Applicable Comments Below
62. Examine mine bulletin board and evaluate adequacy of all required postings
Adequate x Inadequate Not Applicable Comments Below
63. Interview responsible person(s) and evaluate knowledge of emergency response, evacuation procedures, and fire fighting processes
Adequate X Inadequate Not Applicable Comments Below

United States Department of Labor Mine Safety and Health Administration Office of Accountability
District Coal Dist 1 Field Office Pottsville, PA Mine ID
64. Determine if approved plans address and are compatible with mining conditions and equipment
Adequate X Inadequate Not Applicable Comments Below
66. Determine if MSHA headquarters is conducting sufficient, in-depth Peer Reviews
Adequate Inadequate X 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 x 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 x Inadequate Not Applicable Comments Below

United States Department of Labor Mine Safety and Health Administration Office of Accountability District Coal Dist 1 Field Office Pottsville, PA Mine ID Determine if Peer Reviews accurately reflect and evaluate MSHA activities at all
71. types of mining (underground/surface/surface facilities) within the district
Adequate x Inadequate Not Applicable 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 x Inadequate Not Applicable Comments Below
73. Evaluate the approved roof control plan after in-mine visit
Adequate x Inadequate Not Applicable Comments Below
74. Evaluate approved ventilation plan after in-mine visit
Adequate X Inadequate Not Applicable Comments Below
75. Evaluate approved training plan after discussion with miners
Adequate x Inadequate Not Applicable Comments Below

Distric	t Coal Dist 1 Field Office Pottsville, PA Mine ID
i.	
77.	Evaluate the two most current completed E01 (regular) inspection reports (two
	quarters)
Adeq	uate Inadequate x Not Applicable Comments Below
E01 E	vent Numbe
	ATF Form is mislabeled as "
2.	The first on-site day of inspection was 21 days after the event was opened.
	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
0.	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.
	vent Numb
1.	Start and stop dates were not always entered on the tracking map, and several dates
C	on the tracking map do not match dates in the Inspection Tracking System.
Ζ.	Areas documented in the inspection notes, such as "North Pitch" and "East Intake"
2	are not identified on the tracking map. There were 7 instances where time was charged for E01 activity, but no entries were
5.	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
	tion event in each air course on a mine map, line diagram or combination of a mine map and lin
	m until each intake or return aircourse is fully inspected.
Refere	nce – PH08-V-1, Coal General Inspection & Tracking System Handbook, pages 36-37.
	mendation –Including the Mine ID number or Company Name on the ATF form would avoid ion when a parent or controlling company holds the ATF license.

United States Department of Labor Mine Safety and Health Administration Office of Accountability District Coal Dist 1 Field Office Pottsville, PA Mine ID []
78. Ten most current completed E02 (103(i) spot) inspection reports
Adequate Inadequate Not Applicable x 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 x Inadequate Not Applicable Comments Below
81. Determine if all plans and documents in the Uniform Mine File are legible, and up to date
Adequate X Inadequate Not Applicable Comments Below
82. Determine if all applicable plan reviews were performed within six months, or within the timeframes required
Adequate x Inadequate Not Applicable Comments Below
87. Determine if district management reviewed the final version of all approved plans
Adequate x Inadequate Not Applicable Comments Below
88. Determine if time frames for approval/disapproval of plans were set, and are being met
Adequate X Inadequate Not Applicable Comments Below

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o9. process	Mine Safe C Field Office Pottsv ne if the plan is trac	States Department of Labor ety and Health Administration Office of Accountability ille, PA Mine ID ked from date of submissio	
Adequate x	Inadequate	Not Applicable	Comments Below
			·
	×	18 M 19 M	8
90. Determi	ne if dated copy of a	pproval/disapproval lette	r is in file
Adequate x	Inadequate	Not Applicable	Comments Below
		s.	
		· · · · · · · · · · · · · · · · · · ·	
91. Determi	ne if copies of the pl	an are distributed as per ar	n established list
Adequate x	Inadequate	Not Applicable	Comments Below
47	ne if a copy of the m Mine File	ost recent plan is provided	for inclusion in the
Adequate x	Inadequate	Not Applicable	Comments Below
		······································	·
* * * *			· · · · · · · · · · · · · · · · · · ·
93. Determi	ne if a due date for f	ormal review of plans is id	entified
Adequate x	Inadequate	Not Applicable	Comments Below
		· · · · · · · · · · · · · · · · · · ·	
A	ne if required inform	nation is submitted in the p	lan
94. Determi	ne n requirea nuorn		
94. Determi Adequate x	Inadequate	Not Applicable	Comments Below

