MSHA Handbook Series



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CITATION AND ORDER WRITING HANDBOOK FOR COAL MINES AND METAL AND NONMETAL MINES

This handbook sets forth procedures to be followed in writing and issuing citations and orders for health, safety, training, and documentation violations at coal and metal and nonmetal mines. Changes to this handbook must be authorized by the Administrator for Coal Mine Safety and Health and the Administrator for Metal and Nonmetal Mine Safety and Health. Previously issued instructions relating to this subject are superseded by this handbook. Compliance related instructions contained in the MSHA Program Policy Manual are not superseded by this handbook.

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TABLE OF CONTENTS

СНАРТ	ER 1 – INTRODUCTION	1
I.	AUTHORITY	1
II.	PURPOSE	1
III.	RESPONSIBILITY	1
IV.	BACKGROUND	2
СНАРТ	ER 2 - SELECTED PROVISIONS OF THE MINE ACT	3
I.	INSPECTIONS AND INVESTIGATIONS	
I. II.	CITATIONS, ORDERS AND NOTICES	
III. III.	PROCEDURES TO COUNTERACT DANGEROUS CONDITIONS	
III. IV.	MINERS SMOKING OR CARRYING SMOKING MATERIALS IN	3
1 .	PROHIBITED AREAS SECTION 110(g)	6
	PROHIBITED AREAS SECTION TIU(g)	0
СНАРТ	ER 3 - VIOLATION DESCRIPTION AND ISSUING FORM	7
I.	FACTUAL INFORMATION	7
II.	VIOLATION DESCRIPTION	7
III.	CITATION, CONTINUATION, SUBSEQUENT ACTION, AND ORDER	
	FORMS	8
		•
-	ER 4 - CITATIONS AND ORDERS	
I.	COMPLETING MINE CITATION/ORDER FORMS	
II.	SECTION 103(a) - CITATIONS FOR DENIAL OF ENTRY	
III.	SECTION 103(j) AND 103(k) ORDERS	
IV.	SECTION 104(a) CITATIONS	
V.	GRAVITY CRITERIA	
VI.	"S&S" CRITERIA	-
VII.	"NON-S&S" CRITERIA	-21
VIII.	MODIFYING CITATIONS TO "NON-S&S"	-22
IX.	NEGLIGENCE CRITERIA	
Х.	MITIGATING CIRCUMSTANCES	-23
XI.	NOTICE TO PROVIDE SAFEGUARDS	
XII.	SECTION 104(b) ORDERS	
XIII.	SECTION 104(d) CITATIONS AND ORDERS	
XIV.	FLAGRANT CITATIONS AND ORDERS	
XV.	SECTION 104(e) PATTERN OF VIOLATIONS	
XVI.	SECTION 104(g)(1) ORDERS	-33
	SECTION 107(a) IMMINENT DANGER ORDERS	
XVIII	SECTION 107(b)(1) NOTICES	
XVIII XIX.	SECTION 110/(g) NOTICES	
XIX. XX.	MINE OPERATOR IN VIOLATION OF AN ORDER OF WITHDRAWAL	
1111 •	MILL OF ERATOR IN VIOLATION OF AN ORDER OF WITHDRAWAL	υ
СНАРТ	ER 5 - HEALTH CRITERIA (METAL AND NONMETAL)	-43
I.	DOCUMENTATION OF HEALTH VIOLATIONS	-43

II.	CONTAMINANTS WITH CEILING DESIGNATIONS	43	
III.	IMMINENT DANGER SITUATIONS INVOLVING CHEMICAL HAZARDS-4	44	
IV.	NEGLIGENCE AND GRAVITY EVALUATIONS - HEALTH VIOLATIONS-		
V.	DOCUMENTATION OF AIRBORNE CONTAMINANT VIOLATIONS	47	
VI.	ORDERS OF WITHDRAWAL - AIRBORNE CONTAMINANT VIOLATIONS		
VII.	I. GENERIC WORDING - CHEMICAL CONTAMINANT OR DUST CITATIO		
CHAPT	ER 6 - HEALTH CRITERIA (COAL)	51	
CHAPT	ER 7 - GENERAL INFORMATION	52	
I.	CITATION/ORDER BOOKS / IPAL CITATION NUMBERS –		
	ACCOUNTABILITY	52	
II.	ISSUING CITATIONS AND ORDERS	52	
III.	INSPECTION OR INVESTIGATION CLOSEOUT CONFERENCE	52	
IV.	COMPLIANCE ASSISTANCE VISIT INSPECTION FOLLOW-UP	52	
	(METAL AND NONMETAL)		
V.	FIELD NOTES		
VI.	CONTRACTOR CITATIONS AND MSHA ID NUMBERS	53	
VII.	ISSUING CITATIONS OR ORDERS - ACCIDENT INVESTIGATIONS	53	
VIII.	TERMINATION (ABATEMENT) TIMES FOR CITATIONS		
IX.	EXTENDING/TERMINATING CITATIONS AT AN MSHA OFFICE		
Х.	EXTENDING CITATIONS - OPERATOR HAS APPEALED A CITATION OF		
	ORDER		
XI.	MODIFICATIONS TO CITATIONS/ORDERS/SUBSEQUENT ACTIONS	54	
XII.	TERMINATING CITATIONS AND ORDERS		
XIII.	EQUIPMENT REMOVED FROM SERVICE		
XIV.	MINE OWNERSHIP CHANGES WITH OUTSTANDING CITATIONS OR		
	ORDERS	56	
XV.	VACATING CITATIONS/ORDERS		
XVI.	VOIDING CITATIONS/ORDERS		
	STANDARD SUBSECTIONS - CITATIONS/ORDERS		
	PART 44 - PETITIONS FOR MODIFICATION		
XX.	PART 50 - ACCIDENT, INJURY AND EMPLOYMENT REPORTING	-	
	VIOLATIONS		
XXI.	POSSIBLE KNOWING/WILLFUL VIOLATION REVIEW FORM (7000-20) -	60	

APPENDICES

APPENDIX A – SAFETY VIOLATIONS

APPENDIX B – TRAINING VIOLATIONS

APPENDIX C – COAL HEALTH VIOLATIONS

APPENDIX D – METAL AND NONMETAL HEALTH VIOLATIONS

APPENDIX E – MISCELLANEOUS FORMS AND CODES

DISCLAIMER

The citations and orders shown in the Appendices are examples for illustrative purposes only. Citation and order forms depicted in this Handbook are also for illustrative purposes and may not be an exact duplicate of the actual forms. Citations and orders issued for violations of the Federal Mine Safety and Health Act of 1977, the Mine Improvement and New Emergency Response Act of 2006, or other standards or regulations must depict gravity and negligence determinations reflective of circumstances present at the time of issuance.

CHAPTER 1 – INTRODUCTION

I. AUTHORITY

The Federal Mine Safety and Health Act of 1977 (Mine Act) directs an Authorized Representative (AR) of the Secretary of Labor to issue citations and orders when he or she believes that a violation of the Mine Act or any mandatory health or safety standard, rule, order, or regulation promulgated pursuant to the Mine Act has occurred. The Mine Act also authorizes an AR to issue an order of withdrawal when an imminent danger condition exists. Sections 103, 104, and 107 of the Mine Act describe in detail the authority for issuing these citations and orders.

The Mine Improvement and New Emergency Response Act of 2006 (MINER Act) amended the Mine Act. It provides for such things as:

- increased protection for underground coal miners;
- changed reporting requirements for certain accidents occurring at mine sites;
- established a new classification of violations which may be deemed flagrant; and
- a modified civil penalty criteria.

II. PURPOSE

This handbook is intended to provide guidance for all enforcement personnel in:

- issuing, extending, modifying, vacating, and terminating citations and orders;
- describing the conditions or practices constituting a violation or imminent danger;
- writing clear justification for extensions and modifications of citations and orders;
- adequately describing the area or equipment affected by citations or orders; and
- adequately evaluating the degree of gravity and negligence of the violation.

This handbook has been combined to reflect the uniformity of citation and order writing for both metal and nonmetal and coal enforcement personnel. Procedures, scenarios, and examples in this handbook should be used by all enforcement personnel, except for safeguards which can only be issued by coal inspectors.

III. RESPONSIBILITY

If, upon inspection or investigation, an AR believes that a mine operator has committed a violation of the Mine Act or any mandatory health or safety standard, rule, order, or regulation promulgated pursuant to the Mine Act, he or she must issue a citation or order to the mine operator. Each citation or order must be in writing and shall describe with particularity the nature of the violation, including reference to the provision of the Mine

Act, standard, rule, regulation, or order alleged to have been violated. In addition, each citation must fix a reasonable time for abatement of the violation.

IV.BACKGROUND

Mine Safety and Health Administration (MSHA) personnel must constantly strive for accuracy in writing citations and orders. A significant percentage of citations and orders have been overturned during the legal process for reasons such as:

- failure to cite the appropriate standard;
- failure to establish the existence of an imminent danger;
- assumptions or suppositions not based on evidence of facts;
- failure to specifically describe the area of danger or area affected;
- issuance of a 107(a) order for control purposes when no imminent danger exists;
- illegible or confusing writing; and
- failure to properly evaluate the degree of gravity, exposure to the hazard, or the mine operator's negligence.

The description of a violation must be written in such a manner that all parties know the true nature of the situation. The descriptive narrative must include information that clearly establishes a violation and describes with particularity the nature of the violation. The proposed civil penalty prepared by the Office of Assessments is determined, in part, by information contained in the citation or order.

CHAPTER 2 - SELECTED PROVISIONS OF THE MINE ACT

I. INSPECTIONS AND INVESTIGATIONS

A. Section 103(a)

MSHA must conduct frequent inspections and investigations at coal and other mines each year for the purpose of: obtaining, utilizing, and disseminating information relating to health and safety conditions, the causes of accidents, and the causes of diseases and physical impairments originating in such mines; gathering information with respect to mandatory health and safety standards; determining whether an imminent danger exists; and determining whether mine operators have complied with mandatory health and safety standards, citations, orders, and decisions issued under the Mine Act. Additionally, MSHA must develop guidelines for additional inspections of mines.

B. Section 103(j)

Enforcement personnel shall consult with the appropriate District Manager before issuing 103(j) orders of withdrawal. In the event of a mine accident where rescue and recovery work is necessary, MSHA is authorized to take any action deemed appropriate to protect lives, including supervising and directing any mine rescue and recovery effort. The mine operator is required to take measures to prevent destruction of evidence that could assist accident investigators.

C. Section 103(k)

In the event of a mine accident MSHA may issue orders deemed appropriate to ensure the safety of any person in the mine. The operator of that mine shall obtain the approval of the MSHA representative, in consultation with state mining agency representatives (if appropriate), regarding any plan to recover any person in the mine, to recover the mine, or to return affected mining areas to normal.

II. CITATIONS, ORDERS AND NOTICES

A. Section 104(a)

If, upon inspection or investigation, an inspector believes that a mine operator subject to the Mine Act has violated this Act, or any mandatory health or safety standard, rule, order, or regulation promulgated pursuant to the Mine Act, he or she shall, with reasonable promptness, issue a citation to the mine operator. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the Mine Act, standard, rule, regulation, or order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation. The requirement for the issuance of a citation with reasonable promptness shall not be a jurisdictional prerequisite to the enforcement of any provision of the Mine Act.

B. Section 104(b)

When an inspector finds that a violation previously cited has not been abated and that the period of time for abatement should not be further extended, he or she must issue a withdrawal order for the cited equipment or that part of the mine affected by the violation. The operator is required by such an order to remove all persons from the area affected, except those persons necessary to correct the violation as referenced in Section 104(c), until the violation is abated.

C. Section 104(d)(1) Citations

Upon MSHA's finding of a violation which could significantly and substantially contribute to the cause and effect of a safety or health hazard and is due to the mine operator's unwarrantable failure to comply, such a finding shall be included in any citation issued to the operator.

D. Sections 104(d)(1) and 104(d)(2) Orders

If another violation of a mandatory standard, whether significant and substantial or not and which is caused by the mine operator's unwarrantable failure, is found during the same or any subsequent inspection within 90 days of issuance of the 104(d)(1)citation, MSHA shall issue a 104(d)(1) withdrawal order. If an unwarrantable failure violation is observed during any subsequent inspection made after a 104(d)(1) order has been issued, a 104(d)(2) order shall be issued. These two sections provide for the issuance of withdrawal orders that are caused by the mine operator's unwarrantable failure to comply with mandatory safety and health standards.

E. Section 104(e)(1)

If MSHA has established that a mine operator has the same pattern of violations by receiving repeat or multiple significant and substantial violations of mandatory MSHA standards, the operator shall be issued a notice that such a pattern exists. Provisions are also made in this section for withdrawing all persons from the affected area if MSHA finds another significant and substantial violation during an inspection within 90 days of issuance of the notice of pattern of violations. The 104(e) withdrawal order remains in effect until MSHA finds the violation has been abated.

F. Section 104(e)(2)

Where miners have been withdrawn under Section 104(e)(1), a further withdrawal order shall be issued upon MSHA's finding of a significant and substantial violation during a subsequent inspection.

G. Section 104(e)(3)

The pattern of violations that resulted in the issuance of a notice shall be terminated if an MSHA inspection of the entire mine finds no significant and substantial violations of mandatory standards. However, a mine operator can reestablish a pattern of violation status as a result of subsequent significant and substantial violations.

H. Section 104(g)(1)

If an inspector finds that any miner has not received the mandatory health and safety training required under Section 115 of the Mine Act, the miner shall be ordered withdrawn from the mine until he or she has completed the required training.

I. Flagrant Violations

With the passage of the MINER Act, Section 110(b) of the Mine Act was amended to include:

"Violations under this Section [110(b)] of the Mine Act that are deemed to be flagrant may be assessed a civil penalty of not more than \$220,000. For purposes of the preceding sentence, the term 'flagrant' with respect to a violation means a reckless or repeated failure to make reasonable efforts to eliminate a known violation of a mandatory health or safety standard that substantially and proximately caused, or reasonably could have been expected to cause, death or serious bodily injury."

"Flagrant" violations are an MSHA assessment enforcement tool as are other special assessments. They are applied only to elevated enforcement actions meeting certain criteria. The inspectors' determination of the proper level of enforcement action remains the same. The enforcement actions of 104(d)(1) citations, 104(d)(1) orders, and 104(d)(2) orders and the policies and procedures used to determine their use remains the same without regard to a 'flagrant' designation. More information on this subject can be found in Chapter 4 in this handbook.

III. PROCEDURES TO COUNTERACT DANGEROUS CONDITIONS

A. Section 107(a)

If an inspector finds an imminent danger condition or practice existing at a mine, he or she shall issue a 107(a) order withdrawing persons from the affected area or equipment from service. No one may enter the area, except those persons necessary to correct the conditions as referenced in Section 104(c), until MSHA determines that conditions and practices which caused the imminent danger no longer exist.

B. Section 107(b)

If an inspector finds that conditions exist at a mine which have not yet resulted in an imminent danger, that such conditions cannot be effectively abated using existing technology, and that an imminent danger cannot be ruled out if mining activities were to proceed, the inspector shall issue a 107(b) notice to the operator informing him or her of such conditions. A copy of this notice shall be filed with the Secretary of Labor and with the representative(s) of the miners. This section also permits MSHA to issue notices, conduct investigations, hold public hearings, and make findings of fact. The appropriate District Manager shall be consulted before these types of actions are issued.

IV. MINERS SMOKING OR CARRYING SMOKING MATERIALS IN PROHIBITED AREAS -- SECTION 110(g)

Any miner who willfully violates the mandatory safety standards relating to smoking or the carrying of smoking materials, matches, or lighters shall be subject to a civil penalty assessed by the Commission of not more than \$375 for each occurrence of such violation.

CHAPTER 3 - VIOLATION DESCRIPTION AND ISSUING FORM

I. FACTUAL INFORMATION

It is important that factual information, not conclusions, be included in each citation or order. Statements such as "additional roof support is needed" or "adequate fire protection was not provided" may be true but these descriptions do not clearly describe a violation. The former does not describe the condition of the roof or the type and amount of roof supports installed, nor identify a hazard. The latter does not indicate the nature of the fire hazard nor the degree to which protection is not provided.

The citation or order must contain facts sufficient to establish a violation of the standards under the Mine Act and any special circumstances related to the violation, such as "significant and substantial" and "unwarrantable failure" findings.

II. VIOLATION DESCRIPTION

Essential elements to be considered in a violation description are:

- A. The conditions and practices causing and constituting the violation of a specific regulation or section of the Mine Act. They must be accurately identified and described.
- B. A determination of what caused the violation by clearly describing conditions and practices. This determination is particularly significant when citing violations in conjunction with imminent danger orders and Section 104(d) citations and orders.
- C. The location or equipment where the violation or hazard exists. This element <u>must</u> be specifically identified for several reasons:
 - 1. It serves as notification to the mine operator for abatement purposes;
 - 2. It informs the miners and miners' representative(s) of the exact location of the hazard; and
 - 3. It serves as clarification for inspectors on abatement visits.
- D. Information concerning gravity and negligence. This information must be provided so an accurate determination of the proposed civil penalty can be made.
- E. Information concerning the hazard, exposure, or lack of exposure to miners. Some mandatory standards require that exposure be shown to support a citation or order.
- F. Facts relevant to the mine operator's knowledge of the violative condition or practice.

III. CITATION, CONTINUATION, SUBSEQUENT ACTION, AND ORDER FORMS

- A. MSHA Form 7000-3 shall be used for issuing citations, orders, 110(g) notices, and the initial pattern of violations notice.
- B. MSHA Form 7000-3a shall be used for continuations and subsequent actions for citations, orders, and pattern of violations notices.
- C. Each set of forms are usually distributed as follows:

Original	-	mine operator
Second page	-	MSHA inspector
Third page	-	miners' representative, if applicable

- D. Computer generated citations/orders require an original signature for each printed copy.
- E. Distribution of the computer copies will be the same as for the hand written copies.

CHAPTER 4 - CITATIONS AND ORDERS

These procedures shall be followed when completing Mine Citation/Order Form 7000-3 unless otherwise specified. The items referenced below correspond to the appropriate sections on Form 7000-3. Many of the documentation procedures in this Handbook do not include, for redundancy purposes, completion of Section IV of the Citation/Order or Continuation forms.

I. COMPLETING MINE CITATION/ORDER FORMS

A. Section I - Violation Data

- 1. Date Enter the issue date by using the following format for the month, day, and year mm/dd/yyyy (e.g., 01/07/2008).
- 2. Time Enter the time of the violation with a four-digit number based on a 24 hour clock (military time, e.g., 22:30)
- 3. Citation/Order Number The seven-digit number preprinted on the 7000-3 Form or generated by an inspector's computer.
- 4. Served To Enter the first and last name of the operator (or operator's agent) and title to whom the citation or order is served.
- 5. Operator Enter the official business name of the mining company as shown on the MSHA Legal Identity Report Form 2000-7 in effect at the time the violation occurred. Enter the name of the independent contractor if a contractor is being cited.
- 6. Mine Enter the mine name as shown on the Legal Identity Report Form in effect at the time the violation occurred.
- 7. Mine ID Enter the seven-digit MSHA mine identification (ID) number. If applicable, also enter the contractor's three or four digit MSHA ID number.
- 8. Condition or Practice Provide a detailed description of the condition(s) or practice(s) which causes and constitutes a violation or an imminent danger. If more space is needed, check the "Continuation" block in the lower right hand corner of Item 8 and use a Mine Citation/Order Continuation Form 7000-3a.
- 8a. Written Notice This block is for coal inspectors to use when a violation is cited during any inspection conducted as a result of a written complaint. Coal inspectors should not use this block for any violation other than those issued as a result of the complaint. This does not alter the type of inspection that is ongoing.

9. Violation

- A. Health, Safety, and Other These blocks are for coal inspectors to use to mark whether the cited hazard relates to health, safety, or other (administrative). For violations of 30 CFR 75.370, coal inspectors may mark both the health and safety blocks.
- B. Section of Act Enter the applicable section [e.g., 103(a), 104(b)] here if a section of the Mine Act has been violated, otherwise leave blank.
- C. Part/Section of Title 30 CFR Identify the Part and Section of Title 30 CFR violated including the subparagraphs of the section violated.

Exception: <u>Do not</u> complete Item 9C if a 107(a) imminent danger order is cited without a violation of a mandatory health or safety standard. Refer to Section XVII in this chapter for further guidance concerning 107(a) imminent danger orders.

B. Section II - Inspector's Evaluation

- 10. Gravity
 - A. Injury or Illness (has)(is) Check the appropriate block based on the facts available.
 - B. Injury or Illness Could Reasonably Be Expected To Be Check the appropriate box based on the facts available.
 - C. Significant and Substantial Check the appropriate box based on the evaluations made in 10A and 10B. Violations of sections of the Mine Act, (e.g., denials of entry or interference with MSHA investigations) which do not violate a mandatory standard, must always be designated as "non significant and substantial." For these violations, Section II, item 10A shall be evaluated as "No Likelihood", item 10B will be marked "No Lost Workdays", and 10C shall be checked "No." Violations of interim mandatory health and safety standards found in Title 2 and Title 3 of the Mine Act not superseded by mandatory health and safety standards can be cited as "S&S" based on the evaluations made in 10A and 10B. Refer to the "S&S" criteria in Section VI in this chapter for further guidance.
 - D. Number of Persons Affected Enter the number of persons who were actually injured or became ill as a result of the hazard caused by the violation or the number of persons who could or would be affected if the anticipated event occurred.

- 11. Negligence Enter the degree of negligence by checking one of the appropriate boxes. Refer to the "negligence" criteria in Section IX in this chapter for guidance (Section 10 "Gravity" and Section 11 "Negligence" are not to be completed for 103(j), 103(k), 107(a) and 104(b) orders.
- 12. Type of Action Identify the Section of the Mine Act under which action is being taken [e.g., 104(a), 104(d)(1)].
- 13. Type of Issuance The "Safeguard" block is for Coal use only. Check the "Citation," or "Order," or "Safeguard" block for the appropriate type of issuance. The "Written Notice" block is to be used by District Managers when issuing the initial 104(e) Pattern of Violations Notices. It is also used by inspectors when issuing 110(g) notices for miners smoking or carrying smoking materials in prohibited areas.
- 14. Initial Action Check block "A" or "B" or "D" for the type of initial issuance, if appropriate, that subsequently resulted in this action. The "Safeguard" block (block "C") is for Coal use only.
 - E. Citation/Order Number Enter the seven-digit preprinted control number from the initial action.
 - F. Dated Enter the date of the initial action.
- 15. Area or Equipment This pertains only to orders of withdrawal [i.e., 104(b), 104(d), 104(e), 104(g), 107(a), 103(j) and 103(k)] and must indicate the area from which employees shall be withdrawn until the dangerous conditions and causes of those conditions have been corrected. Equipment should be identified by manufacturer, model, serial number (if known), color, and name, etc. if it is ordered removed from service.

Note: The phrase "No Area Affected" should be written in this space if this is a technical order of withdrawal [e.g., 104(b) order for failure to complete Part 50 employment or injury reporting reports.

16. Termination Due Date and Time (A and B) - Enter the date and time the mine operator is required to have the violation corrected. These blocks are left blank for orders of withdrawal.

C. Section III - Termination Action

17. Action to Terminate - Describe in detail the specific action(s) taken to correct the cited condition(s) or practice(s) which justifies termination. Do not write terms like "The condition was corrected."

18. Terminated Date and Time (A and B) - Enter the date and time the termination was issued.

D. Section IV - Automated System Data

- 19. Type of Inspection (Activity Code) Enter the appropriate enforcement activity code.
- 20. Event Number Enter the preprinted event number from the Inspection/Investigation Data Summary Form 4000-40 for M/NM and from the Mine Activity Data Form 2000-22 for Coal.
- 21. Primary or Mill This block is for metal and nonmetal inspectors. They should enter the letter "P" if the violation occurred in the production or primary mining phase of the operation. Generally, an entry of "P" includes activities and/or equipment from the mining site up to, but not including, milling processes. Enter the letter "M" if the violation occurred in the milling phase of the operation.

Exception: Violations cited at free standing mills with a separate Mine ID number should have "P" entered in this space.

- 22. Signature The signature of the inspector issuing the citation or order must be entered in this block.
- 22. AR Number Enter the AR number of the inspector issuing the citation or order.

II. SECTION 103(a) - CITATIONS FOR DENIAL OF ENTRY

A. Denial of Entry - Established MSHA Mine ID Number

When a mine operator or his or her agent directly refuses to allow an inspector entry to an active mining operation having an MSHA mine ID number, the inspector must issue a Section 104(a) citation citing Section 103(a) of the Mine Act and immediately contact his or her supervisor. The inspector must either hand deliver or mail the citation to the mine operator certified mail, return receipt requested.

Note: In the rare instances that these types of violations are issued, inspectors and supervisors should discuss them with the district office and/or regional solicitor prior to issuance. These violations are frequently litigated and are often contentious so consultation and coordination with all parties prior to issuance will assure that everyone understand the situation and are in agreement with the actions being taken.

B. Denial of Entry - No Established MSHA Mine ID Number

The inspector must notify his or her supervisor to determine whether or not the mining operation falls under the jurisdiction of the Mine Act. If it is subsequently

determined that the operator is engaged in mining or milling activities and if entry is denied to a mine that does not have an MSHA mine ID number, a mine ID number should be obtained based on the information that has been acquired.

After the mine ID number has been obtained, the field office supervisor and inspector should return to the mine, or make arrangements to meet with the mine operator, and request access under the provisions of the Mine Act.

C. Other Forms of Denial of Entry

Denial of right of entry procedures also apply when inspectors have been granted entry but are not allowed to inspect or to continue an inspection or investigation. These procedures apply to any type of interference whether it be delay, harassment, or personal assault.

In all such cases, except personal threats or assault, the inspector should try to communicate with the mine operator, explaining the entry and inspection rights of MSHA under Section 103(a) of the Mine Act.

MSHA policy requires that an inspector leave the scene where an apparent violation of Section 111 of Title 18 of the United States Code is about to occur. To avoid a confrontation, inform the person(s) involved that an attack on an MSHA inspector is a Federal crime and that they may be subject to arrest. If the inspector believes that he/she is subject to physical harm or assault, he/she should leave the property immediately and promptly notify his/her supervisor.

D. 104(b) Orders - Denial of Entry

A Section 104(b) order of withdrawal must be issued if the operator still refuses entry after a Section 104(a) citation has been issued. Injunctive proceedings may be initiated by the District Manager if the operator does not comply with the order. Section XIX in this chapter details procedures on issuing 104(a) citations if the operator works in the face of an order of withdrawal.

Note: In the rare instances these types of violations are issued, supervisors should discuss them with the district office and/or regional solicitor prior to issuance. These types of violations are frequently litigated and are often contentious so consultation and coordination with all parties prior to issuance will assure that everyone understand the situation and are in agreement with the actions being taken.

E. Documentation for Denial of Entry

1. On a Mine Citation/Order Form, fill out the other blocks as you normally would and then:

- a. After the violation description has been entered in Section I, item 8, the following sentence shall be added: The condition has not been designated as "significant and substantial" because the conduct violated a provision of the Mine Act rather than a mandatory safety or health standard.
- b. Enter "103(a)" in Item 9B. Leave Item 9C blank since a standard is not violated.
- c. Complete Items 10A through 10D, Item 11, and enter "104(a)" in Item 12. Note: Item 10C must be marked "no."
- d. Check the "Citation" block in Item 13 and leave Item 15 "Area or Equipment" blank.
- e. In Item 16 enter the "Termination Due Date and Time." Terminate the citation if entry is permitted.
- 2. On an Order of Withdrawal, fill out the other blocks as you normally would and then:
 - a. Enter "103(a)" in Item 9B and leave Item 9C blank.
 - b. Do not complete Items 10A through 10D and Item 11. In Item 12 enter "104(b)" and check the "Order" block in Item 13.
 - c. In Item 14 check the "Citation" block and enter the number of the denial of entry citation and the date it was issued.
 - d. In Item 15 enter "No Area Affected" and leave Item 16 blank. Terminate the order if entry is permitted.
- 3. In Item 19 enter the appropriate "Type of Inspection" MIS code for the inspection type that was intended if the inspection occurs.

III. SECTION 103(j) AND 103(k) ORDERS

After a mine accident defined in 30 CFR Part 50.2 has occurred, an AR may assume the authority to take whatever action is necessary to <u>protect the health, safety, and life of any person</u> under Section 103(k) of the Mine Act.

A 103(j) or 103(k) order **<u>should not</u>** be solely issued to preserve accident evidence since the mine operator is required to take this action under 30 CFR Part 50.12.

If the operator does not preserve accident evidence, it is appropriate to issue a 104(a) citation citing Part 50.12. This 104(a) citation should not be issued unless pertinent accident evidence has been removed, changed or destroyed.

INSPECTORS SHALL NOT ISSUE 103(j) ORDERS UNTIL CONSULTING WITH THE APPROPRIATE DISTRICT MANAGER.

A. Accident and Rescue/Recovery Procedures

Inspectors will generally use Section 103(k) to protect the safety of any person in the mine when a mine condition exists as a result of an accident that threatens the safety of miners. The 103(k) order does not preclude the issuance of a Section 107(a) order if an imminent danger situation is found. It is imperative that discretion and good judgment be exercised by inspectors when using the broad authority provided by the Mine Act.

In instances where an accident has resulted in the death or serious injury to a miner and the inspector believes that the hazardous condition(s) or practice(s) causing that accident is likely to exist elsewhere at the mine, the Section 103(k) order shall include all such areas of the mine. In some instances it will be obvious that the conditions are peculiar to the accident site, and, therefore, the Section 103(k) order would not apply to areas other than the accident site.

The 103(k) order should remain in effect until a systematic evaluation of the conditions and safety practices is conducted and a determination is made that hazards similar to those which caused or contributed to the accident have been eliminated. The evaluation can be made prior to the accident investigation or concurrent with it. After this evaluation and determination has been made, the Section 103(k) order may be modified to permit an area of the mine to resume operations, or terminated, provided that such action will not pose a hazard to the miners.

B. Differences Between Sections 103(j), 103(k), and 107(a) Orders

Section 107(a) orders contain an exception to the requirement to withdraw persons from the affected area(s) under Section 104(c).

Section 104(c) of the Mine Act states that certain persons are not required to be withdrawn or prohibited from entering any mine area. This refers to persons who, in the judgment of the mine operator or the inspector, are necessary to eliminate the conditions described in the order.

Sections 103(j) and 103(k) of the Mine Act contain no exceptions. If an inspector believes it is necessary to protect the life or safety of any person, even those persons mentioned in Section 104(c) may be prohibited from entry into a mine area. This exclusion would be noted in the written narrative of the 103(j) or 103(k) order.

The issuance of a Section 103(k) order does not preclude the issuance of a Section 107(a) order should an imminent danger situation be found. Additionally, a 103(k) order will not be used as a substitute for, or in place of, a 107(a) imminent danger order.

C. Documentation for 103(j) and 103(k) Orders

1. Section I of Form 7000-3: fill out the other blocks as you normally would and then:

Item 8 - describe in detail what has occurred and what the mine operator is required to do.

Item 9 - leave blank.

2. Section II of Form 7000-3:

Items 10 and 11 - leave blank.

Item 12 - enter "103(j)" or "103(k)" whichever is applicable.

Item 13 - check the "Order" box.

Item 14 - leave blank.

Item 15 - provide a detailed description of the area or equipment affected.

Items 16, 17, and 18 - leave blank.

IV. SECTION 104(a) CITATIONS

Section 104 citations are the primary tool for obtaining compliance with the Mine Act, mandatory health, safety, training, and other standards, rules or regulations.

A Section 104(a) citation must set forth:

- a violation of a standard, regulation, or section of the Mine Act;
- the degree of hazard that exists;
- the degree of exposure to the hazard; and
- the degree of negligence by the mine operator.

The time fixed for abatement of a violation shall be determined, whenever practical, after a discussion with the mine operator or the operator's agent. Inspectors shall give primary consideration to the health and safety of miners in establishing abatement times for all citations.

V. GRAVITY CRITERIA

A. The inspector's evaluation of gravity relative to the citation or order requires a weighing of factors in three general areas:

- the likelihood of an occurrence of the injury or illness against which the standard is directed;
- the gravity of the injury or illness if it has occurred or were to occur; and
- the number of persons affected if the event or injury occurred or were to occur. The number of persons affected is the number of persons who would be expected to be injured if an accident or overexposure occurred as a result of the violation.

Note: When describing persons affected, do not write "or more" or "1 or 2."

The degree of hazard and exposure documented will determine the significant and substantial (S&S) rating in Section II of the Mine Citation/Order Form.

B. "Number of Persons Affected" (Item 10D) are all miners that were or could be affected if the event occurred, were to occur, or was allowed to continue to occur. This number can vary, depending on mining conditions, the hazard, and the area of exposure. For example, the "Number of Persons Affected" would be the total number of miners for conditions that are affecting or that could affect a number of miners such as the scenarios below:

- **Scenario:** A citation was issued for an overexposure to noise. The inspector determined that the crusher operated three shifts, seven days a week and that one miner worked in the crusher area performing the same duties on each of the three shifts. The total "Number of Persons Affected" for this violation would be 3.
- **Scenario:** A citation was issued for overexposure to respirable dust for the designated occupation on a mechanized mining unit (MMU). The inspector determined that 7 miners worked on the MMU on each of three shifts. The total "Number of Persons Affected" for this violation would be 21.
- **Scenario:** A citation was issued because a mine operator was not complying with the Approved Mine Emergency Evacuation and Firefighting Program of Instruction. The inspector determined that 10 miners worked underground on one shift. The total "Number of Persons Affected" for this violation would be 10.
- **Scenario:** A citation was issued to a mine operator for a front end loader not having effective service brakes. The inspector determined that one miner operated the loader on each of three shifts. The total "Number of Persons Affected" would be 1. Since only one miner was exposed at a time to the hazard then only one miner could reasonably be expected to be injured or killed if the event were to occur.

Scenario: An "S&S" violation was issued to a mine operator for two miners working on a crusher without the machinery's controls having been locked or tagged as being out of service. The inspector determined that the two miners were the only persons working on the crusher and that work was not performed on the machinery on other shifts. The total "Number of Persons Affected" would be 2.

VI. "S&S" CRITERIA

By checking "Yes" in Item 10C ("S&S"), the inspector has indicated that based upon the particular facts surrounding the violation there exists a reasonable likelihood the hazard contributed to will result in an injury or illness of a reasonably serious nature.

Violations of Sections of the Mine Act, without an accompanying mandatory standard, shall be designated as "non significant and substantial." For these violations, Section II, item 10A shall be evaluated as "No likelihood", item 10B will be marked "No Lost Workdays", and item 10C shall be checked "No." These violations shall also have the following written in the body of the violation description in Section I, item 8:

"The condition has been designated as "non significant and substantial" because the conduct violated a provision of the Mine Act other than a mandatory safety or health standard."

Violations of interim mandatory health and safety standards found in Title 2 and Title 3 of the Mine Act not superseded by mandatory health and safety standards can be cited as "S&S" and evaluated as flagrant based on the evaluations conducted in Items 10A and 10B of the Citation/Order form.

The below table specifies what violations can and cannot be designated as "S&S."

30 CFR regulations which CANNOT be	30 CFR health and safety standards which
evaluated as "S&S"	CAN be evaluated as "S&S"
40, 41, 43, 44, 45, 50 (except 50.10)	46, 47, 48, 49, 50.10, 56, 57, 58, 62, 70, 71,
	72, 75, 77, 90

In determining whether conditions or practices created by a violation could significantly and substantially contribute to the cause and effect of a mine safety or health hazard, inspectors must determine:

- whether there is an underlying violation of a mandatory health or safety standard;
- whether there is a discrete safety or health hazard -- that is, a measure of danger to safety or health -- contributed to by the violation;
- whether there is a reasonable likelihood that the hazard contributed to will result in an injury or illness; and

• whether there is a reasonable likelihood that the injury or illness in question will be of a reasonably serious nature.

<u>All of these determinations must be made before a violation can be designated as</u> <u>''significant and substantial.''</u>

The Federal Mine Safety and Health Review Commission (Commission) has determined that "...the relevant time frame for determining whether a reasonable likelihood of injury exists includes both the time that a violative condition existed prior to the citation and the time that it would have existed if normal mining operations had continued." **The violation would be evaluated as ''S&S'' if miners were not in the area when the violation was observed, but they had been, would be, or could be if normal mining operations were to continue and the other ''S&S'' criteria were met.** The Commission has also held that in evaluating the reasonable likelihood of a fire, ignition, or explosion, one must examine whether a "confluence of factors" is present based on the particular facts surrounding the violation.

Note: Under the "confluence of factors" test, the Commission generally looks to see if there are both fuel and ignition sources. For example, the Commission has held that there was no "confluence of factors" necessary to support a finding that violations consisting of impermissible equipment were "S&S" where methane concentration levels at the time of the violations were below the level necessary for ignition, there had never been a methane ignition or explosion at the mine, there was no evidence that methane concentrations in the ignitable or explosive range had ever been detected at the mine, and there was no evidence that other ignitable fuel was present. This process should be utilized to determine if violations are "S&S."

A violation must remain "S&S" if it is properly evaluated as "S&S" at the time it was observed. The mine operator or contractor might withdraw equipment, or personnel, or immediately proceed to correct the violation. However, <u>none</u> of these actions would alter the citation's "S&S" evaluation.

Certain conditions may require citing violations on equipment or machinery that the mine operator has designated as "removed from service." See Chapter 7, Section XII, in this Handbook for what actions constitute "removed from service." If defective machinery or equipment was damaged and designated as "removed from service" by the mine operator as the result of an accident, a subsequent MSHA investigation might determine that violations existed on the machinery or equipment prior to being damaged. In this case, citations or orders (as appropriate) should be issued for those violations.

The violation shall not be evaluated as "S&S" when any of the following blocks - "No Likelihood," "Unlikely," or "No Lost Workdays" - are checked in Item 10 of the Mine Citation/Order Form.

The "Occurred" block can only be checked when an injury or illness actually occurs. Gravity evaluations, for violations where an injury or illness has not occurred, are based on the probability of the occurrence of the injury or illness and on the expected results if the injury or illness was to occur.

Examples of properly evaluated violations -

- Scenario: (Referencing 56/57.14107 or 77.400) Persons were working next to the stacking conveyor while it was in motion. They were reasonably likely to come in contact with the unguarded moving machine parts of the #2 self-cleaning tail pulley. (Reasonably Likely; Permanently Disabling; "S&S" Yes)
- Scenario: (Referencing 56/57.14107 or 77.400) A guard was not provided on the #2 self-cleaning tail pulley of the stacking conveyor. Persons did not work or travel in the area on any shift while the machinery was running. The conveyor was turned off and locked out when maintenance was performed. (Unlikely; Permanently Disabling; "S&S" No)
- Scenario: (Referencing 56/57.14107 or 77.400) A guard was not provided on the #4 self-cleaning tail pulley adjacent to the walkway. Persons were not in the area and the tail pulley was not in operation at this time. However, persons had been in the area and the equipment had been operating on the previous shift with the guard off. The tail pulley was not out of service, however, and it was scheduled to operate when night shift operations began later today. Personnel travel on the walkway next to the energized tail pulley during the night shift. (Reasonably Likely; Permanently Disabling; "S&S" Yes)

Examples of improperly evaluated violations -

Scenario: (Referencing 56.14107) The #2 conveyor motor V-belt drive was not guarded and persons were not in the area at the time. (Unlikely; Permanently Disabling; ''S&S'' - No)

This evaluation is not correct. It is based on the insufficient reason that miners were not in the area at the time the violation was observed. There must be documented evidence that based on past, present, and continued mining operations, that miners had not or would not be in the area for the violation to be properly be evaluated as "non-S&S." Further, a statement that "the machinery was not operating at this time" is not sufficient reason for evaluating a violation as "non-S&S."

Scenario: A loader was observed parked and not operating at the time of inspection. It did not have the required seat belts installed. The inspector determined that the machine was used as a spare and was not out of service. The inspector did not issue a citation for the lack of seat belts. The rationale used by the inspector was that the loader was not operating at the time he or she observed the violation.

This evaluation is not correct - a violation was observed on mobile equipment that could be started and used any time subjecting miners to possible injury or death. A citation shall be issued for all violations found on equipment or machinery not taken out of service and tagged prior to being inspected by MSHA.

Example of an injury or illness occurring and the results are less than could have been expected -

Scenario: A miner was trapped in a bin for an hour, but emerged with only minor injuries. However, a more severe injury could have been expected given the facts of the entrapment.

Assuming a violation was observed that directly related to the entrapment, it would at least be evaluated as "Reasonably Likely" and "Fatal" rather than "Occurred" and "No Lost Workdays." These types of violations shall be based on the expected, rather than the actual results, and would be evaluated as "Reasonably Likely" and the expected injury or illness.

Example of an event occurring and the results are equal to or more than expected-

Scenario: A miner was hit in the head with a small rock and later dies as a result of the injury.

Assuming a violation was observed that directly related to the miner being injured, the violation would be marked "Occurred" and "Fatal." These types of violations shall be based on the actual, rather than the expected, results and would be evaluated as "Occurred" along with the actual injury.

VII."NON-S&S" CRITERIA

"Non significant and substantial" violations are those violations where an inspector has determined that there is no likelihood of injury or illness, or that the injury or illness is unlikely, or that the injury or illness would not result in lost workdays. When a mine operator is cited for a violation of a section of the Mine Act or a violation of Parts 40, 41, 43, 44, 45, or 50 (excluding 50.10), inspectors will evaluate the violation as "non-S&S."

Scenario: The mine operator failed to notify MSHA of their legal identity by completing and submitting an MSHA Form 2000-7 (Legal Identity Report) to the appropriate MSHA district manager.(30 CFR 41.13)

In this situation, the citation would be evaluated with "Unlikely" marked in Item 10A; "No Lost Workdays," in Item 10B; and the "No" box in Item 10C.

VIII. MODIFYING CITATIONS TO "NON-S&S"

An "S&S" citation may be reduced to "non-S&S" only if:

- the "S&S" determination was made in error;
- evidence is presented to the inspector or other MSHA officials (e.g., Conference Litigation Representative) justifying a modification to "non-S&S";
- the determination of "S&S" is modified on the recommendation of the Office of the Solicitor; or
- the determination of "S&S" is modified by an Administrative Law Judge.

The specific reason(s) for an inspector to modify an "S&S" violation to "non-S&S" <u>must</u> <u>be documented on MSHA Form 7000-3a</u>. A violation has to meet the minimum criteria of "Reasonably Likely" and "Lost Workdays or Restricted Duty" to have been evaluated as "S&S." Therefore, to re-evaluate the citation or order to "non-S&S," at least one of those requirements must be reduced to a lower evaluation and the specific reason(s) for the change documented. The modification must also indicate that the "S&S" block in Item 10C is changed to "No."

Note – See example in Appendix A (Safety Violations) of this Handbook.

IX. NEGLIGENCE CRITERIA

Negligence has been defined in 30 CFR 100.3(d) as "...conduct either by commission or omission which falls below a standard of care established under the Mine Act to protect miners against the risk of harm." The level of knowledge that mine operators had or should have had regarding conditions or practices that could affect the safety and health of miners, the greater the degree of neglect exhibited by the operator. The facts as documented must support the degree of negligence checked on the Mine Citation/Order Form.

Negligence for unwarrantable failure violations has been defined as aggravated conduct constituting more than ordinary negligence. Further, the MINER Act has defined a flagrant violation as one where there is "...a reckless or repeated failure to make reasonable efforts to eliminate a known violation of a mandatory safety or health standard that substantially and proximately caused, or reasonably could have been expected to cause, death or serious bodily injury."

Degrees of negligence are generally defined as:

No Negligence The operator exercised diligence and could not have known of the violative condition or practice.

Low Negligence	The operator could have known of the violative condition or practice but there are considerable mitigating circumstances.
Moderate Negligence	The operator could have known of the violative condition or practice but there are some mitigating circumstances.
High Negligence	The operator knew or should have known of the violative condition or practice and there are no mitigating circumstances.
Reckless Disregard	The operator displayed conduct which exhibits the absence of the slightest degree of care.

X. MITIGATING CIRCUMSTANCES

Mitigating circumstances may include but are not limited to action(s) taken by the operator to prevent or correct hazardous conditions or practices. Mine operators are required to be on alert for conditions or practices in the mine that affect the safety or health of miners and to take the steps necessary to correct or prevent hazardous conditions or practices. The mine operator or contractor might withdraw equipment, personnel and/or immediately proceed to correct the violation but <u>none</u> of those actions taken after they have been cited alters the negligence evaluation made by the inspector when the violation was cited.

XI. NOTICE TO PROVIDE SAFEGUARDS

Section 314(b) of the Mine Act is specific to coal only and is intended for use in regards to minimizing haulage and hoisting related hazards with respect to the transportation of men or materials that are identified at a specific mine.

When preparing for an inspection, an inspector must review the safeguard summary sheet in the uniform mine file so that he/she knows what safeguards have been previously issued for the mine. The inspector should also be familiar with the requirements for each safeguard.

When an inspector identifies a hazard specific to the mine and similar to those already identified in 30 CFR, Subpart O, Sections 75.1403-2 through 75.1403-11, he/she will issue a notice to provide safeguards to the mine operator if one has not been previously issued. Refer to Appendix A (Safety Violations) of this Handbook for further guidance. In those cases where the provisions of a safeguard notice are found to be violated at a mine, a citation or order will be issued as appropriate. The safeguard originally issued will be referenced in the initial action block on the Mine Citation/Order Form 7000-3.

XII. SECTION 104(b) ORDERS

Inspectors shall review the circumstances when the time fixed for a citation's abatement has expired. In determining whether to issue a Section 104(b) order, the inspector must

determine whether there is a reasonable basis for extending the abatement date. If an extension of time is not justified and the cited condition or practice is not abated, the inspector must issue a Section 104(b) order of withdrawal. Upon abatement of the condition or practice cited in the original citation, the order can be terminated.

Chapter 7 in this handbook details the action to be taken if the mine operator files for a petition for modification or appeals a violation to the Federal Mine Safety and Health Review Commission.

A 104(b) order will not be issued when other orders of withdrawal are not complied with. See Section XIX in this chapter regarding mine operators who work in violation of an order of withdrawal.

Documentation for Section 104(b) Orders

- 1. Section I of Form 7000-3: fill out the other blocks as you normally would and then:
 - Complete Item 9B with the appropriate section of the Mine Act if a section [e.g., Sections 103(j) or 103(k)] is violated.
 - If appropriate, complete Item 9C with the standard violated.
 - Do not complete Items 10A through D or Item 11.
 - **Do not** modify the initial citation to make the negligence or gravity higher than was marked on the initial citation.
- 2. Enter 104(b) in Item 12 and check the "Order" block in Item 13.
- 3. Check the "Citation" block in Item 14A; enter the initial citation number in Item 14E and the date of citation issuance in Item 14F.
- 4. Complete Item 15 "Area or Equipment" with the area or equipment affected by the order. Enter the phrase "No Area Affected" if this is a technical violation.
- 5. Do not complete item 16A or B.
- 6. A 104(b) order does not require the completion of a Special Assessment Review Form or a Possible Knowing/Willful Violation Review Form.
- 6. Terminate the 104(b) order when the out of compliance condition(s) is/are corrected.

XIII. SECTION 104(d) CITATIONS AND ORDERS

A. Criteria for Issuing a 104(d)(1) Citation

A 104(d)(1) citation shall be issued if:

- 1. there is a violation of a mandatory health or safety standard;
- 2. the violation significantly and substantially contributes to the cause and effect of a mine safety or health hazard; and
- 3. there is an unwarrantable failure of the mine operator or contractor to comply with the standard.

Note: A violation of a section of the Mine Act cannot be issued as a 104(d) citation or a 104(d) order even if the negligence evaluation is determined to be "high" or "reckless disregard." Violations of regulations at 30 CFR Parts 40, 41, 43, 44, 45, or 50 [excluding 50.10] also cannot be issued as 104(d) citations or orders even if the negligence evaluation is "high" or "reckless disregard." However, violations of interim mandatory health and safety standards found in Title 2 and Title 3 of the Mine Act, not superseded by mandatory health and safety standards, can be cited as "S&S" and evaluated as unwarrantable failure citations or orders based on the evaluations conducted in Items 10A and 10B of the Citation/Order form.

A violation is caused by an unwarrantable failure if it is determined that the mine operator or contractor has engaged in aggravated conduct constituting more than ordinary negligence.

B. Determining "Aggravated Conduct" for Purposes of Determining Unwarrantable Failure

Factors inspectors should evaluate when determining "aggravated conduct" include one or more of the following:

- 1. the violative condition or practice was obvious or extensive;
- 2. the violative condition or practice had existed for a period of time;
- 3. similar violations have been issued at the mine or to the contractor in the recent past;
- 4. an agent of the operator or contractor had conducted an examination or had been in the area, or was aware of the existence of the condition;

- 5. the violative condition or practice had been reported to the operator or contractor who then allowed it to exist, without correcting or adequately addressing the problem, for a period of time;
- 6. the individual who committed or allowed the condition or practice to exist was a supervisor or an agent of the operator or contractor;
- 7. reasonable efforts were not made by the mine operator or contractor to correct the violative condition or practice; and
- 8. other factors, not enumerated above, resulted in a negligence evaluation by the inspector of "high" or "reckless disregard."

Only one 104(d)(1) citation can be issued during a 90-day period, or for as long as the mine operator or contractor remains under the 104(d) series. The inspector who issues the 104(d)(1) citation must keep other MSHA inspectors at the mine informed that the operator or contractor is under the 104(d) series to avoid the issuance of two 104(d)(1) citations to the operator or contractor.

Note: The mine operator or contractor remains on the 104(d) citation series until 90 days pass since the issuance of the original 104(d)(1) citation.

If another unwarrantable failure violation is observed during the same inspection, or any other type of inspection being conducted at the same time, or any other inspection within 90 days of the issuance of the unwarrantable failure citation, a 104(d)(1) order must be issued. If a 104(d)(1) order is issued, inspectors will issue 104(d)(2) orders for unwarrantable failure violations observed during <u>any subsequent</u> inspections until the mine is inspected in its entirety without an unwarrantable violation found.

C. Criteria for 104(d) Orders

Section 104(d) orders are required to meet the following criteria:

- 1. there is a violation (either "S&S" or "non-S&S") of a mandatory health or safety standard which was caused by the mine operator's or contractor's unwarrantable failure to comply;
- 2. the first 104(d)(1) order must be issued within 90 days of the issuance of a 104(d)(1) citation; and
- 3. 104(d)(2) orders follow the issuance of a 104(d)(1) order and must be issued on a subsequent inspection following issuance of a 104(d)(1) order. All 104(d)(2) orders are to refer to the original 104(d)(1) order.

Note: Section 104(d) orders do not have to be issued for a violation of the same health or safety standard as the 104(d)(1) citation. The violation causing the

issuance of a 104(d)(1) or (d)(2) order does not have to be evaluated as "S&S." The only requirement for a 104(d)(1) or (d)(2) order is that the safety or health violation was caused or contributed to by the operator's or contractor's aggravated conduct.

Unwarrantable failure violations observed on a subsequent inspection will be 104(d)(2) orders if two conditions are met:

- the operator or contractor is on the 104(d) series; and
- a 104(d)(1) order was issued on a previous inspection

Section 104(d) orders will be issued until a "clean" inspection is made of the <u>entire</u> <u>mining operation</u>, through any combination of enforcement related inspections, and no unwarrantable failure violations are observed. The mine operator or contractor remains on the 104(d) order series until this clean inspection occurs and no further unwarrantable failure violations are observed.

Note: The 90 day time frame established for 104(d) citations does not apply to 104(d) orders.

If a 104(d)(1) or (d)(2) order is issued at a large mine and it is not possible to inspect the entire mine during the same inspection, the areas inspected will be documented until the mine is inspected in its entirety. Examples of the 104(d) series are:

- **Scenario:** The inspector issues a 104(d)(1) citation. Other unwarrantable failure violations are not found on that inspection or any other inspection within 90 days. Other violations are cited but they are not unwarrantable failures. The operator is removed from the 104(d) series.
- **Scenario:** The inspector issues a 104(d)(1) citation on a regular inspection. Another unwarrantable failure is found during the same inspection and a 104(d)(1) order is issued. Another inspector returns to the property several days later and conducts a subsequent inspection of the entire operation. Unwarrantable failure violations are found during the inspection and 104(d)(2) orders are issued.
- **Scenario:** The inspector issues a 104(d)(1) citation. Other unwarrantable failure violations are not found during the inspection. An inspector goes back to the property within 90 days. Another unwarrantable failure violation is found and a 104(d)(1) order is issued. Several other unwarrantable failure violations are cited during the same inspection all are 104(d)(1) orders.
- **Scenario:** The inspector issues a 104(d)(1) citation. Another inspector returns to the property within 90 days on a subsequent inspection to check on compliance of an outstanding citation and finds no unwarrantable failure violations. The mine

operator remains on the 104(d) series for the remainder of the 90 days (assuming that other unwarrantable violations are not found and cited during that time).