United States Department of Labor Mine Safety and Health Administration Office of Accountability District Coal Dist 1 Field Office Pottsville, PA Mine ID Dat
95. Evaluate recommendations made to the District Manager proposing approval/disapproval of plan
Adequate x 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 x
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 X
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 X Inadequate Not Applicable Comments Below
102. Determine if input is solicited from field office inspectors/supervisors, and recommendations are addressed prior to approval
Adequate X Inadequate Not Applicable Comments Below

District C	United States Department of Labor Mine Safety and Health Administration Office of Accountability Date
105.	Determine if the plan review process includes documentation of the entire review process
Adequate	x Inadequate Not Applicable Comments Below
108.	Determine if projected mining relative to overlying, underlying, and adjacent workings was checked
Adequate	x Inadequate Not Applicable Comments Below
109.	Determine if projected mining in relation to overlying bodies of water was checked
Adequate	x Inadequate Not Applicable Comments Below
25	
114.	Determine if spreadsheets and/or databases provided for tracking of mine visits by supervisors and managers is kept up to date
Adequate	x Inadequate Not Applicable Comments Below
The spread	Isheet 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	x Inadequate Not Applicable Comments Below
118.	Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.
Adequate	x Inadequate Not Applicable Comments Below

United States Department of Labor Mine Safety and Health Administration Office of Accountability District Coal Dist 1 Field Office Pottsville, PA Mine ID Date
119. Determine if adequate close-out conferences are being conducted at the end of each inspection.
Adequate X 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 CMS&H Inspectors the entilation Specialis and ield Office Supervisor, an and lerk. Although there are 20 underground mines assigned to this field office, only 8 are acrive (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 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 X Not Applicable
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:
 Three of the ten reports did not contain documentation to describe whether they were investigated as "103(g)" or "other" complaints.

line ID
-

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

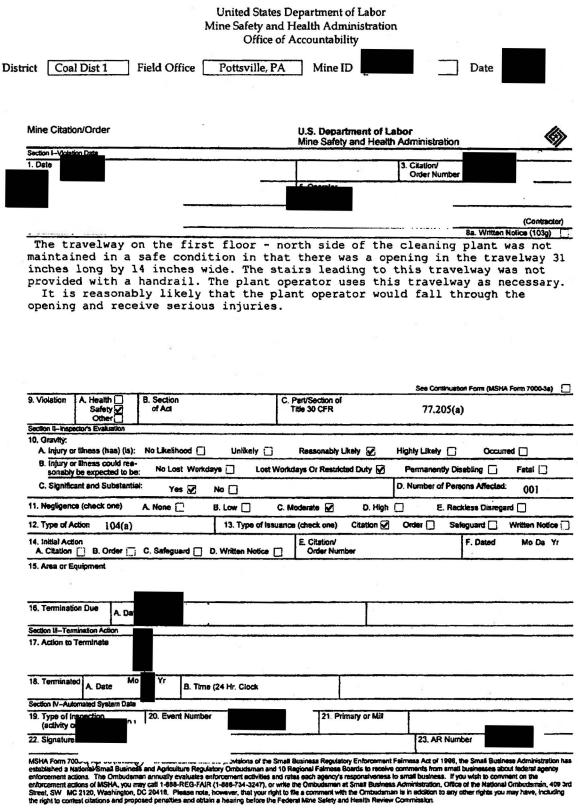
Note: The Hazard Complaint Handbook (PH08-I-8) is not consistent with the current hazard complaint process. There are no instructions in the handbook for the following:

- 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

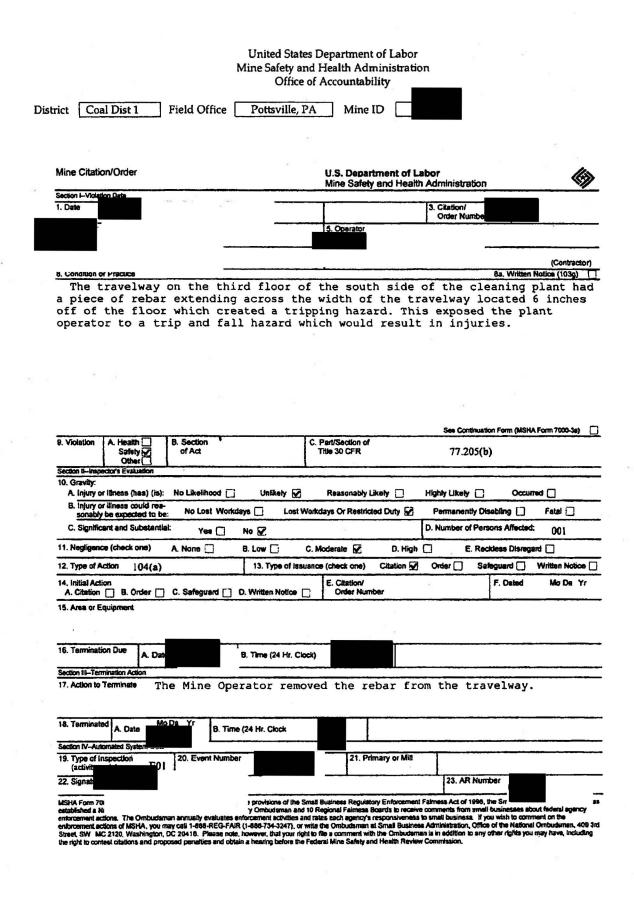
Recommendation – The handbook should be revised to address the aforementioned issues as well as the level of supervisory or management responsibility for each item.

123. Is the MS	SIS system being kej	pt up to date?	
Adequate	Inadequate x	Not Applicable	Comments Below
cubic feet of methan that mine was not being entered	e per 24 hours. Ana perated 21,721 ct ed into the MSIS dat	2010 indicated that min alysis of air samples taken or ubic feet of methane per 24 l abase. A check of the MSIS ng "0" methane liberation.	hours. This information

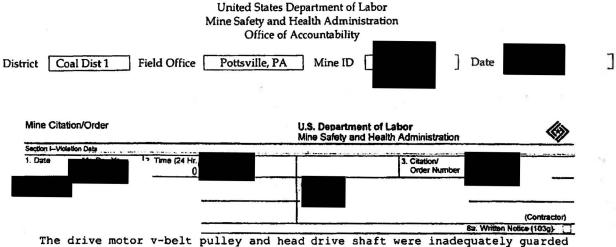
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Attachment B - Citations Issued During Audit

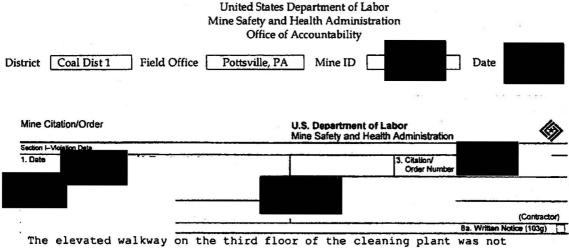


Attachment B - Citations Issued During Audit



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 confact with moving parts which would result in serious injury.

									See Co	ntinuation Form (MSI	HA Form 7000-3a)
9. Violation	A. Healt Safe Oth	y Z	B. Section of Act	U			Section of 30 CFR		77.4	400(a)	
Section II-Insp	actor's Eval	untion				·				·····	
10. Gravity:										.0	
A. Injury o	r tilness (f	198) (is):	No Lävelih	cood 🗋	Unlikely 📈	Re	asonably Li	kely 🗂	Highly Likel	y 🗍 Occu	ined []
8. Injury o sonably	r illness ci		No Los	t Workd	lays 🗌 🛛 Lost 1	Norkdays	Or Restrict	ed Duty 🖌	Permane	ntly Disabling	Fetal [
C. Signific	ant and S	ubstantia	l: Ye	a 🗆	No RA				D. Number	of Persons Affecte	d: 001
11. Negligend	æ (check	one)	A. None	כ	8. Low 📋	C. Moder	ste 🗹	D. High		E. Reckless Disre	gard 🗌
12. Type of A	ction]	04(a)			13. Type of Iss	uance (chr	tck one)	Citation 🖌	Order	Safeguard []	Written Notice
14. Initial Act A. Citation		rder 🗍	C. Safegu	ard []	D. Written Notice		Citation/ Order Numb	ber	3	F. Dated	Mo Da Yr
16. Terminat		A. Da	-	0	B. Time (24 Hr. Cl	ock)					·····
17. Action to	_								· · · · · · · · · · · · · · · · · · ·		
18. Teminat		No	Da Yr	B. Time	24 Hr. Clock						
Section IV-Aut	omated Sys	tem Data		£.,,							
19. Type of h (activity of		E01	20. Even	t Numbe	1		21. Prin	nary or Mill			
22. Signatur			• •						23. A	R Number	
entorcement ac Street, SW M	tions. The tions of MS C 2120, We	HA, you of shington, (ay call 1-885	REG FAIR	,ibudemen an	d 10 Regiona and rates ear write.the.Or pht to file a o	el Faimess 8 ch agency's r mbudsman al comment with	cards to receive esponsiveness Small Business the Ombudsma	to small busine s. Administration an is in addition	m small businesses a sa. If you wish to con n. Office of the Nation	nment on the nal Cimbudarzen, 409 3r