- **Scenario:** The inspector issues a 104(d)(1) citation and a 104(d)(1) order during the same inspection. Another inspector returns to the property on a subsequent inspection, finds an unwarrantable failure violation and issues a 104(d)(2) order. Several days later, an inspection is made of the entire mine and unwarrantable failure violations are not found during that inspection. The operator is removed from the 104(d) series because of this "clean" inspection.
- **Scenario:** The mine operator is issued a 104(d)(1) citation. Ninety days pass and other unwarrantable failure violations are not found. An inspector returns to the mine on the 91st day and finds an unwarrantable failure violation. The unwarrantable sequence starts over with the issuance of a Section 104(d)(1) citation.
- **Scenario:** An operator is issued a 104(d)(1) citation and a 104(d)(1) order. On a subsequent inspection the operator is issued a 104(d)(2) order. Two weeks later a complete inspection of the entire mine is conducted and unwarrantable failure violations are not cited. An inspector returns to the property after this clean inspection and finds an unwarrantable failure violation. The unwarrantable series is started anew with the issuance of a 104(d)(1) citation.
- **Scenario:** The inspector issues a 104(d)(1) citation. Other unwarrantable failure violations are not found during the inspection. An inspector goes back to the property within 90 days. An imminent danger with an unwarrantable failure violation is found, a 107(a) order is issued, and a 104(d)(1) order is issued in conjunction with the 107(a). Several other unwarrantable failure violations are cited during this same inspection; all are 104(d)(1) orders.

D. Documentation for Section 104(d) Citation/Orders

1. Section 104(d)(1) Citation: Item 8 of the Mine Citation/Order Form shall include the following statement in the violation narrative:

"This violation is an unwarrantable failure to comply with a mandatory standard."

The remainder of the form is completed similarly to a 104(a) citation except that "104(d)(1)" is written in Item 12. Item 8 of the Mine Citation/Order Form shall also include the factors that explain how the operator engaged in aggravated conduct. The violation must be evaluated as "S&S," the "Yes" block checked, and negligence evaluation marked at least "High."

Note: A Section 104(b) withdrawal order will be issued, not a 104(d) order of withdrawal, if the operator or contractor fails to abate or correct a condition cited under a 104(d)(1) citation.

2. Section 104(d)(1) Order: Item 8 of the Mine Citation/Order Form shall include the factors that show how the operator engaged in aggravated conduct. The following statement must also be written within the violation narrative:

"This violation is an unwarrantable failure to comply with a mandatory standard."

Enter "104(d)(1)" in Item 12 and check the "Order" block in Item 13. **The order can be evaluated as "S&S" or "non-S&S."** Complete Item 14 by checking the "Citation" block and Items 14E and F with the number of the 104(d)(1) citation and the date it was issued.

- Section 104(d)(2) Order: The procedure is the same as for the 104(d)(1) order except in Item 14 E & F, check the "Order" block; in Item 14E refer to the <u>first</u> 104(d)(1) order; and in Item 14F enter the date the first 104(d)(1) order was issued. The order can be evaluated as "S&S" or "non-S&S." Note: All 104(d)(2) orders must refer to the <u>first</u> 104(d)(1) order issued.
- 4. Section 104(d)(1) and 104(d)(2) Orders: Item 15 "Area or Equipment" is completed with information relating to what is ordered withdrawn. Enter the phrase "No Area Affected" if the 104(d) order is a technical violation and evaluated as "non-S&S."
- 5. Initiate both a Possible Knowing/Willful Violation Review Form for each 104(d)(1) citation <u>and</u> each "S&S" 104(d) order issued.
- 6. Prepare and send to the District Office a packet that includes: the original Possible Knowing/Willful Violation Review Form; a copy of the Legal Identity Report; a copy of the relevant general field notes; a copy of the citation/order notes; photographs if available; a copy of relevant citation(s) or order(s); and a copy of all modifications. Each photograph should be identified by the citation or order number and a descriptive and legible narrative should be attached or written underneath each photograph. This packet shall be submitted to the District Office in a timely manner or as directed by the District Manager.

XIV. FLAGRANT CITATIONS AND ORDERS

There are two types of violations which can be deemed to be flagrant - reckless and repeat failures. Only violations of mandatory health or safety standards can be evaluated as flagrant violations. Most violations of sections of the Mine Act can not be designated as "flagrant" because they are not mandatory health or safety standards. However, violations of interim mandatory health and safety standards found in Title 2 and Title 3 of the Mine Act, not superseded by mandatory health and safety standards, can be cited as "S&S" and evaluated as flagrant violations. Flagrant violations also require that the cited condition or practice has to be the <u>substantial and proximate cause of the injury or expected injury.</u>

A violation must meet the criteria below to be classified as flagrant:

Flagrant violations that arise from a mine operator's reckless failure must have been -

- 1. evaluated as significant and substantial;
- 2. evaluated with an expected injury of at least permanently disabling,
- 3. marked as an unwarrantable failure; and
- 4. evaluated with a negligence level of reckless disregard.

Flagrant violations that arise from a mine operator's repeat failures must have -

- 1 been evaluated as significant and substantial;
- 2. been evaluated with an expected injury of at least permanently disabling;
- 3. been marked as an unwarrantable failure; and

4. two prior "unwarrantable failure" violations of the same safety or health standard have been cited within the past 15 months.

For repeat failure evaluations, prior citations must be violations of the same safety or health standard citing <u>the same subsections</u> (e.g., citing 56/57. 14201(<u>a</u>) and 56/57.14201(<u>b</u>) do not meet the criteria for flagrant repeat violation consideration), and have been cited as 104(d)(1) or 104(d)(2) enforcement actions. Prior violations do <u>not</u> have to have been evaluated as significant and substantial.

Scenario: A 104(d)(1) "S&S" citation was issued for the mine operator's failure to install a guard on the tail pulley of a conveyor belt with miners working in the area. Injury or illness was evaluated as permanently disabling and negligence was evaluated as reckless disregard because the mine operator had been informed of the condition for several work shifts prior to being cited and had instructed miners to continue operating the belt without providing a suitable guard.

This type of violation is required to be evaluated as a "reckless" flagrant violation in conjunction with the unwarrantable failure violation. This violation is also required to be reviewed as a possible knowing/willful violation.

Scenario: A 104(d)(2) "S&S" order of withdrawal was issued for a mine operator's having failed to install a guard on the tail pulley of a conveyor belt with miners working in the area. Injury or illness was evaluated as permanently disabling. Negligence was evaluated as high negligence because the operator had: (a) been informed of the condition several work shifts prior to being cited; (b) instructed miners to continue operating the belt without providing a suitable guard; and (c) given miners an oral warning to be careful in this area. The inspector determined that three unwarrantable violations of the same subsection of the guarding standard (56.14107a) had been cited within the past 15 months.

This violation is required to be reviewed as a possible knowing/willful because it is a "repeat" flagrant violation issued in conjunction with the unwarrantable failure violation.

Inspectors should send to the District Office a packet that includes: the completed Possible Knowing/Willful Violation Review Form; a copy of the Legal Identity Report; a copy of the relevant general field notes; a copy of the citation/order notes; photographs if available; a copy of relevant citation(s) or order(s); and a copy of all modifications. This packet shall be submitted to the District Office in a timely manner or as directed by the District Manager.

XV. SECTION 104(e) PATTERN OF VIOLATIONS

Section 104(e) of the Mine Act provides for sanctions against mine operators who have a pattern of violations of mandatory health and safety standards that could significantly and substantially contribute to the cause and effect of health and safety hazards. 30 CFR Part 104 includes procedures for initial screening of mines that may be developing a pattern of violations; criteria for determining whether a pattern of violations exists at a mine; procedures for issuance of potential pattern notice and final pattern notice; and procedures for terminating a Notice of Pattern of Violations. Either the Administrator for Coal Mine Safety and Health or the Administrator for Metal and Nonmetal Mine Safety and Health makes the final determination as to whether a Notice of Pattern of Violations will be issued at a specific mine. Mine operators remain on the 104(e) Pattern of Violation series until:

- No 104(e) Order of Withdrawal is issued within 90 days of issuance of the initial 104(e) Notice of Pattern of Violations;
- An inspection of the entire mine occurs and no "S&S" violations are issued; or
- Partial mine inspections, collectively covering the entire mine, are conducted within 90 days of issuance of the 104(e) Notice of Pattern of Violations and no "S&S" violations are cited.

A. Issuance of a Notice of Pattern of Violations

The Notice of a Pattern of Violations shall only be issued by a District Manager on an MSHA Citation/Order Form 7000-3.

1. Complete Item 8 with the following language:

Pursuant to Section 104(e)(1) of the Federal Mine Safety and Health Act of 1977 (Mine Act), you are hereby notified that a violation exists at the (Name of Mine). If upon any inspection within 90 days after issuance of this Notice, an Authorized Representative of the Secretary finds any violation of a mandatory health or safety standard that could significantly and substantially contribute to the cause and effect of a coal or other mine

safety or health hazard, the Authorized Representative shall issue an order requiring the operator to cause all persons in the area affected by such violation, except those persons referred to in Section 104(c) of the Mine Act, to be withdrawn from, and to be prohibited from entering such area until an Authorized Representative of the Secretary determines that such violation has been abated. This Notice of Pattern of Violations shall remain posted at the (Name of Mine) until it is terminated by an Authorized Representative.

2.Leave Items 9A, 9B, 9C, 10A through 10D, and Item 11 blank.

3.In Item 12, enter "104(e).

4. Check the "Written Notice" block in Item 13.

5. Items 14A through 14F should be left blank.

6.Items 15, 16, 17, and 18 are left blank.

B. Issuing 104(e)(1) or 104(e)(2) Orders of Withdrawal on MSHA Citation/Order 7000-3 Form

1. Complete Item 8 with a narrative description of the violation. At the end of the narrative, add the following statement: "A Notice of Pattern of Violations, number xxxxxx, was issued on xx/xx/xx."

2. Leave Items 9A and 9B blank. However, where violations of interim mandatory health and safety standards found in Title 2 and Title 3 of the Mine Act, not superseded by mandatory health and safety standards, are cited as "S&S" enter the appropriate section in 9B. Complete Item 9C with the mandatory standard violated;

3. Complete Items 10A through D and Item 11 based on the determination made at the time the violation was observed.

4. In Item 12, enter "104(e)(1)" or "(2)" and in Item 13 check the "Order" box; For 104(e)(1) orders, check Item 14D. Complete Item 14E with the Notice of Pattern of Violations number and Item 14F with its issuance date; For 104(e)(2) orders, check the "Order" box in Item 14B. Write the number from the 104(e)(1) order in Item 14E and its date of issue in Item 14F;

5. In Item 15 "Area or Equipment" describe the area or equipment affected; and

6. Item 16 "Termination Due Date and Time" is left blank.

C. Terminating a Notice of Pattern of Violations

Terminating a Notice of Pattern of Violations is done on a Mine Citation/Order Continuation Form 7000-3a using the initial number from the Notice of Pattern of Violations. Termination of Notices of Pattern of Violations will be issued by the District Manager or his designee. Depending on the basis for terminating the Notice of Pattern of Violations, language in the narrative should include one of the following statements:

Example One - "xxxxx Mine has gone 90 days from the issuance of a Notice of Pattern of Violations without being cited for a violation which could significantly and substantially contribute to the cause and effect of a mine safety or health hazard. Therefore, the mine is no longer subject to orders of withdrawal issued pursuant to Section 104(e) of the Federal Mine Safety and Health Act of 1977. Accordingly, the Notice of Pattern of Violations is terminated."

Example Two - "xxxxx Mine underwent an inspection of the entire mine which was completed on xx/xx/xx without being cited for a violation which could significantly and substantially contribute to the cause and effect of a mine safety or health hazard. Therefore, the mine is no longer subject to orders of withdrawal issued pursuant to Section 104(e) of the Federal Mine Safety and Health Act of 1977. Accordingly, the Notice of Pattern of Violations is terminated."

D. All 104(e) violations should be reviewed for possible knowing and willful if the negligence is at least "High."

E. Prepare and send to the District Office a packet that includes: the original Possible Knowing/Willful Violation Review Form; a copy of the Legal Identity Report; a copy of the relevant general field notes; a copy of the citation/order notes; photographs if available; a copy of relevant citation(s) or order(s); and a copy of all modifications. This packet shall be submitted to the District Office in a timely manner or as directed by the District Manager.

XVI. SECTION 104(g)(1) ORDERS

Section 104(g)(1) of the Mine Act provides for the withdrawal of untrained miners from a mine or mill until they have received the training required by Section 115 of the Mine Act. The purpose of a Section 104(g)(1) order is to eliminate the hazard that untrained or inadequately trained miners pose to themselves and to other miners. Section 104(g)(1) orders shall be evaluated for "S&S" using the criteria in Section VI of this Chapter.

Underground Mines (Part 48). Sections 48.5, .6, .7, .8, and .11 are the only standards which may be cited under 104(g)(1) for untrained miners.

Surface Mines and Surface Areas of Underground Mines (Part 48). Sections 48.25, .26, .27, .28, and .31 are the only sections that may be cited under 104(g)(1) for untrained miners.

Surface Mines (Part 46). Sections 46.5, .6, .7, .8, and .11 are the only sections that may be cited under 104(g)(1) for untrained miners.

Citations shall <u>not</u> be issued in lieu of Section 104(g)(1) orders <u>unless</u> the miner cannot be trained because he or she is no longer employed at the mine, was permanently disabled, or was fatally injured.

When miners have received training but there are violations involving training plans, cooperative training programs, records of training, compensation for training, etc., Section 104(g)(1) orders of withdrawal should not be issued. Issuances of 104(a) or 104(d) actions, in these situations, are appropriate.

Section 104(g)(1) orders of withdrawal shall be written for the following types of untrained miners:

- new miners;
- experienced or newly-hired experienced miners;
- miners assigned to perform a task for which they have had no previous experience;
- miners whose annual refresher training is not up-to-date; and
- miners or applicable persons working on mine property who have not been given hazard training.

A. Determining the Number and Type of Citations or Orders to Issue for Part 46 and Part 48 Training Violations

1. Violations Involving One Miner:

If one miner is involved, but two or more sections of Part 46 or Part 48 have been violated, one Section 104(g)(1) order will be issued citing the appropriate section(s). Separate evaluations of negligence and gravity should be provided for each violation.

Scenario: One underground miner was found not task trained and had not received annual refresher training. One Section 104(g)(1) order would be issued.

- 2. Violations Involving More Than One Miner:
 - a. When more than one untrained miner is withdrawn from a mine, a single 104(g)(1) order is appropriate provided the Part 46 or Part 48 training violation is the same for all the miners.
 - b. Where multiple miners are involved and different violations of the training requirements have occurred for each miner, one or more 104(g)(1) orders of withdrawal would be issued, depending on the circumstances.

- **Scenario:** Eight underground miners did not have the requisite safety training (three did not receive new miner training; two were not task trained; three missed annual refresher training). Three separate 104(g)(1) orders would be issued: one citing 30 CFR 48.5; one citing 30 CFR 48.7; and one citing 30 CFR 48.8. The relevant miners' names will also be listed in Item 15 "Area or Equipment" on each violation.
- c. When more than one miner is involved in violation of the same standard, the total number of miners withdrawn will be entered in Item 10D "Number of Persons Affected" on Form 7000-3. Each miner's name will also be listed in Item 15 "Area or Equipment."
- d. A 104(g)(1) order including more than one miner may be modified to allow individual miners to return to work as soon as each miner completes the training specified in the order.
- 3. 104(g)(1) Violations Involving Independent Contractors:

A Section 104(g)(1) order of withdrawal would be issued to the direct employer of any miner who has not received the required training. If there is uncertainty as to who employs the miner, the order of withdrawal should be issued to the operator with the greatest physical presence at the mine. Any discrepancies occurring after the miner is withdrawn can be resolved through subsequent modification actions.

4. Citations Issued With Section 104(g)(1) Orders:

Citations shall not be issued in addition to 104(g)(1) orders for the same violation except in instances of overlapping compliance responsibility between contractors and mine operators. There may be circumstances where it is appropriate to issue citations or orders for training violations to both the independent contractor and the production operator.

Scenario: A miner is the employee of an independent contractor and the production operator had agreed to provide the miner training in accordance with the mine's MSHA approved training plan. The miner has not received the required training. A 104(g)(1) order would be issued to the independent contractor and, as appropriate, a 104(a) citation, or a 104(d)(1) citation, or a 104(d)(1) order, or a 104(d)(2) order would be issued to the production operator.

B. Documentation for Section 104(g)(1) Orders

1. Write the violation narrative in Item 8. For a single employee and multiple training violations, follow the first narrative by noting the second cited standard then add a second narrative. If more space is needed, use a Mine Citation/Order Continuation Form. Include separate evaluations for gravity and negligence for

each standard violated. Insert the following statement at the end of the violation narrative in Item 8:

"The Federal Mine Safety and Health Act of 1977 declares that untrained miner(s) are a hazard to themselves and others."

- 2. In Item 9C, enter the first standard cited.
- 3. "S&S" evaluations should be based on the criteria found in Section VI of this Chapter.
- 4. Enter 104(g)(1) in Item 12.
- 5. In Item 13 check the "Order" block.
- 6. In Item 15 "Area or Equipment" indicate the person(s) to be withdrawn. Use a Mine Citation/Order Continuation Form if more room is required to list all the miners.
- 7. Items 16A and B are not completed.

XVII. SECTION 107(a) IMMINENT DANGER ORDERS

Imminent danger is defined in the Mine Act as "the **existence** of any condition or practice in a coal or other mine which could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated." Courts interpreting this provision have stated that that an **imminent danger exists only** when the hazardous condition has a reasonable potential to cause death or serious injury to a miner if normal mining operations were permitted to proceed in the area before the dangerous condition was eliminated or corrected.

An imminent danger order cannot be issued for an accident which has already occurred unless the imminence still exists. Immediate physical exposure to the imminent danger does not have to be witnessed by the inspector to issue a 107(a) order.

Because the purpose of Section 107(a) orders is to immediately remove miners from exposure to serious hazards and to prevent them from entering such hazardous areas or utilizing hazardous equipment, an imminent danger must be **impending** at the time an order is issued. Therefore, when an imminent danger is observed, the inspector must, as soon as possible and as the imminent danger is being observed, issue an oral Section 107(a) order. An oral order should be documented in writing as soon as practical.

If an oral Section 107(a) order is issued, it should be stated in precise terms such as: "I am issuing you a Section 107(a) imminent danger order." At the least, the inspector must use the words "imminent danger" or "107(a)" at the time the oral order is issued.

A written order, issued after an oral Section 107(a) order was communicated to the operator, must clearly state that it is confirming an oral imminent danger order and identify:

- the individual to whom the oral order was issued;
- the time and date the oral order was issued;
- the location at which the oral order was issued; and
- the reason the oral order was issued. This reason should be in the manner developed for issuance of Section 107(a) orders.

Imminent danger orders shall contain a detailed description of the conditions or practices which cause and constitute the imminent danger and a description of the area of the mine from which persons must be withdrawn and prohibited from entering. Only those persons described in Section 104(c) of the Mine Act may enter the affected area while the order is in place.

An imminent danger withdrawal order often arises because of a violation of the Mine Act and its mandatory health or safety standards. All violations which caused or contributed to the imminent danger are to be addressed as separate citations or orders referring back to the 107(a) Imminent Danger order of withdrawal. The issuance of an imminent danger order does not preclude the issuance of a section 104(d)(1) citation or order or a section 104(d)(2) order

A. Documentation for 107(a) Orders - Mandatory Standard Not Violated

- 1. In Item 8 describe the condition(s) or practice(s) which contributed to the imminent danger situation. Add the following statement at the end of the Item 8 narrative: "This condition is an imminent danger." Also include a statement concerning when, where, why, and to whom the verbal order was issued. If additional space is needed, a Mine Citation/Order Continuation Form 7000-3a must be used.
- 2. Leave items 9A, 9B, 9C, 10, and 11 blank.
- 3. In Item 12 enter "107(a)".
- 4. In Item 13 check the "Order" block.
- 5. Leave Item 14 blank.
- 6. In Item 15 describe the "Area or Equipment" affected.
- 7. In Item 16 "Termination Due Date and Time" are left blank.

- 8. Terminate the order when the condition(s) or practice(s) that created the imminent danger is abated.
- 9. Completion of a Possible Knowing/ Willful Violation Review Form is not required for imminent danger orders issued with no violations of mandatory standards.

B. Documentation - 107(a) Order Issued and Mandatory Standard(s) Violated

 Complete Item 8 as indicated above and include the statement, "Citation No.\Order No. <u>xxxxxxx</u> is being issued in conjunction with this order." Describe the condition(s) or practice(s) which created the imminent danger situation and why the risk of hazard will occur before it can be remedied. Add the following statement in the Item 8 narrative: "This condition is an imminent danger." Also include a statement concerning when, why, where, and to whom the verbal order was issued.

A Mine Citation/Order Continuation Form 7000-3a will be used if additional space is needed. When one or more violations create an imminent danger, each violation must be described in Item 8. Complete additional Form 7000-3s for each violation. For each additional Form 7000-3, indicate in Item 8 that the violation was a contributing factor in the issuance of the imminent danger order and that an abatement time is not set for 104(a) citations and 104(d)(1) citations issued in conjunction with 107(a) Orders.

- 2. Leave items 9A, 9B, 9C, 10 and 11 blank.
- 3. In Item 12 enter "107(a)."
- 4. In Item 13 check the "Order" block.
- 5. Leave Item 14 blank for all 104(a) and 104(d) citations issued in conjunction with 107(a) orders of withdrawal. However, Item 14 must be completed for all 104(d) orders issued in conjunction with 107(a) orders of withdrawal by checking Item 14A or 14B, entering either the initial 104(d) citation or 104(d) order number (as appropriate) in Item 14 E, and entering the date in Item 14F.
- 6. In Item 15 describe the "Area or Equipment" affected.
- 7. In Item 16 "Termination Due Date and Time" is not entered.
- 8. Terminate the imminent danger order when <u>all</u> conditions or practices creating the imminent danger have been abated.

9. A Possible Knowing/Willful Violation Review Form must be completed for 104(a) citations and 104(d) citations and orders issued in conjunction with a 107(a) imminent danger order regardless of the negligence evaluation.

XVIII. SECTION 107(b)(1) NOTICES

Section 107(b) provides unique enforcement procedures and requirements to contend with the unusual circumstances of dangerous conditions that cannot be effectively abated through the use of existing technology. Accordingly, enforcement personnel or District Managers shall not issue orders or take any action under Section 107(b) before consulting with the Administrators for Metal and Nonmetal or Coal Mine and Safety and Health.

Further, Section 107(b) orders are not to be modified, terminated, or vacated by inspectors or district officials without prior consultation with the Administrators for Metal and Nonmetal or Coal Mine Safety and Health.

XIX. SECTION 110(g) NOTICES

A miner shall be issued a notice under Section 110(g) of the Mine Act if he or she is found willfully violating any of the mandatory safety standards relating to smoking or the carrying of smoking materials, matches, or lighters. Mandatory standards applicable to smoking are: 56/57.4100, 57.5041, 56/57.6904, 56/57.7805, 57.22101, 57.22102, 57.22105, 75.1702, and 77.1711.

To find a <u>willful</u> violation of the safety standard relating to smoking, the inspector must have evidence that the miner actually smoked in an underground coal mine or smoked in a restricted area in an underground metal or nonmetal mine or surface area. The restricted area on the surface must be posted as being a non-smoking area. Further, for a miner to willfully violate the standards regarding the carrying of smoking materials, the inspector must have proof that the miner actually knew that he or she was carrying the smoking materials into a restricted area or into an underground coal mine.

If the miner who was smoking or carrying materials in restricted areas was an agent of a mine operator, such as a foreman or other supervisor, the miner should not be subject to a Section 110(g) penalty but instead should be subject to a referral under Section 110(c) or Section 110(d) of the Mine Act.

Inspectors should make all reasonable efforts to document the miner's past training regarding smoking and the carrying of smoking materials, obtain and note the miner's address and rate of pay so the nature of the proposed civil penalty can be accurately assessed and mailed to him or her since the civil penalty for this notice is assessed to the miner and not the mine operator or contractor.

The mine operator or contractor shall be issued a citation and a possible imminent danger order (depending on the circumstances observed) whenever a miner is found to be smoking or found carrying smoking materials, matches, or lighters in prohibited areas.

Scenario: A miner is observed smoking a cigarette in an underground explosives magazine. There are six open cases of dynamite within three feet of the miner. A 110(g) notice shall be issued to the miner. Also, a 104(a) citation or a 104(d) Citation or order and a separate 107(a) order shall be issued, depending on the circumstances, to the mine operator or contractor for a violation of 57.6904 or 75.1702.

Documentation for 110(g) Notice

- 1. Item 4 of the Mine Citation/Order form is completed with the miner's name. Items 5, 6, and 7 are completed with the operator's name, the mine name, and the Mine ID number.
- 2. Item 8 is completed with a description of the observed violation. The following statement shall be included at the end of that description:

"This is notification to the individual that he or she will receive a civil penalty for willfully violating a mandatory safety standard relating to smoking or the carrying of smoking materials, matches, or lighters."

- 3. Item 9B is completed with "110(g)".
- 4. Item 9C is completed with one of the standards violated: 56/57.4100, 57.5041, 56/57.6904, 56/57.7805, 57.22101, 57.22102, 57.22105, 75.1702, and 77.1711.
- 5. Complete Section II, items 10A through D based on the determination made at the time the violation was observed. Section II, item 11 will always be completed with at least "high" negligence checked.
- 6. Item 16 is not completed.
- 7. One copy of the completed notice is given to the miner.
- 8. A copy of the notice will be mailed to the MSHA Office of Assessments in Arlington, Virginia. A cover letter shall be attached explaining the circumstances and any mitigating factors relating to its issuance. The letter shall also provide the miner's address so that the proposed civil penalty can be processed.

XX. MINE OPERATOR IN VIOLATION OF AN ORDER OF WITHDRAWAL

A separate 104(a) citation shall be issued, in all instances, for failure to comply with each order violated citing the applicable section [104(b), 104(d)(1), 104(d)(2), 104(e)(1), 104(e)(2), 104(g)(1), 107(a), 103(j) or 103(k)] when an inspector encounters a mine operator working in violation of an order of withdrawal. In citing this violation,

inspectors should explain to the mine operator what MSHA's rights are under the Mine Act and the penalty for continuing to operate in the face of a withdrawal order.

Note: A 104(a) citation for operating in the face of an order shall not be issued when an order of withdrawal is issued and the "Area or Equipment" in Item 15 is noted as "No Area Affected" because the mine operator was notified that an "Area or Equipment" was not required to be withdrawn. If appropriate, injunctive action can be initiated by the District Manager if the mine operator continues to operate in the face of a withdrawal order.

While these violations are not issued often, civil penalties assessed to mine operators can be substantial; therefore, inspectors must document in detail the activity and statements regarding all the circumstances concerning the issuance of this citation.

Note: In the rare instances these types of violations are issued, inspectors and supervisors should discuss them with the district office and/or regional solicitor prior to their issuance. As these violations are frequently litigated and are often contentious, consultation and coordination with all parties prior to issuance will assure that is knowledgeable regarding the actions being taken.

Since this citation stands alone for assessment purposes, it will be separately evaluated for gravity and negligence. Violations of the Mine Act are always designated as "non S&S." The following guidance applies to these evaluations:

Negligence evaluation - shall be based on existing conditions and circumstances at the time of its issuance and **does not** have to reflect the same negligence as the preceding order of withdrawal since circumstances may have changed since the order's issuance. Evaluations for negligence, however, are usually "high" or "reckless disregard" because the mine operator was previously issued an order of withdrawal.

<u>Gravity evaluation</u> – shall be designated as "non significant and substantial" as it is a violation of a section of the Mine Act. Further, these types of violations cannot be evaluated as unwarrantable failure or flagrant.

A Possible Knowing/Willful Violation Review Form will be completed for all citations issued for a mine operator operating in the face of an order of withdrawal.

Documentation for Working in Violation of a Withdrawal Order

1. In Item 9B of the Mine Citation/Order Form enter the section of the Mine Act violated; this entry will be the same as the type of order originally issued.

Example: If a 104(b) order is not complied with, enter "104(b)" in Item 9B. Enter "107(a)" in Item 9B if the operator is working in violation of a 107(a) order of withdrawal. Enter 104(d)(1), 104(d)(2), 104(g)(1), 104(e)(1), 104(e)(2), 103(j), or 103(k) in Item 9B if the operator is working in violation of one of these orders.

- 2. Item 9C is left blank.
- 3. Items 10 and 11 are completed with gravity and negligence evaluations made dependent on the circumstances present at the time of observation.
- 4. In Item 14 check the "Order" block, enter the order number and the date it was issued.
- 5. In Items 16A and B enter the "Termination Due Date" and "Time."
- 7. Terminate the citation when personnel are withdrawn as required. Terminate the order when the original condition or practice is abated.
- 8. Prepare and send to the District Office a packet that includes:
 - a. the original Possible Knowing/Willful Violation Review Form;
 - b. a copy of the Legal Identity Report;
 - c. a copy of relevant general field notes;
 - d. a copy of the citation/order notes;
 - e. appropriate photographs;
 - f. a copy of relevant citation(s) or order(s); and
 - g. a copy of all modifications.

This packet shall be mailed to the District Office in a timely manner.

CHAPTER 5 - HEALTH CRITERIA (METAL AND NONMETAL)

I. DOCUMENTATION OF HEALTH VIOLATIONS

Generally, when health sample results indicate that there has been an overexposure to dust, chemical contaminants, etc., the following information will be documented by the inspector:

- type of contaminant
- amount of exposure as compared to what is allowed
- error factor used
- length of the miner's exposure
- personal protective equipment program (or lack of) implemented by the operator
- type of (or lack of) personal protective equipment worn when the overexposure occurred
- training provided to the miner in the use of the personal protective equipment (if appropriate)
- controls used and their condition
- feasible controls available

II. CONTAMINANTS WITH CEILING DESIGNATIONS

When there is an overexposure to a contaminant that has a ceiling designation it is appropriate to issue a 104(a) citation with an abatement time reflecting the time needed to remove miners. Miners shall not reenter the area until the hazardous condition(s) is corrected except for those miners who are working to establish the necessary engineering controls. These miners must wear appropriate personal protective equipment. In this case, standards 56/57.5001(c) and 56/57.5005 should be considered as one standard and should be entered in Item 9C of the Mine Citation/Order Form (e.g., 56.5001(c)/.5005).

The above situation warrants issuance of a 107(a) imminent danger order only if the concentration(s) measured and the work condition(s) create a situation that is immediately dangerous to the exposed miners.

III. IMMINENT DANGER SITUATIONS INVOLVING CHEMICAL HAZARDS

A. IDLH Levels

MSHA considers the atmosphere "immediately harmful to life" whenever a contaminant's Immediate Danger to Life or Health (IDLH) limit is exceeded. The IDLH limits for various contaminants can be found in the "National Institute for Occupational Safety and Health (NIOSH) Pocket Guide to Chemical Hazards." However, imminent danger situations can exist below IDLH levels due to a miner's length of exposure, work activity, or time to escape. The following procedures shall be utilized whenever a contaminant's IDLH limit, plus the sampling factor, is exceeded:

- 1. A 107(a) order of withdrawal with contributing citations and/or orders shall be issued noting the contaminant levels and the conditions constituting the imminent danger situation.
- 2. The order of withdrawal shall require that all miners be immediately withdrawn from the contaminated atmosphere. The order should note that only those miners wearing appropriate personal protective equipment, and who are working on establishing engineering controls, are permitted to reenter the affected area.
- 3. Additionally, as required by 56/57.5005(c), at least one other person with backup equipment and rescue capability shall be present before any unprotected miner may reenter an atmosphere immediately harmful to life.
- 4. See Chapter 4, Section XVII of this handbook concerning the issuance of an imminent danger order with contributing citations and orders.

B. Other Situations

In some cases an imminent danger may exist even though a contaminant's IDLH limit is not exceeded. Continual exposure at high levels and adsorption through all routes of exposure can result in similar harm to miners. The issuance of an imminent danger order may be warranted if dizziness, headaches, slowed reflexes, lack of coordination, or other serious symptoms are shown by miners and are believed to be caused by exposure, including direct contact, along with consideration of the work environment, and serious physical harm or death may occur. The following procedures are to be implemented whenever there is exposure that may cause serious physical harm or death:

- 1. A 107(a) order of withdrawal with contributing citations and/or orders shall be issued noting the contaminant levels and the conditions constituting the imminent danger situation.
- 2. The order of withdrawal shall require that miners be immediately withdrawn from the contaminated atmosphere. It should be noted on the order that only those miners

wearing appropriate personal protective equipment, and who are working to establish engineering controls, are permitted to reenter the affected area.

- 3. Additionally, as required in metal and nonmetal mines under 56/57.5005(c), at least one other person with backup equipment and rescue capability shall be present before any miner enters an atmosphere immediately harmful to life.
- 4. See Chapter 4, Section XVII of this handbook concerning the issuance of an imminent danger order with contributing citations and orders.
 - **Scenario:** A miner has been exposed to 700 parts per million (ppm) of carbon monoxide. He has been drilling in the same area for the last four hours. The miner complains of dizziness, headache, nausea, is uncoordinated, and exhibits severe mental confusion. The miner's partner indicates that he also has similar symptoms. Further investigation reveals that the drill has fallen on both miners three times within the last hour due to their lack of concentration and inability to coordinate drilling activities. Ventilation in the area is not adequate due to holes and blockages observed in the vent tubing providing air into the area.
 - **Scenario:** A cyanide pipe in a mill broke and is spraying the solution everywhere including near miners working in the area. The exposed solution has flowed through the mill and has contacted some acidic material. Hydrogen Cyanide levels are measured at the doorway to the mill at 35 ppm.

In both of the above scenarios, due to the high exposure to a contaminant, the length of exposure time, the noted symptoms of miners, the safety hazards associated with incorrectly operating equipment, and the hazardous workplace environment, an imminent danger situation exists. In these cases, inspectors would issue a 107(a) imminent danger order and withdraw affected miners from their workplace.

IV. NEGLIGENCE AND GRAVITY EVALUATIONS - HEALTH VIOLATIONS

The following instructions apply to Section II of the Mine Citation/Order Form unless otherwise specified.

A. Negligence

The degree of negligence is dependent on what the mine operator did **before** MSHA collected the samples that established the violation. Factors to be considered by the inspector include items such as:

- 1. whether the mine operator knew or had been told of the high contaminant level(s);
- 2. the condition of engineering control systems;
- 3. whether engineering control systems had been provided;

4. whether the operator provided appropriate personal protection, whether it was fit-tested (if appropriate), whether personnel were trained in its use and limitations (if appropriate), and whether it was worn, properly maintained, cleaned.

B. Gravity

1. Likelihood: Consider "Reasonably Likely" or "Highly Likely" if respiratory or hearing protection was not provided; if the respiratory or hearing protection was not adequately maintained; if the individual was not respirator fit-tested; if the person was not trained in the use or limitations of the respirator; or if the protection was not suitable for the hazard. Also, consider "Reasonably Likely" or "Highly Likely" if the respiratory or hearing protection program had deficiencies which caused the personal protection to be inadequate.

Note: With regard to nuisance particulates and silver metal overexposures between 0.01 mg/m^3 and 0.1 mg/m^3 , operators must use engineering controls to reduce exposure to the permissible limit and comply with the respiratory protection requirements of standard 56/57.5005. However, .5001(a)/.5005 citations for overexposure to nuisance particulates and to silver metal in the above concentration range cannot be evaluated as "S&S." Overexposures to soluble compounds of silver, such as silver nitrate, above 0.01 mg/m³ can be evaluated as "S&S" if adequate respiratory protection was not worn.

Occurrence would be marked as "Unlikely" if appropriate respiratory protection was being worn, was appropriate to the hazard, the miner was respirator fit-tested, and the mine operator had an acceptable respiratory protection program.

- 2. Severity: Overexposure to airborne contaminants and physical agents should be marked according to the severity of the disease they produce.
 - **Examples:** Silica causes silicosis which is permanently disabling and sometimes fatal; radon daughter exposure can cause lung cancer which can be fatal; and excessive noise causes hearing loss which can be permanently disabling.
- 3. Number of Persons Affected: For most situations, indicate the number of miners sampled. There are situations, however, where more workers should be entered in Item 10D of the Mine Citation/Order Form. If other miners perform the same job on different shifts or if several miners rotate during the same shift and perform the identical job, that number should be entered in this box.
 - **Example:** A day-shift crusher operator is overexposed to respirable silica bearing dust. Two other miners operate the crusher on the evening shift. Item 10D would have the number "3" entered for Persons Affected.

C. Significant and Substantial Violations

The "**Yes**" block in Item 10C must be marked if it is reasonably likely that one or more miners will or could suffer at least "Lost Workdays" or "Restricted Duty" as a result of exposure to the contaminant.

The "**No**" block in Item 10C is to be marked if it is not reasonably likely that one or more miners will or could suffer at least "Lost Workdays" or "Restricted Duty" as result of exposure to the contaminant.

Note: Since all overexposure limits have a likelihood of health impairment, this evaluation is dependent on the use of adequate personal protective equipment.

V. DOCUMENTATION OF AIRBORNE CONTAMINANT VIOLATIONS

Complete the citation form as usual except as follows:

- A. "Date and Time of Issue" is the date and time the citation was issued.
- B. In Item 8 include the following information: The Threshold Limit Value (TLV) or the exposure limit; the error factor; the contaminant; the concentration; the job title of the person sampled; the equipment and area where the person was working; and the believed reason for the overexposure. Always include information as to whether or not the miner was wearing approved respiratory protection with an adequate training, fit-testing, and maintenance program. Include a statement noting the sample date which is the date entered as the occurrence date in IPAL.
- C. When there is an overexposure to airborne contaminants (except asbestos or those having ceiling limits), standards 56/57.5001(a) and 56/57.5005 should be considered as one standard. Enter the standard in Item 9C using the following format: 56.5001(a)/56.5005. When overexposures are for asbestos, inspectors should use 56/57.5001(b) and 56/57.5005 as one standard [e.g., 56.5001(b)/.5005 or 57.5001(b)/.5005].
- D. Standard 56/57.5005 can be written alone **only** where MSHA requires a respiratory protection program for compliance and the mine operator fails to follow the program's requirements or the overexposed miner is not wearing a respirator where required. Standard 56/57.5005 can be cited without resampling if:

the area or equipment in question was observed operating without miner(s) complying with the respiratory protection program mandated by an outstanding citation for dust overexposure; or

the mine operator had been allowed to operate because all feasible engineering or administrative controls had been implemented but a respiratory protection program was still required by MSHA to gain compliance. E. These citations should be evaluated as "S&S" if a respirator was not being worn; if the miner sampled had not been properly fit-tested with the respirator being worn; if the respirator was not properly maintained; or if the respirator was not selected in accordance with American National Standards Institute (ANSI) Z88.2-1969. Additionally, there may be other circumstances where the citation should be evaluated as "S&S." Inspectors should review ANSI requirements and the circumstances of each case to determine if a citation should be evaluated as "S&S."

Note: With regard to nuisance particulates and silver metal overexposures between 0.01 mg/m^3 and 0.1 mg/m^3 , operators must use engineering or administrative controls to reduce exposure to the permissible limit and comply with the respiratory protection requirements of standard 56/57.5005. However, .5001(a)/.5005 citations for overexposure to nuisance particulates and to silver metal in the above concentration range can not be evaluated as "S & S." Overexposures to soluble compounds of silver, such as silver nitrate, above 0.01 mg/m³ should be evaluated as "S & S" if adequate respiratory protection was not worn.

F. If approved protection was not being worn, the initial termination due date will be the time necessary for the operator to provide appropriate respirators and develop a respiratory protection program in accordance with ANSI Z88.2-1969.

Inspectors should also include a statement in citations that when a respiratory protection program was implemented in accordance with ANSI Z88.2-1969, the citation will be extended to allow the mine operator time to implement engineering or administrative controls.

- G. When issued, state in extensions what items are required to be accomplished by the abatement due date.
- H. If resampling has been done and results have not been received, an extension of time is not needed.
- I. When an extension of time is required because MSHA sampling indicated that additional work needs to be completed by the mine operator, inspectors will issue an appropriate extension.
- J. When resampling results indicate that contaminant levels are in compliance, enter the date and time the termination was issued in Item 12 of Form 7000-3a.

VI. ORDERS OF WITHDRAWAL - AIRBORNE CONTAMINANT VIOLATIONS

A. If appropriate personal protection is being worn and progress has not been made towards compliance, resampling must be conducted to determine if an overexposure still exists before issuing a Section 104(b) order of withdrawal.

B. If the due date and time has passed, a Section 104(b) order of withdrawal must be issued if the operator or contractor has failed to provide appropriate respiratory protection, if the miner was not wearing an appropriate respirator, or if the operator has not implemented an appropriate respiratory protection program. Once an appropriate respiratory protection program is implemented or an appropriate respirator has been provided and/or worn, the Section 104(b) order can be modified to allow work to continue until feasible engineering or administrative controls are implemented.

Note: If the operator or contractor can install feasible engineering or administrative controls more quickly than acquiring the respiratory protection, the quicker means of abatement should be required.

A 104(b) order must also be issued if the operator or contractor has failed to implement feasible engineering or administrative controls within the established abatement time and further extension of time is not warranted. Once appropriate engineering controls have been implemented, the 104(b) order can be modified to allow work to continue until resampling is conducted and the results analyzed to determine compliance. The order can be terminated if resampling indicates that the mine operator is in compliance.

- C. When an inspector issues a Section 104(b) order of withdrawal, item 8 of the citation/order form should note, in detail, the reasons for the operator's failure to abate the citation and what must be done to achieve abatement of the condition or practice that caused issuance of the citation. It also should be noted in the 104(b) order, if applicable, that the failure to abate the violation involved a deficiency in the use of personal protective equipment (e.g., respirators).
- D. When an operator continues production in violation of a 104(b) order or neglects to abide by the conditions under which the 104(b) order was modified, the inspector must issue a 104(a) citation to the operator for a violation of Section 104(b) of the Mine Act and require, as an abatement condition, that a respiratory protection program be instituted for compliance. See Chapter 4, Section XX of this handbook for procedures to follow when an operator operates in the face of a withdrawal order.

VII. GENERIC WORDING - CHEMICAL CONTAMINANT OR DUST CITATION

"The (job description) (location description) was exposed to a (shift or time weighted average) of (contaminant) on (sampling date). This exceeded the Threshold Limit Value (TLV) times the error factor of (enter factor). The analytical results were received and the citation was issued on (date citation was issued)."

Include language in the citation regarding the possible sources of the contaminant and any obvious deficiencies of the control systems; the type and condition of any personal protective equipment; and, if a respirator was used, whether or not a respirator program consistent with ANSI Z88.2-1969 was in place. When a respiratory protection program is nonexistent or deficient, state that the abatement time will be extended, if necessary, after a respiratory

protection program consistent with ANSI Z88.2-1969 is in place so as to allow a reasonable period for the installation of controls.

CHAPTER 6 - HEALTH CRITERIA (COAL)

Information and guidance on the issuance of health citations and orders at coal mines may be found in the Coal Mine Health Inspection Procedures Manual and related Procedure Instruction Letters (PILs). Appendix C of this document contains examples of coal mine health citations and orders.

CHAPTER 7 - GENERAL INFORMATION

I. CITATION/ORDER BOOKS / IPAL CITATION NUMBERS - ACCOUNTABILITY

Citation/Order books are accountable government property and inspectors are required to sign an issuance sheet. Inspectors are also accountable for violation numbers issued through the IPAL system. Upon receipt of the violation numbers, the inspector must sign and date to acknowledge receipt of these numbers.

II. ISSUING CITATIONS AND ORDERS

It is not mandatory to give mine operators the citation or order form at the time the violation is observed. The operator or his designee, however, shall be told that there is a violation and a thorough discussion will ensue as to exposure, negligence, severity, and time permitted for abatement. Citations and orders shall be issued to the mine operator or his or her agent with reasonable promptness.

Note: Some citations or orders, because of the time needed for analysis or for other reasons, might be cited and delivered to the mine operator at a time after the violation has occurred. Examples include, but are not limited to: certain Part 50 violations, certain health violations, violations cited as a result of accident investigations, and violations cited as a result of reviewing accident forms.

III. INSPECTION OR INVESTIGATION CLOSEOUT CONFERENCE

At the conclusion of any enforcement-related inspection or investigation, inspectors shall discuss their general findings and each violation issued during that activity with the mine operator and, if applicable, with contractors and/or miners representatives. During this conference, inspectors will inform operators of citations or orders that have been evaluated as possibly flagrant and/or any that will be recommended for possible special assessment.

All parties will also be informed that they have 10 days in which to request a safety and health conference with the appropriate district manager if they disagree with actions taken by the inspector during the inspection or investigation. Further, all parties should be told that it is within the sole discretion of MSHA to grant requests for a conference and that a request for such conference must be in writing and include a brief statement of the reason(s) why each citation or order should be conferenced.

IV. COMPLIANCE ASSISTANCE VISIT INSPECTION FOLLOW-UP (METAL AND NONMETAL)

If an inspector observes a violation that is not abated which was noted on a previous CAV inspection, a 104(a) citation will be issued without referencing the CAV notice in the narrative or negligence evaluation section of the citation.

Inspectors should remember that a 104(a) citation is not the only action that can be taken for unabated CAV notices. Since the CAV inspection, the hazard observed during that inspection may have worsened or miners' exposure to the hazard might have increased. If an imminent danger situation now exists, a Section 107(a) withdrawal order should be issued with **no reference** made to the CAV notice in the body or negligence evaluation section of the order.

V. FIELD NOTES

For MNM inspectors, the forms provided to document inspectors' observations during enforcement activities are MSHA Forms 4000-49E (Citation/Order Documentation) and 4000-49F (General Field Notes), both 8½" x 11" in size, or Forms 4000-49G (Citation/Order Documentation), 4000-49H (General Field Notes), both 5" x 8" in size, and 4000-31 (Health Field Notes). For Coal inspectors, the forms provided to document inspectors' observations during enforcement activities are MSHA Form 7000 series. **Inspectors are not to take notes on other paper and copy them to these forms unless directed otherwise.**

VI. CONTRACTOR CITATIONS AND MSHA ID NUMBERS

Unless a contractor is cited, has a reportable accident, or is engaged in one of the nine types of construction or services listed in the MSHA Program Policy Manual (Volume III), an MSHA contractor ID number is not necessary. Some mine operators, however, require contractors to get numbers as a precondition for contract bidding. MSHA will provide an ID number for any contractor who requests one, but they need not apply except for the reasons specified above.

A contractor without an MSHA ID number can be cited using the mine operator's mine ID number until a contractor number is issued. A modification can then be written to include the new contractor number and to change the company name to the contractor's name when that number is obtained.

Note: The contractor's name entered on the citation must be exactly as it was when the MSHA Contractor ID number was assigned.

Contractor citations cannot be put into the MSHA computer system until the contractor is linked to the mine ID number. The Contractor Form 4000-39 must be submitted to link that contractor number with the mine ID number.

VII. ISSUING CITATIONS OR ORDERS - ACCIDENT INVESTIGATIONS

Inspectors will initiate a separate event and use that event number if citations or orders are issued which are not directly related to an accident. If a regular inspection is not ongoing at the mine at the time of the accident, a new event should be initiated.

Note: Unrelated citations or orders should not be included with the accident report.

VIII. TERMINATION (ABATEMENT) TIMES FOR CITATIONS

Inspectors shall give primary consideration to the health and safety of miners in establishing abatement times for all citations. The termination time for a citation must be specific and provide a reasonable time for mine operators to abate the conditions, practices, or circumstances which caused issuance of the citation. Citation abatement times **shall not** be established for the convenience of the mine operator, or for the inspector, or because the mine operator has filed an appeal with the Federal Mine Safety and Health Review Commission, or because the operator filed a Petition for Modification.

IX. EXTENDING/TERMINATING CITATIONS AT AN MSHA OFFICE

Most citations and orders require an on-site inspection to verify conditions before they can be terminated. Some citations and orders, such as those relating to certain records, may be terminated without conducting an on-site inspection. A field office supervisor should review and approve any citations or orders that are terminated by inspectors without conducting an on-site inspection. A "new" event number should not be initiated when a citation or order is extended, terminated, or vacated from an MSHA office. The appropriate enforcement activity code from the last on-site inspection should be used. Coal Inspectors could also use the T02 activity code for Office Generated Issuances.

X. EXTENDING CITATIONS - OPERATOR HAS APPEALED A CITATION OR ORDER

The filing of an appeal of a citation or order by a mine operator or contractor with the Federal Mine Safety and Health Review Commission (Commission) or the filing of a petition for modification does not relieve the operator or contractor of the responsibility of complying with the cited mandatory standard by its due date. These activities are not a basis to extend any citation unless inspectors are directed otherwise.

The extension of any citation <u>is</u> appropriate if primary consideration has been given to whether a safety or health hazard exists or may exist to the miners. An extension of time for the operator or contractor to comply may be appropriate if the hazard can be eliminated or minimized with an interim measure which ensures protection of miners.

XI. MODIFICATIONS TO CITATIONS/ORDERS/SUBSEQUENT ACTIONS

The original Mine Citation/Order Form 7000-3 and 7000-3a and all copies must be exactly alike. Any items written or entered in error on the form must be modified using a Mine Citation/Order Continuation Form 7000-3a. **Inspectors will not make changes on MSHA copies nor ask mine operators to make the same changes on their copies.**

Example: If a subsequent extension action is being changed, state: "The extension dated $\frac{mm/dd/yy}{y}$ is being modified." If a subsequent termination action is being modified, state: "The termination dated $\frac{mm/dd/yy}{y}$ is being modified." If a modification is being changed, state: "The modification dated $\frac{mm/dd/yy}{y}$ is being corrected." If a Mine Citation/Order

Form is being modified or corrected, state: "Citation (or Order) No. $\underline{xxxxxxx}$ is being modified in Section \underline{xx} , Item \underline{xx} , to (the corrected action should be entered)."

XII. TERMINATING CITATIONS AND ORDERS

A. Citations and orders will be terminated on either the Mine Citation/Order Form or a Continuation Form and given to the mine operator or contractor.

Example: Four citations/orders were written and issued to the mine operator on Monday. Three days later all violative conditions were corrected. The four citations/orders shall be individually terminated on a Mine Citation/Order Continuation Form 7000-3a.

B. Citations and orders shall be terminated when a mine is classified by MSHA as permanently abandoned and sealed, or if it moves to a location some distance from the original site (e.g., a portable crusher). Citations and orders shall also be terminated when out of compliance equipment is permanently "removed from service," is permanently retired from service, or is permanently removed from the mine site.

The following procedures shall apply when citations and orders are terminated in the above situations:

1. Mine operation status is changed to "permanently abandoned."

The inspector shall make every reasonable attempt to determine if the operator complied with the cited standards.

a. If the operator did comply then:

Terminate any outstanding citations or orders and hand deliver or mail the operator the terminations. Write on the termination(s) that the violative condition(s) or practice(s) was corrected.

b. If it is determined that the operator did not correct the violative condition(s) or practice (s) before the mine was abandoned then:

Terminate any outstanding citations or orders and hand deliver or mail the operator the terminations. Write the following on each termination:

"The basis for termination of this citation (or order) is the classification of the mine as permanently abandoned. The violative condition(s) or practice(s) was not corrected. The operator is required to comply with the provisions of the cited standard before resuming activities at this location or at another mine.

2. Operation or equipment moves to a new location away from the initial mine site.

a. If the inspector determines that the operator did comply prior to moving then:

Terminate all outstanding citations or orders and hand deliver or mail the operator all terminations. Note on the termination(s) that the basis for termination is that the violative condition was corrected.

b. If the inspector determines that the operator did not comply prior to moving then:

Terminate all outstanding citations or orders and hand deliver or mail the operator all terminations. Write the following statement on each termination:

"The basis for termination of this citation (or order) is the moving of mining operations (or equipment). The violative condition(s) or practice(s) was not corrected prior to moving. The operator is required to comply with the provisions of the standard before resuming any activities at another mine. Failure to correct the cited condition(s) or practice(s) prior to resuming these activities will be considered by MSHA to be aggravated conduct constituting more than ordinary negligence."

XIII. EQUIPMENT REMOVED FROM SERVICE

The term "removed from service" does not mean that the mine operator stopped using and parked a piece of equipment (e.g., front-end loader, truck) or a mining unit (e.g., portable crusher, screening unit) when it could or can be restarted and easily placed back into service in the same condition which caused issuance of the original citation(s) or order(s). Rather, "removed from service" refers to the action(s) taken by the mine operator or contractor to permanently incapacitate or render inoperable the equipment and eliminate the violation. The inspector should note those actions on the termination and refer to any evidence that the equipment was removed from service such as documentation and relevant statements made by the mine operator, or his or her representatives,

Scenario: A loader is cited for not having an audible back-up alarm installed. The mine operator (or contractor) takes the tires off the loader, places it on blocks, removes the battery, and welds the doors closed. Any of these actions could qualify the equipment as being "removed from service" and justify termination of any outstanding citation(s) or order(s).

XIV. MINE OWNERSHIP CHANGES WITH OUTSTANDING CITATIONS OR ORDERS

When ownership of a mine changes after a citation(s) or order(s) is issued, the termination should be issued to the operator of the property at the time of termination. The operator of the mine at the time a citation is issued is the entity that will be assessed the civil penalty even though the mine no longer belongs to that operator.

In all cases, do not modify the outstanding citation(s) to change mine ownership.

When a change in mine operator occurs after a citation is issued but before it is terminated and justification is not found to extend the citation, a Section 104(b) order of withdrawal can be issued to the new mine operator.

Unless conditions that were noted on the original citation have deteriorated and now pose an imminent danger to miners, the new mine operator should generally be given the same amount of time to correct the violative condition as was given the previous mine operator.

Example: On July 1, Jane Doe Sand and Gravel is cited for an unguarded conveyor head pulley and given one week to abate the condition. On July 7, Tom Brown Crushing purchases the mine and begins managing the operation the same day. On July 10, an inspector returns to check on the outstanding guarding citation and finds that a guard had not been installed on the head pulley.

Based on the circumstances noted above:

- an extension would be issued if the inspector found and documented mitigating circumstances (e.g., the new mine operator was unaware of the violation). The extension would be issued to "Tom Brown Crushing" noting in Section II narrative of form 7000-3a that Tom Brown Crushing purchased the operation on July 7 and was the new mine operator; or
- a Section 104(b) order of withdrawal would be issued if the inspector found and documented that there were no mitigating circumstances to issue an extension (e.g., the new mine operator was aware of the violation but chose not to abate the cited condition). The 104(b) order would be issued to "Tom Brown Crushing" noting in the Item 8 narrative that Tom Brown Crushing purchased the operation on July 7 and was the new mine operator.

XV. VACATING CITATIONS/ORDERS

Vacated citations and orders must be included with inspection or investigation reports as they are part of the inspection record. If the inspector is still at the mine, he or she will not reclaim the previous copies and mark the citation or order "Void." Instead, those copies shall be left with the mine operator and inspectors shall issue a "Vacate" action on Form 7000-3a. Inspectors shall state the specific reason for vacating the citation or order on that form. Copies of all vacated citations and orders shall be forwarded to the District Office separate from the inspection report. Vacating an imminent danger order must be authorized by the appropriate District or Assistant District Manager prior to that action occurring.

XVI. VOIDING CITATIONS/ORDERS

A voided citation or order is one which was written or typed on the Mine Citation/Order Form and an error was discovered before it was presented to the mine operator or contractor.

The inspector will mark "Void" on the original citation or order form and all copies. The circumstances which caused the voidance will be noted on all forms. These voided forms will not be included with the inspection report but will be kept with the citation book until it is completed. The inspector should attach the voided forms to the empty book and return it to the field office supervisor when the book is finished.

When using the IPAL system, a citation or order that is issued in error must be vacated or modified by using Form 7000-3a.

XVII. STANDARD SUBSECTIONS - CITATIONS/ORDERS

Unless directed otherwise, specify both the standard <u>AND</u> the appropriate subsection when a violation is cited.

Examples: Citations for failure to guard a piece of equipment should be issued under 56/57.14107(a) **and not** 56/57.14107; violations for failure to maintain an audible warning device on self-propelled equipment should be cited as 56/57.14132(a) **and not** 56/57.14132.

XVIII. PART 41 - LEGAL IDENTITY

Each mine operator is required to file notification of legal identity and every change thereto on an MSHA Legal Identity Report Form 2000-7 with the appropriate MSHA office.

Inspectors will check for any change in the mine operator, mine name, company officers, parent company, and the address of record during every inspection. An updated Legal Identity Report Form must be submitted by the mine operator within 30 days if changes have occurred. When applicable, a citation will be issued to the mine operator when corporate, company, partnership, or any other changes have been made without MSHA being notified as required under 30 CFR Part 41.

The operator and the mine name on a Mine Citation/Order Form and Continuation Form must be the same as on the Legal Identity Report Form in effect at the time a citation or order is issued.

XIX. PART 44 - PETITIONS FOR MODIFICATION

Title 30 CFR Part 44.4(c) reads in part: "... Orders granting petitions for modification may contain special terms and conditions to assure adequate protection to miners. The

modification, together with any conditions, shall have the same effect as a mandatory standard."

During each regular inspection, inspectors shall:

- determine that all requested petitions for modification, or a notice of their availability, are posted on the mine bulletin board as required by 30 CFR Part 44.9; and
- determine if a final petition decision or summary of that decision is posted. A copy of the full decision must be kept at the affected mine office and made available to the miners in accordance with 30 CFR 44.5(b).
- review the terms and conditions contained in the decision and order section of all granted petitions for modification.

When a violation of one or more of the conditions specified in granted petitions for modification is found, the inspector shall:

- cite the safety standard for which the petition for modification was granted;
- include the docket number of the granted petition for modification in Item 8 of the Mine Citation/Order Form;
- note the specific condition which was violated in the narrative of the Mine/Citation Order Form; and
- notify his (or her) supervisor after citing this violation.

This citation may be the basis for initiating action to revoke the granted petition depending on the circumstances present at the time of issuance.

XX. PART 50 - ACCIDENT, INJURY AND EMPLOYMENT REPORTING VIOLATIONS

An evaluation of compliance with employee and injury reporting requirements under 30 CFR Part 50 and the MINER Act shall be made during every regular inspection.

Inspectors shall issue a citation for each separate instance of:

- failing to immediately notify MSHA of an accident as defined in Part 50.2(h) within 15 minutes (50.10);
- failing to investigate an accident or occupational injury (50.11);
- altering an accident site (50.12);

- failing to report an accident, injury, or illness (50.20);
- failing to report quarterly employment (50.30); and
- reporting employment hours, production (coal), illnesses, or reportable injuries or accidents after the due date and each instance of inaccurate reporting (50.20 or 50.30).

Inspectors shall issue only one citation where mine operators have:

- failed to maintain quarterly employment or accident investigation reports (50.40); and
- failed to allow an MSHA representative to inspect and copy information related to accidents, injuries, or illnesses (50.41).

Violations of 30 CFR Part 50 (excluding 50.10) are violations of regulations as opposed to standards and will always be evaluated as "non-S&S." These violations, however, may be the result of high negligence, depending on circumstances. Violations of 30 CFR 50.10 may be evaluated as "S&S" or "non-S&S" depending on circumstances.

XXI. POSSIBLE KNOWING/WILLFUL VIOLATION REVIEW FORM (7000-20)

A. Inspectors will initiate a Possible Knowing/Willful Violation Review Form for:

- 107(a) orders with 104(a) and 104(d) citations;
- 107(a) orders with 104(d) orders;
- "S&S" 104(d) citations and orders with an evaluation of at least "high" for negligence;
- 104(e) orders of withdrawal with an evaluation of at least "high" for negligence;
- flagrant violations; and
- citations issued for working in violation of an order.
- B. The District Office shall be sent a packet that includes:
 - 1. the original Possible Knowing/ Willful Violation Review Form;
 - 2. a copy of the Legal Identity Report;
 - 3. a copy of the relevant general field notes;
 - 4. a copy of the citation/order notes;
 - 5. appropriate photographs; a copy of the relevant citation(s) or order(s); and
 - 6. a copy of all modifications.

This packet shall be mailed to the District Office in a timely manner following the date the citation(s) or order(s) was issued.

Appendix A

Safety Violations

TABLE OF CONTENTS

Page

104(a) Citation - Denial of Right of Entry	5-6
104(b) Order - Denial of Right of Entry	7-8
103(g) Hazard Complaint Inspection - Notice of Negative Findings	
103(j) Order - Control of Recovery Operations	10
103(j) Order - Modification	11
103(j) Order - Termination	12
103(k) Order - Control and Consultation During Rescue and Recovery Operations	13
103(k) Order - Termination	14
103(k) Order – Issuance and Termination	15
104(a) Citation - "Non-S&S"	16-17
104(a) Citation - Extension	
104(a) Citation - Termination	
104(a) Citation - Modification	20
104(a) Citation - "Non-S&S"	21-22
104(a) Citation – Termination (Equipment Removed From Mine Site)	23
104(a) Citation - "S&S"	24-25
104(a) Citation - "S&S" Modified to "Non-S&S"	26
104(b) Order of Withdrawal	27
104(a) Citation - Working in Violation of a 104(b) Order of Withdrawal	28
104(b) Order - Failure to Abate	29
104(a) Citation - Working in Violation of a 104(b) Order of Withdrawal	30
104(b) Order - Termination	31
104(d)(1) Unwarrantable Failure Citation With Termination	32-33
104(d)(1) Citation - Citing Mine Operator for Previously Terminated Violation	34
104(d)(1) Unwarrantable Failure Order - "S&S"	35-36
104(d)(1) Unwarrantable Failure Order - Failure to Provide Safeguards	37
104(d)(2) Unwarrantable Failure Order - "Non-S&S"	
104(d)(2) Unwarrantable Failure Order (Subsequent Inspection)	39
104(e)(1) Pattern of Violations Order - Issuance and Termination	40
104(e)(2) Pattern of Violations Order - Issuance and Termination	41
104(e) Pattern of Violations Order - Termination	42
107(a) Order - Imminent Danger - No Violation of a Mandatory Standard	43
107(a) Order - Imminent Danger - Violation of a Mandatory Standard	44
104(a) Citation - Issued for a Condition in 107(a) Imminent Danger Order	
107(a) Order - Imminent Danger with Underlying Causes	46
104(a) Citation - Contributing Factor in 107(a) Order	47
107(a) Order - Imminent Danger and Multiple Mandatory Standards Violated	48
104(a) Citation - Issued for a Condition in 107(a) Imminent Danger Order	
104(d)(1) Citation - Issued as Part of a 107(a) Imminent Danger Order	50
104(d)(1) Unwarrantable Failure Order – Issued as Part of 107(a) Imminent Danger Orde	r51-52
110(g) Notice - Miner Smoking in Prohibited Area	5354
104(a) Citation - Violation of a Granted Petition for Modification	55

Page

104(a) Citation – Violation of Emergency Response Plan	-56
104(a) Citation - Failure to Submit an MSHA 7000-1 Form	57
104(a) Citation - Failure to Submit an MSHA 7000-2 Form	-58
104(a) Citation - Failure to Maintain Part 50 Records	-59
Notice to Provide Safeguards and Termination	- 60
109(a) Violation of the Mine Act With Termination	61

Mine Safety and Health Administration

Section 1 Y	/iolation Data				
1. Date	Mo Da Yr 2. Time (24 Hr. Clock)			3. Citation/Order	
	0 7 0 1 0 8	0800	n	Number	4 4 1 0 1 6 1
4. Served To		0000	5. Operator	rumber	
FRED BI	RCH, OWNER		F. B. MINING COMPAN	NΥ	
6. Mine			7. Mine ID		
F. B. MI	νE		5 6 - 0 9	999- (co	ontractor)
8. Condition	or Practice			8a. Written N	Notice (103g)
	Birch, owner of the F. B. Mining Company, refus				stated
	ISHA inspector could not enter his mine to condu rch warrant was not necessary and that refusal to a				
	the Mine Act. This condition has not been design				
	n of the Mine Act rather than a mandatory safety				
NOTE: S	ection I, Item 9B, is completed with 103(a)				
			See Cor	ntinuation Form (MSHA For	rm 7000-3a)
9. Violation	A. Health				
<i>,</i> ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Safety B. Section		C. Part/Section of		
	Other of Act 1 0 3 -	а	Title 30 CFR		
Section II	Inspector's Evaluation				
10. Gravity:	_	_	_	_	_
A. Injury	or Illness (has) (is): No Likelihood X U	nlikely	Reasonably Likely	Highly Likely	Occurred
	y or Illness could rea-				
sonat	bly be expected to be: No Lost Workdays	X Lost V	Workdays or Restricted Duty	Permanently Disabli	ng Fatal
C. Signi	ficant and Substantial (See Reverse): Yes	No	X	D. Number of Persons A	Affected 0 0 0
	ce (check one)	C Malant			
A. Non		C. Moderate	ε		ess Disregard
12. Type of		1	3. Type of Issuance (check on		
	1 0 4 - a - , -	-	Citation X Order	Safeguard	Written Notice
14. Initial A		D. Wri	itten E. Citation/	F. Date	d Mo Da Yr
A. Cita	ion B. Order C. Safeguard	Noti			
			Number		
15. Area or 1	Equipment				
16. Termina	tion Due Mo Da Yr				
		ne (24			
<u> </u>		r. Clock)	0 8 3 0		
	Termination Action				
17. Action to	Terminate				
18. Termina					
	A. Date B. Time (24	Hr Clock)			
Section IV -	- Automated System Data				
19. Type of			21. Primary or Mill		
(activi	E 1 5	0 7 3 5	5 0 0		
22. Signatur		<u> </u>		23. AR Nur	nber
JOHN SN					0 1 9 9 9
	n 7000-3 Mar 85 (Revised)				

104(a) CITATION - DENIAL OF RIGHT OF ENTRY

U.S. Department of Labor

Mine Safety and Health Administration

Section 1 Violation Data	1 1		
1. Date Mo Da Yr 2. Time (24 Hr. Clock)		3. Citation/Order	
0 7 0 1 0 8 0 7 0	0	Number	4 4 1 0 0 0 1
4. Served To	5. Operator	Tuniou	
Joe Doe, Co-owner	Big Lick Coal Company		
6. Mine	7. Mine ID		
Big Lick No. 1	6 4 - 0 7 1	1 5 3 - (co	ntractor)
8. Condition or Practice	04-07	8a. Written No	,
8. Condition of Flactice		oa. witten No	Juce (105g)
On 7/1/08, Joe Doe, partner and mine foreman, refused to allow P	aul longs on authorized represent	ative of the Secretary entr	winto the Dig Liek
No. 1 Mine for the purpose of conducting an inspection of the min			
could not enter the mine to conduct any inspection without a searc This condition has not been designated as "significant and substan			
mandatory safety or health standard.	that because the conduct violated	a provision of the Mille A	
mandatory safety of nearth standard.			
	See Conti	nuation Form (MSHA For	m 7000-3a)
9. Violation A. Health			
9. Violation A. Health Safety B. Section	C. Part/Section of		
Other of Act 1 0 3 - a	Title 30 CFR		
Section II Inspector's Evaluation	The 50 CFR		
10. Gravity:			
A. Injury or Illness (has) (is): No Likelihood X Unlikely	Reasonably Likely	Highly Likely	Occurred
B. Injury or Illness could rea-			
sonably be expected to be: No Lost Workdays X I	Lost Workdays or Restricted Duty	Permanently Disa	bling Fatal
C. Significant and Substantial (See Reverse): Yes N	o X	D. Number of Persons At	ffected 0 0 0
11. Negligence (check one)			
A. None B. Low C. Mode	rate D. High	X E. Reckless	s Disregard
12. Type of Action	13. Type of Issuance (check one)		
			Witten Nation
1 0 4 - a - ,	Citation X Order	Safeguard W	Vritten Notice
14. Initial Action D. V	Vritten E. Citation/	F. Dated	d Mo Da Yr
		1. Dated	
A. Citation B. Order C. Safeguard N	otice Order		
15. Area or Equipment			
13. Alea of Equipment			
16. Termination Due Mo Da Yr			
A. Date B. Time (24			
0 7 0 1 0 8 Hr. Clock)	0 7 4 5		
Section III Termination Action			
17. Action to Terminate			
18. Terminated Mo Da Yr			
A. Date B. Time (24 Hr Cloc	k)		
Section IV Automated System Data			
19. Type of Inspection 20. Event Number	21. Primary or Mill		
	0 8 0		
22. Signature		23. AR Num	her
-		23. mix mulli	
Paul Jones			2 9 3 2 0
MSHA Form 7000-3 Mar 85 (Revised)			

104(a) CITATION - DENIAL OF RIGHT OF ENTRY

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 0 8 3 4	3. Citation/Order 4 4 1 0 1 6 2
4. Served To	5. Operator
FRED BIRCH, OWNER	F. B. MINING COMPANY
6. Mine F. B. MINE	7. Mine ID 5 6 - 0 9 9 9 9 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
Mr. Fred Birch, owner and operator of the F. B. Mining Company, contright of entry into the F.B. Mine for the purpose of conducting an inspec	
Section 103(a) of the Federal Mine Safety and Health Act of 1977.	and of the finite in accordance with the requirements of
· · · · · · · · · · · · · · · · · · ·	
NOTE: Section I. Item 9B, is completed with 103(a). Items 10 and 11	are not completed. Item 15 is completed with the phrase "No Area Affected."
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section Other of Act 1 0 3 -	C. Part/Section of
Other of Act 1 0 3 - a I Section II Inspector's Evaluation Image: Section II	Title 30 CFR . <t< td=""></t<>
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-	
	st Workdays or Restricted Duty 🔲 Permanently Disabling 🗌 Fatal 🗌
C. Significant and Substantial (See Reverse): Yes No	D. Number of Persons Affected
11. Negligence (check one)	
A. None B. Low C. Moderat	
12. Type of Action 1 0 4 - b - ,	3. Type of Issuance (check one) Citation Order X Safeguard Written Notice
14. Initial Action D. Wr A. Citation X B. Order C. Safeguard	
T5. Area or Equipment	
NO AREA AFFECTED	
Intermination Due Mo Da Yr A. Date B. Time (24) Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr A. Date Mo I I B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) $\mathbf{E} \begin{bmatrix} 2 & 7 \end{bmatrix}$ $\begin{bmatrix} 0 & 0 & 7 & 3 \end{bmatrix}$	
22. Signature	23. AR Number
JOHN SMITH	0 1 9 9 9
MSHA Form 7000-3 Mar 85 (Revised)	

104(b) ORDER - DENIAL OF RIGHT OF ENTRY

Mine Safety and Health Administration

Section 1 Violation Data		
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 0 8		0 2
4. Served To	5. Operator	
Joe Doe, Co-owner	Big Lick Coal Company	
6. Mine Big Lick No. 1	7. Mine ID 6 4 - 0 7 1 5 3 - (contractor)	
8. Condition or Practice	8a. Written Notice (103g)	
	es, an authorized representative of the Secretary, the right of entry into the Big Lick nine in accordance with the requirements of Section 103(a) of the Act.	<u> </u>
No. 1 Mille for the purpose of conducting an inspection of the fill	ane in accordance with the requirements of Section 105(a) of the Act.	
	See Continuation Form (MSHA Form 7000-3a)	
9. Violation A. Health		-
Safety B. Section	C. Part/Section of	
Other of Act 1 0 3 - a	Title 30 CFR	
Section II Inspector's Evaluation 10. Gravity:		
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred	
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays	Lost Workdays or Restricted Duty Permanently Disabling Fatal	
	No D. Number of Persons Affected	
11. Negligence (check one)	D. Number of Ferson's Affected	
A. None B. Low C. Mode	erate D. High E. Reckless Disregard	
12. Type of Action	13. Type of Issuance (check one)	_
1 0 4 - b - , – –	Citation Order X Safeguard Written Notice	
14. Initial Action D.	Written E. Citation/ F. Dated Mo Da	Yr
A. Citation X B. Order C. Safeguard N	Notice Order	
16 A E. '	Number 4 4 1 0 0 1 0 7 0 1	0 8
15. Area or Equipment No area affected.		
No area affected.		
16. Termination Due Mo Da Yr		
A. Date B. Time (24 Hr. Clock)		
Section III Termination Action		
17. Action to Terminate		
18. Terminated Mo Da Yr		
A. Date B. Time (24 Hr Clo	ock)	
Section IV Automated System Data		
19. Type of Inspection 20. Event Number	21. Primary or Mill	
22. Signature	23. AR Number	
Paul Jones MSHA Form 7000-3 Mar 85 (Revised)		2 0

104(b) ORDER - DENIAL OF RIGHT OF ENTRY

Mine Citation/Order Continuation

U.S. Department of Labor

Mine Safety and Health Administration

Section 1 Subs																				
1. Subsequent A	ction 1a. C	Continuation		ted riginal Issue)	Mo 	Da	Yr		3.	Citati Numl		Order								
			x -	8																
4. Served To						5. Op	erator													
John Smith, A	Assistant Fo	reman							lompa	any, In	с.									
6. Mine						7. Mi	ine ID		ΠÎ	ГП										
No. 1								4 4	- 0	3 5	3 6	5 -		(contr	acto	r)			
Section Il Just	ification for	Action																		
Purpose - Thi	s inspectior	n was condu	icted to	investigate a	compla	int dat	ted 7/2	2/08 a	ıllegir	ng that	dang	gerou	s loos	se co	oal, co	oal d	lust,	and		
float coal dus	t have accu	mulated thr	oughou	t the 2 south b	oelt enti	ry.														
Negative Find	lings -The e	entire 2 sou	th belt e	entry was exar	nined a	and acc	cumula	tions	of loc	ose coa	l, coa	al dus	st or f	loat	coal	dust	t wer	e not	four	nd.
This example																				
are alleged to								ards	must	be add	iresse	ed by	issui	ing a	ı citat	ion	or or	der		
or by providin	ng written n	otification	that eac	h alleged haza	ard did	not ex	ist.													
													~	~			_			_
													Se	e Co	ontinu	atio	n Fo	rm		
Section III Sub	osequent Ac								1											
8. Extended To		Mo Da							~		_		_			—				_
	A. Date			B. Time (24 I	Hr. Clo	ck)			C. V	acated		D	. Ter	mina	ated		E. N	4odif	ied	
Section IV Ins	1						 													
9. Type of Inspe			Event N																	
	ΕC	3		0 8	8 8 8	8 8 0	1													
																<u></u>			-	
11. Signature					R Numb		. Date					3. Tii	me (2	4 H	r. Clo	ck)				
James Lee				2 0	077	7		0	7 2	2 3 0	8							1 () 3	0
MSHA Form 70	00-3a, Mar	85 (Revised	d)																	

103(g) HAZARD COMPLAINT INSPECTON NOTICE OF NEGATIVE FINDINGS

Mine Safety and Health Administration

Castian 1 Wielstian Data	
Section 1 Violation Data 1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
1. Date Mo Da 11 2. Time (24 HI. Clock) $0 7 0 2 0 8$ 1 3 4	
4. Served To	5. Operator
J.R. JOHNSON, SAFETY DIRECTOR	ABC MINING COMPANY
6. Mine	7. Mine ID
ABC MINE AND MILL	7 5 - 0 9 1 3 3 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
A mine fire occurred at the 2315 level near the power substation. Se	even miners are trapped behind a barricade erected on the No. 7 Gangway.
This entrapment was confirmed by the mine foreman in a telephone	conversation with one of the trapped miners. Contact with the
trapped miners was lost just before 0930 hours. All persons are proh	ibited from entering the mine with the exception of a 6-person rescue
team which must coordinate with the Fresh Air Base to determine if	
team must be at the Fresh Air Base while the other team is pursuing	the rescue effort.
NOTE: The Gravity and Negligence Sections are not completed.	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	C. Dert/Centien of
Safety B. Section Other of Act -	C. Part/Section of Title 30 CFR
Section II Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lo	ost Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	D. Number of Persons Affected
11. Negligence (check one) A. None B. Low C. Modera	te D. High E. Reckless Disregard
12. Type of Action	13. Type of Issuance (check one)
1 0 3 - j - ,	Citation Order X Safeguard Written Notice
14. Initial Action D. Wri	tten E. Citation/
A. Citation B. Order C. Safeguard Not	tice Order
15. Area or Equipment	i vullioor
ENTIRE MINE	
16 Tompingting Days I Mal Dal Val	
16. Termination Due Mo Da Yr A. Date I I B. Time (24)	
Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
	5 1 1
22. Signature	23. AR Number
JOHN SMITH	0 1 9 9 9
MSHA Form 7000-3 Mar 85 (Revised)	

103 (j) ORDER - CONTROL OF RESCUE AND RECOVERY OPERATIONS

Continuation

U.S. Department of Labor

Mine Safety and Health Administration

Section 1 Subsequent Action	n/Continuat	ion Data								
1. Subsequent Action 1a. Co			Mo	Da Y	r	3. Cit	ation/Order			
Χ		(Original Issue)	07	2 5 0	8	Nu	mber	4 4 1	0 0 0 6 -	0 1
4. Served To				5. Operato	or					
John Smith, Assistant Fore	man			J and	S Coal C	Company, Ir	nc.			
6. Mine				7. Mine II)					
No. 1					4	4 0 3 5	3 6 -	(contrac	tor)	
Section II Justification for A	Action									
Order No. 4410006 dated 7	7/25/08 is h	ereby modified to pe	rmit re	ehabilitatio	n of the	2 south sec	tion accordi	ing to the agreed	upon plan date	17/25.
All items listed on this plan								6	- I · I · · · · ·	
								See Continuat	ion Form	
Section III Subsequent Activ	on Takan									
8. Extended To	Mo Da	Yr			ТТ					
A. Date		B. Time (24 H	Ir. Clo	ock)		C. Vacate	ed D	D. Terminated	E. Modified	i X
Section IV Inspection Data 9. Type of Inspection	10 E	vent Number	п							
E 0			8 8	8 0 8						
11. Signature		AR	Num	ber 12. Da	ate	Mo Da	Yr 13. Ti	me (24 Hr. Clock	()	
James Lee		2 0	7 7	7		0 8 0 5	0 8		0 9	0 0
		• •								· · · · ·

MSHA Form 7000-3a, Mar 85 (Revised)

103(j) ORDER - MODIFICATION

Continuation

U.S. Department of Labor

Mine Safety and Health Administration

Section 1 Subseq	uent Action/Con	ntinuation	Data													
1. Subsequent Acti	on 1a. Cont	inuation	2. Dated	Mo	Da	Yr		3. Ci	itation/Or	der						
X			(Original Issue)	0 7	2 5	0 8		Nu	umber		4	4 1	0 0	0	6 -	0 2
4.0 175		-				Ļ	ļ									
4. Served To					5. Ope		G									
John Smith, Assis	tant Foreman						Comp	any, Inc.		<u> </u>						
6. Mine					7. Min	ne ID										
No. 1							4 4	0 3 5	3 6	-		(cont	ractor)			
Section Il Justific	cation for Action	n														
Ventilation has	been restored to	o the No 2	south section. An e	xamin	ation of	f the m	ine wa	is made a	and sampl	es of th	e mi	ne atn	osphe	re did	not	reveal
the presence of									and sump	00 01 01			iospiie	10 010	nov	<u>tovour</u>
ł																
										S	See C	ontin	uation	Form		
Section 111 Subse	quent Action T	aken														
8. Extended To		Io Da	Yr													
	A. Date		B. Time (24 H	Ir. Clo	ck)			C. Vaca	ted	D. Te	ermin	ated	XE	E. Moc	lified	1
													-			
Section IV Inspec	ction Data															
9. Type of Inspectio	on	10. Eve	ent Number													
	E 0 1		0 8	8 8 8	8 8 0	9										
11. Signature			A T		iber 12	Dete	N	Io Da	Yr 13.	Time	<u>()</u> / I		ab)		Т	
11. Signature						. Date	N			i iiile ((∠ 4 ∏	u. Cit	UK)			
James Lee			2 (0 7 7	7		0	8 0 5	0 8						09	0 0
MSHA Form 7000	-3a, Mar 85 (Re	evised)														

103(j) ORDER - TERMINATION

Mine Safety and Health Administration

Section 1 Violation Data	
Mo Da Yr 2. Time (24 Hr. Clock) 0 9 0 0	3. Citation/Order Number4410164
4. Served To 5. Operator	
JAMES JOHNSON, MINE SUPERINTENDENT J.H. MINING COMPANY,	INC.
6. Mine 7. Mine ID 7. Mine ID	
	0 1 3 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
A fatal accident occurred at this operation on July 2, 2008, when two miners were attempting to blast	
point area. This order is issued to assure the safety of all persons at this operation. It prohibits all act	ivity at the No. 4 draw point area
until MSHA has determined that it is safe to resume normal mining operations in the area. The mine	
from an authorized representative for all actions to recover and/or restore operations to the affected ar	ea.
NOTE: The gravity and negligence sections are not completed nor is a termination due date establis	ahad
NOTE. The gravity and negrigence sections are not completed not is a termination due date establis	sneu.
See Contin	uation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section C. Part/Section of	
Other of Act - Title 30 CFR	
Section II Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely	Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty	Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	D. Number of Persons Affected
11. Negligence (check one) A. None B. Low C. Moderate D. High	E. Reckless Disregard
12. Type of Action 1 0 3 - k - - 13. Type of Issuance (check one) Citation Order	X Safeguard Written Notice
14. Initial Action D. Written E. Citation/ A. Citation B. Order C. Safeguard Notice Number Number Number	F. Dated Mo Da Yr
15. Area or Equipment	
NO. 4 DRAW POINT AREA	
16. Termination Due Mo Da Yr A. Date I I B. Time (24 Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
18. Terminated A. Date Mo Da Yr B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or Mill	
(activity code) $E 0 6$ 0 0 7 3 5 1 2	
22. Signature	23. AR Number
-	
JOHN SMITH MSHA Form 7000-3 Mar 85 (Revised)	0 1 9 9 9
IVISTIA FUTIT / UUU-J IVISTOJ (KEVISEU)	

103(k) ORDER - CONTROL AND CONSULTATION DURING RESCUE AND RECOVERY OPERATIONS

Continuation

U.S. Department of Labor

Mine Safety and Health Administration

Section 1 Subsequen	t Action/Continuat	ion Data				
1. Subsequent Action	1a. Continuation	2. Dated	Mo	Da	Yr	3. Citation/Order
X		(Original Issue)	0 7	0 2	0 8	Number 4 4 1 0 1 6 4 - 0 1
4. Served To				5. Op	erator	
JAMES JOHNSON	I, MINE SUPERIN	TENDENT		J.	H. MIN	ING COMPANY, INC.
6. Mine				7. Mii	ne ID	
JACKSON HOLE	MINE					5 6 - 0 0 0 1 3 - (contractor)
Section Il Justification	on for Action					
Order #4410164 is	terminated. Condit	tions that contributed	to the	e accide	ent have	e been corrected and normal mining operations can resume.
						See Continuation Form
Section Ill Subseque						
8. Extended To A. D	Mo Da	Yr B. Time (24 H	Ir. Clo	ock)		C. Vacated D. Terminated X E. Modified
Section IV Inspectio						
9. Type of Inspection	E 0 6	vent Number 0 0	73	5 1	2	
11. Signature		AR	Num	ber 12	2. Date	Mo Da Yr 13. Time (24 Hr. Clock)
JOHN SMITH		0 1	99	9		0 7 0 3 0 8 0 8 1 5
MSHA Form 7000-3a	, Mar 85 (Revised)					

103(k) ORDER - TERMINATION

Mine Safety and Health Administration

Section 1 Y	Violation Da	ta																			
1. Date	Mo Da 0 8 1 0		e (24 Hı	: Cloc	:k)	0 8	3 0 (3.	Cita Nun		Order			4 1		0 7
4. Served To		0 0				0 0			Dperat	or				INUII	ibei			4	+ 1	0 0	0 7
	th, Mine For	eman							•		l Comp	anv Ir	nc								
6. Mine		eman						_	Aine I							ТТ	1				
No. 1										4	4 -	0 3	53	6	_		(cc	ontract	or)		
8. Condition	or Practice											0.0	00	Ŭ		a. Wri			(103g))	
																			(
The mine	has experier	nced a fatal tr	ack hau	lage a	ccident	along	g the 1	0 lef	t haul	way.	This O	rder is	issued	to er	nsure	the sa	fety of	f any			
person in	the coal min	e until an exa	minatio	n or ir	ivestiga	ation	is ma	de to	deter	nine t	hat the	10 left	haulw	ay is	safe.	Only	those				
		company off										r perso	ons wh	o are	deen	ned by	MSH	A to			
have info	ormation relev	vant to the inv	vestigati	on ma	y enter	or re	main	in the	e affe	cted an	rea.										
											Se	e Cont	tinuatio	on Fo	orm (l	MSHA	Form	n 7000	-3a)		
9. Violation	A. Health						ТТ									T		ТТ	TT	ТТ	$\overline{\Box}$
	Safety	B. Secti							C		/Sectior										
	Other	of Ac	rt		-					Title	30 CFI	2									
	Inspector's E	Evaluation																			
10. Gravity: A. Injury		as) (is): No	Likeliho	ood	Unl	ikely		R	leasoi	nably	Likely		F	lighl	y Lik	ely		0	ccurre	d	
	ry or Illness c																				
sonal	bly be expect	ed to be: N	o Lost V	Workd	lays		Lo	st Wo	orkday	/s or F	Restricte	ed Dut	у	P	Perma	nently	v Disał	oling]]	Fatal	
C. Signi	ificant and Su	ubstantial (Se	e Revers	se):	Yes		No						D. 1	Numł	per of	Perso	ons Af	fected		ТТ	
11. Negliger A. Non	nce (check on	ne) B. Lo	ow			С. М	oderat	e			D. H	igh]		E. R	eckles	s Disr	egard		
12. Type of	Action		П	П	Ш		1	3. Ty	pe of	Issuar	nce (che	eck on	e)								
	1	03-k-	,		-	-		Ci	tation] (Order	Х		Safeg	guard		Wri	tten No	otice	
14 7 14	·						<u>.</u>		<u> </u>	E C	· · · ·									-	v
14. Initial A A. Cita		Order	C. Safe	eouard		D	. Wri Noti		- I		itation/ rder					F.	. Dated	1	Mo	Da	Yr
n. chu			C. Dai	eguare	* LLI		11011	L	-		umber										
15. Area or	Equipment														-	-					
Entire 10	left track ha	ulway and eq	uipment	: invol	ved in t	the ac	cciden	t.													
	1																				
16. Termina		Mo I	Da Y	r	р . т:	(2)	1														
	A. 1	Date			B. Tin	ie (24 Cloc															
Section III -	- Termination	n Action			111.	CIOC	к)	11													
17. Action to																					
The 10 le	ft track hauly	way and the e	quipme	nt invo	olved in	the t	fatal h	aulag	ge acc	ident	has bee	n exan	nined a	nd it	has t	been d	etermi	ned th	at it is		
		mining operation																			
18. Termina	ted	Mo Da	Yr	1				11	11	1											
	A. Dat	e 0 8 1 0		В. Т	Time (24	4 Hr	Clock) 1	60	0											
		System Data								<u> </u>											
19. Type of	Inspection	20.	Event N	lumbe	r [21	. Prin	nary or	Mill		II							
		E 0 6			0	8 8	888	3 1	1												
22. Signatur	e														1	23. AF	R Num	ber			
James Le																			2	0 7	7 7
MSHA Form	n 7000-3 Ma	r 85 (Revised)																		

103(k) ORDER - ISSUANCE AND TERMINATION

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

Section I \	Violation D	Data																			
1. Date	Mo D	Da Yr	2. Tim	e (24 H	r. Cloc	k)							3.	Citat	ion/Or	der					Τ
		6 0		- (- · · ·		,	1 3	3 0	0				-	Num			4	4 1		6	8
4. Served To		00	0				1.		_	5. Operator				INUIT	bei		-	- 1	•		0
		IEVEI	FOREMA	N						ABLE MININ	NG ING	7									
6. Mine	Z ADAMS,		TOKEMA							7. Mine ID		<u>_</u> .	П	П	ТТ						
	UBLE M N	/INE								5	7 -	0 6	7 8	9.	-	(co	ontract	or)			
8. Condition	or Practio	ce													8a. V	Vritten N		,)		
										e underground s								d. Tl	he Safe	ety	
										had been instru											
flammab	le liquids.	. Sever	al large mi	ılti-purp	pose fi	re extin	guish	ners v	vere	e in the area wh	ich rec	luced t	the cha	ances	of a fi	re spread	ing.				
											Se	e Cont	tinuati	on Fo	rm (MS	SHA Forr	n 7000)-3a)			
9. Violation	A. Health	n I			П	П									ТТ	ТТТ					T
	Safet	у 🗌	B. Sect	ion						C. Part	/Sectio	n of									
	Other		of A	ct		-				Title	30 CF	R		Ę	57.	4 1	0 1				
Section II 10. Gravity:		's Evalu	ation																		
A. Injury o		(has) (is): No Lik	elihood		Un	likely	Х		Reasonably L	ikely		I	Highly	Likely		0	ccurre	əd		
	ry or Illnes												_					_	1		_
sona	ably be ex	pected	to be:	No Lost	Work	days	Х	Lo	ost	Workdays or Re	estricte	d Duty	′	J P	erman	ently Dis	abling		Fatal		
C. Sign	ificant and	d Substa	antial (See	Revers	e):	Yes		No		Х			D.	Numb	er of F	Persons A	Affecte	d	(0 0) 5
11. Negliger A. Non	`	k one)	B. L	wc			C. M	odera	ate		D. H	ligh	Г	1	E	. Reckle	ss Dis	regar	d	7	
12. Type of	Action	ĪTT		ТТ	$\overline{\Box}$				13	. Type of Issuan	ce (ch	ack on	<u></u>							_	
12. 1990 01	/ lolion	1 0	4 - a	- ,		-		-	10.	Citation X		Drder] s	afegua	ard	Wr	itten	Notice]
14. Initial Ac	tion						D	. Wr	itte	en E. Ci	itation/					F. Date	d	Мо	Da	Yr	
A. Cita	tion	B. Or	der	C. Sa	feguar	d		No	tice		rder										1
15. Area or	Equipmen	nt								INU	umber										
		_																			
16. Termina	tion Due	A. Date			/r	B. Tim	ne (24	1													
O a ati a m III	Tamatiant			0 6 0	8	Hr.	Cloc	k)		1 6 0 0											
Section III 17. Action to			on																		
			IGNS WE	RE PO	STED	IN AP		PRIA	TF	AREAS OF TH	IF SHO	DP									
1001	to billon		10110 111	ILL I U	JILD		ROI	iun i	112			<u>.</u>									
18. Termina		Date	Mo Da	Yr 6 0 1	В. Т	ime (24	4 Hr C	Clock)	1 5 3 5											
Section IV	- Automat	ed Syst																			
19. Type of				Event	Numbe	er		Π		21. Prim	nary or	Mill									
(activ	ity code)	E	0 1			0	3 4	1 5	6	78	-										
22. Signatur		1=1					-	-	-	-					23.	AR Num	ber			Т	
BILL WIL																		0	2 :	5 5	5
MSHA Form		lar 85 (Revised)																<u> </u>		1 3
	1000-51	nai 00 ((Ceviseu)																		

104(a) CITATION - "NON-S&S"

Mine Safety and Health Administration

Section 1 Violation Data
Mo Da Yr 2. Time (24 Hr. Clock) 0 8 4 5 0 7 2 0 0 8 4 5 3. Citation/Order 4 4 1 0 0 0 3
4. Served To 5. Operator
John Smith, Assistant Foreman J and S Coal Company, Inc.
6. Mine ID No. 1 7. Mine ID 4 4 - 0 3 5 3 6 - (contractor)
8. Condition or Practice 8a. Written Notice (103g)
Energized insulated power wires were not passing through insulated bushings where they entered a power control switchbox on the Labour water pump at the northeast pumping station. The wires were resting against the metal frame of the switchbox, and there was no apparent damage to the
insulation.
(The wrong section number has been used on purpose in this example. See Example 5 for modification.)
See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health
9. Violation A. Heattin Safety B. Section Other of Act - Title 30 CFR 7 5 5 1
Section II Inspector's Evaluation
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely X Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty X Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No X D. Number of Persons Affected 0 0 1
11. Negligence (check one) A. None B. Low C. Moderate X D. High E. Reckless Disregard
12. Type of Action
1 0 4 - - - Citation X Order Safeguard Written Notice
14. Initial Action D. Written E. Citation/ F. Dated Mo Da Yr A. Citation B. Order C. Safeguard Notice Order Number Image: Constraint of the second seco
15. Area or Equipment
16. Termination DueMoDaYrA. DateMoDaYr 0 72108Hr. Clock)080
Section III Termination Action
17. Action to Terminate
18. Terminated A. Date Mo Da Yr B. Time (24 Hr Clock)
Section IV Automated System Data
19. Type of Inspection (activity code) 20. Event Number 21. Primary or Mill
22. Signature 23. AR Number
James Lee 2 0 7 7 MSHA Form 7000-3 Mar 85 (Revised) 2 0 7 7

104(a) CITATION - "NON-S&S"

Mine Citation/Order Continuation

U.S. Department of Labor

Mine Safety and Health Administration

Section I Subsequent Action/Continuation Data											
1. Subsequent Action 1a. Continuation 2. Dated X (Original	Mo al Issue) 0 7	Da Yr 2 0 0 8	·	3. Citat Num	ion/Order ber	4	4 4	1 0	0 0	03-	0 1
4. Served To		5. Operator									
John Smith, Assistant Foreman		J and S C	oal Com	pany, In	с.						
6. Mine		7. Mine ID									
No. 1			4 4 -	0 3 5	3 6 -		(co	ntrac	ctor)		
Section II Justification for Action											
The energized power wires entering a power control provided with insulated bushings. A power failure re											
						See	Cont	inua	tion F	Form	
Section Ill Subsequent Action Taken 8. Extended To Mo Da Yr											
	ime (24 Hr. Clo		0 0 C.	Vacated	D. '	Term	inate	ed	E .	Modif	ïed 🗌
Section IV Inspection Data											
9. Type of Inspection E 0 1 10. Event Number	er 0 8 8 8	8 0 0	_	_		_	_	_		_	
11. Signature	AR Numb	per 12. Date	Мо	Da Y	r 13. Tim	e (24	Hr. (Cloc	k)		
James Lee	2 0 7 7	7	07	2 1 0	8					0 8	8 3 0

MSHA Form 7000-3a, Mar 85 (Revised)

104(a) CITATION - EXTENSION

Continuation

U.S. Department of Labor

Mine Safety and Health Administration

Section 1 Subsequent Action/Continuat	ion Data												
1. Subsequent Action 1a. Continuation	2. Dated	Mo	Da	Yr	3. Citation/Order								
X 🗌	(Original Issue)	0 7	2 0	0 8	Number	4	4	1	0	0 () 3	- 0	2
4. Served To			5. Ope	rator		-							
John Smith, Assistant Foreman			Ja	nd S (Coal Company, Inc.								
6. Mine			7. Min										
No. 1					4 4 - 0 3 5 3 6 -		(cc	ontr	acto	or)			
Section II Justification for Action			1				X · · ·			- /			
The power wires were entered through	insulated bushings i	nto th	e powe	r cont	rol switches on the Labour wate	r pu	mp						
at the northeast pumping station.													
					S	See	Con	ntin	uati	ion I	Form	Г	
					-		001						
Section III Subsequent Action Taken													
8. Extended To A. Date Mo Da	$\begin{bmatrix} Yr \\ B. Time (24 H) \end{bmatrix}$	Ir. Clo	ock)		C. Vacated D. Te	ermi	nate	ed	Х	E. I	Mod	ified	
Section IV Inspection Data													
	vent Number												
E 0 1	0 8	88											
11. Signature	AR	Num	ber 12	. Date	Mo Da Yr 13. Time ((24)	Hr.	Clo	ock))			
James Lee	2 0	7 7	7		0 7 2 3 0 8						0	8 0	0
	• •												

MSHA Form 7000-3a, Mar 85 (Revised)

104(a) CITATION - TERMINATION

Mine Citation/Order Continuation

U.S. Department of Labor

Mine Safety and Health Administration

	uent Action/Continuat									_					
1. Subsequent Acti	on 1a. Continuation	2. Dated	Mo		Yr		3. Citation/Order	Τ				IT		Τ	
X		(Original Issue)	0 7	2 0	0 8	8	Number	4	4	1	0	0	0 3	- (0 3
4.0		<u> </u>				1	1			L		ட			
4. Served To	· · · F			5. Ope			T								
John Smith, Ass	sistant Foreman					Coal Cor	mpany, Inc.	-	1						
6. Mine				7. Mir	ne ID										
No. 1 Section II Justifie	cation for Action			ļ		4 4 -	0 3 5 3 6 -		(co	ont	trac	tor)			
Section II Justing															
Citation No. 44	10003, issued for a vic	plation of 30 CFR 75.	.514 is	modifi	ied in	Item 9 C	to show the correct se	ctio	n nu	ım	ber	30 (CFR	75.5	15.
(Modification to	o correct wrongly cited	l section number of th	he regu	ulations	s.)										
										—					
										_					
										—					
										_					
										_					
								See		nti	inus	ation	For	пГ	<u></u>
								500			Inde	on	1 011	" L	<u> </u>
8. Extended To	equent Action Taken Mo Da	Yr			п	<u></u>									
	A. Date	B. Time (24 F	Ir Clo	ock)		C	. Vacated D. T	erm	inat	ed		E	Mod	lified	1 X
			III. CIU)en)				UIIII	mat	eu			11100		• •
Section IV Inspe	ction Data	• • •			• •										
9. Type of Inspecti	on 10. E	vent Number								_					
	E 0 1	0 8	8 8 8	8 0	0										
11. Signature			Num	ber 12	Date	e Mo	Da Yr 13. Time	(24	Hr	C^{1}	ock	<u>.</u>			
-			ТТ		2. Dat			(24		CI	JULA	.)			
James Lee		2 0	077	7		0 7	7 2 3 0 8						1	0	0 0
MSHA Form 7000	-3a, Mar 85 (Revised)														

104(a) CITATION - MODIFICATION

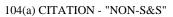
Mine Safety and Health Administration

Section 1 Violation Data
Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order 0 7 0 6 0 8 1 3 0
4. Served To 5. Operator
SAMUEL ADAMS, LEVEL FOREMAN MUDDY MINING, INC.
6. Mine 7. Mine ID 7. Mine ID
THE DOUBLE M MINE 5 7 - 0 6 7 8 9 - (contractor)
8. Condition or Practice 8a. Written Notice (103g)
A written record of workplace examinations was not available for review by MSHA. Examinations had been conducted every shift of
each working place and appropriate action had been taken to correct hazardous conditions. However, the operator had failed to record those examinations.
NOTE: Do not issue this citation in conjunction with, or in addition to, a citation for failing to conduct the workplace examination required
under 56/57.18002(a).
Nee Centimation Lower (MBULA Down 7000 2c)
See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health Safety B. Section C. Part/Section of
Salety B. Section Other of Act - Title 30 CFR 5 7 . 1 8 0 0 2
Section II Inspector's Evaluation
10. Gravity:
A. Injury or Illness (has) (is): No Likelihood X Unlikely Reasonably Likely Highly Likely Occurred
B. Injury or Illness could reasonably be expected to be: No Lost Workdays X Lost Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No X D. Number of Persons Affected 0 0
11. Negligence (check one) A. None B. Low C. Moderate X D. High E. Reckless Disregard
12. Type of Action 13. Type of Issuance (check one)
$1 0 4 - a - , \qquad - \qquad - \qquad Citation \qquad X Order \qquad Safeguard \qquad Written Notice \qquad -$
14. Initial Action D. Written E. Citation/ F. Dated Mo Da Yr A. Citation B. Order C. Safeguard Notice Order I I I I
15. Area or Equipment
16. Termination DueMoDaYrA. Date 0 70608Hr. Clock)1600
Section III Termination Action
17. Action to Terminate
A RECORD OF EXAMINATIONS WAS NOW BEING KEPT AND WAS AVAILABLE FOR REVIEW BY MSHA.
18. TerminatedMoDaYrA. DateMoDaYr 0 7060888
Section IV Automated System Data
19. Type of Inspection 20. Event Number 21. Primary or Mill
(activity code) E 0 1 0 3 4 5 6 7 8
22. Signature 23. AR Number
BILL WILLIAMS 0 2 5 5
MSHA Form 7000-3 Mar 85 (Revised)

104(a) CITATION - NON-"S&S"

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 0 8 0 0	3. Citation/Order Number 4 4 1 0 1 7 0
4. Served To 5. Operator	
LEFTY JONES, SAFETY DIRECTOR WHEAT MINI	NG COMPANY
6. Mine 7. Mine ID 5.	5 - 0 0 3 3 3 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
The cab window of the front-end loader was cracked on the driver's side creating a line	
The loader was being operated in the stockpile area. According to the operator, the load	
Other traffic or employees were not in the immediate vicinity. The windshield cracks e numerous smaller cracks radiating from the larger cracks.	xtend two feet vertically by two feet horizontally, with
numerous smaner cracks radiating nom the larger cracks.	
Equipment: 988 Caterpillar front-end loader, #10, Serial Number 234567	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health Safety B. Section Other of Act - C. Part/Se Title 30	
Section II Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely X Reasonably Lik	tely Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost Workdays or Res	tricted Duty Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes No X	D. Number of Persons Affected 0 0 1
11. Negligence (check one)	D. High E. Reckless Disregard
12. Type of Action 13. Type of Issuance	(check one)
1 0 4 - a - , Citation X	
14. Initial Action D. Written A. Citation B. Order C. Safeguard Notice	er IIIIIIIIIIIIIIIIIIIIIII
15. Area or Equipment	
16. Termination Due Mo Da Yr A. Date 0 7 2 2 0 8 Hr. Clock) 1 6 0 0	
Section III Termination Action	
17. Action to Terminate	
18. Terminated A. Date Mo Da Yr B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection (activity code) 20. Event Number 21. Primar 0 4 5 6 7 8 9	y or Mill
22. Signature	23. AR Number
PAULA FIELDS MSHA Form 7000-3 Mar 85 (Revised)	0 3 1 1 1



Continuation

U.S. Department of Labor

Mine Safety and Health Administration

Section 1 Subsequent Action/Continuat	tion Data						
1. Subsequent Action 1a. Continuation	2. Dated	Mo	Da	Yr	3. Citation/Order		
X	(Original Issue)	0 7	08	0 8	Number	4 4 1 0 1 7 0	0 - 0 1
4. Served To			5. Ope	rator			
LEFTY JONES, SAFETY DIRECTO)B		-		MINING COMPANY		
6. Mine	лк		7. Mir				
WMC MINE AND MILL			/. 14111		5 6 - 0 0 3 3 3 -	(contractor)	
Section II Justification for Action						(contractor)	
The loader was removed from the min							•
by the operator. The mine operator w							
cited standard. If the operator does no	ot comply, MSHA wil	l cons	ider his	s actic	ns to be aggravated conduct const	ituting more than ordina	ary
negligence.							
						See Continuation Form	
Section Ill Subsequent Action Taken							
8. Extended To Mo Da	Yr						
A. Date	B. Time (24 H	Ir. Clo	ck)		C. Vacated D. Term	inated X E. Modi	fied
Section IV Inspection Data							
	vent Number		П				
E 1 5	0 3	3 5 7	91	0			
11. Signature	AR	Numł	per 12	. Date	Mo Da Yr 13. Time (24	Hr. Clock)	
JOHN SMITH	0 1	99	9		0 7 1 8 0 8	0	8 3 0
MCHA E- 7000 2- Mar 95 (Dession d)		111					

MSHA Form 7000-3a, Mar 85 (Revised)

104(a) CITATION - TERMINATION EQUIPMENT REMOVED FROM MINE SITE

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 0 8 0 0	3. Citation/OrderNumber441016
4. Served To 5. Operator	
RICHARD MORE CB ENTERPRISE	S
6. Mine 7. Mine ID	
CRUSHED AND BROKEN MINE 5 6 -	0 3 1 1 2 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
The self-cleaning tail pulley of the No. 2 conveyor belt was not guarded. The conveyor w	
but had operated the day before. The guard was lying on the ground. Several feet of dust	
it had not been in place for an extended period of time. Employees were required to work	
The unguarded conveyor tail pulley was within two feet of an active workplace and was vi	sible to anyone in the area. Miners would be
seriously injured if they came in contact with the unguarded pulley.	
	ee Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section C. Part/Section	
Other of Act - Title 30 CF	R 5 6 . 1 4 1 1 2 b
Section II Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely	X Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost Workdays or Restrict	ed Duty Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 1
11. Negligence (check one)	
A. None B. Low C. Moderate X D. H	High E. Reckless Disregard
12. Type of Action 1 0 4 - a - , 13. Type of Issuance (che Citation X Order	
14. Initial Action D. Written E. Citation/	F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notice Order Number	
15. Area or Equipment	
16. Termination Due Mo Da Yr B. Time (24 Da Da Yr A. Date 0 7 0 3 0 8 Hr. Clock) 1 2 0 0	
Section III Termination Action	
17. Action to Terminate	
THE GUARD WAS REINSTALLED ON THE TAIL PULLEY.	
18. TerminatedMoDaYrB. Time (24 Hr Clock)1330	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or	Mill
(activity code) E 0 1 0 0 8 9 6 6 9	
22. Signature	23. AR Number
JANE JONES	0 2 1 3 6
MSHA Form 7000-3 Mar 85 (Revised)	

104(a) CITATION - "S&S"

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 7 0 3 0 8 1 1 0 0	Number 4 4 1 0 1 6 6
4. Served To 5. Operator	
RICHARD MORE CB ENTERPRISES	
6. Mine 7. Mine ID	
CRUSHED AND BROKEN MINE 5 6 - 0 1	3 1 1 2 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
A competent person designated by the mine operator was not examining each working place at le	
which could adversely affect safety or health. This was evidenced by the two citations issued this	
machinery guards, one citation issued for failure to repair broken emergency stop cords on conve failure to replace electrical motor junction box covers.	yors, and one citation issued for
Tanute to replace electrical motor junction box covers.	
NOTE: Do not issue a second citation for failing to record the examination [56/57.18002(b)] if a	a citation is issued, as in this case,
for failing to conduct the examination.	
Ver Der	time tion from (MSHA From 7000 2c)
	ntinuation Form (MSHA Form 7000-3a)
9. Violation A. Health Safety B. Section C. Part/Section of	
Other of Act - Title 30 CFR	5 6 . 1 8 0 0 2 a
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-	
sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Du	ty Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes X No 11. Negligenc (check one)	D. Number of Persons Affected 0 0 1
A. None B. Low C. Moderate X D. High	E. Reckless Disregard
12. Type of Action 13. Type of Issuance (check of	
1 0 4 - a - , - Citation X Order	Safeguard Written Notice
14. Initial Action D. Written E. Citation/	F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notice Order	
Number	
15. Area or Equipment	
16. Termination Due Mo Da Yr	
Itermination Due Mo Da II A. Date $ </td <td></td>	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr A. Date I I B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or Mill	
(activity code) E 0 1 0 0 8 9 6 6 9	
22. Signature	23. AR Number
JANE JONES	0 2 1 3 6
MSHA Form 7000-3 Mar 85 (Revised)	