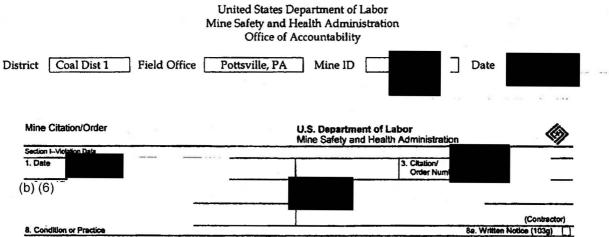


provided with an adequate handrail in the area below the vibrator. Screens were laid against the frame of the vibrator mounting deck but did not cover the entire length of the opening. The cleaning plant operator could fall through the opening which would result in injuries.

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

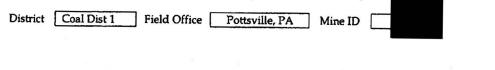
See Continuation Form (MSHA Form 7000-3a)
77.205(e)
Highly Likely
Permenently Disabling 🔲 Fatal 🗍
D. Number of Persons Affected: 001
gh [] E. Reckloss Disregard []
🗹 Order 🗋 Safeguard 🗋 Written Notice 🗌
F. Dated Mo Da Yr
23. AR Number

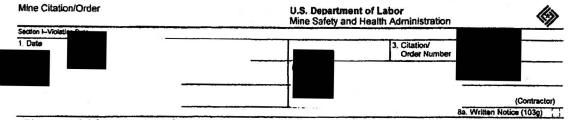
enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or white the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20110. Please note, however, that your high to file a comment with the Ombudsman is in addition to sity 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.



A one gallon non-approved plastic gasoline container was observed outside of the parts trailer entrance.

					See Con	onuation Form (MSH	A Porm 7000-34)
9. Violation A. Health Safety V Other	B. Section of Act		C. Part/Section of Title 30 CFR	-1	77.2	0 8(c)	
Section II-Inspector's Evaluation							
10. Gravity:							
A. Injury or liness (has) (is):	No Likelihood	Unlikely 🔽	Reasonably Li	kely 🗋	Highly Likely	Occur	med 🛄
B. Injury or illness could rea- sonably be expected to be		nys 🔲 🛛 Lost W	orkdays Or Restrict	ed Duty 🗹	Permanent	lly Disabling	Fetel []
C. Significant and Substantia	al; Yes 🗍	No 🗹			D. Number of	Persons Affected	t 001
11. Negligence (check one)	A. None	8. Low 📋 🛛 🗯	C. Moderate 🖉	D. High	- ε	. Reckless Disreg	ard []
12. Type of Action 104(a)		13. Type of Issu	ance (check one)		Order 🗋	Safeguard 🗌	Written Notice
14. Initial Action A. Citation 📋 B. Order 📋	C. Safeguard []]	D. Written Notice	E. Citation/ Order Num	ær		F. Dated	Mo Da Yr
16. Termination Due A. Data Section III-Termination Action		B. Time (24 Hr. Clo					
17. Action to Terminate Th mine property.	ne Mine Ope:	rator remo	ved the pl	astic g	asoline	e containe	er from
18. Terminated A. Da Section IV-Automated System Late	9. Time 	(24 Hr. Clock					
19. Type of inspection (activity certa) E01	20. Event Number		21. Prir	nary or Mill			
22. Signature		-			23. AR	Number	
MSHA Form 700 established a Nat- enforcement actions. The Ombudan enforcement actions of MSHA, you n Street, SW MC 2120, Washington, the right to contest citations and prov	nay call 1-888-REG-FAIR DC 20416. Please note,	, Ombudismen and forcement activities an (1-868-734-3247), or v however, that your righ	rite the Ombudsman a t to file a comment with	oards to raceive esponsiveness I t Small Business the Ombudsma	comments from to small business Administration, n is in addition to	small businesses at s. if you wish to com Office of the Nations	ment on the el Ombudisman, 409 3m