104(a) CITATION - "S&S"

Continuation

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U.S. Department of Labor

Mine Safety and Health Ad	ministration
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Section I Subsequent A	ction/Continuation D	ata												
1. Subsequent Action	1a. Continuation	2. Dated	Mo 0 7	Da	Yr		3. Citation/Order				0 1			0 1
Х		(Original Issue)	0 /	0 0	0 8		Number		4 4			0	9 -	0 1
4. Served To				5. Ope	rator		1		لسطي	<u> </u>	لسط			
SAMUEL ADAMS, L	EVEL FOREMAN			-		Y MININ	IG, INC.							
6. Mine				7. Min	e ID									
THE DOUBLE M MI	NE					57-	06789-		(cr	ontra	ictor)		
Section Il Justification	for Action													
This action is to modif													eceiv	ed
included: the loose sla													1.6.	a d
walk approximately fiv to "Non-S&S". Item 1							Based on this inform	ation	1 the	citat	10n 1	is mo	001110	ea
	OA IS IIIOUIIIeu to ui	linkery and item 10		angeu		Γ.								
								Se	e Co	ntin	uatio	n Fc	orm	П
Section III Subsequent	Action Takan													
8. Extended To	Mo Da	Yr												
A. Da	te	B. Time (24 H	Hr. Clo	ck)		C	. Vacated D.	Tern	ninat	ed] E	. Mo	odifie	ed X
Section IV Inspection I	Data													
9. Type of Inspection	E 0 1 10. E	vent Number 0 3	4 5	67	8									
11. Signature		AR	R Numb	ber 12	. Date	Mo	Da Yr 13. Tim	e (24	Hr.	Cloc	ck)	Т		
PAUL SMITH		0 1	6 5	4									1 2	
MSHA Form 7000-3a, M	ar 85 (Revised)	0 1	65	4		0 7	2 1 0 8						1 3	0 0
11101111111111111111111111111111111111	u 00 (100 1000)													

104(a) CITATION - "S&S" MODIFIED TO "NON-S&S"

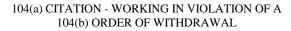
Mine Safety and Health Administration

Section 1 Violation Data		
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 0 7 2 4 0 8	0 8 0 0	3. Citation/Order4410171Number4410171
4. Served To	5. Operator	
LEFTY JONES, SAFETY DIRECTOR	WHEAT MINING COMPAN	NY
6. Mine WMC MINE AND MILL	7. Mine ID 5 6 - 0 0 3	3 3 - (contractor)
8. Condition or Practice	· · · · · · ·	8a. Written Notice (103g)
No apparent effort was made to replace the cracked cab		
in the stockpile area. The loader is hereby ordered withd can observe the windshield in the loader.	frawn from service until the cab window is rej	placed and an MSHA inspector
Equipment: 988 Caterpillar front-end loader, #10, S	erial Number 234567	
Equipment. 900 Caterpinal Hont-end Ioader, #10, 5		
NOTE: Section II, Items 10, 11, 16A and 16B are not co	ompleted. If equipment is ordered withdrawn	from service enter the equipment's
name, model, and serial number (if known) in Ser	ction II, Item 15.	
	See Continu	ation Form (MSHA Form 7000-3a)
9. Violation A. Health		
Safety B. Section	C. Part/Section of	
Other of Act -	Title 30 CFR	5 6 . 1 4 1 0 3 b
Section II Inspector's Evaluation		
10. Gravity:		
	ilikely Reasonably Likely	Highly Likely Occurred
B. Injury or Illness could rea-	Lest Weddene en Destricted Destri	
sonably be expected to be: No Lost Workdays	Lost Workdays or Restricted Duty	Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes	No	D. Number of Persons Affected
11. Negligence (check one) A. None B. Low	C. Moderate D. High	E. Reckless Disregard
12. Type of Action	- 13. Type of Issuance (check one) - Citation Order	Safeguard Written Notice
		Saleguard Witten Notice
14. Initial Action A. Citation X B. Order C. Safeguard	D. Written E. Citation/ Notice Order 4 4 1	0 1 7 0 F. Dated Mo Da Yr 0 1 7 0 0 7 0 8 0 8
15. Area or Equipment		
CATERPILLAR FRONT-END LOADER (MODEL 988	3, SERIAL #234567)	
16. Termination Due Mo Da Yr		
A. Date B. Tir	me (24 . Clock)	
Section III Termination Action		
17. Action to Terminate		
17. Tedon to Terminate		
18. Terminated Mo Da Yr A. Date I I B. Time (2)	24 Hr Clock)	
Section IV Automated System Data		
19. Type of Inspection 20. Event Number	21. Primary or Mill	
(activity code) E 1 5	0 3 5 7 9 1 3	
22. Signature		23. AR Number
JOHN SMITH		0 1 9 9 9
MSHA Form 7000-3 Mar 85 (Revised)		

104(b) - ORDER OF WITHDRAWAL

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order 0 7 2 7 0 8 0 9 0 0 9 0 1 8	8
4. Served To 5. Operator	
LEFTY JONES, SAFETY DIRECTOR WHEAT MINING COMPANY	
6. Mine 7. Mine ID 5 6 0 0 3 3 - (contractor)	
8. Condition or Practice 8a. Written Notice (103g)	\square
The mine operator is continuing to operate the Caterpillar 988 front-end loader even though a 104(b) order #4410171 for non-compliance	
was issued by MSHA on July 24, 2008. This order required the loader to be removed from service until a cracked cab window was repaired.	
The loader was loading trucks in the plant on July 27, 2008. The foreman stated that they had production to worry about and did not have	
time to shut the loader down and replace the window. This condition has not been designated as "significant and substantial" because the	
conduct violated a provision of the Mine Act rather than a mandatory safety or health standard. NOTE: Section I, Item 9B, is completed with the section of the mine act violated. Item 9C is not completed. A 104(a), not a 104(d),	
citation is to be issued regardless of the negligence evaluation.	
See Continuation Form (MSHA Form 7000-3a)	
9. Violation A. Health	F
Safety B. Section C. Part/Section of	
Other of Act 1 0 4 - b Title 30 CFR I	
Section II Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood X Unlikely Reasonably Likely Highly Likel Occurred	
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays X Lost Workdays or Restricted Duty Permanently Disabling Fatal	
C. Significant and Substantial (See Reverse): Yes No X D. Number of Persons Affected 0 0	1
11. Negligence (check one)	
A. None B. Low C. Moderate D. High X E. Reckless Disregard	
12. Type of Action 13. Type of Issuance (check one)	
1 0 4 - a - , - - Citation X Order Safeguard Written Notice	I I
	٢r
	8
15. Area or Equipment	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
0 7 2 7 0 8 Hr. Clock) 0 9 3 0	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or Mill	
(activity code) E 1 5 0 3 8 5 1 9 3	
22. Signature 23. AR Number	$ \top$
TED JOHNSON 0 4 7 8	9
MSHA Form 7000-3 Mar 85 (Revised)	لــــــر



Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 0 7 2 1 0 8 0 7 2 1 0 8	3. Citation/Order Number 4 4 0 0
4. Served To 5. Operator	
John Smith, Assistant Foreman J and S Coal Company, Inc.	с.
6. Mine 7. Mine ID	
No. 1 4 4 - 0 3	5 3 6 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
No apparent effort was made by the operator to install a proper bushing where the energized power	er wires go through the metal frame into the
switches of the Labour water pump in the northeast pumping station.	er wites go unough the metal frame into the
switches of the Eucour water pump in the northeast pumping station.	
See Conti	nuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section C. Part/Section of	
Other of Act - Title 30 CFR	7 5 . 5 1 5
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-	
sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty	y Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	D. Number of Persons Affected
11. Negligence (check one) A. None B. Low C. Moderate D. High	E. Reckless Disregard
12. Type of Action 1 0 4 - b - , 13. Type of Issuance (check one Citation Order	e) X Safeguard Written Notice
14. Initial Action D. Written E. Citation/	F. Dated Mo Da Yr
	1 0 0 0 3 0 7 2 0 0 8
15. Area or Equipment Number	
The Labour water pump located at the northeast pumping station	
The Dabbal water pump rotated at the northoldst pumping station	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or Mill	
(activity code) E 0 1 0 8 8 8 0 0	
22. Signature	23. AR Number
James Lee	2 0 7 7 7
MSHA Form 7000-3 Mar 85 (Revised)	

104(b) ORDER OF WITHDRAWAL - FAILURE TO ABATE

Mine Safety and Health Administration

Section 1 V	iolation Data									
1. Date	Mo Da Yr 2. Time (24 Hr. Close	:k)			3	. Citation	/Order			
	0 7 2 1 0 8	1	1 0 0			Number		4	4 1	0 0 0
4. Served To				5. Operator						
	h, Assistant Foreman			J and S Coal Compan	ıy, Inc.			1		
6. Mine				7. Mine ID				<i>.</i>		
No. 1 8. Condition				4 4 - (0 3 5 3	3 6 -	NV.: 44 - 1	(contra		
8. Condition	or Practice					88	i. writter	n Notice	(103g)	
The Labou	r pump was not removed from operatio	n as required	l by Orc	ler of Withdrawal No. 44	10004 da	ated 7/21/0	8 at 0830) hours. '	The Or	der
has not be	en modified, vacated, or terminated. Th	is condition	has not	been designated as "sign						
violated a	provision of the Mine Act rather than a	mandatory s	afety or	health standard.						
				See	Continua	ation Form	(MSHA	Form 70	00-3a)	
9. Violation										
	Safety B. Section			C. Part/Section o	of					
Section II	Other of Act 1 (nspector's Evaluation) 4 - b		Title 30 CFR			•			
10. Gravity:	inspector's Evaluation									
A. Injury c	r Illness (has) (is): No Likelihood X	Unlikel	у	Reasonably Likely		Highly Li	kely] (Occurre	ed 🗌
	or Illness could rea- ly be expected to be: No Lost Workd		Log	Workdays or Restricted		Dorm	on on the F	Disabling		Fatal
							-			
	icant and Substantial (See Reverse):	Yes	No	X	D	. Number	of Person	ns Affecte	ed	0 0
A. None	B. Low	C. M	Ioderate	D. Hig	gh X	ζ	E. Rec	kless Dis	regard	
12. Type of A			13	. Type of Issuance (check	k one)	_		_		_
	1 0 4 - a - ,			Citation X Or	rder	Sa	afeguard	W	ritten N	lotice
14. Initial Ac	tion	D	. Writte	en E. Citation/			F. D	ated	Mo	Da Yr
A. Citati	on 🔲 B. Order 🔀 C. Safeguard		Notic	e Order A	4 4 1	0 0 0	4		0 7	2 1 0
15. Area or E	quipment			Number						
	1 1									
16 5										
16. Terminat	on Due Mo Da Yr A. Date 0 7 2 1 0 8	B. Time (2 Hr. Cloo		1 1 1 5						
Section III	Termination Action	111. Clo	CK)							
17. Action to										
	s removed from service.									
18. Terminat		ime (24 Hr (Clock)	1 1 0 5						
	Automated System Data									
19. Type of I (activi	spection E 0 1 20. Event Numbe		8 8 8	21. Primary or M	lill				_	
22. Signature	5		<u> </u>	0		 	23. AR N	lumber		
James Lee									2	0 7 7
	7000-3 Mar 85 (Revised)									

104(a) CITATION - WORKING IN VIOLATION OF A 104(b) ORDER OF WITHDRAWAL

Continuation

U.S. Department of Labor

Mine Safety and Health Administration

Section 1 Subsequent		n Data										
1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)	Mo 0 7	Da 2 1	$\begin{array}{c c} Yr \\ 0 \\ 8 \end{array}$	3	3. Citation/Order Number	4 4	1 0	0 0	4 -	0 1
		(englina issue)							Ĩ	Ű		
4. Served To	_			5. Oper			_					
John Smith, Assistan	t Foreman					Coal Con	npany, Inc.					
6. Mine				7. Mine	e ID							
No. 1	n for Action					4 4 -	- 03536-	(00	ontract	or)		
Section II Justification	n for Action											
A suitable bushing w	as provided and pro	perly installed at the	point	t where t	he ene	rgized p	ower wires entered the	power c	ontrol	switc	hbox	on
the Labour pump loc			<u>^</u>			<u> </u>		•				
								See Co	ntinuo	tion F	Form	
~								See Co	ntinua		onn	
Section III Subsequen 8. Extended To	t Action Taken Mo Da	Yr			<u> </u>							
A. Da		B. Time (24 H	Ir. Clo	ock)			C. Vacated D. 7	Ferminat	ed X	E. N	lodif	ied
Section IV Inspection	Data											
9. Type of Inspection	E 0 1 10. Eve	ent Number 0 8	8 8	8 0	0							
11.0								(04.11	<u> </u>	<u>`</u>		<u>т г т</u>
11. Signature			Num	iber 12	. Date	Mo	Da Yr 13. Time	e (24 Hr.	Clock)		
James Lee		2 0	77	7		0	7 2 1 0 8				1 2	2 0 0
MSHA Form 7000-3a, I	Mar 85 (Revised)	_										

104(b) ORDER OF WITHDRAWAL - TERMINATION

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 0 8 0 0	3. Citation/Order 4 4 1 0 1 7 2
4. Served To 5. Operator	
PETER JONES, SAFETY DIRECTOR XYZ MINING, INC.	
6. Mine XYZ MINE 7. Mine ID 5 6 - 0 1	0 0 8 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
The headpulley guard was removed and not replaced on the primary crusher discharge conveyor belt or	
employee, Foreman Chester Coombs ordered the guard taken off because it was binding the headpulley	
off ground level, was highly visible, and was turning at a high rate of speed. A laborer usually shovels	
immediately adjacent to the headpulley. Leaving machinery guards off is a violation of the company's and was aware of this policy but that if an employee was careful an injury would not occur. Foreman C	
constituting more than ordinary negligence in that he was aware that the headpulley guard was off and the	
when the machinery was in motion. This violation is an unwarrantable failure to comply with a manda	
	-
	nuation Form (MSHA Form 7000-3a)
9. Violation A. Health Safety B. Section Other of Act - C. Part/Section of Title 30 CFR	5 6 . 1 4 1 1 2 b
Section II Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely X	Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty	Permanently Disabling Fatal X
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 1
11. Negligenct(check one) A. None B. Low C. Moderate D. High	X E. Reckless Disregard
12. Type of Action104-1,13. Type of Issuance (check one) Citation \overline{X} Order	Safeguard Written Notice
14. Initial Action D. Written E. Citation/	F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notice Order Number	
15. Area or Equipment	
16. Termination Due Mo Da Yr A. Date 0 7 0 8 0 8 Time (24 Image: Height of the second	
Section III Termination Action	
17. Action to Terminate	
THE GUARD WAS REPLACED OVER THE PRIMARY CRUSHER DISCHARGE HEADPULLEY REINSTRUCTED ON COMPANY GUARDING POLICY BY THE PLANT MANAGER.	. ALSO, FOREMAN COOMBS WAS
18. Terminated Mo Da Yr	
A. Date 0 7 0 8 0 8 B. Time (24 Hr Clock) 1 0 1 5	
Section IV Automated System Data	
19. Type of Inspection (activity code)20. Event Number21. Primary or Mill012345	
22. Signature	23. AR Number
TED SMITH	0 2 9 3 3
MSHA Form 7000-3 Mar 85 (Revised)	

104(d)(1) CITATION - UNWARRANTABLE FAILURE WITH TERMINATION

U.S. Department of Labor

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 8 1 9 0 8 1 3 3 0	
4. Served To	
John Smith, Mine Foreman	J and S Coal Company, Inc.
6. Mine	7. Mine ID
No. 1	
8. Condition or Practice	8a. Written Notice (103g)
The methane and dust control plan is not being complied with on 1	left section. Line brattice (or other approved device) was not installed for
	entry, where the continuous miner was cutting coal. The plan requires
	penetration of the face. The air at the face contained 0.9 per centum
of methane as indicated by a permissible methane detector. The for	eman, Ray Smith, was directing mining operations in the face and knew
	ged in aggravated conduct by ordering work to be performed in a working
	tions. This violation is an unwarrantable failure to comply with a mandatory
standard.	
	See Continuation Form (MSHA Form 7000-3a)
	See Continuation Form (MISHA Form 7000-5a)
9. Violation A. Health Safety B. Section Other of Act -	C. Part/Section of 7 5 3 3 0 b 2 Title 30 CFR 7 5 .
Section II Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely X Highly Likely Occurred
B. Injury or Illness could rea-	
	t Workdays or Restricted Duty X Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes X No 11. Negligenc (check one)	D. Number of Persons Affected002
A. None B. Low C. Moderate	
12. Type of Action 1 0 4 - d - 1 1	3. Type of Issuance (check one) Citation X Order Safeguard Written Notice
14. Initial Action D. Writt A. Citation B. Order C. Safeguard	
15. Area or Equipment	Number
15. Area of Equipment	
16. Termination DueMoDaYrA. Date081908B. Time (24Hr. Clock)	1 3 4 0
Section III Termination Action	
17. Action to Terminate	
Line brattice was installed to within 10 feet of the face. Methane could	1 not be detected immediately after the brattice was installed.
18. Terminated A. Date Mo Da Yr 0 8 1 9 0 8 B. Time (24 Hr Clock)	
Section IV Automated System Data	· · · · •
19. Type of Inspection (activity code)20. Event Number088	3 0
22. Signature	23. AR Number
James Lee	2 0 7 7 7
MSHA Form 7000-3 Mar 85 (Revised)	

104(d)(1) CITATION - UNWARRANTABLE FAILURE WITH TERMINATION

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 8 1 0 0 8 0 0	
4. Served To 5. Ope	
•	IEAT MINING COMPANY
6. Mine 7. Min	
WMC PORTABLE CRUSHER	5 6 - 0 1 9 7 5 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
8. Condition of Practice	sa. written Notice (105g)
The window of the front-end loader was cracked on the driver's side creati	ng a line of vision problem for the operator. The loader
was operating in the stockpile area. Because of the broken windshield the	
other vehicular traffic and employees in the area. The windshield cracks e	
This loader and condition was cited (#4410168) on July 8, 2008, at anothe	
citation was terminated, the operator was informed in writing that the viola	
removal from that mine site. Further, the operator was informed that they	were required to repair the broken windshield prior to working the
machine at another mine site. The Safety Director stated that there wasn't	
were behind on production. The mine operator has engaged in aggravated	
violation is an unwarrantable failure to comply with a mandatory standard	
Equipment: 988 Caterpillar front-end loader (Serial #234567)	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section Other of Act	C. Part/Section of Title 30 CFR 5 6 . 1 4 1 0 3 b
	11ue 50 CFR 5 0. 1 4 1 0 5 0
Section II Inspector's Evaluation 10. Gravity:	
	sonably Likely X Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost Work	days or Restricted Duty Permanently Disabling Fatal X
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 1
11. Negligence (check one) A. None B. Low C. Moderate	D. High E. Reckless Disregard X
	of Issuance (check one)
$1 0 4 - d - 1 , \qquad Citat$	
14. Initial Action D. Written A. Citation B. Order C. Sateguard Notice	E. Citation/ Order
	Number
15. Area or Equipment	
15. Area of Equipment	
16. Termination Due A. Date Mo Da Yr B. Time (24	
	3 0
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 0 4 5 6 6 1 9	
22. Signature	23. AR Number
	0 1 9 9 9
JOHN SMITH MSHA Form 7000-3 Mar 85 (Revised)	01999

104(d)(1) CITATION - UNWARRANTABLE FAILURE - CITING MINE OPERATOR FOR PREVIOUSLY TERMINATED VIOLATION

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 0 8 1 0	3. Citation/Order Number 4 4 1 0 1 7 4
4. Served To 5. Operator	
PETER JONES, SAFETY DIRECTOR XYZ MINING, INC.	
6. Mine 7. Mine ID	
XYZ MINE 5 6 - 0 1 0	0 8 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
A six-foot section of handrail on the elevated walkway by the coarse gravel bins was missing, exposing	
The fall to ground was estimated to be 18 feet. Mine Foreman, Chester Coombs, was walking along the	
daily route of travel. The missing handrail had been reported to Foreman Coombs on June 27, 2008, in a	
loader operator. Coombs stated he had more important things to worry about than a missing handrail. F	
conduct constituting more than ordinary negligence in that he knew the handrail was missing and employ	yees were exposed to falling hazards.
This violation is an unwarrantable failure to comply with a mandatory standard.	
NOTE: Section II, Items 14A, 14E, and 14F are completed with the initial 104(d)(1) citation number and	l it's issue date
	ation Form (MSHA Form 7000-3a)
9. Violatio A. Health	
Safety B. Section C. Part/Section of	
Other of Act I - Title 30 CFR	5 6 . 1 1 0 0 2
Section II Inspector's Evaluation	
10. Gravity:	IIi ahlu Lihahu 🗌 — Ossumed 🔲
A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely X	Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty	Permanently Disabling Fatal X
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected001
11. Negligenc (check one)	
A. None B. Low C. Moderate D. High	E. Reckless Disregard X
12. Type of Action 13. Type of Issuance (check one)	
1 0 4 - d - 1, $ Citation$ Order X	Safeguard Written Notice
14. Initial Action D. Written E. Citation/	F. Dated Mo Da Yr
A. Citation X B. Order C. Safeguard Notice Order 4 4 1	0 1 6 0 0 7 0 8 0 8
Number	
15. Area or Equipment	
WALKWAY AT THE NO. 7 COARSE GRAVEL BINS	
16. Termination Due Mo Da Yr	
A. Date $\begin{bmatrix} 1 & 0 & Da & 11 \\ 1 & 1 & B. Time (24) \end{bmatrix}$	
Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr A. Date I I B. Time (24 Hr Clock)	
D. Time (24 Th Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or Mill	
(activity code) $E = 0 1$ 0 1 2 3 4 5 6	
22. Signature	23. AR Number
-	
TED SMITH MSHA Form 7000-3 Mar 85 (Revised)	0 2 9 3 3

104(d)(1) - "S&S" UNWARRANTABLE FAILURE ORDER

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 8 3 0 0 8 1 0 0 0	Number 4 4 1 0 0 1 6
4. Served To 5. Operator	
John Smith, Mine Foreman J and S Coal Company, Inc.	
6. Mine 7. Mine ID	
	3 5 3 6 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
The trailing cable to the No. 2 shuttle car on 1st left section contained five poorly made temporary	v splices: three of the splices had exposed
uninsulated conductors. The condition of the temporary splices contributes substantially to a fire	
Persons without gloves handle trailing cables. The condition of the cable was reported in the pres	
and was countersigned by the mine foreman. The mine operator was engaged in aggravated cond	
taking corrective action. This violation is an unwarrantable failure to comply with a mandatory s	standard.
	ntinuation Form (MSHA Form 7000-3a)
9. Violation A. Health Safety B. Section C. Part/Section of	
Other of Act - Title 30 CFR	7 5 . 6 0 3
Section II Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely X	Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Du	ty Permanently Disabling Fatal X
C. Significant and Substantial (See Reverse): Yes X No 11. Negligence (check one)	D. Number of Persons Affected 0 0 1
A. None B. Low C. Moderate D. High	E. Reckless Disregard X
12. Type of Action	
1 0 4 - d - 1, - Citation Order	X Safeguard Written Notice
14. Initial Action D. Written E. Citation/	F. Dated Mo Da Yr
A. Citation X B. Order C. Safeguard Notice Order 4 Number	4 1 0 0 1 5 0 8 1 8 0 8
15. Area or Equipment	
No. 2 shutle car, 1st left section	
16. Termination Due Mo Da Yr A. Date I I B. Time (24	
A. Date B. Thile (24 Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or Mill	
(activity code) E 0 1 0 8 8 8 3 1	22 AD Number
22. Signature	23. AR Number
James Lee MSHA Form 7000-3 Mar 85 (Revised)	2 0 7 7 7
moral i official of (iconsou)	

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
	Number 4 4 1 0 0 1 7
4. Served To 5. Operator John Smith, Mine Foreman J and S Coal Company, Inc.	
John Smith, Mine Foreman J and S Coal Company, Inc. 6. Mine 7. Mine ID	
No. 1 4 4 - 0 3	5 3 6 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
Positive-acting stop controls are not installed along the belt conveyor in 2 south section. The belt h	
This condition has been reported in the pre-shift and on-shift examination books for the dates of 8/2 required by Notice to Provide Safeguard No. 1 ABC, dated 9/16/76. The mine operator has engage	
correct a known safety violation. This violation is an unwarrantable failure to comply with a manda	
See Conti	nuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section C. Part/Section of	
Other of Act - Title 30 CFR Section II Inspector's Evaluation -	7 5 . 1 4 0 3
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely X Reasonably Likely	Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty	X Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No X	D. Number of Persons Affected 0 0 1
11. Negligence (check one) A. None B. Low C. Moderate D. High	X E. Reckless Disregard
12. Type of Action 13. Type of Issuance (check one)	
1 0 4 - d - 1 , Citation - Order	X Safeguard Written Notice
14. Initial Action D. Written E. Citation/	F. Dated Mo Da Yr
A. Citation X B. Order C. Safeguard Notice Order 4 4	1 0 0 1 5 0 8 1 9 0 8
15. Area or Equipment Belt conveyor in 2 south section	
Ben conveyor in 2 south section	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Section III. Terreinstien Action	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr A. Date I I B. Time (24 Hr Clock)	
Section IV Automated System Data	
Section IV Automated System Data 19. Type of Inspection 20. Event Number 21. Primary or Mill	
$\begin{array}{c ccccccccccccccccccccccccccccccccccc$	
22. Signature	23. AR Number
James Lee	2 0 7 7 7
MSHA Form 7000-3 Mar 85 (Revised)	

104(d)(1) UNWARRANTABLE FAILURE ORDER - BASED ON NOTICE TO PROVIDE SAFEGUARDS

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order	
$\begin{array}{c ccccccccccccccccccccccccccccccccccc$	1 7 5
4. Served To 5. Operator	1 / 3
J.R. JOHNSON, SAFETY DIRECTOR ABC MINING COMPANY	
6. Mine 7. Mine ID 7. Mine ID	
ABC MINE 7 5 - 0 9 1 3 3 - (contractor)	
8. Condition or Practice 8a. Written Notice (103g)	
The underground water truck driver did not have on his person a positive means of identification. The driver stated that he had not been	
issued any identification in the three months he had worked underground. The safety director stated "we just haven't issued dog tags to the new man because we've got production to think about." This mine has been issued fourteen previous violations for this standard in the last	
three months. Management engaged in aggravated conduct constituting more than ordinary negligence in that production was deemed more	
important than issuing ID tags to an employee. This violation is an unwarrantable failure to comply with a mandatory standard.	
NOTE: For 104(d)(2) orders, Section II, Item 14 is completed with the initial 104(d)(1) order and not the 104(d)(1) citation. Also note that 104(D) orders can be either "S&S" or "Non-S&S".	
See Continuation Form (MSHA Form 7000-3a)	
9. Violation A. Health	╌┝┥
Safety B. Section C. Part/Section of	
Other of Act - Title 30 CFR 5 7 . 1 1 0 5 8	
Section II Inspector's Evaluation 10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood X Unlikely Reasonably Likely Highly Likely Occurred	
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays X Lost Workdays or Restricted Duty Permanently Disabling Fat	al 🗌
C. Significant and Substantial (See Reverse): Yes No X D. Number of Persons Affected	0 0 1
11. Negligence (check one)	
A. None B. Low C. Moderate D. High X E. Reckless Disregard]
12. Type of Action 13. Type of Issuance (check one)	
1 0 4 - d - 2, $ Citation Order X$ Safeguard Written Notice	;
14. Initial Action D. Written E. Citation/ F. Dated Mo Da	ı Yr
A. Citation B. Order X C. Safeguard Notice Order $4 4 1 0 1 5 9$ $0 7 0$	
15. Area or Equipment WATER TRUCK DRIVER - BENNY FRANKLIN	
WATER TROCK DRIVER - DENNI TRANKLIN	
16. Termination Due Mo Da Yr	
A. Date B. Time (24 Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date $\begin{bmatrix} 1 & 0 & Da & 11 \\ 1 & 1 & B. Time (24 Hr Clock) \end{bmatrix}$	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or Mill	
(activity code) E 0 1 0 5 6 7 8 9 0	
22. Signature 23. AR Number	
JANE JONES 0 2 MSHA Form 7000-3 Mar 85 (Revised)	136
WISTIN 1000-5 MIAL 03 (NCVISCU)	

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
1 1 0 1 0 8 0 9 0 0	Number 4 4 1 0 0 1 9
	5. Operator
	J and S Coal Company, Inc.
	7. Mine ID
No. 1	4 4 - 0 3 5 3 6 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
	for a distance of 125 feet inby spad No. 100. Additional roof support had not proved roof control plan, which was revised 4/15/08, because of fragile roof
conditions. Sam Jones is the section foreman and one of the preshift	
	on has a history of unintentional roof falls. Three citations have been issued
at this mine for violations of 75.203(e) in the past 6 months. Sam Jon	es engaged in aggravated conduct by his failure to record and take action on
a known hazard. This violation is an unwarrantable failure to comply	y with a mandatory standard.
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of 7 5 2 0 3 e
Other of Act -	Title 30 CFR
Section II Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely	Dassonably Likely 🔽 Highly Likely 🗌 Ossurred 🗍
	Reasonably Likely X Highly Likely Occurred
B. Injury or Illness could rea-	Workdays or Restricted Duty Permanently Disabling Fatal
sonably be expected to be: No Lost Workdays Lost	Workdays or Restricted Duty Permanently Disabling Fatal X
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 1
11. Negligence (check one)	
A. None B. Low C. Moderate	
	Type of Issuance (check one)
1 0 4 - d - 2 , - -	Citation Order X Safeguard Written Notice
14. Initial Action D. Writt	en E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order X C. Safeguard Notice	e Order 4 4 1 0 0 1 6 0 8 3 0 0 8
	Number
15. Area or Equipment No. 1 entry of 1 right section beginning at spad No. 100 and extending i	nhy for a dictance of 125 feat
No. 1 entry of 1 fight section beginning at spac No. 100 and extending f	noy for a distance of 125 feet.
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Section III Tempiration Action	
Section III Termination Action 17. Action to Terminate	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 0 8 8 8 8	
22. Signature	23. AR Number
James Lee	2 0 7 7 7
MSHA Form 7000-3 Mar 85 (Revised)	

104(d)(2) UNWARRANTABLE FAILURE ORDER - SUBSEQUENT INSPECTION

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 0 9 0 0	3. Citation/Order 4 4 1 0 1 7 Number 4 4 1 0 1 7 7
	5. Operator
JANE SMITHSON, OWNER	BEDROCK MINING COMPANY
6. Mine	7. Mine ID
BEDROCK MINE	5 6 - 0 7 8 9 1 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
A laborer was not wearing safety glasses, goggles, face shields, or ot feet from a hydraulic rock breaker. The breaker was being used to b	
propelled directly into the area where the laborer was standing and c	
A written Notice of Pattern of Violations, No. 8765931, was issued by	y MSHA on 06/13/08.
NOTE: Leave Section II, Item 14, blank for 104(e)(1) orders. Also,	104(a) orders are required to be evaluated as "S&S"
NOTE. Leave Section II, Reni 14, Blank for 104(e)(1) orders. Also,	104(c) orders are required to be evaluated as 5&5.
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act -	Title 30 CFR 5 6 . 1 5 0 0 4
Section II Inspector's Evaluation 10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely X Highly Likely Occurred
B. Injury or Illness could rea-	וויקע אין אין אין אין אין אין אין א
sonably be expected to be: No Lost Workdays Lost	Workdays or Restricted Duty Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 1
11. Negligence (check one) A. None B. Low C. Moderate	E. Reckless Disregard
12. Type of Action 1 0 4 - e - 1 , 13	. Type of Issuance (check one) Citation Order X Safeguard Written Notice
14. Initial Action D. Writ A. Citation B. Order C. Safeguard Notic	
15. Area or Equipment	
TOM SMITH, LABORER	
16. Termination Due Mo Da Yr A. Date I I B. Time (24 Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
THE LABORER REMOVED THE SAFETY GLASSES FROM HIS	S POCKET AND PUT THEM ON.
18. TerminatedMoDaYrA. Date071208B. Time (24 Hr Clock)	0 9 0 5
Section IV Automated System Data	
19. Type of Inspection (activity code)20. Event Number0876	4 3 21. Primary or Mill
22. Signature	23. AR Number
JANE JONES	0 2 1 3 6
MSHA Form 7000-3 Mar 85 (Revised)	

104(e)(1) PATTERN OF VIOLATIONS ORDER - ISSUANCE AND TERMINATION

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 0 9 0 0	3. Citation/Order4410178Number4410178
4. Served To 5. Operator JANE SMITHSON, OWNER BEDROCK MINING CON	MPANY
6. Mine 7. Mine ID	
BEDROCK MINE 5 6 - 0 7	8 9 1 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
The driver of haul truck (Number H-35) did not sound an audible warning or use other means to war	
moving the vehicle. The haul truck, with its engine running, was parked in the shop area. Two mec	chanics walked in front
of the haul truck and had to jump clear to avoid being hit when it unexpectedly moved into their path	h
A Notice of Pattern of Violations, No. 8765931, was issued by MSHA on 06/13/08.	
NOTE: Complete Section II, Item 14, with the number of the first 104(e) order. Also, 104(e) orders	
104(e)(2) orders are written for all "S&S" violations observed on any subsequent inspection	after a 104(e)(1) order has been issued.
See Conti	inuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section C. Part/Section of	
Other of Act - Title 30 CFR	5 6 . 1 4 2 0 0
Section II Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely X	Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty	Permanently Disabling Fatal X
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 2
11. Negligence (check one) A. None B. Low C. Moderate X D. High	E. Reckless Disregard
12. Type of Action 13. Type of Issuance (check one	
$1 0 4 - e - 2 , \qquad \qquad - - - Citation \Box Order \Sigma$	
14. Initial Action D. Written E. Citation/	F. Dated Mo Da Yr
A. Citation B. Order X C. Safeguard Notice Order 4 4 Number	1 0 1 7 7 0 7 1 2 0 8
15. Area or Equipment	
Haul Truck H-35	
16. Termination Due Mo Da Yr A. Date I I B. Time (24	
Hr. Clock)	
Section III Termination Action	
17. Action to Terminate THE WARNING HORN WAS FOUND TO BE OPERABLE AND COULD BE HEARD ABOVE 7	
WAS REINSTRUCTED TO SOUND THE HORN WHENEVER THE VEHICLE WAS MOVED.	THE SURROUNDING NOISE. THE TRUCK DR
Image: Non-StructureNoDaYr18. TerminatedA. DateMoDaYr 0 81308B. Time (24 Hr Clock)090	
Section IV Automated System Data	
19. Type of Inspection (activity code)20. Event Number0975319	
(activity code) E 1 5 0 9 7 5 1 9 22. Signature 23 24 24 25 25 25 26 27 3 1 9 1 9 1 9 1 1 9 1 1 9 1 1 9 1 1 9 1 1 9 1 1 9 1 1 9 1 1 9 1 1 9 1 1 9 1 1 9 1 1 9 1 1 9 1 1 9 1 1 9 1	23. AR Number
JANE JONES	0 2 1 3 6
MSHA Form 7000-3 Mar 85 (Revised)	0 2 1 3 0

104(e)(2) PATTERN OF VIOLATIONS ORDER - ISSUANCE AND TERMINATION

Continuation

U.S. Department of Labor

Mine Safety and Health Administration

1. Subsequent Action 1a. Continuation 2. Dated Mo Da Yr 3. Citation/Order Number 8 8 3 4 5 6 7 0 1 4. Served To JANE SMITHSON, OWNER 5. Operator BEDROCK MINING COMPANY 6 6 1 7 Mine D 7 Nime ID 5 6 - 0 7 8 9 1 - 0 1
4. Served To 5. Operator JANE SMITHSON, OWNER BEDROCK MINING COMPANY 6. Mine 7. Mine ID BEDROCK MINE 5 6 - 0 7 8 9 1 - (contractor) Section II Justification for Action 5 6 - 0 7 8 9 1 - (contractor) Bedrock Mine has gone 90 days from the issuance of a Notice of Pattern of Violations without being cited for a violation which could significantly and substantially contribute to the cause and effect of a mine safety or health hazard. Given this action, the mine is no longer subject to orders of withdrawal issued pursuant to Section 104(e) of the Federal Mine Safety and Health Act of 1977. Accordingly, the Notice of Pattern of Violations is terminated. NOTE: This termination of a 104(e) Notice of Pattern of Violations was issued after the mine operator went 90 days without any "S&S"
JANE SMITHSON, OWNER BEDROCK MINING COMPANY 6. Mine 7. Mine ID 7
6. Mine 7. Mine ID 5 6 0 7 8 9 1 - (contractor) Section II Justification for Action 5 6 - 0 7 8 9 1 - (contractor) Bedrock Mine has gone 90 days from the issuance of a Notice of Pattern of Violations without being cited for a violation which could significantly and substantially contribute to the cause and effect of a mine safety or health hazard. Given this action, the mine is no longer subject to orders of withdrawal issued pursuant to Section 104(e) of the Federal Mine Safety and Health Act of 1977. Accordingly, the Notice of Pattern of Violations is terminated. NOTE: This termination of a 104(e) Notice of Pattern of Violations was issued after the mine operator went 90 days without any "S&S"
BEDROCK MINE 5 6 - 0 7 8 9 1 - (contractor) Section II Justification for Action
Section II Justification for Action Bedrock Mine has gone 90 days from the issuance of a Notice of Pattern of Violations without being cited for a violation which could significantly and substantially contribute to the cause and effect of a mine safety or health hazard. Given this action, the mine is no longer subject to orders of withdrawal issued pursuant to Section 104(e) of the Federal Mine Safety and Health Act of 1977. Accordingly, the Notice of Pattern of Violations is terminated. NOTE: This termination of a 104(e) Notice of Pattern of Violations was issued after the mine operator went 90 days without any "S&S"
Bedrock Mine has gone 90 days from the issuance of a Notice of Pattern of Violations without being cited for a violation which could significantly and substantially contribute to the cause and effect of a mine safety or health hazard. Given this action, the mine is no longer subject to orders of withdrawal issued pursuant to Section 104(e) of the Federal Mine Safety and Health Act of 1977. Accordingly, the Notice of Pattern of Violations is terminated.
significantly and substantially contribute to the cause and effect of a mine safety or health hazard. Given this action, the mine is no longer subject to orders of withdrawal issued pursuant to Section 104(e) of the Federal Mine Safety and Health Act of 1977. Accordingly, the Notice of Pattern of Violations is terminated. NOTE: This termination of a 104(e) Notice of Pattern of Violations was issued after the mine operator went 90 days without any "S&S"
significantly and substantially contribute to the cause and effect of a mine safety or health hazard. Given this action, the mine is no longer subject to orders of withdrawal issued pursuant to Section 104(e) of the Federal Mine Safety and Health Act of 1977. Accordingly, the Notice of Pattern of Violations is terminated. NOTE: This termination of a 104(e) Notice of Pattern of Violations was issued after the mine operator went 90 days without any "S&S"
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Accordingly, the Notice of Pattern of Violations is terminated. NOTE: This termination of a 104(e) Notice of Pattern of Violations was issued after the mine operator went 90 days without any "S&S"
NOTE: This termination of a 104(e) Notice of Pattern of Violations was issued after the mine operator went 90 days without any "S&S"
violations issued.
See Continuation Form
Section III Subsequent Action Taken
8. Extended To A. Date Mo Da Yr B. Time (24 Hr. Clock) C. Vacated D. Terminated X E. Modified
Section IV Inspection Data
9. Type of Inspection E 0 1 10. Event Number 0 1 3 5 7 9 1
11. Signature AR Number 12. Date Mo Da Yr 13. Time (24 Hr. Clock)
JANE JONES 0 2 1 3 6 0 9 1 3 0 8 1 0 0 0 MSHA Form 7000-3a, Mar 85 (Revised) 1 3 6 0 9 1 3 0 8 1 0 0 0

104(e) TERMINATION OF NOTICE OF PATTERN OF VIOLATIONS

Mine Safety and Health Administration

Setton 1 Violation Data (0) 21 10 01 21 10		
0 7 2 0 Number 4 4 1 0 1 8 3 4. Served To S. Operator INTER CEMENT CORPORATION INTER CEMENT CORPORATION INTER CEMENT CORPORATION 6. Mine 7. Mine ID 7 5 0 0 2 4	Section 1 Violation Data	
4. Served 16 Image: constraint of the	1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
4. Served 16 Image: constraint of the		0 Number 4 4 1 0 1 8 3
RICHARD JONES. SAFETY DIRECTOR INTER CEMENT CORPORATION 6. Mine 7. Mine ID 7 [s]. 0 0 0 2 [4] [contraction] 8. Conduiton or Practice 8. Written Notice (103g)		
6. Mine 7. Mine ID 7 S 0 0 2 4 -	RICHARD JONES, SAFETY DIRECTOR	*
IC MILL 7 S - 0 0 2 4 Image: contractor) 8. Condition or Practice 8a. Written Notice (103g) Cement dust accumulations on the roof of the No. 2 kith building and a loss of structural integrity caused the root for fail on the north side at 0630 hones on this date. State 1030 hones of the No. 2 kith building and a loss of structural integrity survey must be completed and given to MSHA prior to allowing personnel into the area under the root. An oral 107(a) imminent danger order was issued to James Town, Mill Foreman, on the mill floor at 0720 hours this date. NOTE: Do not complete Section 1, Item 9C and Section II, Items 10 and 11. See Continuation Form (MSHA Form 7000-3a) See Continuation Form (MSHA Form 7000-3a) 9. Violation A: Health B. Section C. Part/Section of Tube 30 CFR See Continuation Form (MSHA Form 7000-3a) 9. Violation A: Health B. Section I. Item 9C and Section II, Items 10 and 11. See Continuation Form (MSHA Form 7000-3a) 9. Violation A: Health B. Section I. Item 9C and Section II, Items 10 and 11. See Continuation Form (MSHA Form 7000-3a) 9. Violation A: Health B. Section I. Item 9C and Section II, Items 10 and 11. See Continuation Form (MSHA Form 7000-3a) 9. Notion A: See Tore of A form II. B. Section II. C. Part/Section of Tube 30 CFR Section II. 10. Tore of These Could rea-sonably Likely Highly 1 kkely Occurred		
8. Condition or Practice 8a. Written Notice (103g) Cement dust accumulations on the roof of the No. 2 kiln building and a loss of structural integrity caused the roof to fail on the north side at 0630 hours on this date. Structural steel and debris were being cleaned up to allow the installation of temporary support at the remaining north side. The total of the No. 2 kiln multiply cleaned the No. 2 kiln multiply cleaned the north side at 0530 hours on this date. Structural steel and debris were being cleaned up to allow the installation of temporary support at the remaining north side. The total of the No. 2 kiln multiply cleaned and a structural integrity survey must be completed and given to MSHA prior to allowing personnel into the area under the roof. An oral 107(a) imminent danger order was issued to James Town. Mill Foreman, on the mill floor at 0720 hours this date. NOTE: Do not complete Section I, Item 9C and Section II, Items 10 and 11. Section III - imspector's Evaluation W. Gravity: B. Section Other Satesy in the second to the reso of the second to fail on the north side at 0720 hours this date. NOTE: Do not complete Section I, Item 9C and Section II. Items 10 and 11. Section III - imspector's Evaluation W. Gravity: B. Section III: Imspector's Evaluation C. Part/Section of Tail 's Order III': imspector's Evaluation T. Order Y B. Section III: espector's Evaluation Interpret Persons Affected Interpret Persons Affected Singuificant and Substantial (See Reverse): Yes No D. Number of Persons Affected <		75 - 00 - 24 - 000 - 000 - 24 - 000 - 00
Censent dust accumulations on the roof of the No. 2 kiln building and a loss of structural integrity caused the roof to fail on the north side at 0630 hours on this date. Structural steel and debris were being cleaned up to allow the installation of temporary support at the remaining north side. The huilding of ement dust on the roof of the No. 2 kiln must be emoved and a structural integrity survey must be completed and given to MSHA prior to		
at 0630 hours on this idate. Structural steel and debris were being cleaned up to allow the installation of temporary support at the remaining north side. The building of cement dues on the root of the No. 2 kills must be removed and a structural integrity survey must be completed and given to MSHA prior to allowing personnel into the area under the root. An oral 107(a) imminent danger order was issued to James Town, Mill Foreman, on the mill floor at 0720 hours this date. NOTE: Do not complete Section I, Item 9C and Section II, Items 10 and 11. See Continuation Form (MSHA Form 7000-3a) 9. Violation A. Health B. Section of of Act C. Part/Section of Title 30 CFR Section II: Order B. Section of Act C. Part/Section of Title 30 CFR Notres: On the section II: Items (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred B. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Permanently Disabling Fatal C. Significant and Substantial (See Reverse): Yes No D. Number of Persons Affected III. Type of Action Written Notice 11. Neglegiene: Check one) I. Order C. Safeguard Written Notice Safeguard Written Notice 12. Type of Action B. Order C. Safeguard D. Written Notice Number Number 15. Area or Faujament Number D. Written Notic		
at 0630 hours on this idate. Structural steel and debris were being cleaned up to allow the installation of temporary support at the remaining north side. The building of cement dues on the root of the No. 2 kills must be removed and a structural integrity survey must be completed and given to MSHA prior to allowing personnel into the area under the root. An oral 107(a) imminent danger order was issued to James Town, Mill Foreman, on the mill floor at 0720 hours this date. NOTE: Do not complete Section I, Item 9C and Section II, Items 10 and 11. See Continuation Form (MSHA Form 7000-3a) 9. Violation A. Health B. Section of of Act C. Part/Section of Title 30 CFR Section II: Order B. Section of Act C. Part/Section of Title 30 CFR Notres: On the section II: Items (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred B. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Permanently Disabling Fatal C. Significant and Substantial (See Reverse): Yes No D. Number of Persons Affected III. Type of Action Written Notice 11. Neglegiene: Check one) I. Order C. Safeguard Written Notice Safeguard Written Notice 12. Type of Action B. Order C. Safeguard D. Written Notice Number Number 15. Area or Faujament Number D. Written Notic	Comment dust accumulations on the roof of the No. 2 kiln building a	and a loss of structural integrity caused the roof to fail on the north side
remaining north side. The buildup of cement dust on the roof of the No. 2 kind must be convoluted integrity survey must be completed and given to MSHA prior to allowing personnel into the are under the roof. An ord 107(a) imminent danger order was issued to James Town, Mill Foreman, on the mill floor at 0720 hours this date. NOTE: Do not complete Section 1. Item 9C and Section II, Items 10 and 11. 9. Violation [A. Health		
must be completed and given to MSHA prior to allowing personnel into the area under the roof. An oral 107(a) imminent danger order was issued to James Town, Mill Foreman, on the mill floor at 0720 hours this date. NOTE: Do not complete Section I, Item 9C and Section II, Items 10 and 11. NOTE: Do not complete Section I, Item 9C and Section II, Items 10 and 11. See Continuation Form (MSHA Form 7000-3a) 9. Violation A, Health Safety B. Safety A. Health Section II. To Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly vor Illness (bas) (is): No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabling Fatal C. Significant and Substantial (See Reverse): Yes No 11. Negligence (check one) 12. Type of Action B. Low C. Moderate D. Number of Persons Affected 11. Neitle Reverse Yes Notice Order Safeguard Number Notice F: Dated Mo Da Yr B. Time (24 Hr. Clock) Safeguard Written Notice		
order was issued to James Town, Mill Foreman, on the mill floor at 0720 hours this date. NOTE: Do not complete Section I, Item 9C and Section II, Items 10 and 11. Secton III		
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22. Signature 23. AR Number 0 3 3 3 JOHN REDWOOD 0 3 3 3 3	19. Type of Inspection 20. Event Number	21. Primary or Mill
22. Signature 23. AR Number 0 3 3 3 JOHN REDWOOD 0 3 3 3 3	(activity code) E 0 1 0 0 8 8	3 0 1
JOHN REDWOOD 0 3 3 3 3		
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107(a) ORDER - IMMINENT DANGER NO VIOLATION OF A MANDATORY STANDARD

Mine Safety and Health Administration

Section 1 Violation Data	<u> </u>			
1. Date Mo Da Yr 2. Time (24 Hr. Clock)			3. Citation/Order	
	0 9 0 0		Number	4 4 1 0 1 8 4
4. Served To	5. Oper	ator		
RICHARD JONES, SAFETY DIRECTOR	INTI	ER CEMENT CORP	ORATION	
6. Mine	7. Mine	ID		
ICC MILL		7 5 - 0 0	0 2 4 -	(contractor)
8. Condition or Practice			8a. Writte	en Notice (103g)
Two mechanics were not wearing life jackets when repairin	ng a broken six-inc	h dredge discharge li	ine approximately 100 ya	ards offshore.
The discharge line was located atop flotation barrels position				
feet. At the broken spot, one mechanic was sitting on a flot	tation barrel. The	other mechanic was	adjacent to the first mine	r in a wooden
boat. The second mechanic was bending over the side tryin		e. Neither employee	knew how to swim. Life	e jackets
were available and the foreman had instructed the employed		00001 (1:1		
An oral 107(a) imminent danger order was issued to Bob St	mith, Foreman, at	0900 hours on this da	ate.	
Citation No. 4410185 is being issued in conjunction with th	his order			
Citation No. 4410185 is being issued in conjunction with th	llis order.			
		See Cont	inuation Form (MSHA F	Form 7000 3a)
9. Violation A. Health	<u> </u>	See Cont		
Safety B. Section		C. Part/Section of		
Other of Act -		Title 30 CFR		
Section II Inspector's Evaluation		1110 30 0110		
10. Gravity:				
	cely Reas	onably Likely	Highly Likely	Occurred
B. Injury or Illness could rea-				
sonably be expected to be: No Lost Workdays	Lost Workda	ys or Restricted Dut	Permanently I	Disabling Fatal
C. Significant and Substantial (See Reverse): Yes	No		D. Number of Person	as Affected
11. Negligence (check one) A. None B. Low C.	. Moderate	D. High	E. Rec	ckless Disregard
12. Type of Action		f Issuance (check one		
	Citatio		X Safeguard	Written Notice
1 0 7 - a -	Citatio	li Oldel	A Salegualu	witten Notice
14. Initial Action	D. Written	E. Citation/	F. D	Dated Mo Da Yr
A. Citation B. Order C. Safeguard	Notice	Order		
		Number		
15. Area or Equipment				
JOHN JONES, TOM SMITH - MECHANICS				
16. Termination Due Mo Da Yr	<u> </u>	1 1		
A. Date B. Time	(24			
Hr. C				
Section III Termination Action		•		
17. Action to Terminate				
18. Terminated Mo Da Yr A. Date I I B. Time (24 II)	Hr Clock)			
Section IV Automated System Data				
19. Type of Inspection 20. Event Number		21. Primary or Mill		
(activity code) E 0 1 0 0	0 8 8 3 0 1			Number
0			23. AR 1	
JOHN REDWOOD				0 3 3 3 3
MSHA Form 7000-3 Mar 85 (Revised)				

107(a) ORDER - IMMINENT DANGER VIOLATON OF A MANDATORY STANDARD

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 7 1 0 0 8 0 9 0 0 4. Served To 5. Operator	Number 4 4 1 0 1 8 5
RICHARD JONES, SAFETY DIRECTOR INTER CEMENT CORPORA	
6. Mine 7. Mine ID	
	0 2 4 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
Two mechanics were not wearing life jackets when repairing a broken six-inch dredge discharge li	ne approximately 100 yards offshore.
The discharge line was located atop flotation barrels positioned between the dredge and the shore.	The water depth was estimated to be 32
feet. At the broken spot, one mechanic was sitting on a flotation barrel. The other mechanic was a	
boat. The second mechanic was bending over the side trying to repair the line. Neither employee	knew how to swim. Life jackets
were available and the foreman had instructed the employees to use them.	
This condition was a factor that contributed to the issuance of imminent danger order N0. 4410184	dated 7/10/01 Therefore no abatement
time was set.	dated 7/10/01. Therefore, no abatement
See Continuati	on Form (MSHA Form /000-3a)
9. Violatio A. Health	
Safety B. Section C. Part/Section of	
Other of Act - Title 30 CFR	5 6 . 1 5 0 2 0
Section II Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely	Highly Like X Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty	Permanently Disabling Fatal X
sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty	
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 2
11. Negligenc (check one)	
A. None B. Low C. Moderate X D. High	E. Reckless Disregard
12. Type of Action 13. Type of Issuance (check one)	
1 0 4 - a - Citation X Order	Safeguard Written Notice
14. Initial Action D. Written E. Citation/ A. Citation B. Order C. Safeguard Notice	F. Dated Mo Da Yr
A. Chanon _ B. Older _ C. Saleguard _ Nonce _ Older _ Number	
15. Area or Equipment	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Section III Termination Action	
17. Action to Terminate	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or Mill	
(activity code) \mathbf{E} 0 1 0 0 8 8 3 0 1	
22. Signature	23. AR Number
JOHN REDWOOD MSHA Form 7000-3 Mar 85 (Revised)	0 3 3 3 3
MISTA FUHI /000-5 Mar 85 (Kevisea)	

104(a) CITATION ISSUED FOR A CONDITION IN 107(a) IMMINENT DANGER ORDER

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 0 9 1 5	3. Citation/Order Number 4 4 1 0 1
	5. Operator
John Smith, Mine Foreman	J and S Coal Company, Inc.
	7. Mine ID
No. 1	4 4 - 0 3 5 3 6 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
	od. Whiteh Holice (105g)
One man was approximately 8 inches from the bare trolley wire. To read	on top of a 6-ton track locomotive with their legs hanging over the front end. ch its destination, the locomotive had to pass through a low area (14 inches de. Tom Davis, Chief Electrician, was operating the locomotive (No. 29)
near the mouth of the 2 east section. This is an imminent danger. An or	
This hazard has been cited on other occasions. The underlying cause wa	
Notice No. 4011337 dated 4/7/08 which requires that all personnel be sa	
A separate citation for a violation of 75.1403 (#4410012) is being issued	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health Safety B. Section Other of Act -	C. Part/Section of Title 30 CFR
Section II Inspector's Evaluation 10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Lost	Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	D. Number of Persons Affected
11. Negligence (check one) A. None B. Low C. Moderate	D. High E. Reckless Disregard
12. Type of Action 1 0 7 - a - , 13.	Type of Issuance (check one) Citation Order X Safeguard Written Notice
14. Initial Action D. Writte A. Citation B. Order C. Safeguard Motion D. Writte Notice Notice	
15. Area or Equipment The transportation system used by the maintenance crews.	
The transportation system used by the maintenance crews.	
16. Termination Due Mo Da Yr A. Date I I B. Time (24 Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
Suitable transportation was provided for the two repairmen. All the repairn	
instructed in safe operating procedures for operating and riding transportation	on equipment.
18. Terminated A. Date Mo Da Yr 0 8 1 8 0 8 B. Hine (24 FIT Clock)	0 7 3 0
Section IV Automated System Data	
19. Type of Inspection (activity code) 20. Event Number 0 8 8 8	2 1. Primary or Mill
22. Signature	23. AR Number
James Lee	
MSHA Form 7000-3 Mar 85 (Revised)	

107(a) ORDER - IMMINENT DANGER WITH UNDERLYING CAUSES

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 8 1 7 0 8 0 9 3 0	
4. Served To	5. Operator
John Smith, Mine Foreman	J and S Coal Company, Inc.
6. Mine	7. Mine ID
No. 1 8. Condition or Practice	4 4 - 0 3 5 3 6 - (contractor) 8a. Written Notice (103g)
8. Collution of Placifice	sa. whiten Nouce (105g)
Safe seating facilities were not provided for the two repairmen who w	ere riding on top of a 6-top locomotive being operated by Tom Davis
	ed to the issuance of Imminent Danger Order No. 4410011 dated 8/17/08.
Therefore, no abatement time was set.	ed to the issuance of miniment Danger Order No. 4410011 dated 0/17/00.
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section Other of Act	C. Part/Section of 7 5 1 4 0 3 Title 30 CFR 7 5 . 1 4 0 3
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-	
sonably be expected to be: No Lost Workdays Los	t Workdays or Restricted Duty Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 2
11. Negligence (check one) A. None B. Low C. Moderate	D High V E Dasklass Disrogard
	3. Type of Issuance (check one)
1 0 4 - a - , - -	Citation X Order Safeguard Written Notice
14. Initial Action D. Writ	ten E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard X Notic	
15. Area or Equipment	
13. Alea of Equipment	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Hr. Clock)	
Section III Termination Action	
17. Action to Terminate Suitable transportation with adequate seating facilities was provided for t	ha two ranairman
Suitable transportation with adequate seating facilities was provided for t	ne two repairmen.
18. Terminated Mo Da Yr	
A. Date 0 8 1 8 0 8 B. Time (24 Hr Clock)	0 7 3 0
Section IV Automated System Data 19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 0 8 8 8	
22. Signature	23. AR Number
James Lee	
MSHA Form 7000-3 Mar 85 (Revised)	

104(a) CITATION - CONTRIBUTING FACTOR IN IMMINENT DANGER ORDER BASED ON NOTICE TO PROVIDE SAFEGUARDS

U.S. Department of Labor

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 8 1 9 0 8 0 9 3	Number $4 4 1 0 0 1 3$
4. Served To	5. Operator
John Smith, Mine Foreman	J and S Coal Company, Inc.
6. Mine	7. Mine ID
No. 1	4 4 - 0 3 5 3 6 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
The following conditions, which collectively constitute an imminent danger.	existed on 2 left mains section:
1. Only 120 cubic feet of air a minute was reaching the working face of	
mining machine. [30CFR 75.325(a)(1)]	
 The air at the face of the No. 2 entry contained 2.75 per centum of m The permissible methane detector carried by the section foreman was 	ethane. [30CFR 75.323(b)(ii)]
 The permissible methane detector carried by the section foremain was The methane monitor on the continuous mining machine (serial numl 	* · · · · · · · · · · · · · · · · · · ·
An oral imminent danger order was issued to John Smith at 0930 hours. Se	
included in this Order of Withdrawal.	parate citations and/or orders will be issued for all violations
(See Example No. 18 for an example of one citation issued for a violation	n included in this Order of Withdrawal)
(See Example No. 18 for an example of one charlon issued for a violatio	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act -	Title 30 CFR
Section II Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Los	t Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	D. Number of Persons Affected
11. Negligence (check one)	
A. None B. Low C. Moderate	D. High E. Reckless Disregard
12. Type of Action	B. Type of Issuance (check one)
	Citation Order X Safeguard Written Notice
14. Initial Action D. Writt	
A. Citation B. Order C. Safeguard Notic	e Order IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII
15. Area or Equipment	Number
The 2 left mains section from the dumping point inby to the working faces.	
The 2 fert mains section from the damping point moy to the working races.	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Section III - Terreinstein Action	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 1 5 0 8 8 8	8 3 0
22. Signature	23. AR Number
James Lee	
MSHA Form 7000-3 Mar 85 (Revised)	

Mine Safety and Health Administration

Section 1 Violation Data		
1. Date Mo Da Yr 2. Time (24 Hr. Clock)		3. Citation/Order
0 8 1 9 0 8	0 9 3 0	Number 4 4 1 0 0 1 4
4. Served To	5. Operator	
John Smith, Mine Foreman	J and S Coal Company, Inc.	
6. Mine	7. Mine ID	
No. 1	4 4 - 0 3 5	
8. Condition or Practice		8a. Written Notice (103g)
The only permissible methane detector available on the 2 lef	t mains section was inonerable. According to B	illy Bow Section Foreman he
reported the condition of the detector to his immediate super		
This citation was one of the factors that contributed to the iss		
time was set.	¥	
Note: Appropriate action must be taken for all violations	a contained in a 107(a) Order	
Note: Appropriate action must be taken for all violations	s contained in a 107(a) Order.	
	See Continu	ation Form (MSHA Form 7000-3a)
9. Violation A. Health		
Safety B. Section Other of Act -	C. Part/Section of Title 30 CFR	7 5 3 2 0
Section II Inspector's Evaluation	The 50 CFR	
10. Gravity:		
A. Injury or Illness (has) (is): No Likelihood U	nlikely Reasonably Likely	Highly Likely X Occurred
B. Injury or Illness could rea-		
sonably be expected to be: No Lost Workdays	Lost Workdays or Restricted Duty	X Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes	X No	D. Number of Persons Affected 0 0 7
11. Negligence (check one) A. None B. Low	C. Moderate D. High	X E. Reckless Disregard
12. Type of Action	13. Type of Issuance (check one)	
1 0 4 - a - ,	- Citation X Order	Safeguard Written Notice
14. Initial Action A. Citation B. Order C. Safeguard	D. Written E. Citation/ Notice Order	F. Dated Mo Da Yr
A. Challon D. Older C. Saleguard		
15. Area or Equipment		
16. Termination Due Mo Da Yr		
	me (24	
	r. Clock)	
Section III Termination Action		
17. Action to Terminate		
18. Terminated Mo Da Yr		
	4 Hr Clock)	
Section IV Automated System Data		
19. Type of Inspection 20. Event Number	21. Primary or Mill	
	0 8 8 8 8 3 0	
22. Signature		23. AR Number
James Lee		
MSHA Form 7000-3 Mar 85 (Revised)		

104(a) CITATION - ISSUED FOR A CONDITION IN 107(a) ORDER NO. 4410013

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 8 2 3 0 8 1 0 0 0	Number 4 4 1 1 1 0
4. Served To 5. Operator	
JOSEPH COMBS, FOREMAN SENTINEL AGGREGATE	S
6. Mine 7. Mine ID	
	0 8 2 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
Two employees were not wearing life jackets while working from a platform in about 20 feet of wa	ter. The platform was constructed
of four barrels, about 24" in diameter and 36" long, tied together with pieces of hemp rope. The en	
to provide access to the dewatering pump. The foreman stated that he and the employees always u	
the pump or perform maintenance work on it. The foreman engaged in an aggravated conduct cons This violation is an unwarrantable failure to comply with a mandatory standard. This violation is o	stituting more than ordinary negligence.
order No. 4411109 dated 8/23/08. Therefore, no abatement time was set.	one of the factors cited in imminent danger
order No. 4411107 dated 6/25/08. Therefore, no abatement time was set.	
See Continu	ation Form (MSHA Form /000-3a)
9. Violation A. Health	
Safety B. Section C. Part/Section of	
Other of Act - Title 30 CFR	5 6 . 1 5 0 2 0
Section II Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely	Highly Likel X Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty	Permanently Disabling Fatal X
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 2
11. Negligence (check one) A. None B. Low C. Moderate D. High	X E. Reckless Disregard
12. Type of Action 1 0 4 - d - 1 , - 1 . 13. Type of Issuance (check one) Citation X Order	Safeguard Written Notice
14. Initial Action D. Written E. Citation/	F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notice Order	
15. Area or Equipment	
16. Termination Due Mo Da Yr A. Date I B. Time (24 Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr A. Date I I B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or Mill	
(activity code) E 0 1 0 9 9 5 5 7 6	
22. Signature	23. AR Number
JOHN REDWOOD	0 3 3 3 3
MSHA Form 7000-3 Mar 85 (Revised)	

104(d)(1) CITATION ISSUED AS PART OF A 107(a) IMMINENT DANGER ORDER

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

Section I V	iolation	Data																												
1. Date	Мо	Da	Yr	2. Tir	ne (24	Hr. C	Clock)													3.	Cita	tion/	Ord	er						
	0 7	1 0	1				,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		1		0 0	,														4	4	10	1	8 7
4. Served To		10	0 0	<u> </u>					11	U		, 5. C	Door	otor							nun	nber				4	4	10		
													•			.	~~													
RICHARE 6. Mine	JONE	3, SAI		JIREC	UR								lin i 1ine										Т	Т	1					
ICC MILL												7. IV	iine	ID.	7	5		0	0 0) 2	4	_			(00	ntrac	tor)			
8. Condition	or Prac	tice													1	J	'			/ 2	4	- 8	a M	/ritte	`		(103c	<u>(r</u>		
0. Condition		100																				0	u. v.	/11110			<u>, 100</u>	<i>31</i>		
Two mec	hanics	were n	ot wea	ring lif	e jack	ets wł	nen re	pairi	ng a	brok	en d	redge	disc	charg	e lin	e an	pro	xim	atel	v 100) va	rds o	offsh	ore.						
The disch																										feet.				
At the bro																														
The second	nd mecl	hanic v	vas bei	iding o	ver the	e side	of the	e boa	at tryi	ing t	o rep	air th	e lin	ne. N	Jeith	er m	nech	anio	c kn	ew h	ow t	o sw	/im.	Re	porte	dly,				
Foreman																														
constituti																										table				
failure to	comply	with a	a manc	latory s	tandar	d. Th	nis vio	olatic	on is a	a fac	ctor c	ited in	n im	nmine	ent d	ange	er or	der	No	. 441	018	4 iss	ued	7/10	0/08.					
																		_												
	-															Ś	See	Cor	ntinu	atior	I Fo	rm (I	MSF	IA F	orm	7000-	3a)			
9. Violation	A. Hea													_																
	Saf	-		B. Sec											Part/S			of				_								
Contine	Oth	-		-	Act			-	-					I	itle 3	30 C	FR					5 6	δ.	1	5	0 2	0			
Section II I 10. Gravity:	nspecie		aluatio	1																										
A. Injury o	r Illness	(has)	(is):	No Like	elihooc	ł		U	Jnlike	ly [R	Reas	onab	oly Li	kely	Γ	٦		н	ighly	/ Lik	ely	Х	1	C	Dccur	red		
B. Injury		200.001															_						-	_						
	bly be e				No Lo	ost W	orkda	VS		1	Los	t Wor	kdav	vs or	Res	tricte	ed D	outv			F	Perm	ane	ently	Disa	olina	Г	ΠE	atal	Х
-										1 T			,	,				,	-					-		_				
C. Signi				ıl (See	Revers	se):		Yes	Х		No									D. N	uml	oer c	of Pe	ersor	ns Af	fected	1		0	0 2
11. Negligen A. None		eck on	e)	В.	Low				C. I	Mod	erate	•				D.	Hig	h					E.	Re	ckles	s Dis	regar	ď	Х	
12. Type of A	ction										1:	3. Тур	be of	f Issu	iance	e (ch	neck	on	e)											
		1	04	- d	- 1							Cit	tatio	n		O	rder		Х		Ş	Safe	guai	rd		W	ritter	n No	tice	
14. Initial Act	-			_				_		D. \	Writt	en _		E	. Cit	atior								F. C	Dated		Мо			Yr
A. Citat	on	X B.	. Order	·	C.	Safe	guard			I	Notic	е				der mbe		4	4 1	0	1	4 5	5				0	6 1	0	8 0
15. Area or E		ent													INU	mbe	,	_	_		_	_	-					_		
JOHN JC			MITH	- MEC	'HAN	ICS																								
16. Terminat	ion Due		Data	Мо	Da	Yr		от:	me (2	04																				
		А.	Date						Ine (2 Ir. Clo																					
Section III	Termina	ation A	ction		<u> </u>					oony		1 1																		
17. Action to	Termin	ate																												
<u></u>					<u> </u>	, T								_	T															
18. Terminat		A. Dat		lo D	a Y		B. Tin	ne (2	24 Hr	Cloc	ck)																			
Section IV	Automa	ated Sy	/stem	Data											<u>ا</u>															
19. Type of I	nspectio	on		20	0. Ever	nt Nui	nber				Τ		Τ	21. F	Prima	ary c	or Mi	ill			Т									
(activi	ty code))	E 0	1					0 0	8	8 3	3 0	1																	
22. Signature	•			<u> </u>	,								-										23. /	AR N	lumb	er	Τ	Τ		
JOHN RE		חו																										<u>د</u> ا	2	3 3
	2000 2																										<u> </u>	5	J	5 3

MSHA Form 7000-3 Mar 85 (Revised)

104(d)(1) UNWARRANTABLE FAILURE ORDER ISSUED AS PART OF 107(a) ORDER

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

Section I V	iolatio	n Data	1																							
1. Date	Мо	Da	Yr	2. Tim	e (24 H	r. Clock)											3.	Cita	ation/	Order						
	0 8	3 1	0 8				6		94	5								Nur	nber			4	4 ·	10	0	18
4. Served To		•	• •	<u> </u>				-	· ·	_	5 One	erator											<u> </u>		Ū	. -
John Smith,		orem	an								•	S Co		mna	anv I	nc										
6. Mine		oronn								-	7. Min				<u>, , , , , , , , , , , , , , , , , , , </u>			П								
No. 1										ľ			4	Δ.	- 0	3	5 3	6	_		(00	ntrac	tor)			
110.1										_				'	0	U I		v	_		(00)	ninao	.01)			
8. Condition	or Pra	ctice																	88	a. Writ	ten No	otice	(103	ig)		
The traili	ng cab	le to t	he No	. 2 shuttl	e car or	n 1st left se	ection		ontain	ed f	ïve p	oorly	mad	e ter	npor	ary s	plice	s. T	hree	of the	splice	es had	l exp	osed	,	
	-					ne tempora									-		-									
the cable	was re	portec	l in th	e preshif	t exami	ner's book	on 8/	/28	3/01 ar	nd 8	/29/0	1. Tl	he m	ine o	pera	tor w	as e	ngag	ed in	aggra	vated	cond	uct ł	зу		
acknowle	dging	a safe	ty haz	ard and r	10t takii	ng correcti	ve ac	tio	n. Th	is v	iolati	on is	an u	nwai	rrant	able f	failu	re to	com	ply wi	th a m	anda	tory	stand	lard.	
This viola	ation is	s one o	of the	factors c	ited in l	mminent l	Dange	er (Order	No.	441(0028 i	issue	d 8/3	31/01											
															See C	Contir	nuatio	on Fr	orm (MSHA	Form	700	0-3a)		
9. Violation		alth					П	Т									laan						T	, 		+
5. 10121011	Sat			B. Sect	ion							C.	Part/	Sect	ion c	of										
	Oth			of A			-						Title						7 5	5 . E	S 0 3	3				
Section II I	nspect	or's E	valuat	ion																						
10. Gravity: A. Injury o	r Illnes	s (has	s) (is):	No Lik	elihood		Unlik	ely	/ 🗆		Rea	asona	ıbly L	ikely	/]	I	Highl	ly Lik	ely X]	С)ccur	rred		
B. Injur	y or Illn	ess c	ould re	ea-																						
sona	bly be	expec	ted to	be:	No Lost	Workdays	› [Lo	st V	Vorko	lays c	or Re	stric	ted D	Outy]	Perm	anent	y Disa	abling	Γ	Fa	ital	Х
C. Signi	ficant a	Ind Su	ıbstan	tial (See	Revers	e): Ye	s X	T	No								D.	Num	ber o	of Pers	ons A	ffecte	ed		0	0 1
11. Negligen	ce (ch					<u> </u>						_						-							_	
A. None	•			B. L	ow		С	. N	lodera	ite				D.	High	۱	Х			E. R	eckles	ss Dis	rega	ard		
12. Type of A	Action	1	04	- d	- 1.		_		_	13.	Type Citat	of Iss ion	suanc	ce (c	heck	one)		Orde	er	X	S	Safegi	lard			
					. ,						onat									<u> </u>						
14. Initial Act				_			_	D	D. Wri	tter		. 1	E. Ci	tatio							Dated	1	Мо			Yr
A. Citat	ion	ХВ	. Orde	r	C. Sa	afeguard			Not	ce				der Imbe	4 er	4	1 0	0	1 5	5			0	8 1	9	0 1
15. Area or E			1.6																							
No. 2 shuttl	e car o	on 1st	left s	ection																						
16. Terminat	ion Du			Мо	Da	/r							1													
		А.	Date			В.	Time																			
Section III	Tormir	nation	Action	ЦЦ			Hr. C	100	ск)																	
17. Action to			Action	<u>.</u>																						
						1							_													
18. Terminat		A. Da		/lo Da	Yr	B. Time	(24 6	Jr (
		л . Da				D. Time	(241		CIUCK																	
Section IV	Autom	ated S	Syster	n Data									_													
19. Type of I	nspect	ion		20. 1	Event N	umber	Γ	Τ	П			2	1. Pri	imar	y or I	Vill		Π								
(activit	ty code	e)	E 0	1			08	3	8 8	8	3 1															
22. Signature	-			· · ·															2	23. AR	Numb	oer	Т			
James Lee																								2 0	7	7 7
MSHA Form	7000-3	3 Mar	85 (R	evised)																			<u> </u>		·	<u> </u>
			•	,																						

104(d)(1) ORDER ISSUED AS PART OF A 107(a) IMMINENT DANGER ORDER

Mine Safety and Health Administration

Section 1 Vi	iolation	Data																							
1. Date	Мо	Da	Yr	2. Tim	ne (24 Hi	r. Clo	ck)										3.	Citat	ion/C	rder					
	0 8	3 0	0 8		,		,	0	9	0 0								Num	her			1	1		1 8 9
4. Served To	0 0	5 0	0 0					U	,	U C	5. Op	erator						Ituii				- T		U	1 0)
JOHN BA	NKS, N	1INER									-	OGGY	MIN	JING	СОМ	PAN	Y								
6. Mine	,										_	ne ID							Т						
CLAIM N	UMBEI	R 3											9	3 -	0	1	2 3	4 -			(co	ntracto	or)		
8. Condition of	or Practi	ce																	8a	. Writ	ten No	tice (1	03g)		
A miner (J																				1					
within thre were award											ttes and	i a ligh	iter of	n his	perso	n. Co	mpan	y per	sonne	el					
wele await		II. Dalik	is rout	nery sin	lokeu III	anu a	iouna u	ne mag	gazii	IC.															
This is to i	inform N	Mr. Ban	ks that	he will	receive	a Not	ification	n of Pr	opo	sed Ci	vil Per	alty fo	r viol	lating	a ma	ndato	ry sta	ndaro	i rela	ting to)				
smoking n												5								U					
NOTE: TI																						th			
the miner's In this case																					•				
in uns case	c, a 107	(a) IIIII	ment			1 a 10-	+(a) cita		л vi	014110	10157	.0704	would								form 7	000-3a	ι)		
9. Violation	A. Heal	th																	Ť					ТТ	
	Safe	ety		B. Secti	ion									Sectio											
	Oth	-		of A	ict	1	1 0	- g				1	Title	30 CI	FR				5 7		69	0 4			
Section II In	nspector	's Evalı	lation																						
10. Gravity: A. Injury or	r Illness	(has) (i	s): N	o Likeli	ihood	[Unlike	ly		Re	asonab	ly Lil	kely	Х	I	Н	ighly	Like	ly 🗌		O	ccurre	d [
B. Injury sonab	y or Illne oly be ex				No Lost	Worl	kdavs		1	Lost	Workd	lavs or	Rest	ricted	Dutv	,		Р	erma	nentlv	Disab	ling	Г	Fata	al X
	•	<u>^</u>					•		I I		П									-		-			
C. Signifi 11. Negligence		d Subst		See Re	verse):		Yes	X		No							D. N	umb	er of	Perso	ns Affe	ected			0 0 1
A. None)	B. L	.0W			C. N	Mod	erate				D.	High		Χ			E. Re	eckless	Disree	ard	Г	
12. Type of A	ction				<u> </u>	-					. Type	of Issu	ance		-	<u>.</u>									
12. Type of A	ction			-	- ,			-	-	15	Cita			T	der	Ē	Saf	egua	rd		Writ	ten No	otice		
14. Initial Act	10 n								υ.	Writte	en		E. Ci	tation	/				Τ	F.	Dated		Мо	Da	Υr
A. Citati	ion	В.	Order		C. Sa	ifegua	urd			Notice	e 🗌			der umper	r										
15. Area or Ec	quipmer	nt											1.0		<u> </u>					I					
16 Torminatio	on Duo			Malt		V							-												
16. Terminatio	on Due	A. I	Date	MO				l'ime (2 Hr. Clo																	
Section III 7	Termina	tion Ac	ction						JUR)																
17. Action to																									
18. Terminate	d		M	o Da	ı Yr						<u> </u>	<u> </u>													
18. Terminate		A. Date				В.	Time (24 Hr (Clo	ck)															
Section IV A			tem Da								· · ·		-												
19. Type of In	spection	1		20	. Event N	Numb	er]		ΙT	21.	Prim	ary oi	Mill			T							
	ty code)]	E 0	1				0 0	7	63	8 9	9													
22. Signature																			2	3. AR	Numb	er		Π	
TED JOHI																							() 4	7 8 9
MSHA Form	7000-3	Mar 85	(Revis	ed)																					

110(g) NOTICE - MINER SMOKING IN PROHIBITED AREA

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 8 2 2 0 8 0 9 3 0	Number 4 4 1 0 0 2 3
	Operator
Edgar Simms, Locomotive Operator J a	nd S Coal Company, Inc.
	Mine ID
No. 1	4 4 - 0 3 5 3 6 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
Edgar Simms was holding a lighted cigar while operating a track locon	notive near the 2 North switch. The switch is located approximately one
	an, revealed a butane lighter and one other cigar. This is notification that
Mr. Simms will receive a civil penalty for violating a mandatory safety	
Anytown, USA, 99999.	
(A violation will be issued to the mine operator for the san	ne standard)
(A violation will be issued to the ninic operator for the same	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health Safety B. Section	C. Part/Section of
Safety B. Section Other of Act	Title 30 CFR 7 5 . 1 7 0 2
Section II Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likel Cccurred
B. Injury or Illness could rea-	
	orkdays or Restricted Duty Permanently Disabling Fatal X
C. Significant and Substantial (See Reverse): Yes X No 11. Negligence (check one)	D. Number of Persons Affected 0 0 1
A. None B. Low C. Moderate	D. High X E. Reckless Disregard
12. Type of Action 13. Type	/pe of Issuance (check one)
	itation Safeguard Written Notice
14. Initial Action D. Written	E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notice	Order Order
15. Area or Equipment	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
The Mine Foreman removed Edgar Simms and the smoking materials from	n the mine.
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 0. 8, 8, 8, 8, 8, 8, 8, 8, 8, 8, 8, 8, 8,	21. Primary or Mill
(activity code) E 0 1 0 8 8 8 3 22. Signature 23 24 25 25 26 26 27	23. AR Number
-	
James Lee MSHA Form 7000-3 Mar 85 (Revised)	

110(g) NOTICE - MINER SMOKING IN PROHIBITED AREA

Mine Safety and Health Administration

Section 1 Violation Data								
1. Date Mo Da Yr 2. Time (24 Hr. Clock)				3. Ci	tation/Order			
	0 8 3 0			N	umber	4 4		1 9 0
4. Served To		. Operator						-1 -1 -1
SYDNEY JONES, PRESIDENT		TMC MININ	G COMPA	NY				
6. Mine	7.	. Mine ID						
TRIANGLE MINE		7	2 - 0	0 0 1 2		(contractor)		
8. Condition or Practice					8a. Writte	en Notice (10	13g)	
There were no speed limit signs posted along the unbermed	portion of the ma	ain service road	This is a vi	iolation of (Condition No.	3		
of the Granted Modification of Mandatory Standard 56.9300						5		
posted along the unbermed portion. The Assistant Safety M								
			See Con	ntinuation F	orm (MSHA I	form 7000-3a	.)	
9. Violation A. Health			а					
Safety B. Section Other of Act -			Section of 30 CFR		56.9	3 0 0 d		
Section II Inspector's Evaluation		The	50 CI K		50.7			
10. Gravity:								
A. Injury or Illness (has) (is): No Likelihood U	nlikely X	Reasonably Li	ikely	Hig	hly Likely] Occ	urred]
B. Injury or Illness could rea-		lankdorra on Dog	triated Duty		Dommonontly	Dischling	- Esta	1
sonably be expected to be: No Lost Workdays	X Lost W	orkdays or Res	Incled Duly		Permanently		Fata	
C. Significant and Substantial (See Reverse): Yes	No X			D. Nu	mber of Person	ns Affected		0 0 1
11. Negligence (check one) A. None B. Low	C. Moderate	X	D. High		E. Re	ckless Disrega	ard 🗌	٦
12. Type of Action		Type of Issuance	-			8		<u> </u>
1 0 4 - a - ,		Citation X	Order		Safeguard	Writte	en Notice	
			order		Suicguard			
14. Initial Action	D. Written		tation/		F. I	Dated N	Mo Da	Yr
A. Citation B. Order C. Safeguard	Notice		rder umber					
15. Area or Equipment		110						
	me (24 r. Clock)	0 9 0 0						
Section III Termination Action	I. CIOCK)							
17. Action to Terminate								
18. Terminated Mo Da Yr								
	4 Hr Clock)							
Section IV Automated System Data	<u>, , , , , , , , , , , , , , , , , , , </u>							
19. Type of Inspection 20. Event Number			ary or Mill					
	0 7 6 8 9	8 7						
22. Signature					23. AR	Number		
TED JOHNSON							04	7 8 9
MSHA Form 7000-3 Mar 85 (Revised)								

104(a) CITATION - VIOLATION OF A GRANTED PETITION FOR MODIFICATION

U.S. Department of Labor

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
	0 7 0 0 Number 1 2 3 4 5 7 5
4. Served To	5. Operator
Mike McGregor, Safety Director	Black Rock Coal Company
6. Mine	7. Mine ID
No. 1	1 5 - 0 3 5 3 6 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)

The North Mains section (MMU 001-0) was not provided two communication systems routed through two separate entries to the surface as required in the Emergency Response Plan in accordance with the Mine Improvement and New Emergency response Act of 2006 (Miner Act). The emergency notification telephone for the North Mains working section was not operational. The telephone could not send or receive a message in the page or talk mode from the responsible person located on the surface.

	See Continuation	Form (MSHA Form 7000-3	ia)
9. Violation A. Health Safety X B. Section Other of Act 3 1 6 - b	C. Part/Section of Title 30 CFR		
Section II Inspector's Evaluation			
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely R	easonably Likely X H	lighly Likely	Occurred
B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost Work	days or Restricted Duty	Permanently Disabling	x Fatal
C. Significant and Substantial (See Reverse): Yes X No	D. N	Number of Persons Affected	0 1 6
11. Negligence (check one) A. None B. Low C. Moderate	X D. High	E. Reckless Disr	regard
	e of Issuance (check one) ation X Order 0	Safeguard V	Written Notice
14. Initial Action D. Written A. Citation B. Order C. Safeguard	E. Citation/ Order Number	F. Dated	Mo Da Yr
15. Area or Equipment			
16. Termination DueMoDaYrA. Date 1 1 2 3 0 8 B. Time (24 1 1 2 3 0 8	7 0 0		
Section III Termination Action			
17. Action to Terminate			
18. Terminated A. Date Mo Da Yr B. Time (24 Hr Clock)			
Section IV Automated System Data			
19. Type of Inspection (activity code) E 0 1 7 6 5 4 3 2	21. Primary or Mill		
22. Signature	·	23. AR Number	2 3 1 9 0
MSHA Form 7000-3 Mar 85 (Revised)			

104(a) CITATION - 316(B) VIOLATION (EMERGENCY RESPONSE PLANS)

Mine Safety and Health Administration

Section 1 Violation Data					
1. Date Mo Da Yr 2. Time (24 Hr. Clock)			3. Citation/Order	
0 7 1 1 0 8	0	9 0 0		Number	4 4 1 0 1 9 1
4. Served To			5. Operator		
SYDNEY JONES, PRESIDENT			TMC MINING COMPANY	7	
6. Mine			7. Mine ID		
TRIANGLE MINE			7 2 - 0 0	0 1 2 - (con	tractor)
8. Condition or Practice				8a. Written Not	ice (103g)
A miner (Payroll #9876) was injured on					-
submit an MSHA #7000-1 (Mine, Accid violations during the past twelve months					
employment reports (MSHA #7000-2 for					Itelly
on completing and submitting the require		inpuny pers	sinier nuve seen repeatedry ms		
			See Contin	uation Form (MSHA Form 7	(000 35)
9. Violation A. Health		 	See Contin		000-5a)
Safety B. Section			C. Part/Section of		
Other of Act			Title 30 CFR	5 0 . 2 0 a	
Section II Inspector's Evaluation					
10. Gravity:					
A. Injury or Illness (has) (is): No Likeli	hood X Unlik	ely	Reasonably Likely	Highly Likely	Occurred
B. Injury or Illness could rea-] Т)	Washdana an Dastaistad Duta	Demuenter (h. Diesh)	lin a 🗖 Retal 🗖
sonably be expected to be: No	Lost Workdays X	Lost	Workdays or Restricted Duty	Permanently Disable	ling Fatal
C. Significant and Substantial (See Rev	erse): Yes	No	X	D. Number of Persons Affe	ected 0 0 0
11. Negligence (check one) A. None B. Low	с.	Moderate	D. High	X E. Reckless	Disregard
12. Type of Action		13.	Type of Issuance (check one)		
1 0 4 - a -	, –	-	Citation X Order	Safeguard	Written Notice
14. Initial Action		D. Writte	n E. Citation/	F. Dated	Mo Da Yr
	C. Safeguard	D. Writte Notice		P. Dated	
	Ŭ L		Number		
15. Area or Equipment					
16. Termination Due Mo Da	a Yr				
A. Date 0 7 1	2 0 8 B. Time Hr. C		0 8 0 0		
Section III Termination Action					
17. Action to Terminate					
18. Terminated A. Date Mo Da	Yr B. Time (24 H	r (Flock)			
A. Date	D. 11110 (24 11	I CIUCK)			
Section IV Automated System Data					
19. Type of Inspection20. E	vent Number		21. Primary or Mill		
(activity code) E 0 1	0 7	6 8 9	8 7		
22. Signature				23. AR Numbe	er
TED JOHNSON					0 4 7 8 9
MSHA Form 7000-3 Mar 85 (Revised)					

104(a) CITATION - FAILURE TO PREPARE AND SUBMIT AN MSHA 7000-1 FORM

U.S. Department of Labor

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 7 1 1 0 8 0 9 0 5	
4. Served To	5. Operator
SYDNEY JONES, PRESIDENT	TMC MINING COMPANY
6. Mine TRIANGLE MINE	7. Mine ID $7 2 - 0 0 1 2 - (contractor)$
8. Condition or Practice	8a. Written Notice (103g)
An MSHA #7000-2 (Quarterly Employment Report) for the 4th Quarter 200	(October November December) was not completed
nor mailed to MSHA's Health and Safety Analysis Center prior to January 15	
during the past twelve months for failing to report on-the-job injuries to MSI	HA and two violations for failing to submit quarterly employment
reports. Additionally, company personnel have been repeatedly instructed in	Part 50 regulations on completing and submitting
the required forms to MSHA.	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of Title 30 CFR 5 0 . 3 0 a
Other of Act	Title 30 CFR 5 0 . 3 0 a
Section II Inspector's Evaluation 10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood X Unlikely	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays X Lost	Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	X D. Number of Persons Affected 0 0
11. Negligence (check one) A. None B. Low C. Moderate	D. High X E. Reckless Disregard
12. Type of Action 13	B. Type of Issuance (check one)
1 0 4 - a - , - -	Citation X Order Safeguard Written Notice
14. Initial Action D. Writte A. Citation B. Order C. Safeguard	
	Number
15. Area or Equipment	
16. Termination DueMoDaYrA. Date071208B. Time (24)Hr. Clock)	
0 7 1 2 0 8 Hr. Clock) Section III Termination Action	0 8 0 0
17. Action to Terminate	
THE QUARTERLY REPORT WAS FILLED OUT AND SUBMITTED TO	MSHA.
18. Terminated Mo Da Yr	
A. Date $\begin{vmatrix} MO \\ 0 \end{vmatrix} = \begin{vmatrix} Da \\ 1 \end{vmatrix}$ B. Time (24 Hr Clock) B. Time (24 Hr Clock)	0 8 0 0
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 0 7 6 8 9	
22. Signature	23. AR Number
TED JOHNSON	0 4 7 8 9
MSHA Form 7000-3 Mar 85 (Revised)	

104(a) CITATION - FAILURE TO PREPARE AND SUBMIT AN MSHA 7000-2 FORM

Mine Safety and Health Administration

Section 1 V	iolation	Data										
1. Date	Мо	Da	Yr	2. Time (24 Hr. Clock)				3. C	itation/Order			
	0 7	1 1	0 8		0 9	1 0		N	Jumber	4 4 1	0 1	9 3
4. Served To							5. Operator					
SYDNEY	JONES	, PRES	SIDEN	Т			TMC MINING COMP.	ANY				
6. Mine							7. Mine ID					
TRIANG							72-	0 0 1		ntractor)		
8. Condition	or Practi	ce							8a. Written No	tice (103g)		
	MOIL			100 1 1 . 1	1.111 . D			.1 .	1. 1			
				1 (Mine Accident, Injury, and 08, was not at the mine office								
				st twelve months for failing to								
				Additionally, company person								
				to MSHA. Those instructions						-		
by MSHA												
							See (ontinuation L	orm (MSHA Form 7	000.20		
9. Violation	A. Hea	lth		·····			566 (100-3a)		
9. VIOIation	A. Hea Safe		_	B. Section			C. Part/Section of	•				
	Oth			of Act			Title 30 CFR		5 0 . 4 0	b		
Section II I	nonactor	la Eval	notion									
10. Gravity:	Ispector	S Evai	uation									
2	r Illness	(has) (is): N	No Likelihood X	Unlikely		Reasonably Likely	Hig	hly Likely	Occurre	d 🗌	
B. Injur	v or Illne	ess cou	ld rea-					_				
	bly be ex				Х	Lost '	Workdays or Restricted Dut	ty 🗌	Permanently Disab	ing	Fatal	
C Signif	licant an	d Subs	tantial	(See Reverse): Yes		No	X		umber of Persons Affe	ected	-	0 0
11. Negligend	ce (che	eck one			, 1	10	1	D.110		etted	0	0 0
A. None			/	B. Low	C. Mode	erate	D. Hig	h X	E. Reckless	Disregard		
12. Type of A	ction					13	Type of Issuance (check or					
12. 1990 011	•••••	1	0 4	- a - ,		10.	Citation X Order		Safeguard	Written N	Jotice [
		-	•									
14. Initial Act	ion				D. V	Writte	n E. Citation/		F. Dated	Мо	Da	Yr
A. Citat	ion	В.	Order	C. Safeguard	N	Notice						
15 Area or E		.+					Number					
15. Area or E	quipinei	IL										
16. Terminati	on Due			Mo Da Yr								
		A. 1	Date		l'ime (24 Hr. Clock)		0 8 0 0					
Section III '	Tormina	tion A	ation	0 7 1 2 0 8	HI. CIOCK)							
17. Action to			ction									
17.710101110	1 CI IIIII	ue										
18. Terminate				10 Da Yr								
		A. Date	e	B. Time ((24 Hr Clock	k)						
Section IV	Automa	ted Svs	stem D	ata								
19. Type of Ir				20. Event Number			21. Primary or Mil	1				
• •	ty code)		E 0	1	0 7 6	8 9		-				
22. Signature					0 / 0	0 9	0 /		23. AR Numb	er	ттт	
-									23. AN INUILIU			
TED JOH MSHA Form		Mar 85	Ravi	(ba)						() 4 7	89
MORA FOIII	1000-3	ivial 63		seuj								

104(a) CITATION - FAILURE TO MAINTAIN PART 50 RECORDS

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

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) I <thi< th=""> I <thi< th=""> I</thi<></thi<>	3. Citation/Order 4 4 1 0 0 2 1
4. Served To 5. Operator	
John Smith, Mine Foreman J and S Coal Compa	
6. Mine 7. Mine 10 and 2 coal compa	
No. 1 4 4 - 0	3 5 3 6 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
The No. 17 track-mounted self-propelled personnel carrier was not provided with sand-rigging	. This mine has wet track, steep grades, and "S"
curves. This presents the hazard of derailment and associated injuries. The personnel carrier v	
This is a Notice to Provide Safeguard(s) requiring No. 17 personnel carrier and all other person	
operable sand rigging when transporting 6 or more miners.	
See	Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section C. Part/Section	of 7514036b3
Other of Act - Title 30 CFR	
Section II Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely	Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost Workdays or Restricted	Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	D. Number of Persons Affected
11. Negligence (check one)	
A. None B. Low C. Moderate D. Hig	h E. Reckless Disregard
12. Type of Action 13. Type of Issuance (chec	
12. Type of Action 3 1 4 - b - , 13. Type of Issuance (chec	Safeguard X Written Notice
	Saleguard X WITHEIT NOTICE
14. Initial Action D. Written E. Citation/	F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notice Order	
15. Area or Equipment	
16. Termination Due Mo Da Yr	
A. Date B. Hime (24 0 8 2 1 0 8 Hr. Clock) 1 5 0 0	
Section III Termination Action	
17. Action to Terminate	
New linkage was properly installed and the sand-rigging was working satisfactorily on	the No. 17 personnel carrier.
18. Terminated Mo Da Yr A. Date 0 8 2 1 0 8 1 4 4 5	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or M	ill
(activity code) E 0 1 0 8 8 8 3 1	
22. Signature	23. AR Number
-	2 0 7 7 7
James Lee MSHA Form 7000 2 Mar 85 (Povisod)	
MSHA Form 7000-3 Mar 85 (Revised)	

NOTICE TO PROVIDE SAFEGUARD AND TERMINATION

Mine Safety and Health Administration

Section 1 V	violation	ı Data							
1. Date	Mo	Da	Yr	2. Time (24 H	r. Clock)				3. Citation/Order
	0 8	2 2	0 8			0	8 0	0	Number 4 4 1 0 0 2 2
4. Served To									5. Operator
John Smith,	Mine Fo	oreman	I						J and S Coal Company, Inc.
6. Mine									7. Mine ID
No. 1									4 4 - 0 3 5 3 6 - (contractor)
8. Condition	or Prac	tice							8a. Written Notice (103g)
Citations	iccurd	luring	the ine	nactions conduc	tad on August	10.	and 21	20	008, had not been posted on the mine bulletin board.
Citations	issued (uring	the ms	pections conduc	ted off August	197	and 21,	, 20	Jos, nad not been posted on the nime bunetin board.
									See Continuation Form (MSHA Form 7000-3a)
9. Violation	A. Hea	lth							
	Saf			B. Section					C. Part/Section of
C	Oth		1	of Act	1 0 9 -	а			Title 30 CFR . <t< td=""></t<>
Section II 1 10. Gravity:	Inspecto	ors eva	aiuatio	a					
	or Illnes	s (has)	(is):	No Likelihood	X Un	like	ly 🗌		Reasonably Likely Highly Likely Occurred
B. Injur						-			
	bly be e				Workdays	Χ	Lo	ost '	Workdays or Restricted Duty Permanently Disabling Fatal
C Signi	ficente	- nd Sub	atontia	l (See Reverse):	Yes		No		X D. Number of Persons Affected 0 0
11. Negligen				.1 (See Reverse).	168		INU		A D. Number of Persons Affected 0 0 0
A. None			•)	B. Low		C. N	Modera	ıte	X D. High E. Reckless Disregard
12. Type of A	Action							13.	. Type of Issuance (check one)
		1	0 4	- a			-		Citation X Order Safeguard Written Notice
				Í					
14. Initial Ac				_	_		D. Wr		
A. Citat	tion	B	. Order	C. Sa	feguard		Not	tice	e Order
15. Area or E	Equipme	ent							
	• •								
16. Terminat	10n Due			Mo Da	Yr				
			Date		B. Tin	· ·			
0 III				0 8 2 2 0	0 8 Hr.	. Clo	ock)		0 8 3 0
Section III			Action						
17. Action to									
Copies of the	e citatio	ns and	orders	were posted on	the bulletin bo	ard.			
18. Terminat	ed			Io Da Yr	1				
10. Terminat		A. Dat			B. Time (24	Hr	Clock))	0 8 3 0
Section IV	Autom	ated S			~				
19. Type of I				20. Event 1	Number				21. Primary or Mill
(activi	ity code)	E 0	1	0	8	8 8	8	3 1
22. Signature	e		•		•				23. AR Number
James Lee									
MSHA Form	7000-3	8 Mar 8	35 (Rev	vised)					

109(a) VIOLATION OF THE MINE ACT WITH TERMINATION

Appendix B

Training Violations

TABLE OF CONTENTS

P	'age
104(g)(1) Order - Part 48 - Single Miner and a Single Violation	4
104(g)(1) Order - Part 48 - Untrained Miner	5
104(g)(1) Order - Part 48 - Multiple Miners and a Single Violation	6
104(g)(1) Order - Part 48 - Single Miner and Multiple Violations	7
104(a) Citation - Part 46 - Inadequate Training Plan	9
104(a) Citation - Part 46 - Training Certificates Not Provided	10
104(a) Citation - Part 46 - Incomplete Training Records	11
104(a) Citation - Part 46 - Training Records Not Provided	12
104(g)(1) Order - Part 46 - Single Miner and a Single Violation	13
104(g)(1) Order - Part 46 - Multiple Miners and a Single Violation	14
104(g)(1) Order - Part 46 - Single Miner and Multiple Violations	15
104(g)(1) Order - Part 46 - Continuation Sheet Single Miner and Multiple Violations	16
104(g)(1) Order - Part 46 - Continuation Sheet Single Miner and Multiple Violations	16

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order 0 7 0 2 0 8 0 0	7 9
4. Served To 5. Operator	
TIMOTHY DAWSON, PRESIDENT ABCD MINING COMPANY, INC.	
6. Mine 17. Mine ID	
ABCD MINE 7 3 - 0 1 2 3 5 - (contractor)	
8. Condition or Practice 8a. Written Notice (103g)	
Michael Martin (Payroll Number 123456), a temporary summer employee, had not received the required MSHA 40-hour new miner training	
prior to performing maintenance duties underground. The mine operator was aware of the Part 48 training requirements, but	
believed it was unnecessary for a temporary employee. Mr. Martin had no previous mining experience. The operator is hereby	
ordered to withdraw Michael Martin from the mine until he has received the required training. The Federal Mine Safety and Health	
Act of 1977 declares that an untrained miner is a hazard to himself and to others.	
Confirmation France (MCHA France 2000 2-)	
See Continuation Form (MSHA Form 7000-3a)	
9. Violation A. Health Safety B. Section C. Part/Section of	
Safety B. Section C. Part/Section of Other of Act - Title 30 CFR 4 8 5	
Section II Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely X Highly Likely Occurred	
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabling Fatal	Х
C. Significant and Substantial (See Reverse): Yes X No D. Number of Persons Affected 0	0 1
11. Negligence (check one) A. None B. Low C. Moderate X D. High E. Reckless Disregard	
12. Type of Action 13. Type of Issuance (check one)	
1 0 4 - g - 1 , 1 - - - - - - - - -	
14. Initial Action D. Written E. Citation/ F. Dated Mo Da	Yr
A. Citation B. Order C. Safeguard Notice Order Number	
15. Area or Equipment	
MICHAEL MARTIN (PAYROLL NUMBER 123456)	
16. Termination Due Mo Da Yr A. Date I B. Time (24)	
Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr A. Date Image: Date of the second s	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or Mill	
(activity code) $E \begin{bmatrix} 0 \\ 1 \end{bmatrix}$ 20. Even realized $\begin{bmatrix} 0 \\ 9 \end{bmatrix}$ 7 7 5 5 3	
(activity code) E 0 1 0 9 7 7 5 5 22. Signature 23. AR Number 23	<u> </u>
JOHN REDWOOD 0 3 3	3 3
MSHA Form 7000-3 Mar 85 (Revised)	

104(g)(1) ORDER - PART 48 SINGLE MINER AND A SINGLE VIOLATION

Mine Safety and Health Administration

1. Date Mo Da Yr. 2. Time (24 Hr. Clock) 0 8 0 Sumber 4 4 4 1 0 0 2 0 4. Served To S. Operator Jand S Call Company, Inc. S. Mine ID 4 4 4 1 0 0 2 0 6. Mine No.1 2. Mine ID 4 4 4 0 3 3 6 - (contractor) 8. Condition or Practice 8. Online mains sequence/particle by Section 115 of the Act. Mr. Jones is a new miner, hired by this company on 81308. He has received the early of mining, a determined by an Autorized Representative. -<	Section 1 Violation Data	
4. Served To jr and S Caal Company, Inc. John Smith, Mine Foreman jr and S Caal Company, Inc. 6. Mine jr and S Caal Company, Inc. 8. Condition or Practice 8. Written Notice (103g) John Jones was performing laborer duties in the mains section conveyor belt entry in the underground portion of the mine. He has not received the stady training as required by Dositor 115 of the Act. Mr. Jones is a new miner, hird by this company on 81308. He has received mone of the required Homos is declarable humons is declarable humos is declarable. (If a miner has not received raining is violation of 2 or more of the training regulations, a single Order is issued; however, each additional violation is given an impector's evaluation on a Form 7000-3a.) 9. Violation [A, Health] B. Section 9. Violation [A, Health] B. Section [C, C, Parti Section 15] 9. Violation [A, Health] B. Section [C, C, Parti Section 16] 9. Violation [A, Health] B. Section [C, C, PartiSection 16] 9. Violat	1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
John Smith, Mine Foreman J and S Coal Company, Inc. 6. Mine 7. Mine ID 4 4 0 3 5 6		
6. Mine 7. Mine ID 4 4 0 3 5 3 6 . (contractor) 8. Condition of Practice 8a. Written Notice (105g)		
No. 1 4 4 -0 3 5 3 -0 (contractor) 8. Condition or Practice 8a. Written Notice (105g) John Jones was performing laborer duties in the mains section conveyor belf entry in the underground portion of the mine. He has not received the safety training as required by texton 115 of the Act. Mr. Jones is an examiner, hired by this company on 81/308. He has received one of the required training in the ubsence of such training. John Jones is declared a hazard to himself and others, and is to be withdrawn immediately from the mine until he has received the required training, as determined by an Authorized Representative. (If a miner has not received training in violation of 2 or more of the training regulations, a single Order is issued; however, each additional violation is given an inspector's evaluation on a Porm 7000-3a.) 9. Violation [A Health] B. Section C. Part/Section of Title 30 CFR 4 8 5 3 1 10. Gravity: A. Bealth Section II Unlikely Reasonably Likely Fightly Likely Occurred 8 10. Gravity: A. None B. Low C. Moderate D. Number of Persons Affected 10 0 1 11. Neglegence (check one) Not Cenker one) C. Stafeguard Written Notice II. Notice F. Dated Mo Da Yr 12. Type of Action <td></td> <td></td>		
8. Condition or Practice 8a. Written Notice (103g) John Jones was performing laborer duties in the mains section conveyor belt entry in the underground portion of the mine. He has not received the safety training as required by Section 115 of the Act. Mr. Jones is a new miner, hired by this company on 81/308. He has not received none of the rupuited 4b Notice of new miner training. In the absence of such training, John Jones is decade a hazard to hismer and is to be withdrawn immediately from the mine until he has received the required training, as determined by an Authorized Representative. (If a miner has not received training in violation of 2 or more of the training regulations, a single Order is issued; however, each additional violation is given an inspector's evaluation on a Form 7000-3a.) Sec Continuation Form (MSHA Form 7000-3a) 9. Violation N. Health Safety of Act B. Section of Act C. Part/Section of the 30 CFR 4 ////////////////////////////////////		
John Jones was performing laborer duties in the mains section conveyor belt entry in the underground portion of the mine. He has not received the safety training, as required by Section 115 of the Act. Mr. Jones is a new miner, hired by dhis company on 8/13/08. He has received none of the required 4/hours of new miner training. In the absence of such training, John Jones is declared a hazard to himself and dones, and is to be withdrawn immediately from the mine until be has received the required training, as determined by an Authorized Representative. (If a miner has not received training in violation of 2 or more of the training, as determined by an Authorized Representative. (If a miner has not received training in violation of 2 or more of the training as determined by an Authorized Representative. (If a miner has not received training in violation of 2 or more of the training regulations, a single Order is issued; however, each additional violation is given an inspector's evaluation on a Form 7000-3a.) 9. Violation A. Health B. Section Safety B. Section C. Part/Section of Title 30 CFR 4 8 Safety 0. Gravity: A. Injury or Illness could reasonably Likely Mightly Likely Occurred 10. Gravity: A. Injury or Illness could reasonably takely in the violation of C. Noderate D. Highly Likely D. Number of Persons Affected 11. Neglegnene (Calcck one) B. Low C. Moderate D. Highly E. Reckless Disregard Mo 12. Type of Action		
the safety training as required by Section 115 of the Ast. Mr. Jones is a new miner, hired by this company on 81308. Heas received none of the required 40 hours of new miner training. John Jones is determined by an Autohotzed Representative. withdrawn immediately from the mine until he has received the required training. as determined by an Autohotzed Representative. (If a miner has not received training in violation of 2 or more of the training regulations, a single Order is issued; however, each additional violation is given an inspector's evaluation on a Form 7000-3a.) 9. Violation [A. Health] B. Section Safety of Mr. B. Section 0. Other Safety of Mr. 0. Other Safety of Mr. 0. True 30 CFR 4 sl. 5 sl 10. Gravity: A. Injury or Illness could reasonably Likely Measonably Likely Occurred [] 11. Reglignence (check one) No Loss Workdays Lost Workdays or Restricted Duty [] Permanently Disabling [] Fatal X 12. Type of Action I. B. Low C. Moderate [] D. Number of Persons Affected [] [] [] [] 13. Reglignence (check one) C. Safeguard [] D. Viriten Notice [] I. A. None [] B. Low C. Moderate [] D. High Y F. Dated [] Mo [] [] [] 14. Initital Action [] A. Date [] <td>8. Condition or Practice</td> <td>8a. Written Notice (103g)</td>	8. Condition or Practice	8a. Written Notice (103g)
required 40 hours of new miner training. In the absence of such training. John Jones is declared a hazard to himself and others, and is to be withdrawn immediately from the mine until he has received the required training regulations, a single Order is issued; however, each additional violation is given an inspector's evaluation on a Form 7000-3a.) 9. Violation A. Health Setton II Inspector's Evaluation of Act B. Section of of Act C. Part/Section of Tide 30 CFR 4 8. 5. 9. Violation C. Part/Section of Other B. Section of of Act C. Part/Section of Tide 30 CFR 4 8. 5. 9. Violation A. Health Setton II Inspector's Evaluation B. Section of of Act C. Part/Section of Tide 30 CFR 4 8. 5. 9. Violation A. Health Setton II Inspector's Evaluation B. Section II Inspector's Evaluation 0 0 1 10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely M. Tide 30 CFR 6 0 0 0 1 10. Gravity: A. Injury or Illness cult rea- sonably be expected to be: No Lost Workdays or Restricted Duty Permanently Disabling Fatal Set 12. Type of Action B. Low C. Moderate D. High E. Reckless Disregard 0 0 1 13. Area o		
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See Continuation Form (MSHA Form 7000-3a) 9. Violation A. Health Safety B. Section of Act C. Part/Section of Title 30 CFR 4 8 . 5 Ja See Continuation Form (MSHA Form 7000-3a) 0. Grewiy: A. Social C. Part/Section of Title 30 CFR 4 8 . 5 Ja Section II - Inspector's Evaluation 10. Grewiy: A. Injury or Ilness (bas) (is): No Likelihood Unlikely Reasonably Likely Yithely Likely Occurred B. Juny or Ilness No Likelihood Unlikely Reasonably Likely Yithely Cocurred 0 0 1. Negligence (check one) No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabling Fatal X 2. Type of Action 1 0 4 - 1 . 1 X No D. Number of Persons Affected 0 0 1 11. Negligence (check one) A. Note B. Low C. Moderate D. High X Reaceless Disregard No 12. Type of Action 1 0 4 Yithen Notice Notice Noder X Safeguard	(If a miner has not received training in violation of 2 or more of the training	ing regulations, a single Order is issued; however, each additional
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22. Signature 23. AR Number 2 0 7 7 James Lee 2 0 7 7 7		21. Primary or Mill
James Lee 2 0 7 7 7		
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	James Lee MSHA Form 7000-3 Mar 85 (Revised)	