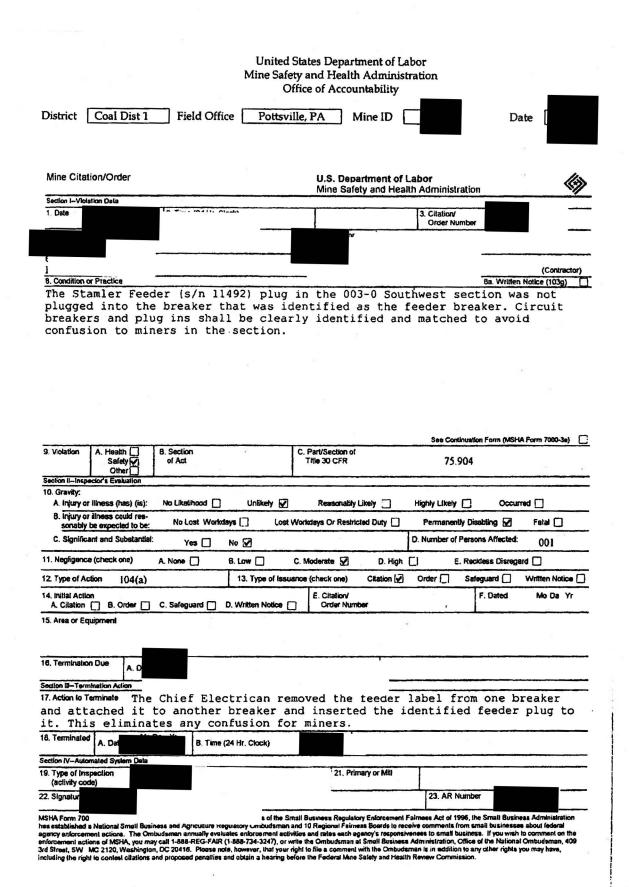




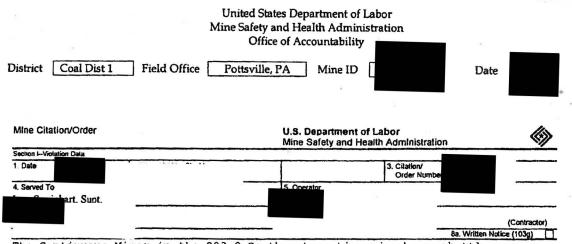
The preshift examination on the MMU 003-0 section was recorded in the preshift examination book but was not signed by the preshift mine examiner or countersigned by the mine superintendent at the end of their shift on 07-13-2010.

	•				21				See	Continuation	Form (MS)	HA Form 7000-3	la)
9. Violation	A. Healt Safe Oth		B. Sectio of Act	n			VSection of a 30 CFR		7:	5.360(g)			
Section II-Inspi	ctor's Eval	uation			·····								
10. Gravity:												1	
A. Injury o	r illness (i	198) (is):	No Likeli	hood 🖌	Unlikely ;	F	Reasonably I	ikely	Highly Lli	cety 🛄	Occu	irred	
B. Injury o sonably	ilness o be expec		No Lo	st Work	lays 😥 Lost	Workday	s Or Restric	ied Duly	Perma	nently Disa	bling	Fatal	
C Signific	ant and S	ubstentia	ik y	es []	No 📝				D Numbe	er of Perso	ns Affecte	d. 000	
11. Negligenc	e (chack	one)	A. None	1	B. Low	C. Mod	erate	D. High		E. Reck	ess Disreg	gard .	
12. Type of A	ction]	04(a)			13. Type of iss	uance (d	theck one)	Citation 🐼	Order	Sale	guard :	Written No	tice
14. Initial Acti A. Citation		rder []	C. Safeg	(Ť) brau	D. Written Notice		Citation/ Order Num	ber			F. Dated	Mo Da	Yı
16. Terminati	n Due	A. Dat		v ;)	B. Time (24 Hr. Ci	ock)		1					
Section III-Tem	ination Act	ion						-1					
17. Action to	feminate	24 27)									(2)
8. Terminate	A. Dat	Mo	Da Yr	B. Time	a (24 Hr. Clock								
ection IV-Auto	mated Sys	em Data		. 			h				·····		
9. Type of In (activity)	spection	E01	20. Eve	nt Numbe	r•	•	21. Pri	mary or Mill					
2. Signati									23.	AR Numb			
Street, SVV MC	2120, Wat	KA, you mi shington, D	ay call 1-888 DC 20416. P	jui rvaumes e REG-FAIF liseas note	the provisions of the s atory Ombudament activities a monoement activities a k (1-888-734-3247), or however, that your rig in a hearing before the	10 Regiond rates e write the i write the i	nel Faimess i ach agancy's Ombudsman a comment with	loards to receive responsiveness at Smell Busines the Ombudismi	e comments f to small busi a Administrat an is in additio	rom small bu ness. If you ion, Office of on to any oth	wish to con I the Nation	bout federal age ment on the al Ombudsman.	409 30

Attachment B - Citations Issued During Audit



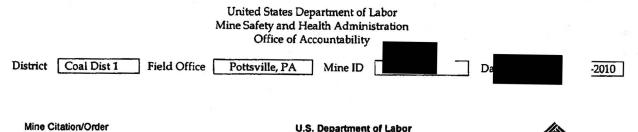
Attachment B - Citations Issued During Audit

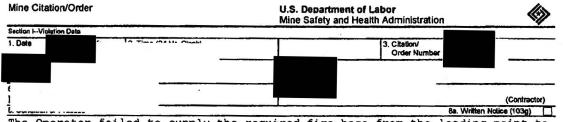


The Continuous Miner in the 003-0 Southwest section mined one shuttle car without adequate air quantity at the face. The air measured 6,120CFM at the time of mining. The Operator's plan states that at least 9,000 CFM will be available for mining. Both the Superintendent and Section Foreman went outby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

0						See Cont	invalion Form (MSI	-(A Form 7000-3e) [
9. Violation	A. Health D Safety 2 Other	B. Section of Act		C. Part/Section of Title 30 CFR	4	75.370)(a)(1)	
Section IIInspi	ctor's Evaluation							
10 Gravity: A. Injury of	lliness (has) (is):	No Likelihood	Uniikely 🖌	Reasonably L	ikaly 📋	Highly Likely	[] 0000	med []
	illness could rea- be expected to be:	No Lost Work	iays 🗌 Lost	Workdays Or Restrict	ed Duty 🖌	Permanent	lly Olsabling	Fatal 📋
C. Significa	ant and Substantial:	Yes 门	No 🖌			D. Number of	Persons Affected	008
11. Negligence	a (check one)	A. None	B. Low	C. Moderate	D. High	<u>□</u> €	Recidess Disreg	jard 🔲
12. Type of Ac	tion 104(a)		13. Type of Issu	ance (check one)	Citation 🖉	Order	Saleguard	Written Notice
14. Initial Actio A. Citation	and a second of a second	C. Safeguard 📋	D. Written Notice [E. Citation/ Order Numb	er 🗉		F. Dated	Mo Da Yr
15. Area or Eq	ulpment							
16. Termination	n Due A. Date). Time (24 Hr. Clos	======================================	T		<u> </u>	
Section III-Terr	Ination Action							
17. Action to T	erminate The	Operator	tightened	outby vent:	ilation	contro	ls and re	estored
adequat		the face a	Constraint and the second s			6		
18. Terminated	A. Date Mo	Da Yr B. Time	(24 Hr. Clock)					× 3
Section N-Auto	meted System							
19. Type of Ins (activity cod		20. Event Number		21. Prim	ary or Mill	17		
22. Signature	6					23. AR N	lumber	
has established a agency enforcem enforcement action and Street, SW	ent actions. The Om ons of MSHA, you ma MC 2120, Washington	uess and Agriculture Re budsman annually eval y call 1-888-REG-FAIR n, DC 20416. Please n	rgulalory Ombudsman unles enforcement acti (1-888-734-3247), or v ole, however, that your	mali Business Regulator and 10 Regional Faknes vities and rates each age wite the Ombudaman at right to file a comment w efore the Federal Mine S	a Boards to rec incy's responsiv Smail Business idh the Ombuds	eive commants (eness to small b Administration, i man is in additio	rom small business usiness. If you wisi Office of the Nation n to any other rights	es about lederal h to comment on the al Ombudsman, 409

Attachment B - Citations Issued During Audit



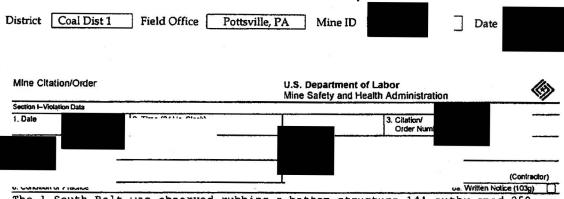


The Operator failed to supply the required fire hose from the loading point to the face in the 003-0 Southwest section.