104(g)(1) ORDER - PART 48 UNTRAINED MINER

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 0 8 0 3. Citation/Order 1. Date 0 7 0 3 0 8 0 0 8 0 0 3. Citation/Order 4 4	1 0 1 8 0
4. Served To 5. Operator	1 0 1 0 0
TIMOTHY DAWSON, PRESIDENT ABCD MINING COMPANY, INC.	
6. Mine 7. Mine ID 7. Mine ID	
ABCD MINE 7 3 - 0 1 2 3 5 - (contractor)
8. Condition or Practice 8a. Written Notice (10	3g)
Fifty-six miners working in the mine and mill have not received annual refresher training within the last twelve months. Refresher	
training was last given to these miners on February 10, 2007. The mine operator was aware of the training requirements. The safety director said "the production schedule has been too tight to work in the training." The operator is hereby ordered to withdraw the 56	
miners from the mine or mill until they have received the required training. The Federal Mine Safety and Health Act of 1977 declares	
that an untrained miner is a hazard to himself and to others.	
See Continuation Form (MSHA Form 7000-3a	
9. Violation A. Health	<u> </u>
Safety B. Section C. Part/Section of	
Other of Act - Title 30 CFR 4 8 8	
Section II Inspector's Evaluation	
10. Gravity:	. —
	urred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty X Permanently Disabling	Fatal
C. Significant and Substantial (See Reverse): Yes No X D. Number of Persons Affected	0 5 6
11. Negligence (check one) A. None B. Low C. Moderate D. High X E. Reckless Disrega	rd
12. Type of Action 1 0 4 - g - 13. Type of Issuance (check one) Citation Order X Safeguard Writtee	en Notice
14. Initial Action D. Written E. Citation/ F. Dated M.	lo Da Yr
A. Citation B. Order C. Safeguard Notice Order Number	
15. Area or Equipment	
Ben Hopper, Lois Smith, Tom Jones, Ezra D. Light; Billy Kidd; Mina Byrd; Jack Hammer; Justin Hustin; Manny Keys; et. al.	
16. Termination Due Mo Da Yr	
A. Date A. Date B. Time (24 Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or Mill	
(activity code) E 0 1 0 9 7 7 5 5 3	
22. Signature 23. AR Number	
JOHN REDWOOD	0 3 3 3 3
MSHA Form 7000-3 Mar 85 (Revised)	

104(g)(1) ORDER - PART 48 MULTIPLE MINERS AND A SINGLE VIOLATION

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 7 0 3 0 8	
4. Served To	5. Operator
JEFF CRIBS, PRESIDENT	XYZ MINING COMPANY, INC.
6. Mine	7. Mine ID
XYZ MINE	7 3 - 0 1 2 3 6 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
	× 0,
Jim Jones, an underground driller working in the mine, had not received	
assuming work duties on June 16, 2008. (48.8) Mr. Jones had started the	
indicated that he had not received any training. Jim Jones had also not	
Mr. Jones' last MSHA training was received on 1/13/08. Mr. Jones had mine on January 8, 2008. The mine operator was aware of the training	
has been too tight to work in the training." The Federal Mine Safety an	
himself and others.	a realth Act of 1777 deciates an untrained ninier a nazard to
NOTE: The second standard is evaluated for "S&S" on a mine citation	order continuation form.
	See Continuation Form (MSHA Form 7000-3a) X
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act -	Title 30 CFR 4 8 7
Section II Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely X Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Los	st Workdays or Restricted Duty Permanently Disabling X Fatal
	t Workdays or Restricted Duty Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 1
11. Negligence (check one) A. None B. Low C. Moderate	e D. High X E. Reckless Disregard
12. Type of Action	3. Type of Issuance (check one)
1 0 4 - g - 1 ,	Citation Order X Safeguard Written Notice
14. Initial Action D. Wri	
A. Citation B. Order C. Safeguard Noti	
15 Area on Environment	Number Number
15. Area or Equipment JIM JONES (PAYROLL NO. 31234567)	
JIM JONES (PATROLL NO. 51254507)	
Id. Termination Due Mo Da Yr A. Date I I B. Time (24)	
Hr. Clock)	
Section III Termination Action 17. Action to Terminate	
17. Action to Terminate	
18. Terminated A. Date Mo Da Yr B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
	5 5 4
22. Signature	23. AR Number
C	
JOHN SMITHE MSHA Form 7000-3 Mar 85 (Revised)	
NISTATUTII /000-3 IVIAL OJ (NEVISCA)	

104(g)(1) ORDER - PART 48 SINGLE MINER AND MULTIPLE VIOLATIONS Mine Citation/Order Continuation

U.S. Department of Labor

Mine Safety and Health Administration

Section 1 Subsequent Action/Continuation Data					
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)		$\begin{array}{c c} \text{Da} & \text{Yr} \\ \text{D} & 3 & 0 & 8 \end{array}$	3. Citation/Order Number	4 4 1 0 1 8 1 -
4. Served To		5.	Operator		
JEFF CRIBS, PRESIDENT				ING COMPANY, INC.	
6. Mine		7.	Mine ID		
XYZ Mine				7 3 - 0 1 2 3 6 -	(contractor)
Section II Justification for Action					· ·
Continuation of Section II, Inspector's Eval	uation, to evaluate 30 Cl	FR 48.8			
ITEM 10A - Reasonably Likely					
ITEM 10B - Lost Workdays					
ITEM 10C - Significant and Substantial - Y	/es				
ITEM 10D - Number of Persons Affected -	001				
ITEM 11 - Negligence - High					
					See Continuation Form
Section Ill Subsequent Action Taken					
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. C	lock)		C. Vacated D. Terr	ninated E. Modified
Section IV Inspection Data			. 1		
	ent Number 0 9	7 7 5	5 5 4		
11. Signature	AR N	lumber	12. Date	Mo Da Yr 13. Time (24	Hr. Clock)
JOHN SMYTHED	0 3	3 3 4	4	0 7 0 3 0 8	1 0 0 0

MSHA Form 7000-3a, Mar 85 (Revised)

104(g)(1) ORDER - PART 48 CONTINUATION SHEET SINGLE MINER AND MULTIPLE VIOLATIONS

Mine Safety and Health Administration

Section 1 Violation Data		
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 0 8 2 0 8	0 8 0 0	3. Citation/Order 8 8 3 4 5 6
4. Served To	5. Operator	
KEN SWIFT, QUARRY FOREMAN	NORTHEAST AGGREGAT	ES
6. Mine	7. Mine ID	
NORTHEAST	4 7 - 9 9	1 2 3 - (contractor)
8. Condition or Practice		8a. Written Notice (103g)
The training plan did not include the minimum information	specified in 20 CEP Dart 46 2(h)(1) through 4	52(h)(5) nor has the plan
been submitted to MSHA for approval.	r specified in 50 CFK Part 40.5(0)(1) through 40	5.5(0)(5), not has the plan
The following items contribute to the ineffectiveness of the	nlan.	
There was not a general description of the teaching n		
No approximate time range was given for the subject		
No evaluation procedures were included to determin		
No course material was provided for training new mi	iners in recognizing and avoiding electrical and	other hazards at the mine.
	See Contin	uation Form (MSHA Form 7000-3a)
9. Violation A. Health Safety B. Section	C. Part/Section of	
Other of Act	Title 30 CFR	4 6 . 3 a
Section II Inspector's Evaluation		
10. Gravity:		
	Inlikely X Reasonably Likely	Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays	Lost Workdays or Restricted Duty	X Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes	No X	D. Number of Persons Affected 0 1 2
11. Negligence (check one) A. None B. Low	C. Moderate X D. High	E. Reckless Disregard
12. Type of Action 1 0 4 - a , -	- 13. Type of Issuance (check one) Citation X Order	Safeguard Written Notice
14. Initial Action	D. Written E. Citation/	F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard	Notice Order	
15. Area or Equipment	Number	
15. Area of Equipment		
16. Termination DueMoDaYrA. Date 0 8 2 7 0 8 H 0 8 2 7 0 8 8	ne (24 Ir. Clock) 0 8 0 0	
Section III Termination Action		
17. Action to Terminate		
18. Terminated Mo Da Yr		
	4 Hr Clock)	
Section IV Automated System Data		
19. Type of Inspection 20. Event Number	21. Primary or Mill	
(activity code) E 0 1	0 9 8 9 3 4 1	
22. Signature		23. AR Number
Jay Lowe		0 3 3 3 2
MSHA Form 7000-3 Mar 85 (Revised)		
	104() OTTATION DADTAC	

104(a) CITATION - PART 46 INADEQUATE TRAINING PLAN

Mine Safety and Health Administration

Section 1 Violation Data				
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 0 8 2 1 0 8	0 9 0 0	3. Citation Number		3 4 5 7
4. Served To	5. Operator	INUIIO	0 0 0	, , , , , ,
KEN SWIFT, QUARRY FOREMAN	-	AGGREGATES		
6. Mine	7. Mine ID			
NORTHEAST	4	7 - 9 9 1 2 3 -	(contractor)	
8. Condition or Practice			8a. Written Notice (103g)	
Miners were not provided a copy of a certified training record upon	completion of their new miner training	Q.		
	1 · · · ·			
		See Continuation Form (M	ISHA Form 7000-3a)	
9. Violation A. Health		, ,		
Safety B. Section	C. Part/S			
Other of Act Section II Inspector's Evaluation	Title	30 CFR 4	6.9d1	
10. Gravity:				
	Unlikely X Reasonably Like	ely Highly Li	kely Occurred	
B. Injury or Illness could rea-				
sonably be expected to be: No Lost Workdays	X Lost Workdays or Restric	ted Duty Per	manently Disabling	Fatal
C. Significant and Substantial (See Reverse): Yes	No X	D. Number	of Persons Affected	0 0 0
11. Negligence (check one) A. None B. Low	C. Moderate X	D. High	E. Reckless Disregard	
12. Type of Action	13. Type of Issuance (c		🗂	
1 0 4 - a ,	Citation X	Order Sa	feguard Written No	otice
14. Initial Action	D. Written E. Cit		F. Dated Mo	Da Yr
A. Citation B. Order C. Safeguard		der Imber		
15. Area or Equipment	IN IN	milloci		
16 Transistion Data				
16. Termination Due Mo Da Yr A. Date 0 8 2 8 0 8	Time (24 0 8 0 0 Hr. Clock) 0 8 0 0			
Section III Termination Action				
17. Action to Terminate				
18. Terminated Mo Da Yr				
A. Date B. Time (2	24 Hr Clock)			
Section IV Automated System Data				
19. Type of Inspection 20. Event Number	21. Prima	ry or Mill		
(activity code) E 0 1	0 9 8 9 3 4 1			
22. Signature			23. AR Number	
Jay Lowe			C	3 3 3 2
MSHA Form 7000-3 Mar 85 (Revised)				

104(a) CITATION - PART 46 TRAINING CERTIFICATES NOT PROVIDED

Mine Safety and Health Administration

Section 1 Violation Data		
1. DateMoDaYr2. Time (24 Hr. Clock) 0 8 2 1 0 8	0 9 3 0	3. Citation/Order 8 8 3 4 5 8
4. Served To	5. Operator	
KEN SWIFT, QUARRY FOREMAN	NORTHEAST AGGREGATE	S
6. Mine	7. Mine ID	
NORTHEAST	4 7 - 9 9	1 2 3 - (contractor)
8. Condition or Practice	· · · · · · · ·	8a. Written Notice (103g)
The mine operator was not completing or generating the required n	ecords of training which was being completed in se	gments [30 CFR 46.9b(1-4)].
	See Continu	ation Form (MSHA Form 7000-3a)
9. Violation A. Health		
Safety B. Section Other of Act	C. Part/Section of	
Other of Act Section II Inspector's Evaluation	Title 30 CFR	4 6 . 9 b
10. Gravity:		
A. Injury or Illness (has) (is): No Likelihood U	nlikely X Reasonably Likely	Highly Likely Occurred
B. Injury or Illness could rea-		
sonably be expected to be: No Lost Workdays	X Lost Workdays or Restricted Duty	Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes	No X	D. Number of Persons Affected 0 0 0
11. Negligence (check one)		
A. None B. Low	C. Moderate X D. High	E. Reckless Disregard
12. Type of Action	13. Type of Issuance (check one)	
1 0 4 - a ,	- Citation X Order	Safeguard Written Notice
14. Initial Action	D. Written E. Citation/	F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard	Notice Order	
15. Area or Equipment		
16. Termination Due Mo Da Yr		
A. Date IIIB. Tit	ne (24	
0 8 2 8 0 8 H	r. Clock) 0 8 0 0	
Section III Termination Action		
17. Action to Terminate		
18. Terminated Mo Da Yr		
18. Terminated Mo Da Yr A. Date B. Time (24	Hr Clock)	
Section IV Automated System Data		
19. Type of Inspection20. Event Number	21. Primary or Mill	
	0 9 8 9 3 4 1	
22. Signature		23. AR Number
Jay Lowe		0 3 3 3 2
MSHA Form 7000-3 Mar 85 (Revised)		

104(a) CITATION - PART 46 INCOMPLETE TRAINING RECORDS

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 8 2 1 0 8 1 0 0 0 4. Served To 5. Operator 5. Operator	Number 8 8 8 3 4 5 9
4. Served To KEN SWIFT, QUARRY FOREMAN 5. Operator NORTHEAST AGGREGA	TES
6. Mine 7. Mine ID 7.	
NORTHEAST 4 7 - 9 9	1 2 3 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
The mine operator failed to record and certify that each miner had received the required training.	
See Conti	nuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section C. Part/Section of	
Other of Act Title 30 CFR	4 6 . 9 a
Section II Inspector's Evaluation 10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely X Reasonably Likely	Highly Likely Occurred
B. Injury or Illness could rea-	Domeson on the Dissibility of Fostal
sonably be expected to be: No Lost Workdays X Lost Workdays or Restricted Duty	Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No X	D. Number of Persons Affected 0 0 0
11. Negligence (check one) A. None B. Low C. Moderate X D. High	E. Reckless Disregard
12. Type of Action 13. Type of Issuance (check one)	
1 0 4 - a, $ Citation X$ Order	Safeguard Written Notice
14. Initial Action D. Written E. Citation/	F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notice Order	
15. Area or Equipment	
16. Termination Due Mo Da Yr A. Date I I B. Time (24	
0 8 2 8 0 8 Hr. Clock) 0 8 0 0	
Section III Termination Action 17. Action to Terminate	
17. Action to Terminate	
18. Terminated Mo Da Yr A. Date I I B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or Mill	
(activity code) E 0 1 0 9 8 9 3 4 1	
22. Signature	23. AR Number
Jay Lowe	0 3 3 3 2
MSHA Form 7000-3 Mar 85 (Revised)	

104(a) CITATION - PART 46 TRAINING RECORDS NOT PROVIDED

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

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
	Number 4 4 1 0 1 8 9
4. Served To 5. Operator	
JAMES DOBSON, PRESIDENT QRS MINING COMPANY	
6. Mine 10 7. Mine 10	
WMC MINE AND MILL 7 3 - 0 1	2 3 6 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
Chad Scott (payroll number 98342), truck driver, had not received the MSHA-required 24-hour new miner t	
after beginning work at the mine. Mr. Scott had no previous mining experience, and he was only provided w The mine operator was aware of the Part 46 training requirements. The mine operator must withdraw Chad	
until he receives the required training. The Federal Mine Safety and Health Act of 1977 states that an untrai	
to himself and to others.	
See Continu	uation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section C. Part/Section of	
Other of Act Title 30 CFR	4 6 . 5 a
Section II Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely X	Highly Likely Occurred
	Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty	Permanently Disabling Fatal X
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 1
11. Negligence (check one)	
A. None B. Low C. Moderate D. High	X E. Reckless Disregard
12. Type of Action 13. Type of Issuance (check one)	
$\begin{vmatrix} 1 & 0 & 4 \end{vmatrix} - \begin{vmatrix} g & - & 1 \end{vmatrix}$, $\begin{vmatrix} - & - & - \end{vmatrix}$ Citation Order X	Safeguard Written Notice
14. Initial Action D. Written E. Citation/	F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notice Order	
Number	
15. Area or Equipment	
Chad Scott (payroll number 98342)	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or Mill	
(activity code) E 0 1 0 9 7 7 5 5 5	
22. Signature	23. AR Number
John Redwood	0 3 3 3 3
MSHA Form 7000-3 Mar 85 (Revised)	

104(g)(1) ORDER - PART 46 SINGLE MINER AND A SINGLE VIOLATION

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order 3.	
0 8 2 0 0 8 0 8 0 0 Number 4 4 1 0 0 8	9
4. Served To 5. Operator	
JAMES DOBSON, PRESIDENT QRS MINING COMPANY	
6. Mine ORS MINE 7. Mine ID 7. 3 - 0 1 2 3 6 - (contractor)	
QRS MINE 7 3 - 0 1 2 3 6 - I (contractor) 8. Condition or Practice 8a. Written Notice (103g) 6 7	_
8. Written Notice (105g)	_
Twenty-two miners working at the mine have not received annual refresher training within the last twelve months. Refresher	
training was last provided to these miners on April 11, 2007. The mine operator was aware of the training requirements.	_
The mine operator must withdraw the 22 miners from the mine until they have received the required training. The	
Federal Mine Safety and Health Act of 1977 states that an untrained miner is a hazard to himself and to others.	
	-
See Continuation Form (MSHA Form 7000-3a)	_
9. Violation A. Health	_
Safety B. Section C. Part/Section of	
Other of Act Title 30 CFR 4 6 8 a	
Section II Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely X Reasonably Likely Highly Likely Occurred	
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty X Permanently Disabling Fatal	
	_
C. Significant and Substantial (See Reverse): Yes No X D. Number of Persons Affected 0 2	2
11. Negligence (check one) A. None B. Low C. Moderate D. High X E. Reckless Disregard	
12. Type of Action 1 0 4 - g - 13. Type of Issuance (check one) Citation Order X Safeguard Written Notice	
14. Initial Action D. Written E. Citation/ F. Dated Mo Da Yn A. Citation B. Order C. Safeguard Notice Order I I I I	r
A. Citation B. Order C. Safeguard Notice Order Number	
15. Area or Equipment	
Joseph Johns, Harry Tee, Mike Mott, Mark Hank, Sam Wright, Harold Moody, et. al.	
	_
16. Termination Due Mo Da Yr A. Date I I B. Time (24 Hr. Clock) I	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
18. Terminated Mo Da Yr A. Date I I B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or Mill	
(activity code) E 0 1 0 9 7 7 5 5 5	
22. Signature 23. AR Number	
John Redwood 0 3 3 3	3
MSHA Form 7000-3 Mar 85 (Revised)	

104(g)(1) ORDER - PART 46 MULTIPLE MINERS AND A SINGLE VIOLATION U.S. Department of Labor

Mine Safety and Health Administration

Section 1 Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order	\square
0 8 2 0 0 8 0 9 3 0 Number 4 4 1 0 1	90
4. Served To 5. Operator	<u> </u>
JAMES DOBSON, PRESIDENT QRS MINING COMPANY	
6. Mine 7. Mine ID 7.	
QRS MINE 7 3 - 0 1 2 3 6 - (contractor)	
8. Condition or Practice 8a. Written Notice (103g)	
Bill Porter (payroll number 98340), haul truck driver, had not received the MSHA required task training on the haul truck he was operating prior to assuming his duties	
on July 6, 2008. [30 CFR Part 46.7a] Mr. Porter indicated that he had not operated any haulage trucks prior to operating this one.	
Bill Porter last received annual refresher training on February 14, 2007. This is not within MSHA's requirements for annual refresher training. [30 CFR 46.8]	
The mine operator was aware of the Part 46 training requirements. The Federal Mine Safety and Health Act of 1977 states that an	
untrained miner is a hazard to himself and to others.	
Note: The second standard is evaluated for S&S on a mine citation/order continuation form. See Continuation Form (MSHA Form 7000-3a)	
	X
9. Violation A. Health Safety B. Section C. Part/Section of	
Other of Act Title 30 CFR 4 6 . 7 a	
Section II Inspector's Evaluation	
10. Gravity:	-
A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely X Highly Likely Occurred	1
B. Injury or Illness could rea-	37
sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabling Fatal	Х
C. Significant and Substantial (See Reverse): Yes X No D. Number of Persons Affected 0	0 1
11. Negligence (check one) A. None B. Low C. Moderate D. High X E. Reckless Disregard	1
12. Type of Action 1 0 4 - g - 13. Type of Issuance (check one) Citation Order X Safeguard Written Notice	
$1 0 4 - g - 1, \qquad - Citation \qquad Order \qquad X \qquad Safeguard \qquad Written Notice$	
14. Initial Action D. Written E. Citation/ F. Dated Mo Da	Yr
A. Citation B. Order C. Safeguard Notice Order	
15. Area or Equipment	
Bill Porter (payroll number 98340)	
Id. Termination Due Mo Da Yr A. Date I I B. Time (24	
Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or Mill	
(activity code) E 0 1 0 9 7 7 5 5	
22. Signature 23. AR Number	
John Redwood 0 3 3	3 3
MSHA Form 7000-3 Mar 85 (Revised)	

104(g)(1) ORDER - PART 46 SINGLE MINER AND MULTIPLE VIOLATIONS Mine Citation/Order Continuation

U.S. Department of Labor

Mine Safety and Health Administration

Section 1 Subsequent Action/Continuatio	n Data				
1. Subsequent Action 1a. Continuation		Mo Da Yr			
X	(Original Issue)	0 8 2 0 0	8 Number	4 4 1 0	0 8 9 -
4. Served To		5. Operato	r		
JAMES DOBSON, PRESIDENT		QRS M	IINING		
6. Mine		7. Mine II			
QRS Mine			7 3 - 0 1 2 3	6 - (contrac	tor)
Section II Justification for Action					
Continuation of Section II, Inspector's E	valuation, to evaluate	30 CFR 46.8a			
ITEM 10A - Unlikely					
ITEM 10B - Lost Workdays					
ITEM 10C - Significant and Substantial					
ITEM 10D - Number of Persons Affecte	ed - 001				
ITEM 11 - Negligence - High					
				See Continua	tion Form
Section III Subsequent Action Taken			· · ·		
8. Extended To A. Date Da	Yr B. Time (24 H	r. Clock)	C. Vacated	D. Terminated	E. Modified
Section IV Inspection Data					
9. Type of Inspection 10. E	vent Number				
E 0 1	09	7 7 5 5 5			
11. Signature	AR	Number 12. Dat	e Mo Da Yr	13. Time (24 Hr. Clock)	
JOHN REDWOOD	0 3	3 3 3	0 8 2 0 0 8		0 9 3 0

MSHA Form 7000-3a, Mar 85 (Revised)

104(g)(1) ORDER - PART 46 CONTINUATION SHEET SINGLE MINER AND MULTIPLE VIOLATIONS

Appendix C Coal Health Violations

TABLE OF CONTENTS

	Page
104(a) Citation - 30 CFR 72.620	4
104(a) Citation - 30 CFR 71.100 for DWP	5
104(a) Citation - 30 CFR 72.208(a)	6
104(a) Citation - 30 CFR 70.1900	7-10
104(a) Citation - 30 CFR 72.630	11-15
104(a) Citation - 70.100 (a) for NDO	16-17
104(b) 70.100 (a) for DO	
104(a) Citation - 90.100 for Part 90 Miners	
104(a) Citation - 71.301 (c)	
104(a) Citation - 75.370 (a)(1)	
104(a) Citation - HazCom	
104(a) Citation - Drill Dust Violation	23
104(a) Citation - Failure to Submit Respirable Dust Control Plan	24
104(b) Order - Failure to Comply with Part 90 Respirable Dust Standard	25
104(a) Citation - Part 90 Respirable Dust Standard	26
104(a) Citation Based on MSHA or Operators Samples - 30 CFR 71.100	27
104(a) Citation Based on Reduced Dust Standards - 30 CFR 70.101	28
104(a) Citation Based on Failure to take Respirable Dust Samples - 30 CFR 70.208	29
Subsequent Action - Extension of Abatement Time	30
104(b) Order - 30 CFR 70.101	31
Subsequent Action - 104(b) Order Modification	
Subsequent Action - 104(b) Order Termination	33
Subsequent Action - Modification Reinstating 104(b) Order as Originally Issued	

U.S. Department of Labor

Mine Safety and Health Administration

Section I V	iolation	Data																										
1. Date	Мо	Da	Yr	2. Time (24 Hr. Clock)											3.	Cit	atio	on/C	Orde	r								
	0 7	1 5	0 8		1	0	3)								Νι	ımb	er				1	2	3	4	5	7	1
4. Served To								5. Operator																				
Alice McGregor, Safety Director							Beautiful Vista Coal Company																					
6. Mine								7. Mine ID																				
No. 1									1	5	-	1	3	5	2	6	-			((conti	racte	or)					
8. Condition	or Prac	tice																8a	. Wr	itten l	Notic	e (*	03	g)				
The dust of	llooti	010 0110	tom r	marridad on the Income	11 Dan	4 1	ich	11 dwill (C	/NI	ID	10	12	-6)	***		h at	off	0.01	in	in a	an tw	-11:-	n	+h	- d	1101		

The dust collection system provided on the Ingersoll Rand highwall drill (S/N IR-124356) was not effective in controlling the dust produced during the drilling process. Visible dust was observed being emitted from beneath the drill table and a visible dust cloud was observed passing over the blaster, hole loader nearby, and blast foreman. An examination of the collection system revealed that the skirting material provided on the drill table was torn in several places and the bushing material between the drill steel and drill table needed replacement. This highwall drill was observed drilling holes along the #6 highwall bench. The Note: The highwall drill is, typically, only in operation on the day shift.

See Contir	nuation Form (MSHA Form 7000-3a)
9. Violation A. Health X Safety B. Section C. Part/Section of Other of Act - Title 30 CFR	7 2 . 6 2 0
Section II Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely X Reasonably Likely	Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty	Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes No X	D. Number of Persons Affected 0 0 3
11. Negligence (check one) A. None B. Low C. Moderate X D. High	E. Reckless Disregard
12. Type of Action 1 0 4 - a - - 13. Type of Issuance (check one) Citation	Order 0 Safeguard
14. Initial Action D. Written E. Citation/ A. Citation B. Order C. Safeguard Notice Witten Number Order	F. Dated Mo Da Yr
15. Area or Equipment	
16. Termination Due Mo Da Yr B. Time (24 1 3 0 0	
Section III Termination Action	
17. Action to Terminate	
The drill was removed from service and the skirting material replaced. The drill steel bushin	ng was also replaced
18. Terminated Mo Da Yr B. Time (24 Hr Clock) 1 4 0 1	
Section IV Automated System Data	
19. Type of Inspection (activity code) 20. Event Number 21. Primary or Mill 7 6 5 4 3 2 2	
22. Signature	23. AR Number
MSHA Form 7000-3 Mar 85 (Revised)	2 3 1 9 0

104(a) CITATION - 30 CFR 72.620

U.S. Department of Labor

Mine Safety and Health Administration

Section I V	iolation	Data																													
1. Date	Мо	Da	Yr	2. Time (24 Hr. Clock)												3. (Cita	atic	n/C	Orde	er									ĺ	
	09	1 5	0 8		1	0	3	0									Nu	mb	er					1	2	3	4	5	7	1	
4. Served To									Operator																						
Alice McGregor, Safety Director								Beautifu	١V	ista	Сс	bal	Co	mp	bar	١y															
6. Mine									7. Mine ID																						
No. 1										1	5	-	1	3	5	2	6	-				(co	ontra	acto	or)						
8. Condition	or Prac	tice																	8a	. W	ritte	n No	tice	(1	03	g)					2
The results	of fiv	e vali	d sam	ples collected by MSHA	Ins	pe	cto	:(s)) from Augu	ıst (6, 20	008	, tł	nro	ug	h A	۱u	gu	st 2	27, 1	200	8, in	ndia	cat	e t	ha	t th	e ŧ	ŧ3		Ì
Ingersol Ra	and Hi	ighwa	all Dri	ll operator (Designated)	Wor	kΙ	Posi	itic	on 002-0-384) is	ext	oos	eđ	to	an	av	era	age	e re	espi	irał	ole d	lus	t co	on	cer	ntra	itic	n d	of	

Ingersol Rand Highwall Drill operator (Designated Work Position 002-0-384) is exposed to an average respirable dust concentration of 2.7 mg/m3 which exceeds the allowable exposure of 2.0 mg/m3. These samples were collected on the #3 Ingersol Rand Highwall Drill (S/N 04-12345) which is normally operated on both the day and afternoon shifts. The mine operator must take immediate action to lower the exposure in the environment of the #3 Ingersol Rand Highwall Drill operator to 2.0 mg/m3 or less and then sample each production shift until five valid sample have been collected and submitted to the Pittsburgh Dust Processing Laboratory. A copy of the sample results is attached to this citation.

	See Contir	nuation Form (MSHA Form 7000-3a)
9. Violation A. Health X Safety B. Section Other of Act -	C. Part/Section of Title 30 CFR	7 1 . 1 0 0
Section II Inspector's Evaluation		
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely X	Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Lost W	Vorkdays or Restricted Duty	Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes X No		D. Number of Persons Affected 0 0 2
11. Negligence (check one) A. None B. Low C. Moderate	X D. High	E. Reckless Disregard
12. Type of Action 1 0 4 - a - ,	Type of Issuance (check one) Citation	Order 0 Safeguard
14. Initial Action D. Written A. Citation B. Order C. Safeguard Notice	E. Citation/ Order Number	F. Dated Mo Da Yr
15. Area or Equipment		
	1 3 0 0	
Section III Termination Action	· · · ·	
17. Action to Terminate		
	1 4 0 1	
Section IV Automated System Data		
19. Type of Inspection (activity code) E 0 1 7 6 5 4 3	21. Primary or Mill	
22. Signature	-1 -1	23. AR Number 2 3 1 9 0
MSHA Form 7000-3 Mar 85 (Revised)		

104(a) CITATION - 30 CFR 71.100 for DWP

U.S. Department of Labor

Mine Safety and Health Administration

1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order	3 4 5 7 1
	3 4 5 7 1
0 7 1 5 0 8 1 0 3 0 Number 1 2 3	1 1 1 1
4. Served To 5. Operator	
Mike McGregor, Safety Director Black Rock Coal Company	
6. Mine 7. Mine ID 7.	
No. 1 1 5 - 1 3 5 2 6 - (contractor)	
8. Condition or Practice 8a. Written Notice (103g)	

The mine operator did not collect the required bimonthly respirable dust samples in the Designated Area 201-0 as identified in Advisory Number 0001 dated July 3, 2008. The bimonthly cycle missed was April - June. Two miners are normally exposed during each production shift - a belt examiner and a belt shoveler. This belt is in operation during both the day and afternoon shifts.

9. Violation A. Health X
Safety B. Section C. Part/Section of Image: Construction of and the section of and the sect
Section II Inspector's Evaluation
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely X Highly Likely Occurred Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes X No D. Number of Persons Affected 0 0
11. Negligence (check one) A. None B. Low C. Moderate X D. High E. Reckless Disregard
12. Type of Action 1 0 4 - a - - 13. Type of Issuance (check one) Citation X Order 0 Safeguard
14. Initial Action D. Written E. Citation/ F. Dated Mo Da Yr A. Citation B. Order C. Safeguard Notice Order Number Image: Construction of the second
15. Area or Equipment
16. Termination Due A. Date Mo Da Yr B. Time (24 A. Date Date Date Date Date Date Date Date
0 7 1 5 0 8 Hr. Clock) 1 3 0 0 Section III Termination Action
17. Action to Terminate
The drill was removed from service and the skirting material replaced. The drill steel bushing was also replaced
18. Terminated Mo Da Yr B. Time (24 Hr Clock) 1 4 0 1
Section IV Automated System Data
19. Type of Inspection 20. Event Number 20. Event Number 21. Primary or Mill (activity code) E 0 1 7 6 5 4 3 2 2
22. Signature 23. AR Number 2 3 1 9
MSHA Form 7000-3 Mar 85 (Revised)

104(a) CITATION - 30 CFR 70.208(a)

U.S. Department of Labor

Mine Safety and Health Administration

Section I V	iolation	Data																									
1. Date	Мо	Da	Yr	2. Time (24 Hr. Clock)												3.	Ci	itation/C	Order								
	0 7	1 1	0 8		1	0	3	0									N	umber			1	2	3	4	5	6	8
4. Served To									5. Operator																		-
Mike Mo	Grego	or, Sa	fety D	irector					Black Ro	ock	С	oal	Сс	m	ba	ny											
6. Mine									7. Mine ID																		
No. 1										1	5	-	0	3	5	3	6	5 -		(con	trac	tor)					
8. Condition	or Prac	tice																8a	. Writte	en Noti	ce (103	3g)				
During the	on-sh	ift exa	amina	tion for MMU 001-0 the	e cert	ifie	ed p	ber	son (section	n fo	rei	nai	1) f	aile	ed	to	ad	lequate	ely de	etermi	ne f	the					

concentrations of carbon monoxide (CO) and nitrogen dioxide (NO_2) in the return at a location representing the contribution of all diesel equipment on this section and at the section loading point. The handheld detector the foreman used during this on-shift examination was not equipped with sensors to measure these contaminants and no equivalent means of sampling/evaluation were available at the mine. The handheld detector normally used by the foreman had been returned to the manufacturer for repair two weeks prior to this date. This unit uses 1 EIMCO diesel scoop for clean up and 3 EIMCO diesel ramcars for section haulage in the production process. Eight miners work on this section.

See	Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health X B. Section C. Part/Section Title 30 CFR	of 7 0 . 1 9 0 0 (a) (1)
Section II Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely	K Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Lost Workdays or Restricted D	Duty X Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 8
11. Negligence (check one) A. None B. Low C. Moderate X	
12. Type of Action 1 0 4 - a - - - 13. Type of Issuance (check Citation X - - - - - Citation X	cone) Order 0 Safeguard
14. Initial Action D. Written E. Citation/ A. Citation B. Order C. Safeguard Notice Order Number Number Notice Notice Notice	F. Dated Mo Da Yr
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr B. Time (24 0 9 0 0 20. final Hills 4. final Hills 4. final Hills 1 2 0 8 Hr. Clock) 0 9 0 0	
Section III Termination Action 17. Action to Terminate	
18. Terminated Mo Da Yr A. Date I I B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection (activity code) 20. Event Number 21. Primary or M 7 6 5 4 3 2 1	
22. Signature	23. AR Number 2 3 1 9 0
MSHA Form 7000-3 Mar 85 (Revised)	

104(a) CITATION - 30 CFR 70.1900(a)(1)

U.S. Department of Labor

Mine Safety and Health Administration

Section I V	iolation	Data																									
1. Date	Мо	Da	Yr	2. Time (24 Hr. Clock)										3	3. (Cita	tior	n/Oro	der								
	0 7	1 1	0 8		1	0	3	D							I	Nun	nbe	er			1	2	3	4	5	6	7
4. Served To	1							5. Operator																			
Mike Mo	Greg	or, Sa	fety D	Director				Black R	ocl	< C	oal	Сс	omp	ban	y												
6. Mine								7. Mine ID																			
No. 1									1	5	-	0	3	5	3	6	-			(cont	ract	or)					
8. Condition	or Prac	tice																8a. \	Nritte	en Notic	;е (103	Bg)				
						4.															-						

During the on-shift examination for MMU 002-0 the certified person (section foreman) failed to adequately determine the concentrations of carbon monoxide (CO) and nitrogen dioxide (NO₂) in the return at a location representing the contribution of all diesel equipment on this section and at the section loading point. The section foreman failed to take readings at the section loading point as required by 30 CFR 70.1900(a)(2) This unit uses 1 EIMCO diesel scoop for clean up and 3 EIMCO diesel ramcars for section haulage in the production process. There are 5 miners that regularly work or travel in the affected area: unit foreman, scoop operator, and 3 ramcar operators.

		See Contir	nuation Form (MSHA Form 7000-3a)
9. Violation A. Health X Safety B. Section Other of Act	-	C. Part/Section of Title 30 CFR	7 0 . 1 9 0 0 (a)(2)
Section II Inspector's Evaluation			
10. Gravity: A. Injury or Illness (has) (is): No Likelihood	Unlikely	Reasonably Likely X	Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workday	ys 🗌 Lost V	/orkdays or Restricted Duty	X Permanently Disabling Fatal
C. Significant and Substantial (See Reverse):	Yes X No		D. Number of Persons Affected 0 0 5
11. Negligence (check one) A. None B. Low	C. Moderate	X D. High	E. Reckless Disregard
12. Type of Action		Type of Issuance (check one) Citation	Order 0 Safeguard
14. Initial Action A. Citation B. Order C. Safeguard	D. Written Notice	E. Citation/ Order Number	F. Dated Mo Da Yr
15. Area or Equipment			
16. Termination Due A. Date Mo Da Yr A. Date 0 7 1 1 0 8	B. Time (24 Hr. Clock)	1 1 0 0	
Section III Termination Action			
17. Action to Terminate			
The section foreman took readings at the section	n loading point an	d found 16 ppm of carbor	n monoxide and 1.0 ppm of nitrogen dioxide.
0 7 1 1 0 8	ne (24 Hr Clock)	1 0 5 2	
Section IV Automated System Data		1 1	
19. Type of Inspection (activity code) E 0 1	76543	21. Primary or Mill	
22. Signature		+ +	23. AR Number 2 3 1 9 0
MSHA Form 7000-3 Mar 85 (Revised)			

104(a) CITATION - 30 CFR 70.1900(a)(2)

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

1. Oue Mo Da Y 2. Time (24 Hr. Clock) 9 4 0. ClastoroCoder 1 2 3 4 5 7 0. 4. Serveral Black Rock Coal Company Black Rock Coal Company 8. Writen Note (703) 0. 1 5 0 5 3 6 1 0. 4. Writen Note (703) 0. <	Section I Vi	iolation Data								
4. Served To' 5. Operator Mike McCircgor, Safety Director Black Rock Coal Company 6. Mice 7. Mine ID 1 5 - 0 3 5 3 6 Black Rock Coal Company 6. Mice 7. Mine ID 1 5 - 0 3 5 3 6 Black Rock Coal Company 6. Mice 7. Mine ID 1 5 - 0 3 5 3 6 Black Rock Coal Company 8. Condition or Practice 8. Withen Notice (103a) During the on-shell examination for MMU 001-0 the certified person (section foreman) failed to decayately determine the concentrations of carbon monoxide (CO) and all director IT his unit uses to EMCO direct Scoop for clean up and 3 EIMCO direct EMCO direct Betweents hould be calibrated were young the revious 30 days and burnt beread black the unit should be calibrated barret between solution and the the calibration technician confirmed this finding. Eight miners work on this section. 9. Violation A. Heavin B. Section C. Part/Section of T 0 1 9 0 0 (b k/ 2). 9. Violation A. Heavin B. Section - C. Part/Section of T 0 1 9 0 0 (b k/ 2). 9. Violation A. Heavin B. Section - - C. Part/Section of T 0 1 9 0 0 (b k/ 2). 9. Violation A. Heavin B. Section - - C. Part/Section of T 0 1 9 0 0 (b k/ 2). <td>1. Date</td> <td>Mo Da Y</td> <td>/r 2.</td> <td>Time (24 Hr.</td> <td>Clock)</td> <td></td> <td></td> <td></td> <td>3. Citation/Order</td> <td></td>	1. Date	Mo Da Y	/r 2.	Time (24 Hr.	Clock)				3. Citation/Order	
4. Served To' 5. Operator Mike McCircgor, Safety Director Black Rock Coal Company 6. Mice 7. Mine ID 1 5 - 0 3 5 3 6 Black Rock Coal Company 6. Mice 7. Mine ID 1 5 - 0 3 5 3 6 Black Rock Coal Company 6. Mice 7. Mine ID 1 5 - 0 3 5 3 6 Black Rock Coal Company 8. Condition or Practice 8. Withen Notice (103a) During the on-shell examination for MMU 001-0 the certified person (section foreman) failed to decayately determine the concentrations of carbon monoxide (CO) and all director IT his unit uses to EMCO direct Scoop for clean up and 3 EIMCO direct EMCO direct Betweents hould be calibrated were young the revious 30 days and burnt beread black the unit should be calibrated barret between solution and the the calibration technician confirmed this finding. Eight miners work on this section. 9. Violation A. Heavin B. Section C. Part/Section of T 0 1 9 0 0 (b k/ 2). 9. Violation A. Heavin B. Section - C. Part/Section of T 0 1 9 0 0 (b k/ 2). 9. Violation A. Heavin B. Section - - C. Part/Section of T 0 1 9 0 0 (b k/ 2). 9. Violation A. Heavin B. Section - - C. Part/Section of T 0 1 9 0 0 (b k/ 2). <td></td> <td>0 7 1 1 0</td> <td>8</td> <td></td> <td></td> <td>1 9</td> <td>4 0</td> <td></td> <td>Number</td> <td>1234570</td>		0 7 1 1 0	8			1 9	4 0		Number	1234570
6. Mine 7. Mine ID 1 5. Ordination or Practice 3. Condition or Practice During the on-shift examination for MMU 001-0 the certified person (section foreman) failed to adequately determine the concentrations of carbon monoxide (CO) and nitrogen dioxide (NO2) in the return at a location representing the contribution of all dised equipment on this section and at the section loading point. This unit uses 1 EIMCO dised second carbon was a Solaris multigas detector (S/N 5421). When the detector was check on this inspection date it was found that the instrument had burbe the calibrated during the previous 30 days. Manufacturer's literature inducates the unit should be calibrated every 30 days and bump tested before each shift used. Interviews with the calibration technician confirmed this finding. Eight miners work on this section. 9. Volation A. Health See Confinuation Form (MSHA Form 7000-3a) 9. Volation A. Health See Confinuation Form (MSHA Form 7000-3a) 9. Volation A. Health See Confinuation Form (MSHA Form 7000-3a) 9. Volation A. Health See Confinuation Form (MSHA Form 7000-3a) 9. Volation A. Health See Confinuation Form (MSHA Form 7000-3a) 9. Volation A. Health See Confinuation Form (MSHA Form 7000-3a) 9. Volation A. Nee IB See Confinuation Form (MSHA Form 7000-3a) See Confinuation Form (MSHA Form 7000-3a) 9. Volation A. Nee IB Section of otact C. Part/Section of Tite Solar Form 7000-10<	4. Served To		1 1					5. Operator		
No. 1 1 1 0 3 0 0 Be Written Notice (103g) During the on-shift examination for MMU 001-0 the certified person (section foreman) failed to adequately determine the concentrations of carbon monoxide (CO) and nitrogen dioxide (NO2) in the return at a location representing the contribution of all disel equipment on this section haulage in the production process. The handheld detector the foreman used during this on-shift examination was a Solaris multipas detector (S/N 5421). When the detector was check on this inspection date it was found in the instrument had not been calibrated during the previous 30 days. Manufacturer's literature indicates the unit should be calibrated every 30 days and turn was a Solaris multipas detector (S/N 5421). When the detector was check on this inspection date it was found in the instrument had not been calibrated during the previous 30 days. Manufacturer's literature indicates the unit should be calibrated every 30 days and turn been expected to be (S/N 5421). When the detector was check on this inspection and at the section. 9. Videton A Health B. Section - C. Part/Section of T ol. 1 9 0 0 ((b) ((c) b) (Mike Mc	Gregor, Safe	ty Direc	ctor				Black Rock Coal Comp	any	
B. Condition or Practice Let the set of th										
During the on-shift examination for MMU 001-0 the certificet person (section foreman) failed to adequately determine the concentrations of carbon monoxide (CO) and nitrogen dioxide (NO2) in the return at a location representing the contribution of all direct equipment on this section and at the section adding point. This unit used location representing the contribution of all direct equipment on this section and at the section adding point. This unit used like levels (SOP for Clan up and 3 hINCO direct famcars for section haulage in the production process. The handheld detector the foreman used during the son-shift examination and to the section adding point. This unit used like levels the instrument had not been calibrated during the previous 30 days. Manufacturer's literature indicates the unit should be calibrated every 30 days and bump tested before each shift used. Interviews with the calibration technician confirmed this finding. Eight miners work on this section. 9. Violation A. Health K B. Section - C. Part/Section of Tile 30 CFR T 0 . 1 9 0 0 (/ b)/(2). 9. Violation A. Health K B. Section - C. Part/Section of Tile 30 CFR T 0 . 1 9 0 0 (/ b)/(2). 9. Violation A. Health K B. Section - - C. Part/Section of Tile 30 CFR T 0 . 1 9 0 0 (/ b)/(2). 9. Violation M. Interviews with the calibration technician confirmed this finding. Fight miners work on this section. 10. Gravity: Network C. Part/Section of Tile 30 CFR T 0 . 1 9 0 0 (/ b)/(2). Se								1 5 - 0 3		,
concentrations of carbon monoxide (CO) and nitrogen dioxide (NO2) in the return at a location representing the contribution of all diesel equipment on this section and at the section loading point. This unit uses 1 EIMCO diesel scoop for clean up and 3 EIMCO diesel rances for section haulage in the production process. The handheld detector the foreman used during this on-shift examination was a Solaris multigas detector (S/N 54231). When the detector was check on this inspection date it was found that the instrument had but been calibrated during the previous 30 days. Manufacturer's literaturer's literature in thickates the unit should be calibrated every 80 days and bump tested before each shift used. Interviews with the calibration technician confirmed this finding. Eight miners work on this section. 9. Violation A. Health X Section 7 0 1 9 0 0 1 1 9 0 0 1 1 9 0 0 1 1 9 0 0 1 1 1 9 0 0 1 1 1 1 9 0 0 1 1 1 9 0 0 1 1 1 1 9 0 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1<				- () () (T	1 001 0 11		1			
diesel equipment on this section and at the section loading point. This unit uses 1 EIMCO diesel rooms of or clean up and 3 EIMCO diesel rooms as chains multigas detector (S/N 5423). When the detector was check on this inspection date it was found that the instrument had not been calibrated during the previous 30 days. Manufacturer's literature indicates the unit should be calibrated every 30 days and bump tested before each shift used. Interviews with the calibration technician confirmed this finding. Eight miners work on this section. 9. Violation A. Health X B. Section 0 <td< td=""><td>0</td><td></td><td></td><td></td><td></td><td></td><td>-</td><td></td><td>1 5</td><td></td></td<>	0						-		1 5	
diesel ramcars for section haulage in the production process. The handheld detector the foreman used aduring this on-shift examination was a Solaris multigas detector (S/N 5423). When the detector was check on this inspection date it was found that the instrument had not been calibrated during the previous 30 days. Manufacturer's literature indicates the unit should be calibrated every 30 days and bump tested before each shift used. Interviews with the calibration technician confirmed this finding. Eight miners work on this section. 9. violation A. Health X B. Section - </td <td></td> <td></td> <td></td> <td>. ,</td> <td>0</td> <td></td> <td></td> <td>,</td> <td>- 0</td> <td></td>				. ,	0			,	- 0	
was a Solaris multigas detector (S/N 54231). When the detector was check on this inspection date it was found that the instrument had not been calibrated during the previous 30 days. Manufacturer's literature indicates the unit should be calibrated every 30 days and bump tested before each shift used. Interviews with the calibration technician confirmed this finding. Eight miners work on this section. See Continuation Form (MSHA Form 7000-3a) Still before each shift used. Interviews with the calibration technician confirmed this finding. Eight miners work on this section. See Continuation Form (MSHA Form 7000-3a) Violation A. Health Section II - Inspectific Evaluation A Health Section II - Inspectific Evaluation A injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred B. injury or Illness could reasonably Likely Section II - Inspectific Alabiantal (see Reverse): Yes No D. Number of Persons Affected Div Permanently Disabling Fatal C. Significant and Substantial (see Reverse): Yes No D. Number of Persons Affected divide and the second seco		-							-	-
not been calibrated arring the previous 30 days. Manufacturer's literature indicates the unit should be calibrated every 30 days and bump tested before each shift used. Interviews with the calibration technician confirmed this finding. Fight miners work on this section. 9. Violation A. Heath X Section - C. Part/Section of 7 0 . 1 9 0 0 (b)/(2) 9. Violation A. Heath X Section - C. Part/Section of 7 0 . 1 9 0 0 (b)/(2) 10. Gravity: B. Section - C. Part/Section of 7 0 . 1 9 0 0 (b)/(2) 10. Gravity: No Liskelihood Unlikely Reasonably Likely Highly Likely Occurred 2. Significant and Substantial (See Reverse): Yes X No D. Number of Persons Atfected 0 0 8 11. Negligence (check one) C. Moderate X D. High E. Reckless Disregard 12. Type of Action 1 0 4 - a - - - 13. Type of Issuance (check one) Creation 14. Initial Action B. Order C. Safeguard D. Written Notice F. Dated Mo Da Yr 15. Area or Equipment A. Date Mo Da Yr Hin Clock) 1 0 0 0 Section										
See Continuation Form (MSHA Form 7000-3a) 9. Violation A. Health X B. Section C. Part/Section of Title 30 CFR T 0 <td< td=""><td></td><td>0</td><td></td><td>• •</td><td>,</td><td></td><td></td><td>-</td><td></td><td></td></td<>		0		• •	,			-		
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16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock) 1 0 0 0 Section III Termination Action 17. Action to Terminate 18. Terminated A. Date Mo Da Yr B. Time (24 Hr Clock) 1 0 0 0 Section IV Automated System Data 19. Type of Inspection 20. Event Number 7 6 5 4 3 2 1 1 0 0 23. AR Number 2 3 1 9 0	A. Citati	on B. C	order	C. Sat	eguard		Notice			
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A. Date B. Time (24 Hr Clock) Description										
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19. Type of Inspection (activity code) E 0 1 20. Event Number 7 6 5 4 3 2 1 21. Primary or Mill 23. AR Number 23. AR Number 2 3 1 9 0		A. Dale			 Б. ПШе (24 		;к)			
(activity code) E 0 1 7 6 5 4 3 2 1 22. Signature 23. AR Number 2 3 1 9 0	Section IV /	Automated Syst	em Data							
22. Signature 23. AR Number 2 3 1 9 0	19. Type of Ir			20. Event N	umber			21. Primary or Mill		
2 3 1 9 0	(activit	y code) E	0 1		7	65	4 3	2 1		
	22. Signature					-	-		23. AR Num	ber
MSHA Form 7000-3 Mar 85 (Revised)										2 3 1 9 0
	MSHA Form	7000-3 Mar 85 (Revised))						

104(a) CITATION - 30 CFR 70.1900(b)(2)

U.S. Department of Labor

Mine Safety and Health Administration

Section I Violation Data																		
1. Date Mo Da Yr 2. Time (24 Hr. Clock)						3.	Cita	tion/	/Orde	ər		1						
0 7 1 1 0 8	1 1 4 0						Nur	nber	-			1	2	3	4	5	6 9	Э
4. Served To		5. Operator																
Mike McGregor, Safety Director Black Rock Coal Company																		
6. Mine		7. Mine ID																
No. 1			1 5	- 0	3 5	5 3	6	-			(cont	ract	or)					
8. Condition or Practice								8	la. W	/ritte	n Notic	e ('	103	g)				-
		1	~		.1					4			-		-			

During the on-shift examination for MMU 003-0 the certified person (section foreman) failed to adequately determine the concentrations of carbon monoxide (CO) and nitrogen dioxide (NO₂) in the return at a location representing the contribution of all diesel equipment on this section and at the section loading point. This unit uses 1 EIMCO diesel scoop for clean up and 3 EIMCO diesel ramcars for section haulage in the production process. The on-shift examination was performed at 11:30. At this time the diesel scoop and the #2 diesel ramcar were idle during the mid-day lunch break. Title 30 CFR 70.1900(b)(3) requires that the samples be collected during periods of normal operations. Eight miners work on this section.