							See Cont	inuation Form (MSI	(A Form 7000-3a)
9. Violation	A. Health Safety Other		3. Section of Act		C. Part/Section of Title 30 CFR		75.110	0-2(a)	
Section II-Inspe	ctor's Evalua	tion		-					+
10 Gravity:									
A. Injury or	Ilinesa (has	s) (is):	No Likelihood	Unlikely	Reasonably	Likely 🖌	Highly Likely	C Occu	arred []]
	liness coul be expected		No Lost Work	kayas ∐j Lost	Workdays Or Restric	ted Duty 🕅	Permanent	ty Disabling	Fetai 🗌
C. Significa	ent and Sub	stantial:	Yes 🗹	No 🗌			D. Number of	Persons Affected	008
11. Negligenci	e (check one	e) /	A. None []	B. Low	C. Modernite 🗹	D High	□ €	. Reckless Disreg	ierd 🔲
12. Type of Ac	tion 10	(a)		13. Type of Issu	ance (check one)	Citation 🖌	Order []	Safeguard 🗌	Written Notice [
14. Initial Actio A. Citation		ter 🖂 🕴	C, Safeguard []]	D. Written Notice (E. Citation/ Order Num	ber		F. Dated	Mo Da Yr
16. Terminatio	n Due	A, Date	ŕr	B. Time (24 Hr. Clo	ck)	Ī	Э	4	
Section III-Tern	nination Actio	n					κ.		
17. Action to T	erminata			-	т. 6				
18. Terminated	A. Date	Mo Da	Yr B. Time	(24 Hr. Clock)					
Section IV-Auto	maled System	m Oete					·····	a	
19. Type of Ins (activity co		E01	20. Event Numbe		21. Pri	nary or Mill			
22. Signature			-			5	23. AR I	Number	
agency enforcem enforcement act 3rd Street, SW	nent actions. ions of MSH/ MC 2120, W	The Ombo , you many ashington,	cell 1-888-REG-FAIF DC 20416. Please n	uses enforcement ac (1-888-734-3247), or	imail Business Regulat and 10 Regional Fein livities and rates each a write the Ombudsman r right to file a comment before the Externi Mine	ess Boards to re gency's response at Small Busines with the Ombuc	ceive comments liveness to small I is Administration, Isman is in additio	from small business business. If you wis Office of the Nation on to any other right	tes about federal In to comment on the set Ombudsmen, 409

Attachment B - Citations Issued During Audit

including the right to come



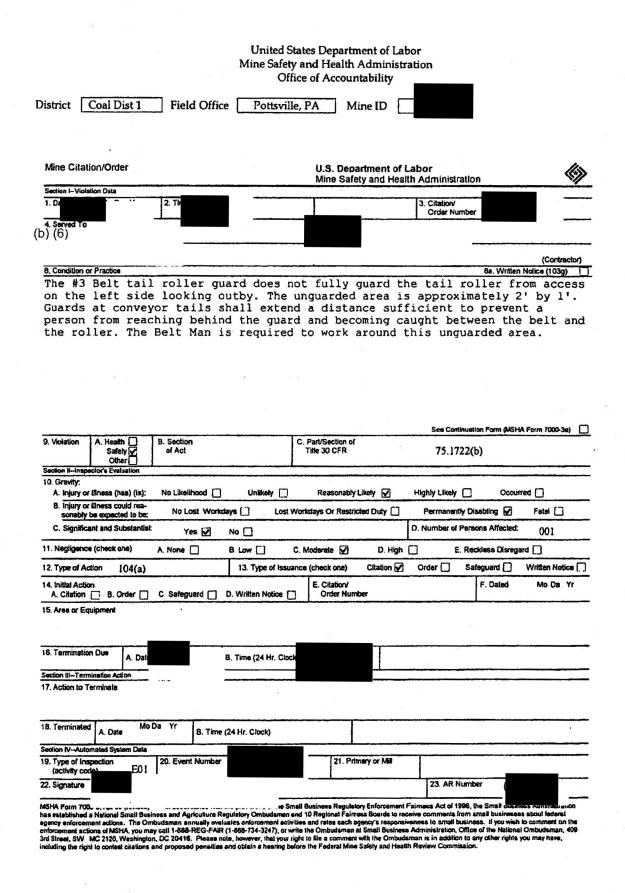
The 1 South Belt was observed rubbing a bottom structure 14' outby spad 258. The bottom structure was warm to the touch. Left unattended this conditions presents a fire hazard to all miner inby the area.