	See Continu	ation Form (MSHA Form 7000-3a)												
9. Violation A. Health X B. Section Other of Act Section II Inspector's Evaluation	- C. Part/Section of Title 30 CFR	7 0 . 1 9 0 0 (b)(3)												
	Inlikely Reasonably Likely X	Highly Likely												
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays		X Permanently Disabling Fatal												
C. Significant and Substantial (See Reverse): Yes	X No	D. Number of Persons Affected 0 0 8												
11. Negligence (check one) A. None B. Low	C. Moderate X D. High	E. Reckless Disregard												
12. Type of Action 1 0 4 - a - ,	13. Type of Issuance (check one) Citation X	Order 0 Safeguard												
14. Initial Action A. Citation B. Order C. Safeguard	D. Written E. Citation/ Notice Order Number	F. Dated Mo Da Yr												
15. Area or Equipment														
16. Termination Due														
	me (24 Ir. Clock) 1 2 3 0													
Section III Termination Action														
17. Action to Terminate														
	24 Hr Clock)													
Section IV Automated System Data														
19. Type of Inspection (activity code) E 0 1	7 6 5 4 3 2 1													
22. Signature		23. AR Number												
		2 3 1 9 0												
MSHA Form 7000-3 Mar 85 (Revised)														

104(a) CITATION - 30 CFR 70.1900(b)(3)

U.S. Department of Labor

Mine Safety and Health Administration

Section I Vi	olation	Data																										
1. Date	Мо	Da	Yr	2. Time (24 Hr. Clock)												3.	Cit	atic	on/O	Order								
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4. Served To									5. Operator																			
Mike Mc	Greg	or, Sa	ifety D	Director	br Black Rock Coal Company																							
6. Mine									7. Mine ID																			Ì
No. 1										1	5	-	0	3	5	3	6	-		(con	trac	tor))					
8. Condition of	or Prac	tice																	8a	. Written Noti	се	(10	3g)				2
The dust collection system provided on the L H. Eletcher, dual beam, react helting machine (S/N DDP, 20456) was not maintained as																												

The dust collection system provided on the J. H. Fletcher, dual-boom, roof bolting machine (S/N DDR-20456) was not maintained as approved. Fine dust was observed coming from the exhaust mufflers during drilling. Upon examination of the dust collection boxes fine dust was found on the clean side of the filter media on each side of the roof bolting machine. Examination of the filters revealed small holes and tears in the media resulting from overloading and/or attempts to clean the filters by "tapping" them against the machine. This roof bolting machine installs roof supports on MMU 003-0 and is normally operated on day, afternoon, and midnight shifts. MSHA established this machine as a Designated Area (903-0) on July 3, 2007.

	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health X Safety B. Section of Act -	C. Part/Section of Title 30 CFR 7 2 . 6 3 0 (b)
Section II Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reas	sonably Likely X Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Lost Workda	ys or Restricted Duty Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 6
11. Negligence (check one)	X D. High E. Reckless Disregard
12. Type of Action 1 0 4 - a - , 13. Type of Citation 13. Type of Citation	f Issuance (check one)
14. Initial Action D. Written A. Citation B. Order C. Safeguard	E. Citation/ Order Number
15. Area or Equipment	
16. Termination Due Mo Da Yr B. Time (24 2 0 4. Date 0 7 2 1 0 8 Hr. Clock) 2 0	0 0
Section III Termination Action	
17. Action to Terminate	
18. Terminated A. Date Mo Da Yr B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection (activity code) E 0 1 7 6 5 4 3 2 1	21. Primary or Mill
22. Signature	23. AR Number
MSHA Form 7000-3 Mar 85 (Revised)	2 3 1 9 0

104(a) CITATION - 30 CFR 72.630(b) Example 1

U.S. Department of Labor

Mine Safety and Health Administration

Section I Violation Data																			
1. Date Mo Da Yr 2. Time (24 Hr. Clock)							3	. Ci	tatio	n/Or	der								ļ
0 7 2 1 0 7 1 4	4 3 0							N	umb	er			1	2	3	4	5	7	3
4. Served To	Ę	5. Operator																	
Mike McGregor, Safety Director		Black Ro	ock	Coa	I Co	omp	any	,											
6. Mine	7	7. Mine ID																	
No. 1			1	5 -	0	3	5	3 6	-			(contr	acto	or)					
8. Condition or Practice										8a.	Writte	n Notice	÷ (1	103	lg)			[

The dust collection system provided on the J. H. Fletcher, dual-boom, roof bolting machine (S/N DDR-40265) was not maintained as approved. An examination of the dust collection boxes revealed that the rubber door latches on the left (operator's) side of the machine were broken. This condition allows leakage along the door seal compromising the collection efficiency of the dust collector. This roof bolting machine installs roof supports on MMU 003-0. MSHA established this machine as a Designated Area (903-0) on July 3, 2008.

	See Contir	nuation Form (MSHA Form 7000-3a)
9. Violation A. Health X Safety B. Section Other of Act -	C. Part/Section of Title 30 CFR	7 2 . 6 3 0 (b)
Section II Inspector's Evaluation		
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely X	Reasonably Likely	Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Los	t Workdays or Restricted Duty	Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes X No		D. Number of Persons Affected 0 0 2
11. Negligence (check one) B. Low C. Moderate	e X D. High	E. Reckless Disregard
12. Type of Action 1 0 4 - a - ,	3. Type of Issuance (check one) Citation	Order 0 Safeguard
14. Initial Action D. Writt A. Citation B. Order C. Safeguard Notion Notion		F. Dated Mo Da Yr
15. Area or Equipment	· · · ·	
16. Termination Due A. Date Mo Da Yr B. Time (24) Hr. Clock)	1 5 3 0	
Section III Termination Action		
17. Action to Terminate The rubber door latches were replaced.		
18. Terminated A. Date Mo Da Yr B. Time (24 Hr Clock)	1 4 5 1	
Section IV Automated System Data		
19. Type of Inspection 20. Event Number	21. Primary or Mill	
(activity code) E 0 1 7 6 5 4	3 2 1	
22. Signature		23. AR Number 2 3 1 9 0
MSHA Form 7000-3 Mar 85 (Revised)		

104(a) CITATION - 30 CFR 72.630(b) Example 2

U.S. Department of Labor

Mine Safety and Health Administration

Section I V	olation	Data																								
1. Date	Мо	Da	Yr	2. Time (24 Hr. Clock)										3.	Cita	atio	n/O	rder								
	0 7	2 1	0 8		1	5	3 0								Nur	mbe	er			1	2	3	4	5	7	4
4. Served To)							5. Operator																		
Mike Mo	Grego	or, Sa	ifety D	Director				Black R	ock	Coa	al C	Com	pai	ny												
6. Mine								7. Mine ID																		
No. 1									1	5 -	- (3 3	5	3	6	-			(contra	acto	or)					
8. Condition	or Prac	tice															8a.	Writ	ten Notice	: (1	103	g)				-
																							-			_

The dust collection system provided on the J. H. Fletcher, dual-boom, roof bolting machine (S/N DDR-65420) was not maintained as approved. An examination of the dust collection boxes on each side of the machine revealed that the door gaskets provided to separate the coarse and fine dust compartments of the boxes were missing or damaged compromising the collection efficiency of the dust collector. This roof bolting machine installs roof supports on MMU 003-0. MSHA established this machine as a Designated Area (903-0) on July 3, 2008.

	See Contir	nuation Form (MSHA Form 7000-3a)
9. Violation A. Health X Safety B. Section Other of Act -	C. Part/Section of Title 30 CFR	7 2 . 6 3 0 (b)
Section II Inspector's Evaluation		
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely X	Reasonably Likely	Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Los	t Workdays or Restricted Duty	Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes X No		D. Number of Persons Affected 0 0 2
11. Negligence (check one) A. None B. Low C. Moderate	e X D. High	E. Reckless Disregard
12. Type of Action 1 0 4 - a - ,	3. Type of Issuance (check one) Citation	Order 0 Safeguard
14. Initial Action D. Writt A. Citation B. Order C. Safeguard Notic		F. Dated Mo Da Yr
15. Area or Equipment		
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)	1 7 3 0	
Section III Termination Action 17. Action to Terminate		
The gaskets werereplaced.		
18. Terminated A. Date Mo Da Yr B. Time (24 Hr Clock) 7 2 1 0 0 8	1 7 2 1	
Section IV Automated System Data		
19. Type of Inspection (activity code) E 0 1 7 6 5 4 5	21. Primary or Mill	
22. Signature	+ + +	23. AR Number 2 3 1 9 0
MSHA Form 7000-3 Mar 85 (Revised)		

104(a) CITATION - 30 CFR 72.630(b)

U.S. Department of Labor

Mine Safety and Health Administration

Section I Vi	olation	Data																										
1. Date	Мо	Da	Yr	2. Time (24 Hr. Clock)												3.	C	ita	tior	n/Order								
	0 7	2 0	0 8		1	0	3	0									Ν	lun	nbe	er	1	1	2	3	4	5	7	2
4. Served To									5. Operator																			
Mike Mc	Grego				Black Re	ock	С	oal	С	om	ра	ny																
6. Mine									7. Mine ID																			
No. 1										1	5	-	0	3	5	3	6	6	-	(co	ontra	ctc	or)					
8. Condition of	r Pract	tice																		8a. Written No	tice	(1	03	g)				
The dust co	llectio	on svs	stem r	provided on the J. H. Flet	cher	d	ual	-bo	oom, roof b	olti	ng	m	acł	nin	e (S	5/1	N I	DI	DR	R-02465) was	no	t n	na	inta	ain	ed	as	

The dust collection system provided on the J. H. Fletcher, dual-boom, root bolting machine (S/N DDR-02465) was not maintained as approved. The static vacuum pressure at the left (operator's) side drill pot indicated 6 inches (Hg). The dust collection system approval plate located in the operators' compartment specifies a minimum static vacuum pressure of 15 inches (Hg). This condition indicates possible leakage somewhere in the collection system or other system defect compromising the collection efficiency of the dust collector. This roof bolting machine installs roof supports on MMU 003-0. MSHA established this machine as a Designated Area (903-0) on July 3, 2008.

	See Continu	uation Form (MSHA Form 7000-3a)
9. Violation A. Health X Safety B. Section Other of Act -	C. Part/Section of Title 30 CFR	7 2 . 6 3 0 (b))
Section II Inspector's Evaluation		
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely X	Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Lost W	/orkdays or Restricted Duty	Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes X No		D. Number of Persons Affected 0 0 2
11. Negligence (check one) A. None B. Low C. Moderate	X D. High	E. Reckless Disregard
	Type of Issuance (check one) Citation	Order 0 Safeguard
14. Initial Action D. Written A. Citation B. Order C. Safeguard Notice	E. Citation/ Order Number	F. Dated Mo Da Yr
15. Area or Equipment		
16. Termination Due A. Date Mo Da Yr A. Date 0 7 2 1 0 8 Hr. Clock)	0 7 0 0	
Section III Termination Action		
17. Action to Terminate		
18. Terminated Mo Da Yr A. Date I I B. Time (24 Hr Clock)		
Section IV Automated System Data		
19. Type of Inspection (activity code) E 0 1 7 6 5 4 3	21. Primary or Mill	
22. Signature	+ +	23. AR Number 2 3 1 9 0
MSHA Form 7000-3 Mar 85 (Revised)		

104(a) CITATION - 30 CFR 72.630(b) Example 4

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

Section I Violation Data													
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3	3. Citation/Order											
0 9 0 4 0 7 0 7 0	0	Number 1 2 3 4 5 7 5											
4. Served To	5. Operator												
Mike McGregor, Safety Director	Black Rock Coal Company	ý											
6. Mine	7. Mine ID												
No. 1	1 5 - 0 3 5	3 6 - (contractor)											
NO. 1 1 5 - I (contractor) 8. Condition or Practice 8a. Written Notice (103g) I													
The results of five valid samples collected by MSHA Inspector	s) from August 6, 2008, through	n August 27, 2008, indicate that the #5 Joy											
shuttle car operator (Occupation Code 050) is exposed to an av	erage respirable dust concentra	tion of 2.7 mg/m ³ which exceeds the											
allowable exposure of 2.0 mg/m^3 . These samples were collected	d on the #5 Joy shuttle car (S/N	NET-12345) used to haul coal on MMU											
001-0. Three shuttle cars are used for coal haulage on this unit,		· · · · · · · · · · · · · · · · · · ·											
operator must take immediate action to lower the exposure in	he environments shuttle car op	erators to 2.0 mg/ m^3 or less and then											
sample the #5 Joy shuttle car operator each production shift ur	-	0.											

Dust Processing Laboratory. A copy of the sample results is attached to this citation. Information to be coded on the dust data card: Type of Sample = 2, MMU/DA/SA = 001-1, Occupation Code = 050

Safety B. Section - C. Part/Section of Title 30 CFR 0 7 0 . 1 0 0 a) Section II Inspector's Evaluation III Inspector's Evaluation 0 7 0 . 1 0 0 (a)) A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely X Highly Likely Occurred . B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabling X Fatal C. Significant and Substantial (See Reverse): Yes X No D. Number of Persons Affected 0 0 11. Negligence (check one) B. Low C. Moderate X D. High E. Reckless Disregard . 12. Type of Action 1 0 4 a .													
Safety B. Se Other o			-						0 7	0.100	(a)		
A. Injury or Illness (has) (is): No Li	kelihood		Unlike	ly]	Rea	isona	bly Likely X	Highly I	Likely	Occurre	d 🗌]
	No Lost Wo	rkdays		[L	.ost W	/orkda	ays o	Restricted Duty	Pe	ermanently Disabl	ing X	Fatal	
C. Significant and Substantial (See	e Reverse):	Yes	зΧ	No	D				D. Numbe	er of Persons Affe	cted	0	0 6
11. Negligence (check one) A. None B	. Low]	C.	Moder	ate		Х	D. High		E. Reckless	Disregard]
12. Type of Action 1 0 4 - a	- ,		-	-					Order	0 Sa	feguard		
	C. Safeg	uard					[Order		F. Dated	Mo	Da	Yr
A. Date		B. 1	Fime (2	24									
	9 1 2 0 8		Hr. Cl	ock)		0 7	0	D					
A. Date	Da Yr B	3. Time (24 Hr	Clock)								
Section IV Automated System Data									1 1				
19. Type of Inspection (activity code) E 0 1	20. Event Num	nber	76	54	3	2 1	21.	Primary or Mill					
22. Signature		ļ	<u> </u>	<u>, , , ,</u>	<u> </u>		<u> </u>		Į	23. AR Numbe		3 1	9 0
MSHA Form 7000-3 Mar 85 (Revised)											2	JI	90

104(a) CITATION - 30 CFR 70.100(a) for NDO

Mine Citation/Order Continuation

U.S. Department of Labor

Mine Safety and Health Administration

Section I Subsequent Activ	on/Continuation Data																												
1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)	мо 0	Da 0		Yr 0	8			3	8. C 1	itatio Num			ər			1	4	2	3	4	5	7	5	-	. (0	1
4. Served To Mike McGregor,		5. O	•		Roc	ck Co	al (Con	npa	iny						 													
6. Mine				7. M	line	ID																							
No. 1								1 :	5	-	0	3	5	3	6	6	-		(c	onti	acto	or)							
Section II Justification for A																													

The results of 5 valid samples collected by the operator from September 5, 2008, through September 7, 2008, indicate that the average concentration of respirable dust that the #5 Joy Shuttle Car Operator is now exposed is 0.9 mg/m³ which is in compliance with the current applicable standard of 2.0 mg/m³ for this occupation. This citation is terminated.

																			ŝ	See C	ontinuati	on Fo	orm	[
Section III Subsequ	ent Action Taken																								
8. Extended To	A. Date	Mo	Da	Yr	B. Time (24 H	łr. Clo	ock)							C. Va	acate	ed		D. Termina	ated	Х	E. Modifi	ed	[
Section IV Inspection	on Data																								
9. Type of Inspection	E O		Event N	umber		7 (65	4	3	2	1														
11. Signature						AR	Numb	er		12.	Date	,	Мо		Da		Yr	13. Time (24	Hr. Clock	<)					r
Thomas Mo	orris					2	3 1	9	0				0	9	1	4	0	8				0	8	0	0

MSHA Form 7000-3a, Mar 85 (Revised)

70.100(a) NDO Termination

U.S. Department of Labor

Mine Safety and Health Administration

Section I V	iolation	Data						
1. Date	Мо	Da	Yr	2. Time (24 Hr. Clock)			3. Citation/Order	
	09	0 4	0 8		0 7	0 0	Number 1 2 3 4 5 7 5	5
4. Served To							5. Operator	
Mike Mo	Greg	or, Sa	fety D	irector			Black Rock Coal Company	
6. Mine							7. Mine ID	
No. 1							1 5 - 0 3 5 3 6 - (contractor)	
8. Condition	or Prac	tice					8a. Written Notice (103g)	
The results	of fiv	e vali	d sam	ples collected by an MSI	IA Ins	specto	or on August 6, 2008, on Northeast Mains (MMU 001-0) indicate that	

the average respirable dust conentration in the environments of the miners working on this unis is 3.5 mg/m^3 which exceeds the allowable concentration of 2.0 mg/m^3 . The highest concentration (4.0 mg/m^3) of respirable dust was measured in the environment of the #5 Joy shuttle car operator (Occupation Code 050). The mine operator must take immediate action to lower the exposure in the section environment to 2.0 mg/m^3 or less and then sample the #5 Joy shuttle car operator each production shift until five valid sample have been collected and submitted to the Pittsburgh Dust Processing Laboratory. A copy of the sample results is attached to this

citation. Information to be coded on the dust data card:

Type of Sample = 2, MMU/DA/SA = 001-1, Occupation Code = 050

			See Contir	nuation Forr	n (MSHA Form 7000-	3a)	
9. Violation A. Health X Safety B. Section Other of Act -			art/Section of tle 30 CFR	-	7 0 . 1 0 0 (a)	
Section II Inspector's Evaluation							
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely	F	Reasonabl	y Likely X	Highly	Likely C	Occurred	
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays	Lost Wor	rkdays or F	Restricted Duty	Pe	ermanently Disabling	X Fatal	
C. Significant and Substantial (See Reverse): Yes X	No			D. Numbe	er of Persons Affected	1 0	0 8
11. Negligence (check one) A. None B. Low C. Mo	oderate	Х	D. High		E. Reckless Disi	regard	
12. Type of Action 1 0 4 - a - ,		pe of Issua itation	ance (check one)	Order	0 Safegi	uard	
14. Initial Action D. A. Citation B. Order C. Safeguard D.	. Written Notice	<u></u> Е.	Citation/ Order Number		F. Dated	Mo Da	Yr
15. Area or Equipment							
16. Termination Due A. Date Mo Da Yr 0 9 1 2 0 8 Hr. Clock		7 0 0					
Section III Termination Action							
17. Action to Terminate							
18. Terminated A. Date Mo Da Yr B. Time (24 Hr Clo	ock)						
Section IV Automated System Data							
19. Type of Inspection 20. Event Number		21. P	rimary or Mill				
(activity code) E 0 1 7 6 5	5 4 3 2	1					
22. Signature		-			23. AR Number	2 3 1	9 0
MSHA Form 7000-3 Mar 85 (Revised)							

104(a) CITATION - 30 CFR 70.100(a) for NDO Example 2

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

Section I V	iolation	Data										
1. Date	Мо	Da	Yr	2. Time (24 Hr.	Clock)				3. Citation/Order			
	1 1	1 1	0 8			0	7 0 0		Number	1 2 3	3 4 5	7 5
4. Served To								5. Operator				
Mike Mo	Grego	or, Sa	fety D	virector				Black Rock Coal Compa	ny			
6. Mine								7. Mine ID				
No. 1								1 5 - 0 3 5		ractor)		
8. Condition			1	1 11 / 1		T			8a. Written Notic		,	
				•	5	-	• • •	from October 15, 2008, thro	0			
) is exposed to an average re				
								samples were collected on th				
								rk on this section each produ				
					-			mmediate action to lower th	-			
								nd then sample each produc				
been collec	ted ar	id sub	mitte	d to the Pittsbu	urgh Dust	Proce	essing	Laboratory. A copy of the sa	mple results is attaced	to this o	citatior	n.
								See Continua	ation Form (MSHA Form 70	00-3a)		
9. Violation	A. Hea		х									
	Saf	-		B. Section				C. Part/Section of	7 0 . 1 0 0			
Section II I	Oth		aluation	of Act				Title 30 CFR		(a)		
10. Gravity:	lopool		liuutioi		_							
A. Injury o	r Illness	s (has)	(is): I	No Likelihood	Ur	nlikely		Reasonably Likely X	Highly Likely	Occurr	ed	
B. Injury									—			
sona	bly be e	expecte	ed to be	e: No Lost V	Vorkdays		Lost	Workdays or Restricted Duty	Permanently Disable	ng X	Fatal	
C. Signif	icant a	nd Sub	stantia	I (See Reverse):	Yes	Х	No		D. Number of Persons Affe	cted	0) 1 6
11. Negligen		eck on	e)	- · · ·					— <u> </u>		. –	7
A. None	;			B. Low		С. Мо	oderate	X D. High	E. Reckless	Disregard	1	
12. Type of A	ction						13	. Type of Issuance (check one)	_			
		1	0 4	-a-,	- -	-	-	Citation X	Order 0 Sa	feguard		
14. Initial Act	ion					D	. Writte	n E. Citation/	F. Dated	Мо	Da	Yr
A. Citat	on	B	Order	C. Safe	eguard		Notice	e Order Number				
15. Area or E	quipme	ent						Number				
16. Terminat	on Due	•		Mo Da Yr								
		Α.	Date			ne (24						
Section III	Termina	ation A	ction	1 1 2 3 0	8 Hr	. Cloc	K)	0 7 0 0				
17. Action to												
18. Terminat	od		М	o Da Yr								
		A. Dat			B. Time (24	4 Hr Cl	lock)					
Section IV			/stem [
19. Type of li	•			20. Event N				21. Primary or Mill				
	y code)	E 0	1	7	6 5	5 4 3	2 1				
22. Signature	;								23. AR Numbe			
			_ /=							2	2 3 1	<mark>9</mark> 0
MSHA Form	7000-3	Mar 8	5 (Revi	sed)								

104(a) CITATION - 30 CFR 70.100(a) for DO

U.S. Department of Labor

Mine Safety and Health Administration

Section I V	iolation	n Data																		
1. Date	Мо	Da	Yr	2. Time (24 Hr. Clock)							3.	Cita	ition/C	Order						
	1 1	1 1	0 8		0 7 0 0							Nur	nber			1	2 3	3 4	5 7	75
4. Served To						5. Operator														
Mike Mo	Greg	or, Sa	ifety D	Director		Black R	ock	Coal	l Co	mpa	any									
6. Mine						7. Mine ID														
No. 1							1	5 -	0	3	5 3	8 6	-		(cont	racto	r)			
8. Condition	or Prac	tice											8a	. Writte	en Notic	;e (1	03g)			

The Part 90 Miner identified in Advisory Number 0012, dated November 8, 2008, was exposed to an average respirable dust concentration of 1.5 mg/m³. This finding is based upon the results of five valid samples collected by the operator [or MSHA Insector]. Mine management must take corrective action to lower the respirable dust concentration in the environemt of the affected Part 90 Miner to 1.0 mg/m³ or less as required by 30 CFR 90.201(d) and collect and submit five valid samples to the Pittsburgh Dust Processing Laboratory by the termination date specified below.

	See Conti	nuation Form (MSHA Form 7000-3a)
9. Violation A. Health X Safety B. Section Other of Act -	C. Part/Section of Title 30 CFR	90.100
Section II Inspector's Evaluation		
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely X	Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Lost 1	Norkdays or Restricted Duty	Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes X No		D. Number of Persons Affected 0 0 1
11. Negligence (check one) B. Low C. Moderate	X D. High	E. Reckless Disregard
12. Type of Action 1 0 4 - a - , - - 13.	Type of Issuance (check one) Citation	Order 0 Safeguard
14. Initial Action D. Written A. Citation 0 B. Order 0 C. Safeguard 0 Notice	E. Citation/ Order Number	F. Dated Mo Da Yr
15. Area or Equipment	· · · ·	
16. Termination Due A. Date Mo Da Yr A. Date B. Time (24 1 2 2 3 0 8 Hr. Clock)	0 7 0 0	
Section III Termination Action		
17. Action to Terminate		
18. Terminated Mo Da Yr A. Date I I I B. Time (24 Hr Clock)		
Section IV Automated System Data	1 1	
19. Type of Inspection (activity code) E 0 1 20. Event Number 1 (activity code) E 0 1 7 6 5 4 3	21. Primary or Mill	
22. Signature	-1 -1	23. AR Number
MSHA Form 7000-3 Mar 85 (Revised)		2 3 1 9 0

104(a) CITATION - 30 CFR 90.100 for Part 90 Miner

U.S. Department of Labor

Mine Safety and Health Administration

Section I V	iolation	n Data																							
1. Date	Мо	Da	Yr	2. Time (24 Hr. Clock)										3.	Cita	tior	n/Orde	er							
	0 6	1 5	0 8		1	0 3	3 0								Nur	nbe	er		1	2	3	4	5	5	9
4. Served To								5. Operator																	
Alice Mo	Greg	or, Sa	afety D	Director				Beautifu	il V	ïsta	Со	al C	om	ipai	ny										
6. Mine								7. Mine ID																	
No. 1									1	5	-	1 3	5	2	6	-		(con	trac	tor)					
8. Condition	or Prac	tice															8a. W	/ritten Noti	ce ((103	3g)				
								4											-	-			-		

The mine operator failed to comply with the requirements of the approved respirable dust control plan provide for the Caterpillar bulldozer (S/N 12W3081). The air conditioning unit used to pressurize and maintain the comfort of the operators' cab was not maintained in operating condition as required by the approved plan. This piece of equipment was observed moving material in the #2 pit and was being operated with the doors and windows open. This bulldozer is used on both the day and afternoon production shifts. This piece of equipment was established as a Designated Work Position and cited for non-compliance with the respirable dust standard on May 1, 2008.

See Co	ntinuation Form (MSHA Form 7000-3a)
9. Violation A. Health X B. Section C. Part/Section of Other of Act - Title 30 CFR	7 1 . 3 0 1 (c)
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely X	Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty	Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 2
11. Negligence (check one)	
A. None B. Low C. Moderate X D. High	E. Reckless Disregard
12. Type of Action 1 0 4 - a - - 13. Type of Issuance (check one Citation 12. Type of Action X - - - Citation X	e) Order 0 Safeguard
14. Initial Action D. Written E. Citation/ A. Citation B. Order C. Safeguard Notice Witten Number Order	F. Dated Mo Da Yr
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr B. Time (24	
0 6 1 5 0 8 Hr. Clock) 1 4 0 0	
Section III Termination Action 17. Action to Terminate	
18. Terminated A. Date Mo Da Yr B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection (activity code) 20. Event Number 20. Event Number	
22. Signature	23. AR Number
	2 3 1 9 0
MSHA Form 7000-3 Mar 85 (Revised)	

104(a) CITATION - 30 CFR 71.301(c)

U.S. Department of Labor

Mine Safety and Health Administration

Section I Vi	olation	Data																						
1. Date	Мо	Da	Yr	2. Time (24 Hr. Clock)								3.	. Cit	ation	/Orde	ər								
	0 9	1 5	0 8		0 7	3 0							Nu	mbe	r			1	2	3	4	5	8	0
4. Served To							5. Operator																	
Mike McGregor, Safety Director						Beautiful Vista Coal Company																		
6. Mine							7. Mine ID																	
No. 1								1	5 -	0	3 5	5 3	3 6	-			(con	trac	tor)					
8. Condition of	or Prac	tice												8	Ba. W	ritter	n Noti	ce ((10	3g)				
The air qua	ntity	provi	ded fo	or the J. H. Fletcher, dual	boom	, roof	bolting mad	hine	e to c	ontr	ol 1	res	pira	ble v	vas	not	in co	mp	lia	nce	e wi	th	the	!
approved v	approved ventilation plan. Only 1,950 CFM of air was measured with a properly calibrated anemometer at the inby end of the line																							

approved ventilation plan. Only 1,950 CFM of air was measured with a properly calibrated anemometer at the inby end of the line curtain. The approved ventilation plan requires a minimum air quantity of 3,600 CFM at the inby end of the line curtain where roof bolts are being installed. This condition was observed on MMU 007-0 in the #5 entry where the roof bolting machine operators were installing their 3rd row of permanent supports. This machine was established as a roof bolting machine designated area (907-0) on January 15, 2008, and is currently on a reduced standard of 0.7 mg/m^3 due to quartz. Insufficient air quantity for this particular machine was also found during this inspection event on September 4, 2008.

See Co	ntinuation Form (MSHA Form 7000-3a)
9. Violation A. Health X B. Section C. Part/Section of Other of Act - Title 30 CFR	7 5 . 3 7 0 (a) (1)
Section II Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely X	Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty	Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 2
11. Negligence (check one) A. None B. Low C. Moderate X D. High	E. Reckless Disregard
12. Type of Action 1 0 4 - a - - 13. Type of Issuance (check on Citation	e) Order 0 Safeguard
14. Initial Action D. Written E. Citation/ A. Citation B. Order C. Safeguard Notice Number Number	F. Dated Mo Da Yr
15. Area or Equipment	
16. Termination Due Mo Da Yr B. Time (24 0 7 4 5	
Section III Termination Action	
The line curtain and box check curtains were tightened. The foreman measured 3,927 C	FM at the inby end of the line curtain.
18. Terminated A. Date Mo Da Yr B. Time (24 Hr Clock) 0 7 4 0	
Section IV Automated System Data	
19. Type of Inspection (activity code) E 0 1 7 6 5 4 3 2 2	
22. Signature	23. AR Number 2 3 1 9 0
MSHA Form 7000-3 Mar 85 (Revised)	

104(a) CITATION - 30 CFR 75.370(a)(1)

U.S. Department of Labor

Mine Safety and Health Administration

Section I V	/iolatior	n Data																										
1. Date	Мо	Da	Yr	2. Time (24 Hr. Clock)											3	3. (Citati	ion/	'Ord	er								
	09	2 5	0 8		0	8	3	0								1	Num	ber				1	2	3	4	7	8	2
4. Served To)								5. Operator																			
Mike M	cGreg	or, Sa	ifety D	Director					Beautifu	il V	ista	С	oal	Сс	mp	ban	y											
6. Mine									7. Mine ID																			
No. 1										1	5	-	0	3	5	3	6	-			(cont	ract	or)					
8. Condition	or Prac	tice																8	a. V	Vritte	en Notio	ce (*	103	g)				
								-																				

The mine operator failed to replace missing labels on five 55-gallon drums of perchloroethylene stored on the ground floor of the preparation plant. The material data safety sheet (MSDS) provided by the manufacturer indicates that perchloroethylene is a health hazard. The drums were sealed, stored in a protected area, and there was no evidence of material leakage. This violation was observed during a normal production shift when 5 miners are frequently working or traveling in the area. The plant normally operates two 10-hour production shifts per day.

	See Conti	nuation Form (MSHA Form 7000-3a)
9. Violation A. Health X Safety B. Section Other of Act -	C. Part/Section of Title 30 CFR	4 7 . 4 1 (a) (1)
Section II Inspector's Evaluation		
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely X	Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays	st Workdays or Restricted Duty	Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes No	x	D. Number of Persons Affected 0 1 0
11. Negligence (check one)	^	
A. None B. Low C. Modera	e X D. High	E. Reckless Disregard
12. Type of Action	13. Type of Issuance (check one) Citation	Order 0 Safeguard
14. Initial Action D. Wri A. Citation B. Order C. Safeguard		F. Dated Mo Da Yr
15. Area or Equipment		
16. Termination Due Mo Da Yr A. Date 0 9 2 6 0 8 Hr. Clock)	0 7 0 0	
Section III Termination Action		
17. Action to Terminate		
18. Terminated A. Date Mo Da Yr B. Time (24 Hr Clock)		
Section IV Automated System Data		
19. Type of Inspection (activity code) E 0 1 7 6 5 4	3 2 2	
22. Signature	<u>~ - - </u>	23. AR Number 2 3 1 9 0
MSHA Form 7000-3 Mar 85 (Revised)		

104(a) CITATION - HazCom

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

Section I Violation Data				
1. Date Mo Da Yr 2. Time (24 Hr. Clock)				3. Citation/Order
0 7 2 1 0 8	0	8 4	5	
4. Served To	•	•	-	5. Operator
John Smith, Assistant Foreman				J & S Coal Company
6. Mine				7. Mine ID
No. 1				4 4 - 0 3 5 3 6 - (contractor)
8. Condition or Practice				8a. Written Notice (103g)
The biskyrall drill energy to react protocted from the inhal	tion	of ros		rable drill dust. Visual observation indicated an excessive amount of dust
				environmental cab, and the water-holding tank was empty. DWP is on a
reduced dust standard of 1.0 mg/m3. The drill operator was				
Drill operator: DWP 001-0, occupational code 384				
				See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health				
Safety B. Section				C. Part/Section of
Other of Act -				Title 30 CFR 7 2 6 2 0 1 1
Section II Inspector's Evaluation 10. Gravity:				
,	likely			Reasonably Likely X Highly Likely Occurred
B. Injury or Illness could rea-				
sonably be expected to be: No Lost Workdays		Lo	ost	Workdays or Restricted Duty Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes	Х	No		D. Number of Persons Affected 0 0 1
11. Negligence (check one)				
A. None B. Low	С. М	odera	te	X D. High E. Reckless Disregard
12. Type of Action			13.	. Type of Issuance (check one)
1 0 4 - a - ,		-		Citation X Order Safeguard
14. Initial Action). Wri	itto	n E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard		Not		
15. Area or Equipment				
T5. Area or Equipment				
16. Termination Due Mo Da Yr A. Date B. Tim	e (24	ŀ		
0 7 2 2 0 8 Hr.	Cloc			0 8 0 0
Section III Termination Action 17. Action to Terminate				
18. Terminated Mo Da Yr				
A. Date B. Time (24	HrU	IOCK)		
Section IV Automated System Data				
19. Type of Inspection 20. Event Number				21. Primary or Mill
(activity code) E 0 1 0	8	8 8	8	0 0
22. Signature				23. AR Number
James Lee				2 0 7 7 7
MSHA Form 7000-3 Mar 85 (Revised)				

104(a) CITATION - DRILL DUST VIOLATION

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

Section I Violation Data		
1. Date Mo Da Yr 2. Time (24 Hr. Clock)		3. Citation/Order
	2 0 0	Number 9 0 7 1 0 0 6
4. Served To		5. Operator
Ralph Bunny, Safety Director		Bambu Company
6. Mine		7. Mine ID
No. 300		4 5 - 0 0 0 2 0 - (contractor)
8. Condition or Practice		8a. Written Notice (103g)
The operator failed to submit for approval a written respirable dus	t contol r	plan for the Part 90 miner identified in Advisory No. 0012, dated
07/15/08. Citation No. 9071004, based on this Advisory, was issu		
		See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health Safety B. Section		C. Part/Section of
Other of Act -		Title 30 CFR 9 0 . 3 0 0 - a
Section II Inspector's Evaluation	1 1	
10. Gravity:		
A. Injury or Illness (has) (is): No Likelihood Unlikely		Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays	Lost	Workdays or Restricted Duty X Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes 11. Negligence (check one)	No	X D. Number of Persons Affected
	loderate	X D. High E. Reckless Disregard
12. Type of Action	12	. Type of Issuance (check one)
	-	Citation X Order Safeguard
14. Initial Action E A. Citation B. Order C. Safeguard	 Written Notice 	
	NOLICE	
15. Area or Equipment		
16. Termination Due Mo Da Yr A. Date B. Time (24	1	
0 9 0 4 0 8 Hr. Cloc		0 8 0 0
Section III Termination Action	-	
17. Action to Terminate		
18. Terminated Mo Da Yr		
A. Date B. Time (24 Hr C	IOCK)	
Section IV Automated System Data		
19. Type of Inspection 20. Event Number		21. Primary or Mill
(activity code) E 2 2 5 0	3 2 4	2 6
22. Signature		23. AR Number
Thomas Morris		0 2 4 2 0
MSHA Form 7000-3 Mar 85 (Revised)		

104(a) CITATION - FAILURE TO SUBMIT RESPIRABLE DUST CONTROL PLAN

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

Section I Violation Data			
1. Date Mo Da Yr 2. Time (24 Hr. Clock)			3. Citation/Order
	1 4	0 0	Number 9 0 7 1 0 0 5
4. Served To			5. Operator
Ralph Bunny, Safety Director			Bambu Company
6. Mine			7. Mine ID
No. 300			4 5 - 0 0 0 2 0 - (contractor)
8. Condition or Practice			8a. Written Notice (103g)
The Part 90 miner identified in Advisory No. 0012 dated 07/15	5/08	wase	exposed to an average respirable dust concentration of 1.4 mg/m^3 .
			by the operator [or inspector]. 30 CFR 90.201(d) requires management
to take corrective action, and to collect five valid respirable due	ist sa	mples	in the Part 90 miner's work position. These samples must be
submitted to the Pittsburgh Respirable Dust Processing Labora	atory	by the	e date of termination.
		:	ditional consulta
The operator failed to take corrective actions, and also failed to	subi	mit ad	ditional samples.
			See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health			
Safety B. Section			C. Part/Section of
Other of Act - Section II Inspector's Evaluation - -			Title 30 CFR 9 0 . 1 0 0 1 1
10. Gravity:			
A. Injury or Illness (has) (is): No Likelihood Unlike	ely		Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-			
sonably be expected to be: No Lost Workdays		Lost	Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes		No	D. Number of Persons Affected
11. Negligence (check one)			
A. None B. Low C.	. Mo	derate	D. High E. Reckless Disregard
12. Type of Action		13	B. Type of Issuance (check one)
1 0 4 - b - , -	-		Citation Order X Safeguard
14. Initial Action	D.	Writte	en E. Citation/ F. Dated Mo Da Yr
A. Citation X B. Order C. Safeguard		Notic	e Order 9 0 7 1 0 0 4 0 7 1 5 0 8
			Number Number
15. Area or Equipment The Part 90 miner identified in the attached Advisory No.	. 11		
16. Termination Due Mo Da Yr A. Date J J B. Time	(24		
Hr. C	•)	
Section III Termination Action			
17. Action to Terminate			
18. Terminated Mo Da Yr			
A. Date B. Time (24 H	Ir Clo	ock)	
Section IV Automated System Data			
19. Type of Inspection 20. Event Number			21. Primary or Mill
(activity code) E 2 2 5 0	0 3	24	
22. Signature			23. AR Number
Thomas Morris			0 2 4 2 0
MSHA Form 7000-3 Mar 85 (Revised)			

104(b) ORDER - FAILURE TO COMPLY WITH PART 90 RESPIRABLE DUST STANDARD

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

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 7 1 5 0 8 0 9 2 0	
4. Served To	5. Operator
Ralph Bunny, Safety Director	Bambu Company
6. Mine	7. Mine ID
No. 300	4 5 - 0 0 0 2 0 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
The Part 90 miner identified in Advisory No. 0012, dated 07/15/08, was e	
This finding was based on the results of five valid dust samples collected to take corrective action, and to collect five valid respirable dust samples	
submitted to the Pittsburgh Respirable Dust Processing Laboratory by the	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act - - Section II Inspector's Evaluation - </td <td>Title 30 CFR 9 0 1 0 0 1 <th1< th=""> 1 <th1< th=""> 1 <th1< th=""> <th1< th=""> <th1< th=""> <th1< t<="" td=""></th1<></th1<></th1<></th1<></th1<></th1<></td>	Title 30 CFR 9 0 1 0 0 1 <th1< th=""> 1 <th1< th=""> 1 <th1< th=""> <th1< th=""> <th1< th=""> <th1< t<="" td=""></th1<></th1<></th1<></th1<></th1<></th1<>
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely X Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost	Workdays or Restricted Duty Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 1
11. Negligence (check one)	
A. None B. Low C. Moderate	X D. High E. Reckless Disregard
12. Type of Action	B. Type of Issuance (check one)
1 0 4 - a - , . - -	Citation X Order Safeguard
14. Initial Action D. Writte A. Citation B. Order C. Safeguard Notic	
15. Area or Equipment	
16. Termination Due Mo Da Yr	
A. Date 0 8 0 5 0 8 Hr. Clock)	0 8 0 0
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
22. Signature	23. AR Number
Thomas Morris	0 2 4 2 0
MSHA Form 7000-3 Mar 85 (Revised)	

104(a) CITATION - PART 90 RESPIRABLE DUST STANDARD

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

Section I Violation Data				
1. Date Mo Da Yr 2. Time (24 Hr. Clock)				3. Citation/Order
0 7 0 7 0 8	1	6 0		Number 2 0 7 1 0 0 1
4. Served To			1	5. Operator
John Brown, Superintendent				XYZ Company
6. Mine				7. Mine ID
No. 2				4 4 - 0 1 7 0 1 - (contractor)
8. Condition or Practice				8a. Written Notice (103g)
The average concentration of respirable dust in the working e	envii	ronme	ent	of the designated work position was 13.0 mg/m ³ , which exceeds the
				ust samples collected by the operator [or inspector]. Management
				each production shift until five valid samples are taken. The samples
must be submitted to the Pittsburgh Respirable Dust Process	sing	Labo	rato	Dry.
Designated work position: 001-0 368				
Advisory No. 0001 dated 7/6/08				
		-	T	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health B. Section				C. Part/Section of
Other of Act -				Title 30 CFR 7 1 1 0 0 1 1
Section II Inspector's Evaluation				
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unl	likel		٦	Reasonably Likely Highly Likely X Occurred
	IKCI	у		
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays		L	ost	t Workdays or Restricted Duty Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes	Х	N	2	D. Number of Persons Affected 0 0 1
11. Negligence (check one)			-	
A. None B. Low	C. N	/lodei	ate	E. Reckless Disregard
12. Type of Action			13	3. Type of Issuance (check one)
1 0 4 - a - , -		-		Citation X Order Safeguard
14. Initial Action		D. W	'ritte	en E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard		N	otic	e Order Numper
15. Area or Equipment				
16. Termination Due Mo Da Yr				
A. Date B. Tim 0 7 2 7 0 8 Hr.	•			
Section III Termination Action	Clo	СК)		0 8 0 0
17. Action to Terminate				
18. Terminated Mo Da Yr				
A. Date B. Time (24	Hr (Clock)	
Section IV Automated System Data 19. Type of Inspection 20. Event Number			Т	21 Primany or Mill
	0	3 2		21. Primary or Mill
(activity code) E 1 6 5 22. Signature	U	5 2	-14	23. AR Number
•				
Thomas Morris				0 2 4 2 0

MSHA Form 7000-3 Mar 85 (Revised)

104(a) CITATION BASED ON MSHA OR MINE OPERATOR SAMPLES

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

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
4. Served To	5. Operator
John Brown, Superintendent 6. Mine	XYZ Company 7. Mine ID
No. 3	4 4 - 0 1 7 0 2 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
	of the designated occupation was 3.0 mg/m3, which exceeded the 1.2 mg/m3
applicable limit. This finding was based on the results of five valid dust sa	
take corrective action to lower the respirable dust, and then sample each	production shift until five valid samples are taken. The samples must be
submitted to the Pittsburgh Respirable Dust Processing Laboratory.	
Designated occupation: continuous miner operator -036	
Location: MMU 001-0	
Advisory No. 0001 dated 7/6/08	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act - - Section II Inspector's Evaluation - </td <td>Title 30 CFR 7 0 . 1 0 1 . . <t< td=""></t<></td>	Title 30 CFR 7 0 . 1 0 1 . . <t< td=""></t<>
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely X Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost	Workdays or Restricted Duty Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 2
11. Negligence (check one)	
A. None B. Low C. Moderate	X D. High E. Reckless Disregard
	. Type of Issuance (check one)
1 0 4 - a - , - -	Citation X Order Safeguard
14. Initial Action D. Writte A. Citation B. Order C. Safeguard Notice	
15. Area or Equipment	
16. Termination Due Mo Da Yr A. Date B. Time (24	
0 7 2 7 0 8 Hr. Clock)	0 8 0 0
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data 19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 1 6 5 0 3 2 4 22. Signature	23. AR Number
5	
Thomas Morris	0 2 4 2 0

MSHA Form 7000-3 Mar 85 (Revised)

104(a) CITATION BASED ON REDUCED DUST STANDARDS

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

Section I Violation Data			
1. Date Mo Da Yr 2. Time (24 Hr. Clock)			3. Citation/Order
1 0 0 5 0 8	0 9 0	0	Number 9 0 0 0 0 1
4. Served To			5. Operator
John Brown, Superintendent			TR Company
6. Mine		7	7. Mine ID
No. 40			4 5 - 5 1 2 3 2 - (contractor)
8. Condition or Practice			8a. Written Notice (103g)
The mine operator did not collect the required himenthy valid	roopirabl	lo dur	st samples in the designated area, as identified in Advisory No. 0001,
dated October 5, 2008.	Tespirabi		si samples in the designated area, as identified in Advisory No. 0001,
Bimonthly cycle missed: August - September			
Designated area: 212-0			
			See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health			
Safety B. Section			C. Part/Section of
Other of Act -			Title 30 CFR 7 0 . 2 0 8
Section II Inspector's Evaluation 10. Gravity:			
	ikely X		Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-		_	
sonably be expected to be: No Lost Workdays	X L	ost W	Vorkdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes	No	b)	X D. Number of Persons Affected 0 0 1
11. Negligence (ch <u>eck</u> one)			+ + + +
A. None B. Low	C. Modera	ate	X D. High E. Reckless Disregard
12. Type of Action		13.	Type of Issuance (check one)
1 0 4 - a - , , -	-		Citation X Order Safeguard
14. Initial Action	D. Wi	ritton	E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard		otice	Order
15. Area or Equipment			
16. Termination Due Mo Da Yr A. Date B. Time	e (24		
1 0 0 5 0 8 Hr.	Clock)		0 9 1 0
Section III Termination Action			
17. Action to Terminate No action required because bimonthly sampling requirements	can only	/ be s	atisfied during the established bimonthly period.
	, earr erny	200	anona danig na odaonana binaniny panadi
18. Terminated Mo Da Yr			
A. Date B. Time (24	Hr Clock)		
1 0 0 5 0 8 Section IV Automated System Data			0 9 1 0
19. Type of Inspection 20. Event Number			21. Primary or Mill
(activity code) E 2 6 5	1 2 3	4	5 6
22. Signature			23. AR Number
Thomas Morris			0 2 4 2 0

MSHA Form 7000-3 Mar 85 (Revised)

104(a) CITATION BASED ON FAILURE TO TAKE RESPIRABLE DUST SAMPLES

Mine Citation/Order Continuation

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

Section I Subsequent	Action/Co	ntinuati	on Da	ata																									
1. Subsequent Action		1a. Cor	ntinua	ition	2. Dated (Original	Issue)	м 0	° 7	Da 0	7	Yr 0	8			3. C N	itatio Numl		der				2	0	7	1 0	0	2	- 0	1
4. Served To								I	5 0	pera	tor															11			
	norintor	ndent										omn	any																
John Brown, Superintendent 6. Mine										line II		omp							Т										
No. 3									7.10		D		4 4	1 _	0	1	-		2				loont	raata	-)				
Section II Justification	for Action													- T	U	'	/						(conti	ractor)				
MMU - 001 was	idle for	a peri	od o	f 10 days	during the	period for al	bate	mer	nt. S	Sam	ples	s ha	ave b	een	colle	ected	d du	ring	l ea	ch w	orkir	ng s	shift,	and					
MSHA has rece		o samp	oles.	Addition	nal time is gr	ranted to all	ow n	nore	e sai	mple	es to	o be	e sen	nt to	MSH	A s	o co	mpl	ian	ce or	non	cor	nplia	ance	•				
can be determin	ned.																												
-																													
-																													
																							See	Cor	ntinu	atior	n For	m	
Section III Subsequent 8. Extended To	t Action Ta	aken	Мо	Da	Yr																								
0. Extended To	A. Date			8 0 5		me (24 Hr. Clo	ick)				0	9	0) c.	Vacate	ed			D. T	ermina	ated		Γ	_ F	E. Mo	dified]
Section IV Inspection	Data																												
9. Type of Inspection				10. Eve	ent Number		_	_																_		_			
		E 2	6			5 0) 3	2	4	1	9																		
11. Signature			1			AR	Jumb	ı er	Ч	12. Г	Date		N	Мо	Da	Т	Yr	13	3. Tir	ne (24	Hr. (Clor	:k)						Τ
										· · L												2.00	,						
Thomas Morris						0 2	2 4	2	0				() 7	2	7	0	8									1	0 0	0

MSHA Form 7000-3a, Mar 85 (Revised)

EXTENSION OF ABATEMENT TIME

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

Section I Violation Data				
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order				
0 7 2 7 0 8 1 8 0 0 Number	2	0 7	1 0	0 3
4. Served To 5. Operator				
John Brown, Superintendent XYZ Company				
6. Mine ID 7. Mine ID 7. Mine ID				
	contrac	/		
8. Condition or Practice 8a. Written N	Votice	(103g)		
MSHA's analysis of the five most recent respirable dust samples collected from the working environment of the designated occupati	ion sho	ws an		
average concentration of 5.7 mg/m3. Due to the obvious lack of effort by the operator to control respirable dust, the reasonable time				
for the abatement of the original violation will not be further extended. All miners working on this section must be withdrawn until the				
corrected.				
Designated occupation: continuous miner operator -036 in mechanized mining unit 001-0				
See Continuation Form (MSHA Form	n 7000-	·3a)		
9. Violation A. Health				
Safety B. Section C. Part/Section of				
Other of Act - Title 30 CFR 7 0 1 0 Section II Inspector's Evaluation - - - - 1 0) 1			
10. Gravity:				
A. Injury or Illness (has) (is): No Likelihood Unlikely Highly Likely Highly Likely	(Occurre	d	
B. Injury or Illness could rea-			1	
sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty Permanently Dis	sabling		Fata	
C. Significant and Substantial (See Reverse): Yes No D. Number of Persons A	Affected	k		
11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckle	əss Dis	regard]
12. Type of Action 13. Type of Issuance (check one)				
1 0 4 - b - ,	Safeg	uard		
14. Initial Action D. Written E. Citation/	od	Мо	Da	Yr
A. Citation X B. Order C. Safeguard Notice Order	Su	IVIO		l'ï
Number 2 0 7 1 0 0 2		0 7	07	7 0 8
15. Area or Equipment The mechanized mining unit 001-0				
16. Termination Due Mo Da Yr A. Date J J B. Time (24				
Hr. Clock)				
Section III Termination Action 17. Action to Terminate				
18. Terminated A. Date A. Date B. Time (24 Hr Clock)				
Section IV Automated System Data				
19. Type of Inspection 20. Event Number 21. Primary or Mill				
(activity code) E 1 6 5 0 3 2 4 1 0				
22. Signature 23. AR Nun	nber			
Thomas Morris		0	2 4	4 2 0
MSHA Form 7000-3 Mar 85 (Revised)			<u>. </u>	<u></u>

Mine Citation/Order Continuation

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

Section I Subsequent A	Action/Cont	tinuatio	on Data																										
1. Subsequent Action	1a	a. Con	tinuation	2.	Dated (Original Issue)			^₀) 7	Da 2		Yr 0				3.	Citati Nun		Order				2	0	7	1 (0 0	3	- 0) 1
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	John Brown, Superintendent											omi	pany	,															
6. Mine										/ine l			pany																
No. 3													4	4 -	0	1	7	0	2	-			(con	tract	or)				
Section II Justification f	or Action																	-				-	V		- /				
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11. Signature	1		<u> </u>				Numt	ber		12. 1	Date			Mo	Da	a	Yr		13	Time	(24 H	r. Clo	ock)						Τ
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MSHA Form 7000-3a, Mar 85 (Revised)

104(b) ORDER - MODIFICATION

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

Section I Subsequent A	Action/Cont	tinuatio	on Data	-																						
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John Brown, Sup	perintenc	lent									npany															
6. Mine									ine ID	2011						Τ										
No. 3											4 4	1 - I	0	1	7	0 2	2 -				(cont ^r	ractor))			
Section II Justification f	or Action										1 1		-			-										
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Location:																										
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9. Type of Inspection	E	2	10. Event i	Number	5 0) 3	2	4	2 3																	
11. Signature	I				AR N	lumbe	er		12. Dat	e	Ν	1o	Da	1	Yr	13	3. Tin	ne (24	Hr. (Cloc	k)					
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MSHA Form 7000-3a, Mar 85 (Revised)

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

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Location:	MMU 0	01-0																									
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Section III Subsequent	Action Ta	ken																									
8. Extended To	A. Date		Mo	Da \	r B. Time (2	24 Hr. Clo	ock)						C. '	Vacat	ed] '	D. Te	ermina	ited			_ E	. Mod	lified		Х
Section IV Inspection I	Data					- 				-																	
9. Type of Inspection	E	2		vent Num	ber	5	03	2	4	2 1																	
11. Signature						AR	Numbe	er	1:	2. Date)		Mo	Da		Yr	13	3. Tin	ne (24	Hr. C	Cloc	k)			Τ		
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MSHA Form 7000-3a, Mar 85 (Revised)

MODIFICATION (REINSTATING) 104(b) ORDER AS ORIGINALLY ISSUED.