1								See Con	tinuation Form (MSH	A Farm 7000-3a)
9. Violation			B. Section of Act			rVSection of le 30 CFR		75,17	/31(b)	
Section II-Insp	ector's Eve	notieu							······································	
10. Gravity:										
A. Injury of	r Iliness (h	89) (IS):	No Likelihood	Unlikely		Reasonably L	ikely 🔀	Highly Likely	Occur	red []]
8. Injury of sonably	liness co be expect		Nò Lost Wo	nkdays 📋 🛛 1	.ost Workd	iys Or Restric	ted Duty 🖌	Permanen	tly Disabling	Fatal 📋
C. Signific	ant and Su	ubstantial;	Yes 🖌	No [D. Number of	Persons Affected:	008
11. Negligenc	e (check o	ne)	A. None 🔲	8. Low	C. Mo	derate 🗹	D. High	C) E	. Reckless Disrega	ard []
12. Type of A	tion j	04(a)		13. Type of	issuance (d	heck one)	Citation 🕢	Order	Saleguard	Written Notice 📋
14. Initial Actin A. Citation		order 门	C. Saleguard] D. Written Notic		E. Citation/ Order Numb	er		F. Dated	Mo Da Yr
15. Area or Ec	luipment						μ		<u>ж</u>	
16. Terminatio	n Due	A. Date	Ma Da Yr	B. Time (24 Hr.	Clock)			200		
Section III-Terr	nination Act	lion								
17. Action to T	erminate	The	Chief El	ectrican	train	ed the	belt so	the bo	ttom belt	did not
affecti	ng mi	ners	ottom str inby the	ucture. T warm bot	his e	liminat	ed the			
Tamiante		14a	No Ve I			and the second				

A. Date	8. Tima (24 Hr. Clock)			
Section IV-Automated System				
19. Type of Inspection ((activity code) b E01 20.	Event Number	21. Primary or Mill		
22. Signature			23. AR Number	
MSHA Form 7		all Business Regulatory Enforcement Fi		istration

has established a National-Small Business and Agriculture Regulatory Ombudsman and 10 Regional Farness Boards to receive comments from smat businesses apous recerta ogency enforcement actions. The Ombudsman annually evaluates androment activities and rates each agency encosponsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REC-FAR (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. Rease 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 penalities and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Attachment B - Citations Issued During Audit



Attachment B - Citations Issued During Audit

District	Coal Dist 1	Field Office	Pottsville, PA	Mine ID	

Mine ID	Violation	Issued	Туре	30 CFR	S&S	Likely	Injury	Affected	Neg
(b) (6)	1	1	, 104(a) Citation	75.370(a)(1)	Y	RL	LD	8	Mod

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.

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?

Mine ID	Violation	Issued	Туре	30 CFR	S&S	Likely	Injury	Affected	Neg
			104(a) Citation	75.370(a)(1)	Y	RL	LD	8	Mod

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.

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?

Mine ID	Violation	Issued	Туре	30 CFR	S&S	Likely	Injury	Affected	Neg
			104(a) Citation	75.334(b)(2)	Y	RL	LD	8	Mod

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.

Was the degree of negligence indicated by violations cited in Citations (b) (6) considered for elevated enforcement? What was the distance between the spads?

Mine ID	Violation	Issued	Туре	30 CFR	S&S	Likely	Injury	Affected	Neg
			104(a) Citation	75.203(b)	N	UL	LD	1	Low

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.

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?

Mine ID Violation	Issued	Туре	30 CFR	S&S	Likely	Injury	Affected	Neg
		104(a) Citation	75.1505(b)	N	NL	NLD	7	Mod

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.

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?

Attachment C - Citations With Questionable Evaluations

Mine ID	Violation	Issued	Туре	30 CFR	S&S	Likely	Injury	Affected	Neg
			04(a) Citation	77.208(d)	N	UL	LD	1	Low
secured i	n a safe mai	nner.	or being knocked ov ed, or not adequately				•		<u> </u>
			cked over (any acti						
How like!			ocked over (any activ						
	y was the tai	nk to be kno		vity in the area	? How	long had	the cor	ndition exist	ed?

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?

Mine ID	Violation	Issued	Туре	30 CFR	S&S	Likely	Injury	Affected	Neg
			104(a) Citation	62.130(a)	N	UL	PD	2	Hi

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.

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?

Violation	Issued	Туре	30 CFR	S&S	Likely	Injury	Affected	Neg
		104(a) Citation	77.400(a)	N	UL	LD	1	Low

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.

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.

Attachment C - Citations With Questionable Evaluations