Appendix D

Metal and Nonmetal Health Violations

TABLE OF CONTENTS

	Page
104(a) Citation – "S&S" Overexposure to Welding Fumes	4
104(a) Citation – Extension After Respiratory Protection Provided	5
104(a) Citation – Termination After Resampling	
104(a) Citation – "S&S" Overexposure to Silica-Bearing Dust	
104(a) Citation – Extension After Respiratory Protection Provided for Silica Bearing	
Dust.	8
104(a) Citation – Termination After Resampling for Silica-Bearing Dust	9
104(b) Order of Withdrawal for Silica-Bearing Dust	10
104(b) Order of Withdrawal –Allowing Mining Operations to Resume	11
104(a) Citation – Failure to Comply With 104(b) Order of Withdrawal	
104(a) Citation – "Non S&S" Overexposure to Silica-Bearing Dust	
104(a) Citation - Termination After Resampling	.14
104(a) Citation – Termination After Removal of Equipment From Service	.15
104(a) Citation – "S&S" Overexposure to Radon Daughters	16
104(a) Citation – Termination After Resampling	
104(a) Citation – "S&S" HazCom	.18
104(d)(1) Citation – "S&S" Overexposure to Silica-Bearing Dust	.19
104(d)(1) Order of Withdrawal - "S&S" Overexposure to Radon Daughters	.20
107(a) Order of Withdrawal – "S&S" Overexposure to Carbon Monoxide	21
104(a) Citation Issued in Conjunction with 107(a) Order of Withdrawal	
107(a) Order of Withdrawal – "S&S" Overexposure to Hydrogen Chloride	23
104(a) Citation Issued in Conjunction with 107(a) Order of Withdrawal	24
104(a) Citation – "S&S" Overexposure to Drill Dust	
104(a) Citation – "Non S&S" Hearing Conservation Program	26
104(a) Citation – Termination After Enrollment in Hearing Program	27
104(a) Citation – "Non S&S" Overexposure to Noise	28
104(a) Citation – Termination After Resampling	29
104(a) Citation – "S&S" Overexposure to Noise	
104(a) Citation –Extension of Noise Citation	
104(a) Citation – Termination of Noise Citation With "P" Code	32

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

Section I Violation Data		
1. Date Mo Da Yr 2. Time (24 Hr. Clock)		3. Citation/Order
0 7 1 8 0 8	1600	Number 4 4 1 0 1 8 8
4. Served To		5. Operator
SYDNEY JONES, PRESIDENT		TMC MINING COMPANY
6. Mine		7. Mine ID
TRIANGLE MINE		7 2 - 0 0 0 1 2 - (contractor)
8. Condition or Practice		8a. Written Notice (103g)
The repair shop welder was exposed to a shift-weighted a	werage of 2.	35 mg/m ³ of nickel welding fumes when sampled on July 1,
) mg/m3 times the error factor (1.10*) for welding fume sampling
		ir shop and visible fumes were produced during this process.
The engineering control in use was one 24-inch exhaust f	an in the sho	p roof. The welder was not wearing a respirator and a
		s not in place. The original abatement date is for the institution I Z88.2-1969. When a respiratory protection program meeting
the minimum requirements is established, the abatement		
additional engineering controls.		satellated to allow the linite operator time to histan
* Note: The error factor for metal dust and fum	ne sampling i	s determined by, and will be supplied by, the Pittsburgh lab.
		See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health		
Safety B. Section		C. Part/Section of
Other of Act -		Title 30 CFR 5 6 . 5 0 0 1 a /. 5 0 0 5
Section II Inspector's Evaluation		
10. Gravity:	BL - L - 🗖	Decementary III Usetary Comment
	likely	Reasonably Likely K Highly Likely Cccurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays		Workdays or Restricted Duty Permanently Disabling X Fatal
	LUSI	
C. Significant and Substantial (See Reverse): Yes	X No	D. Number of Persons Affected 0 0 1
11. Negligence (check one)	O Madanata	X D. High E. Reckless Disregard
A. None B. Low	C. Moderate	
12. Type of Action	13	. Type of Issuance (check one)
1 0 4 - a - , , , -	-	Citation X Order Safeguard
14. Initial Action	D. Writte	en E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard	Notice	e 🗍 Order
15. Area or Equipment	-	
16. Termination Due Mo Da Yr	- (04	
A. Date 0 7 2 0 0 8 Hr.	ne (24 . Clock)	0 8 0 0
Section III Termination Action		
17. Action to Terminate		
18. Terminated Mo Da Yr		
18. Terminated Mo Da Yr A. Date B. Time (24	4 Hr Clock)	
	,	
Section IV Automated System Data		
19. Type of Inspection 20. Event Number		21. Primary or Mill
	7689	
22. Signature		23. AR Number
TED JOHNSON		0 4 7 8 9
MSHA Form 7000-3 Mar 85 (Revised)		

104(a) CITATION - "S&S" OVEREXPOSURE TO WELDING FUMES

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

Section I Subsequent Action/Continuation	Data														
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo 0 7	Da 1 8	Yr 8 0 8		3. Citation Numbe			4	4	1) 1	8 8	3 -	01
4. Served To	1		5. Op	perator								-			
SYDNEY JONES, PRESIDENT			т		NING (COMPANY									
6. Mine			7. Mi	ne ID											
TRIANGLE MINE					72	- 0 0 0	1 2 -			(con	trac	ctor)			
Section II Justification for Action															
A respiratory protection program meeting	- 4h	ANGL	700 2	10(0)			· · · · · ·				1			
and approved respirator (Wilson Model 1													18		
for the implementation of additional eng												, 200	<i>,</i>		
adequate engineering controls have been															
the permissible exposure limit times the			1 0												
								Se	e C	ontin	nuat	ion F	orm		
Section III Subsequent Action Taken															
8. Extended To A. Date 0 8 1 5	Yr B. Time (24 H	Ir. Clock)	1 2	0 0	C. Vacated		D. Tern	nina	ated	C] E	. Moo	difiec	
Section IV Inspection Data	····					•									
9. Type of Inspection E 1 5	vent Number 0	7 6 8	99) 1											
11. Signature	AF	R Numb		2. Date	Ν	/lo Da Yr	13. T	ïme (24	4 Hr	. Clo	ck)				
TED JOHNSON	0	4 7 8	9		0	7210	8						•	1 5	3 0
MSHA Form 7000-3a, Mar 85 (Revised)															

104(a) CITATION - EXTENSION AFTER RESPIRATORY PROTECTION PROVIDED

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

1. SUbsequent Action 1a. Continuation 2. Dated (Original Issue) Mo Da Y 18.0 3. Clatton/Order Mumber 4.4 10 1 8.8 -0 2 4. Surved To SYONEY JONES, PRESIDENT 5. Operator	Section I Subsequent	Action/Continuation	Data							
SYDNEY JONES, PRESIDENT TMC MINING COMPANY 6. Mine 7. Mine ID 7 2 0 0 1 2		1a. Continuation							4 4 1 0 1 8	8 - 0 2
SYDNEY JONES, PRESIDENT TMC MINING COMPANY 6. Mine 7. Mine ID 7 2 0 0 1 2	4. Served To		•		5. Op	erator				
6. Mne 7. Mne ID 7. 2 0 0 1 2	SYDNEY JONES. PF	RESIDENT					ING COMPAN	IY		
TRIANGLE MINE 7 2 0 0 1 2		-			1					
Section II - Justification for Action The mine operator purchased and installed a local exhaust fume collection system that can be moved close to welding and cutting operators. The welder in the repair shop was exposed to a shift-weighted average of 0.13 mg/m3 of nickel welding tumes after a resample was conducted by M84 An August 22.006. This average of 0.13 mg/m3 of nickel welding tumes after a resample was conducted by M84 An August 22.006. This average of 0.13 mg/m3 of nickel welding tumes after a resample was conducted by M84 An August 22.006. This average is less than that Threshold Limb Tureshold Limb. September 1.2008. September 1.2008. September 2.2008. September 2.2008. September 2.2008. September 2.2008. September 2.2008. September 2.2008. September 2.2008. September 2.2008.							72-00	0 0 1 2 -	(contractor)	
The mine operator purchased and installed a local exhaust fume collection system that can be moved close to velding and cutting operations. The welder in the repair shop was exposed to a shill-weighted average of 0.13 mg/m3 of nickel welding fumes after a resemple was conducted by MSHA on August 22, 2006. This average is less than the Threshold Limit Value (TLV) times the error factor (1.10) for welding fume sampling and elemental analysis. The analytical results were received and the termination issued on September 1, 2008.		for Action								
operations: The weider in the repair stop was exposed to a shift-weighted average of 0.13 mg/m3 of nicket weiding fumes after a resample was conducted by MSHA on August 22, 2008. This average is less than the Threshold Limit Value (TLV) times the error tactor (1:0) for weiding fume sampling and elemental analysis. The analytical results were received and the termination issued on September 1, 2008. September 1, 2008.										
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September 1, 2008.										
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	9. Type of Inspection			68	3 9 9	4				
	11. Signature		AR	Numb	er 12	. Date	Mo Da	Yr 13. T	ime (24 Hr. Clock)	
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MSHA Form 7000-3a, Mar 85 (Revised)

104(a) CITATION - TERMINATION AFTER RESAMPLING

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

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 7 1 8 0 8 1 6 0 0	Number 4 4 1 0 1 8 9
4. Served To	5. Operator
J.B. SMITH, PRESIDENT	S&S MINING COMPANY
6. Mine	7. Mine ID
S&S MINE	7 1 - 0 3 7 9 8 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
The primary crusher operator was exposed to a shift-weighted average	e of 3.30 mg/m ³ of respirable silica-bearing dust on 07/02/08. This
exceeded the Threshold Limit Value (TLV) of 1.25 mg/m3 times the	
Respiratory protection was not being used and a respiratory protection	
in place. All feasible engineering controls were not in use to control	
but a window was broken and a ventilation system had not been provi	
of a Respiratory Protection Program. When a Respiratory Protection is in place, the abatement date will be extended to allow the mine one	rator time to install additional and repair existing engineering controls.
is in place, the abatement date will be excended to allow the nime ope	and time to instan additional and repair existing engineering controls.
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act -	Title 30 CFR 5 6 . 5 0 0 1 a /. 5 0 0 5
Section II Inspector's Evaluation 10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely X Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost	Workdays or Restricted Duty Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 1
11. Negligence (check one) A. None B. Low C. Moderate	X D. High E. Reckless Disregard
12. Type of Action 1 0 4 - a - , 1 13	Type of Issuance (check one) Citation X Order Safeguard
14. Initial Action D. Writte	en E. Citation/ E.
14. Initial Action D. Writte A. Citation B. Order C. Safeguard Notice	9 🗍 Order
15. Area or Equipment	
16. Termination Due Mo Da Yr A. Date B. Time (24	
0 7 2 0 0 8 Hr. Clock)	0 9 0 0
Section III Termination Action	
17. Action to Terminate	
18. Terminated A. Date A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data 19. Type of Inspection 20. Event Number	21 Primony or Mill
	21. Primary or Mill 8 9
(activity code) E 0 1 3 8 5 0 1 22. Signature	23. AR Number
-	
TED JOHNSON	0 4 7 8 9
MSHA Form 7000-3 Mar 85 (Revised)	

104(a) CITATION - "S&S" OVEREXPOSURE TO SILICA-BEARING DUST

12/05/95

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

Section I Subsequent A	Action/Continuation	Data						
1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)	Мо 0 7	Da Y 1 8 0		3. Citation/Order Number	4 4 1 0 1 8 9 -	01
4. Served To		1	1 1	5. Operat	or	•		
J.B. SMITH, PRESID	ENT			· ·	INING CO	MPANY		
6. Mine				7. Mine II				
S&S MINE					7 1	03798-	(contractor)	
Section II Justification f	for Action							
A Respiratory Protect	ion Program meetir	g the requirements of	ANSI Z	288.2-1969	is in place	. The primary crusher	operator is wearing a	
		ISA COMFO II, Approv						
		of additional engineering						
		il engineering controls Id Limit Value (TLV) tir				d further sampling by r	VISHA confirms	
					.01.			
								<u> </u>
							See Continuation Form	
Section III Subsequent		1 1						
8. Extended To A. Da	te 0 8 1 5	Yr B. Time (24 Hr. 0 8	. Clock) 1	2 0 0	. Vacated D	Terminated E. Modifie	d 🗌
Section IV Inspection I								
9. Type of Inspection	E 1 5	vent Number 3 8	50	196				
11. Signature		AR	Numbe	er 12. Da	te Mo	Da Yr 13. Tim	ne (24 Hr. Clock)	\square
TED JOHNSON		0 4		9				530

MSHA Form 7000-3a, Mar 85 (Revised)

104(a) CITATION - EXTENSION AFTER RESPIRATORY PROTECTION PROVIDED FOR SILICA-BEARING DUST

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

Section I Subsequent	Action/Continuation	Data						
1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)	Мо 0 7	Da 1	Y 8 0		 Citation/Order Number 	4 4 1 0 1 8 9 - 0 2
4. Served To				5. O	perat	or		
J.B. SMITH, PRESID	ENT				-	uning Co	MPANY	
6. Mine					line IE			
S&S MINE				1.101		7 1	- 0 3 7 9 8 -	(contractor)
Section II Justification	for Action					'		
The mine operator re	placed the control b	ooth's broken window a	and ins	stalled	d a he	ating and	cooling unit in the booth o	f the primary
							s. The primary crusher	
operator was expose	d to a shift-weighted	l average of 0.82 mg/m	3 of re	espira	ıble si	lica-bearir	ng dust during a resample	conducted
on August 22, 2008.	This shift-weighted	average is less than the	e Thre	shold	d Limi	t Value (T	LV) of 1.11 mg/m3.	
								See Continuation Form
Section III Subsequent	Action Taken							
8. Extended To	Mo Da	Yr						
A. Da		B. Time (24 Hr.	Clock)			C. Vacated 🛛 D. Te	rminated X E. Modified
Section IV Inspection I				<u> </u>				
9. Type of Inspection	E 1 5	vent Number	50	2				
				[
11. Signature		AR	Numbe	er 1	2. Da	ite M	o Da Yr 13. Time (24 Hr. Clock)
TED IOUNICON								
TED JOHNSON		0 4	78	9		0	9 0 1 0 8	1 1 3 0
MSHA Form 7000-3a, M	ar 85 (Revised)							

104(a) CITATION - TERMINATION AFTER RESAMPLING FOR SILICA-BEARING DUST

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

Section I Violation Data									
1. Date Mo Da Yr 2. Time (24 Hr. Clock)					3. C	itation/Order			
0 7 2 3 0 8	0	0	0		N	umber	4 4 1	0 1	90
4. Served To	03	0	5. Oper	ator		umber	<u> </u>		50
J.B. SMITH, PRESIDENT				MINING COM					
6. Mine			7. Mine						
S&S MINE			7.1000	7 1 -	03798	3 - (cor	tractor)		
8. Condition or Practice				1 . 1 . 1		8a. Written Not	,)	
The primary crusher operator was not using a respirator a	is req	uired	by Citatio	n No. 4410189	issued on 07/1	8/08. An approved			
respirator was in its original container at the crusher and the	he cr	usher	operator	admitted that he	e seldom used	it. The primary crus	sher		
shall be taken out of service until the crusher operator has									
shall ensure that the crusher operator will wear the respira							has		
been fulfilled, MSHA will modify this order to allow work to									
average exposure of 5.50 mg/m5 of respirable sinca-beam	ing ut			ble exposure w	/as 1.25 mg/m	•			
				0			7000.0-)		
	<u> </u>			566	e Continuation	Form (MSHA Form	7000-3a)	_	
9. Violation A. Health B. Section				C. Part/Section	n of				
Safety B. Section Other of Act -				Title 30 CFF		56.500	1 a/.	50	05
Section II Inspector's Evaluation		11			IX		η αγ.	5 0	0 0
10. Gravity:		_		F				_	
A. Injury or Illness (has) (is): No Likelihood Un	likely	Ш	Reas	sonably Likely	Hig	hly Likely	Occurre	d	
B. Injury or Illness could rea-									
sonably be expected to be: No Lost Workdays		Los	st Workda	ays or Restricted	d Duty	Permanently Disal	oling	Fatal	
C. Significant and Substantial (See Reverse): Yes		No			D. Nu	mber of Persons Af	fected		
11. Negligence (check one)									
A. None B. Low	C. M	odera	te	D. H	ligh	E. Reckless	s Disregaro	4 🗌	
12. Type of Action		1	3. Type c	f Issuance (che	eck one)				
1 0 4 - b - , -	-	-	Citatio		Óro	der X Sa	afeguard		
							-	_	
14. Initial Action A. Citation X B. Order C. Safeguard	U D	. Writ Noti		E. Citation/ Order	4 4 1 0 1	F. Dated	Мо 0 7	Da 1 8	Yr 0 8
		INOU		Number	4 4 10	0 9	0 1	10	00
15. Area or Equipment									
PRIMARY CRUSHER									
16. Termination Due Mo Da Yr				ТТ					
A. Date B. Tim									
	. Cloc	:k)							
Section III Termination Action 17. Action to Terminate									
18. Terminated Mo Da Yr A. Date B. Time (24	1 Ur C								
A. Date	+ 1 11 C	JUCK)							
Section IV Automated System Data									
19. Type of Inspection 20. Event Number				21. Primary or	Mill				
(activity code) E 1 5 0	1 2	2 3	4 5 6						
22. Signature						23. AR Numb	er]
TED SMITH							0	29	33
MSHA Form 7000-3 Mar 85 (Revised)									

104(b) ORDER OF WITHDRAWAL FOR SILICA-BEARING DUST

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

Section I Subse	quent Action	on/Conti	nuation	Data										
1. Subsequent Ac	tion 1a	. Continu	uation	2. Dated (Original Issue)	Mo 0		3 0 8		 Citation Numbrand 		4 4 1	0 1 9	0 -	0 1
4. Served To						5. O	perator							
J.B. SMITH, PI	RESIDENT	г						IING COI						
6. Mine	LOIDEN						ne ID							
S&S MINE								7 1 -	037	98-	(contra	actor)		
Section II Justifi	cation for A	Action									(oona)			
The primary cr	usher opei	rator has	been r	einstructed and retra	ined in	the use	e of his	fit-tested	respirator.	He will use th	e respirator			
whenever the c	crusher is i	n operat	ion. Th	e foreman and the p	lant ma	inager	will che	ck period	ically throu	gh the shift to	ensure that			
				NSI Z88.2-1969 will								ols		
				and will notify MSHA								10		
				alysis indicates that								LV).		
				nclude the above pro posure has been ful			allow c	rusning o	perations	to resume. The				
be terminated	when the e		t overe.		iy abatt									
Note	In this ex	ample, t	he 104	b) Order of Withdraw	val is no	ot termi	nated b	out modifi	ed to allow	crushing oper	ations to res	sume		
				ure is brought to with						9 1				
-														
											Can Cantin	inting To		
											See Continu	Jalion FO	m	
Section III Subse	equent Act		_											
8. Extended To	A. Date	Mo	Da	Yr B. Time (24 H	Hr. Cloc	:k)		с	. Vacated	D. Te	rminated	E. M	odified	Х
Section IV Inspe	ection Data	<u> </u>												
9. Type of Inspect	ion E	1 5	10. E	vent Number 0	1 2	3 4 5	5 6							
11. Signature	I			A	R Num	ber 1	2. Date	Mo	Da Y	′r 13. Time (2	24 Hr. Clock	.)		\square
TED SMITH				0	2 9 3	3 3		0 7	240	8			08	0 0
MSHA Form 7000	-3a, Mar 8	5 (Revis	ed)											

104(b) ORDER MODIFICATION - ALLOWING MINING OPERATIONS TO RESUME

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

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 7 2 4 0 1 0 8 0 0	
	5. Operator S&S MINING COMPANY
J.B. SMITH, PRESIDENT 6. Mine	
S&S MINE	7 1 - 0 3 7 9 8 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
Section 104(b) Order No. 4410190, issued 07/23/01, required that the	primary crusher be shut down and not started until the
crusher operator was using a respirator for which he had been fit-test	
The primary crusher is in full operation, the crusher operator is not we	
installed to control the dust. The crusher operator is working in visible as "significant and substantial" because the conduct violated a provisi	<u> </u>
standard.	
Note: Section I, Item 9B, is completed with 104(b).	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act 1 0 4 - b	Title 30 CFR
Section II Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Los	t Workdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	X D. Number of Persons Affected 0 0 1
11. Negligence (check one) A. None B. Low C. Moderat	e X D. High E. Reckless Disregard
	3. Type of Issuance (check one)
1 0 4 - a - , , - -	Citation X Order Safeguard
14. Initial Action D. Writt	en E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order X C. Safeguard Notic	e 🗍 🛛 Order 🛛 4 🔄 1 0 1 9 0 👘 0 7 2 3 0 1
15. Area or Equipment	
16. Termination Due Mo Da Yr A. Date B. Time (24	
A. Date 0 7 2 4 0 1 B. Time (24 0 7 2 4 0 1 Hr. Clock)	0 9 0 0
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 0 1 2 3 4 22. Signature	23. AR Number
C	
TED SMITH MSHA Form 7000-3 Mar 85 (Revised)	0 2 9 3 3
	ATION - FAILURE TO

COMPLY WITH 104(b) ORDER

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

Section I V	Violation Dat	а														
1. Date	Mo Da	Yr	2. Time (24 Hr	. Clock)							3. Cita	ation/Order				
	0 7 1 6	8 0 8			110	6 0	0				Nur	nber		44	10	192
4. Served T					1 1 1		_	perator			INUI				101	1912
		AFETY	DIRECTOR						TIONAL CE	-MENT	CORP	ORATION				
6. Mine	2 001120, 0		2				_	ine ID								
ICC MIL	L								75-0	0 0	2 4	-	(contr	actor)		
8. Condition	or Practice											8a. Writte	n Notic	e (103	3g)	
-			erator was expos						-			-				
			/03/08. This exc													
			pling and analys						oved fit-teste	ed respi	rator a	nd a respirate	ory			
protectio	n program n	ieeting	the requirements	S OF AINSI ZE	38.2-1	969 Wa	as in pi	ace.								
All feasik	ole engineeri	na cont	rols were not use	ed to reduce	the h	anner	operat	or's exp	osure Adu	ist collec	tion sv	stem was he	ina use	h		
			s in the duct wo													
			done with shove								,					
						0										
									See (Continua	ation Fr	orm (MSHA F	form 7	000-32	0	
9. Violation	A. Health	ТТ							0000	Continue					<u>,</u> 	
9. VIOIA11011	Safety		B. Section					C F	art/Section of	of						
	Other		of Act						itle 30 CFR	01		56.5	0 0	1 a/	. 5	0 0 5
Section II	Inspector's	Evaluati						-						1.51		
10. Gravity:				—			-		👝	-					. r	_
A. Injury o	or Illness (ha	is) (is):	No Likelihood		nlikely		Re	easonat	ly Likely	1	Highl	y Likely		Occu	rred	
	ry or Illness				_											
sona	ably be expe	cted to I	be: No Lost	Workdays	Ш	Lost	Worko	lays or l	Restricted D	uty	Pe	rmanently Dis	sabling	Х	Fat	ial
C. Sign	ificant and S	ubstant	ial (See Reverse	e): Yes		No	X				D. Num	ber of Perso	ns Affe	cted		0 0 1
11. Negliger	nce (ch <u>eck</u> d	one)								_						
A. Non	e		B. Low		C. M	lodera	te	Х	D. Higl	h		E. Red	kless	Disreg	ard	
12. Type of	Action				П	1	3. Type	e of Issu	ance (check	k one)						
		04	- a - ,	-		-		ation	X	,	Orde	r	Saf	eguard		
																<u> </u>
14. Initial Ac A. Cita		B. Orde		equard	ם ר	0. Writ Noti	_	┑┃╘	. Citation/ Order			F. D	ated	Mo	Da	a Yr
A. Olla		b. Orde		eguaru		NOU		-	Number							
15. Area or	Equipment															
16. Termina	tion Due		Mo Da Y	r			<u> </u>									
		. Date			me (24	4										
			08030	8 н	r. Cloo	ck)	0 8	300								
	- Termination	n Action														
17. Action to	5 Terminate															
18. Termina	ted	M	lo Da Yr													
	A. Da			B. Time (2	4 Hr 0	Clock)										
<u> </u>																
	 Automated 	System			<u> </u>	<u> </u>		-								
19. Type of	Inspection		20. Event N						rimary or Mi	ill						
	ity code)	E 0	1	C	0 0	8 8 3	3 0 ′	1								
22. Signatur	re											23. AR N	lumbei			
JOHN R	EDWOOD														03	3 3 3
MSHA Form	n 7000-3 Ma	r 85 (Re	vised)													

104(a) CITATION - "NON-S&S" OVEREXPOSURE TO SILICA-BEARING DUST

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

Section I Subsequent	Action/Continuation	Data						
1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)	Мо 0 7	Da 16	Yr 0 8		3. Citation/Order Number	4 4 1 0 1 9 2 - 0 1
4. Served To				5. Op	erator			
RICHARD JONES, S	AFETY DIRECTOR						CEMENT CORPORAT	ION
6. Mine				7. Mir	ie ID			
ICC MILL						75-	00024-	(contractor)
Section II Justification	for Action							
							the #2 bagging machine the machine operator was four	
							a resample conducted or	
		he Threshold Limit Va					a resample conducted of	1 August 7, 2000.
								See Continuation Form
	Astian Talan							
Section III Subsequent 8. Extended To	Action Taken Mo Da	Yr						
A. Da		B. Time (24 Hr.	Clock	()		c	. Vacated D. Te	erminated X E. Modified
				,				
Section IV Inspection I								
9. Type of Inspection	E 1 5	vent Number 0 0	88	3 1	2			
11. Signature		AR	Numb	er 12	. Date	Мо	Da Yr 13. Time	(24 Hr. Clock)
TED SMITH			93				1908	1 2 3 (
MSHA Form 7000 20 M								<u>· · · · · · · · · · · · · · · · · ·</u>

MSHA Form 7000-3a, Mar 85 (Revised)

104(a) CITATION - TERMINATION AFTER RESAMPLING

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

Section I Subsequen	t Action/Continuation	Data					
1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)		Da Yr 608	3. Citation/Or Number		92-02
4. Served To			5.	Operator			
RICHARD JONES,	SAFETY DIRECTOR			INTERNAT	IONAL CEMENT COR	RPORATION	
6. Mine			7.	Mine ID			
ICC MILL				7	7 5 - 0 0 0 2 4	4 - (contractor)	
Section II Justificatio	n for Action						
						machine and wrapping it in being installed. The mine	
						Prior to the resumption of	
						will be considered by MSH.	A
		ore than ordinary negli		ented standa	far Fanare to comply		
	6		0				
							<u> </u>
						See Continuation Fo	orm
Section III Subseque					1 1		
8. Extended To A. I	Date Mo Da	Yr B. Time (24 Hr	Clock)		C. Vacated	D. Terminated X E.	Modified
Section IV Inspection							
9. Type of Inspection		vent Number					
	E 1 5		883	1 2			
11. Signature		AR	Number	12. Date	Mo Da Yr 1	3. Time (24 Hr. Clock)	
TED SMITH			933		081908	. ,	1230
		312		•			

MSHA Form 7000-3a, Mar 85 (Revised)

104(a) CITATION - TERMINATION AFTER REMOVAL OF EQUIPMENT FROM SERVICE

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

Section I Violation Data					
1. Date Mo Da Yr 2. Time (24 Hr. Clock)		TT		3. Citation/Order	
0 7 0 6 0 8	1	6 0 0		Number	4410194
4. Served To			5. Operator		
SAMUEL ADAMS, LEVEL FOREMAN			ABLE MINING, INC.		
6. Mine			7. Mine ID		
THE DOUBLE M MINE			57-06	7 8 9 -	(contractor)
8. Condition or Practice				8a. Writte	en Notice (103g)
The 1402 stope driller was exposed to air containing 1.90	WL	of rador	daughters on July 6, 2008. T	his exceeded the max	imum permissible
exposure limit of 1.00 WL times the error factor (1.20) for					
and the 1402 stope regulator door was damaged. The dr	iller w	vas not	wearing a respirator.		
			See Conti	nuation Form (MSHA	Form 7000-3a)
9. Violation A. Health		ТГ			
Safety B. Section			C. Part/Section of		
Other of Act -			Title 30 CFR	57.5	039
Section II Inspector's Evaluation 10. Gravity:					
A. Injury or Illness (has) (is): No Likelihood 🗌 Un	nlikely	′ 🗖	Reasonably Likely X	Highly Likely	Occurred
B. Injury or Illness could rea-					
sonably be expected to be: No Lost Workdays		Lost	Workdays or Restricted Duty	Permanently	Disabling Fatal X
C. Significant and Substantial (See Reverse): Yes	X	No		D. Number of Perso	ns Affected 0 0 1
11. Negligence (check one)				_	
A. None B. Low	С. М	loderate	e X D. High	E. Re	ckless Disregard
12. Type of Action		13	. Type of Issuance (check one	^{e)}	_
1 0 4 - a - , -	'	-	Citation X	Order	Safeguard
14. Initial Action). Writt	en E. Citation/	F.C	Dated Mo Da Yr
A. Citation B. Order C. Safeguard]	Notic			
15. Area or Equipment			Number		
16. Termination Due Mo Da Yr					
A. Date B. Tim	ne (24	4			
	. Cloc	ck)	1 6 0 0		
Section III Termination Action 17. Action to Terminate					
18. Terminated Mo Da Yr A. Date I I B. Time (24)	4 Hr (Clock)			
		,			
Section IV Automated System Data					
19. Type of Inspection 20. Event Number			21. Primary or Mill		
	34	4 5 6	7 8		
22. Signature	3 4	4 5 6	7 8	23. AR 1	
	34	4 5 6	7 8	23. AR 1	Number 0 2 5 5 5

104(a) CITATION - "S&S" OVEREXPOSURE TO RADON DAUGHTERS

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

Section I Subsequent Act	tion/Continuation	Data					
1. Subsequent Action 1	a. Continuation	2. Dated (Original Issue)	Мо 0 7	Da 0 6	Yr 0 8	3. Citation/Order Number 4 4 1 0 1	94-01
4. Served To				5. Ope	erator	· · · · · · · · · · · · · · · · · · ·	
SAMUEL ADAMS, LEV	EL FOREMAN			AB	BLE MI	NING, INC.	
6. Mine				7. Min	ie ID		
THE DOUBLE M MINE						5 7 - 0 6 7 8 9 - (contractor)	
Section II Justification for	Action						
						ntration of radon daughters under the exposure lim hen resampled on July 7, 2008. During resampling	
						n the maximum permissible exposure limit of 1.00 \	
times the error factor (1							
						See Continuation I	Form
Section III Subsequent A							
8. Extended To A. Date	Mo Da	Yr B. Time (24 Hr.	Clock)			C. Vacated D. Terminated X E	. Modified
Section IV Inspection Date							
9. Type of Inspection E		vent Number 0 3	4 5	6 7	8		
11. Signature			Numbe		. Date	Mo Da Yr 13. Time (24 Hr. Clock)	
BILL WILLIAMS		0 2	55	5		0 7 0 7 0 8	1600

MSHA Form 7000-3a, Mar 85 (Revised)

104(a) CITATION - TERMINATION AFTER RESAMPLING

U.S. Department of Labor

Mine Safety and Health Administration

Section I Vi	olation	Data																														
1. Date	Мо	Da	Yr	2. Time (24 Hr. Clock)	Τ												3.	Cit	atio	on/	Ord	der										
	09	2 5	08		0	8	3 3	3	0									Νι	umb	ber					1	2	3	3 4	7	' 8	3 2	2
4. Served To				•		-				5. Operator																						
Mike Mo	Greg	or, Sa	afety [Director					I	Beautifu	I V	ista	a C	Coa	l C	on	npa	any														
6. Mine								_		7. Mine ID																						
No. 1									l		1	5	-	0	3	5	3	6	-					(cont	ract	tor))					
8. Condition of	or Prac	tice																		8	a. \	Wri	tter	n Notio	ce (10	3q)	,			Т	_

The mine operator failed to replace missing labels on five 55-gallon drums of perchloroethylene stored on the ground floor of the preparation plant. The material data safety sheet (MSDS) provided by the manufacturer indicates that perchloroethylene is a health hazard. The drums were sealed, stored in a protected area, and there was no evidence of material leakage. This condition was observed during a normal production shift and 5 miners are frequently working or traveling in the area. The plant normally operates two 10-hour production shifts per day.

See Co	ntinuation Form (MSHA Form 7000-3a)
9. Violation A. Health X Safety B. Section C. Part/Section of Other of Act - Title 30 CFR	4 7 . 4 1 a 1
Section II Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely X Reasonably Likely	Highly Likely
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty	Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes No X	D. Number of Persons Affected 0 1 0
11. Negligence (check one) A. None B. Low C. Moderate X D. High	E. Reckless Disregard
12. Type of Action 1 0 4 - a - - 13. Type of Issuance (check on Citation X)	e) Order 0 Safeguard
14. Initial Action D. Written E. Citation/ A. Citation B. Order C. Safeguard Notice	F. Dated Mo Da Yr
15. Area or Equipment	
16. Termination Due Mo Da Yr A. Date B. Time (24	
0 9 2 6 0 8 Hr. Clock) 0 7 0 0	
Section III Termination Action	
17. Action to Terminate	
18. Terminated A. Date A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection (activity code) E 0 1 20. Event Number 7 6 5 4 3 2 21. Primary or Mill	
22. Signature	23. AR Number 2 3 1 9 0
MSHA Form 7000-3 Mar 85 (Revised)	

104(a) CITATION - "NON S&S" HAZCOM

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

Section I Violation Data									
1. Date Mo Da Yr 2. Time (24 Hr. Clock)					Citati	on/Order			
0 7 1 6 0 8	160				Num	her	4	4 1 0	196
4. Served To			. Operator			501	! ·	.1.1.	
RICHARD JONES, SAFETY DIRECTOR			INTERNATIC	ONAL CEMEN	IT CORPO	RATION			
6. Mine		7.	. Mine ID			ПП			
ICC MILL			7	5 - 0 0	024-	•	contrac	tor)	
8. Condition or Practice						8a. Written	Notice	(103g)	
The #2 bagging machine operator was exposed to a shift-	weighter	lavera	race of 1.56 mg/	m ³ of respiral	hle silica-h	earing dust y	vhen		
sampled for a full shift on 07/03/08. This amount exceed	-		<u> </u>					(1.20)	
for respirable free silica sampling and analysis. The oper									
respiratory protection program meeting the requirements							ols were	e	
not used to reduce the bagger operator's exposure. A dust collection system was being used but numerous holes and leaks									
in the ductwork reduced the system's efficiency. Accumulations of dust, 5 to 6 inches deep in the area, were indicative of these leaks and the poor cleanup methods. Cleanup was done sporadically, when production permitted, with shovels and brooms causing									
	<u>^</u>	•	<u>^</u>	<u>^</u>					
more dust to become airborne. The workplace safety rep dust collection system had been noted and reported to the									
that when customer orders slowed down he might get the				,		•			
respirators for the employees because they were too expe	ensive. T	his co	mpany has rece	eived four pre	vious viola	ations for ove	er-		
exposure to silica-bearing dust at the bagging plant within								- 11	
more than ordinary negligence by deeming production me to comply with a mandatory standard.	ore impo	rtant t	nan the miner's	nealth. This	violation	s an unwarra	ntable i	allure	
9. Violation A. Health									
Safety B. Section				Section of	5	56.50		a/. 5	005
Other of Act - Section II Inspector's Evaluation			l itle 3	30 CFR	0	6.50	0 1	a/. 5	5005
10. Gravity:									
A. Injury or Illness (has) (is): No Likelihood	likely		Reasonably Li	ikely X	Highly	Likely	C	ccurred	
B. Injury or Illness could rea-									
sonably be expected to be: No Lost Workdays	Los	t Work	days or Restric	cted Duty	P P	ermanently D	isabling	ΧF	atal
C. Significant and Substantial (See Reverse): Yes	ХN	0			D. Numb	er of Person	s Affecte	ed	001
11. Negligence (check one)	• •	•	·		_				
A. None B. Low	C. Mode	erate		D. High	Х	E. Reck	less Dis	regard	
12. Type of Action		13. T	ype of Issuanc	e (check one))				_
1 0 4 - d - 1 , -	-		Citation	Х	Order		Safeg	Jard	
14. Initial Action		/ritten	E Cit	tation/		F. Da	tod	Mol	Da Yr
A. Citation B. Order C. Safeguard		otice		der		1.00	ieu		
15. Area or Equipment	_		Nu	mber					
16. Termination Due Mo Da Yr	(04								
A. Date B. Tim 0 7 1 8 0 8 Hr.	ne (24 . Clock)		1600						
Section III Termination Action	. CIOCK)								
17. Action to Terminate									
18. Terminated Mo Da Yr			1 1 1 1						
A. Date B. Time (24	4 Hr Cloc	k)							
Section IV Automated System Data	пт	тт							
19. Type of Inspection 20. Event Number			1 1	ary or Mill					
	088	3 3 0	0 1						
22. Signature						23. AR Nu	Imber		
JOHN REDWOOD								03	3333
MSHA Form 7000-3 Mar 85 (Revised)									

104(d)(1) CITATION - "S&S" OVEREXPOSURE TO SILICA-BEARING DUST

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

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/Order	
0 7 0 6 0 8 1 6 0 5 Number 4 4 1 0 1 9	7
4. Served To 5. Operator	
SAMUEL ADAMS, LEVEL FOREMAN ABLE MINING, INC.	
6. Mine ID	
THE DOUBLE M MINE 5 7 - 0 6 7 8 9 - (contractor) 0. Or of the are Deputies 0. <td>_</td>	_
8. Condition or Practice 8a. Written Notice (103g)	
The 1402 stope driller was exposed to air containing 1.90 WL of radon daughters on July 6, 2008. This amount exceeded the maximum	
permissible concentration (exposure limit) of 1.00 WL times the error factor (1.20) for radon daughter sampling. Several sections	_
of ventilation tubing had large holes and the 1402 stope regulator door was damaged. The driller was not wearing a respirator.	
The damaged regulator door and the malfunctioning ventilation tubing had been noted and turned in to the foreman, Joe Jones, two	
weeks preceding this sampling. Additionally, company samples taken for the week preceding the MSHA samples indicated over- exposure to radon daughters in this area. Foreman Jones stated that it was too expensive to repair the defective items. Management	—
engaged in aggravated conduct constituting more than ordinary negligence in deeming production more important than a miner's	
health. This violation is an unwarrantable failure to comply with a mandatory standard.	
	—
See Continuation Form (MSHA Form 7000-3a)	-
9. Violation A. Health	
Safety B. Section C. Part/Section of	
Other of Act - Title 30 CFR 5 7 . 5 0 3 9 1 1 Section II Inspector's Evaluation - -	
10. Gravity:	-
A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely X Highly Likely Occurred	
B. Injury or Illness could rea-	_
sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabling Fatal	Х
C. Significant and Substantial (See Reverse): Yes X No D. Number of Persons Affected 0 0	1
11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard X	
12. Type of Action	
1 0 4 - d - 1 , Citation Order X Safeguard	
14. Initial Action A. Citation X B. Order C. Safeguard Notice Order 4 4 1 0 1 1 1 F. Dated Mo Da Yr	8
	Ũ
15. Area or Equipment 1402 STOPE DRILLER	
16. Termination Due Mo Da Yr A. Date J J B. Time (24	
Hr. Clock	
Section III Termination Action	_
17. Action to Terminate	
	_
18. Terminated Mo Da Yr A. Date B. Time (24 Hr Clock) Image: Clock description of the second description of	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number 21. Primary or Mill	
(activity code) E 0 1 0 3 4 5 6 7 8	
22. Signature 23. AR Number	
BILL WILLIAMS	5
MSHA Form 7000-3 Mar 85 (Revised)	

104(d)(1) ORDER - "S&S" OVEREXPOSURE TO RADON DAUGHTERS

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

vine Safety and Health Administra	ation	

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 0 8 3 0	3. Citation/Order 4 4 1 0 1 9 8
	Operator
J.R. JOHNSON, SAFETY DIRECTOR 6. Mine 7.	
ABC MINE AND MILL 8. Condition or Practice	7 5 - 0 9 1 3 3 - (contractor) 8a. Written Notice (103g)
An underground tram operator is working in area nine east where the mea	peured earbon monovide lovel was 800 ppm (parts por
million). The operator has been in the area for over two hours and has the	
and some mental confusion. Sampling was conducted in the operator's w	
not wearing respiratory protection. The TLV for a full shift is 50 ppm, and	
this length of time can result in death. An oral imminent danger order was	
hours this date.	
Citation No. 4410199 is being issued in conjunction with this order.	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act	Title 30 CFR
Section II Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays 🗌 Lost Workd	days or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Reverse): Yes No	D. Number of Persons Affected
11. Negligence (check one) A. None B. Low C. Moderate	D. High E. Reckless Disregard
12. Type of Action 13. Ty	pe of Issuance (check one)
1 0 7 - a - , - - C	itation Order X Safeguard
14. Initial Action D. Written	E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notice	
15. Area or Equipment	
TRAM OPERATOR (NINE EAST)	
16. Termination Due Mo Da Yr A. Date I I B. Time (24	
Hr. Clock	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr A. Date I I I B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 0 7 3 5 1 1	
22. Signature	23. AR Number
-	
JOHN SMITH	0 1 9 9 9
MSHA Form 7000-3 Mar 85 (Revised)	

107(a) ORDER - "S&S" OVEREXPOSURE TO CARBON MONOXIDE

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

Section I Violation Data		
1. Date Mo Da Yr 2. Time (24 Hr. Clock)		3. Citation/Order
0 7 0 4 0 8 0 8	3 0	Number 4 4 1 0 1 9 9
4. Served To		5. Operator
J.R. JOHNSON, SAFETY DIRECTOR		ABC MINING COMPANY
6. Mine		7. Mine ID
ABC MINE AND MILL		7 5 - 0 9 1 3 3 - (contractor)
8. Condition or Practice		8a. Written Notice (103g)
A 1 1/ / 1/ 1/ / 1	.1	
An underground tram operator is working in area nine east where		
million). The operator has been in the area for over two hours ar and some mental confusion. Sampling was conducted in the oper		
not wearing respiratory protection. The TLV for a full shift is 50		
this length of time can result in death. An oral imminent danger		
hours this date.		
This violation is a factor cited in imminent danger order No. 44107	198	
		See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	<u> </u>	
Safety B. Section		C. Part/Section of
Other of Act -		Title 30 CFR 5 7. 5 0 0 1 a /. 5 0 0 5
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-		
sonably be expected to be: No Lost Workdays	ost Wo	orkdays or Restricted Duty Permanently Disabling Fatal X
C. Significant and Substantial (See Reverse): Yes X	No	D. Number of Persons Affected 0 0 1
11. Negligence (check one)		
A. None B. Low C. Mod	derate	E. Reckless Disregard
12. Type of Action	13.	. Type of Issuance (check one)
1 0 4 - a - , - -		Citation X Order Safeguard
14. Initial Action D. \	Writte	en E. Citation/ F. Dated Mo Da Yr
	Notice	e 🗖 Order
15. Area or Equipment		
16. Termination Due Mo Da Yr		
A. Date B. Time (24 Hr. Clock)		
Section III Termination Action	,	
17. Action to Terminate		
18. Terminated Mo Da Yr		
18. Terminated Mo Da Yr A. Date I I B. Time (24 Hr Clo	ock)	
Section IV Automated System Data		
19. Type of Inspection 20. Event Number		21. Primary or Mill
	5 1	
22. Signature		23. AR Number
		0 1 9 9 9
JOHN SMITH MSHA Form 7000-3 Mar 85 (Revised)		
menter entre too o mar oo (revised)		



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

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
0 7 0 4 0 8 1 1 1 0 0	
4. Served To	5. Operator
J.R. JOHNSON, SAFETY DIRECTOR	ABC MINING COMPANY
6. Mine	7. Mine ID
ABC MINE AND MILL	7 5 - 0 9 1 3 3 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
A laboratory technician was handling hot acid in the assay laboratory w	where the measured hydrogen chloride levels were 35 ppm
(parts per million), which is almost at the immediately dangerous to life	and health (IDLH) level of 50 ppm. A sample was taken in the
operator's work area for an hour with a Drager diffusion tube. The me	asured exposures are almost at levels that are fatal. The
ceiling limit for hydrogen chloride is 5 ppm. The technician was remov	red from the lab when levels exceeded the ceiling limit of 5 ppm,
and an oral imminent danger order was issued to Becky Mills, laborate	bry supervisor, at 1045 hours this date. The technician was
not wearing respiratory protection and complained of eye and throat irr	ritation.
Citation No. 4410201 is being issued in conjunction with this order.	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act -	Title 30 CFR
Section II Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays 🗌 Lost Wo	orkdays or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial (See Deverse): Ves No.	D. Number of Dereans Affected
C. Significant and Substantial (See Reverse): Yes No	D. Number of Persons Affected
11. Negligence (check one) A. None B. Low C. Moderate	
	. Type of Issuance (check one)
1 0 7 - a - , - -	Citation Order X Safeguard
14. Initial Action D. Writte A. Citation B. Order C. Safeguard Notice	
15. Area or Equipment	
THE ASSAY LABORATORY	
16. Termination Due Mo Da Yr A. Date J J B. Time (24	
A. Date B. Time (24 Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
Section IV Automated System Data 19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 0 7 3 5 1	
22. Signature	23. AR Number
JOHN SMITH	0 1 9 9 9
MSHA Form 7000-3 Mar 85 (Revised)	
· · · /	

107(a) ORDER - "S&S" OVEREXPOSURE TO HYDROGEN CHLORIDE

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

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
4. Served To	5. Operator
J.R. JOHNSON, SAFETY DIRECTOR	ABC MINING COMPANY
6. Mine	7. Mine ID
ABC MINE AND MILL	7 5 - 0 9 1 3 3 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
A laboratory technician was handling hot acid in the assay laboratory	
(parts per million), which is almost at the immediately dangerous to	
operator's work area for an hour with a Drager diffusion tube. The	
	moved from the lab when levels exceeded the ceiling limit of 5 ppm,
and an oral imminent danger order was issued to Becky Mills, labor	
not wearing respiratory protection and complained of eye and throa	t irritation.
This violation is a factor cited in imminent danger order No. 441020	00.
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act -	Title 30 CFR 5 7. 5 0 0 1 a /. 5 0 0 5
Section II Inspector's Evaluation 10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely X Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost	Norkdays or Restricted Duty Permanently Disabling Fatal X
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 1
11. Negligence (check one)	
A. None B. Low C. Modera	te X D. High E. Reckless Disregard
	13. Type of Issuance (check one) Citation X Order Safeguard
1 0 4 - a - , - -	Citation X Order Safeguard
14. Initial Action D. Wr	itten E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Not	
15. Area or Equipment	
16. Termination Due Mo Da Yr	
A. Date B. Time (24	
Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
19 Terminated Ma Da Vr	
18. Terminated Mo Da Yr A. Date I I B. Time (24 Hr Clock)	
Section IV Automated System Data	····
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 0 7 3 5	1 1 4
22. Signature	23. AR Number
ů –	
JOHN SMITH	0 1 9 9 9
MSHA Form 7000-3 Mar 85 (Revised)	

104(a) CITATION ISSUED IN CONJUNCTION WITH A 107(a) ORDER OF WITHDRAWAL

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

1. Date M0 Da Yr 2. Time (24 Hr. Clock) 1 0 0 0 3. Citation/Order Number 6 6 6 6 6 6 7 4. Served To S. Operator ABC ROCK COMPANY 5. Operator ABC ROCK COMPANY 6. Mine S. Operator ABC ROCK COMPANY 5. Operator ABC ROCK COMPANY 6. Mine Constant or Practice Se. Written Notice (105g) 5. Operator 5. Operator 2. Constant or Practice Se. Written Notice (105g) 5. Operator 5. Operator 5. Operator 2. Constant or Practice Se. Written Notice (105g) 5. Operator 5. Operator 5. Operator 2. Constant or Practice Section and the dust control system on the drill was not bring used. The system functioned by water resting trongs a holitow drill state and on the drill bits. The water such for the system functioned by water resting trongs a holitow drill state and on the drill bits. The water water drilling in non-water-soluble material. A respiratory protection program meeting all requirements of ANSI 25X.2 - 1999 was not in place. Section of Title 30 CFR. Set 9 . 6 .6 .2 .0 9. Volation Network Section of Title 30 CFR. Set 9 . 6 .6 .2 .0 Section of Title 30 CFR. Set 9 . 6 .2 .0 9. Volation Network Section of Act Section of Title 3	Section I Violation Data			
1 1 0 0 Number 6 <td>1. Date Mo Da Yr 2. Time (24 Hr. Clock)</td> <td></td> <td></td> <td>3. Citation/Order</td>	1. Date Mo Da Yr 2. Time (24 Hr. Clock)			3. Citation/Order
4. Served To JANE DOC. SAFETY DIRECTOR ACC ROCK COMPANY 6. Mine 7. Mine ID 7 0 - 2 7 7 7 - 2 7 7 - 4 (contractor) 8. Condition or Practice 8a. Written Notice (103g) Contractor) 8. Condition or Practice 8a. Written Notice (103g) Contractor) 8. Condition or Practice 8a. Written Notice (103g) Contractor) 8. Condition or Practice 8a. Written Notice (103g) Contractor) 9. Cloak of dust were being produced by the No. 4 Ingersoll Rand air track drill when it was being used to drill blat. The drill was not being used. The system was entry. No other dust control was being used. The drill operator was not waiter sequents and the drill blat. The water task for the system was entry. No other dust control was being used. The drill blat. The water task for the system was entry. No other dust control was being used. The drill blat. The water task for the system was entry. No other dust for the water task for the system was entry. No other dust for the water task for the system was entry was not in place. 9. Violation A. Health B. Section C. Part/Section of Title 30 CFR See Continuation Form (MSHA Form 7000-3a) 9. Violation A. Health B. Section C. Part/Section of Title 30 CFR See Section to in system on the drill blat of the drill blat in the system was entry of the system was entry of the system vas trace drill blat in the system was entry of the system vas trace drill blat in the system vas trace drill blat in the system vas trace drill blat in the system vas trac				
JANE DOE, SAFETY DIRECTOR ABC ROCK COMPANY 6. Mine 7. Mine 10 7. 0 7. 7 7 <t< td=""><td></td><td></td><td></td><td></td></t<>				
6. Mne 7. Mne ID 7			· ·	
AC MINE Image: Total of the second secon				
8. Condition of Practice 84. Written Noice (103g) Clouds of dust were being produced by the No. 4 Ingersoll Rand air track drill when it was being used to drill blast holes in the south end of the guary. The dust control system on the drill was not being used. The system functioned by water feeding through a hollow drill steel and out the drill bit. The water tank for the system was empty. No other dust control was being used. The drill operator was not warring respirator. and his obling was covered with dust. He was drilling in on-water-soluble material. A respiratory protection program meeting all requirements of ANSI 288.2 - 1969 was not in place. 9. Violation A. Heath Safety B. Section of Act See Continuation Form (MSHA Form 7000-3a) 9. Violation A. Heath Safety B. Section of Act C. Part/Section of Title 30 CFR See Lon III - trapector's Evaluation 10. Gravity: A. Heath of Act Unlikely Reasonably Likely Mighty Likely Cocurred Cocurred 11. Inggigence (check one) No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabiling Fatal I. Singrif Cont and Substanial (See Reverse): Yes X. No D. Number of Persons Affected III 1. Neigleprice (check one) 12. Type of Action B. Order C. Safeguard D. Written Noice Claution Noice	ABC MINE			7 7 7 - (contractor)
end of the guarry. The dust control system on the drill was not being used. The system functioned by water feeding through a bollow drill bit. The water tank for the system water system out on the stering water system water system water system water system out water soluble material. A respiratory protection program meeting all requirements of ANSI Z88.2 - 1969 was not in place. See Continuation Form (MSHA Form 7000-3a)	8. Condition or Practice			8a. Written Notice (103g)
end of the guarry. The dust control system on the drill was not being used. The system functioned by water feeding through a bollow drill bit. The water tank for the system water system out on the stering water system water system water system water system out water soluble material. A respiratory protection program meeting all requirements of ANSI Z88.2 - 1969 was not in place. See Continuation Form (MSHA Form 7000-3a)				
bollow drill steel and out the drill bit. The water tank for the system was empty. No other dust control was being used. The drill optic was not waren are respiratory protection program meeting all requirements of ANSI 288.2 - 1969 was not in place. A respiratory protection program meeting all requirements of ANSI 288.2 - 1969 was not in place. See Continuation Form (MSHA Form 7000-3a) 9. Violation A. Health Safety B. Section 0 ther of Act 10. Gravity: A. Injury or Illness (has) (b): No Likelihood 10. Gravity: A. Injury or Illness (has) (b): No Likelihood 11. Nepsteering these could reasonably be expected to be: No Lost Workdays 12. Significant and Substantial (See Reverse): Yes IX 13. Type of Issuance (check one) 1 0 0 4 + 0 1 1 1 0 7 0 8 B. Time (24 1 1 2 0 0 2. Section 1 0 0 4 + 0 1 1 1 0 7 0 8 B. Time (24 Hr Clock) 1 2 0 0 3. Type of Action of B. Order C. Safeguard D. Written Mumber of Persons affected 13. Type of Action of B. Order C. Safeguard D. Written Mumber of System was activated. After the dust control system was activated. There was no visible dust when the drill was operated. 13. Type of Issuance (check one) 1 0 0 7 0 8 B. Time (24 Hr Clock) 1 2 0 0 3. Section III - Termination Due A. Date Mo			*	
drill operator was not wearing a respirator, and his clothing was covered with dust. He was drilling in non-water-soluble material. A respiratory protection program meeting all requirements of ANSI Z88.2 - 1969 was not in place. See Continuation Form (MSHA Form 7000-3a) 9. Violation A. Health See Continuation Form (MSHA Form 7000-3a) 9. Violation A. Health Sector II - Inspector's Evaluation 10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely B. Injury or Illness (has) (is): No Likelihood Unlikely R. Injury or Illness (has) (is): No Likelihood Unlikely R. Injury or Illness (has) (is): No Likelihood Unlikely R. Injury or Illness (has) (is): No Likelihood Unlikely R. Injury or Illness (has) (is): No Likelihood Unlikely R. Injury or Illness (has) (is): No Likelihood Unlikely B. Injury or Illness (has) (is): No Likelihood Unlikely None B. Low C. Moderate X. No D. Number of Persons Affrected 0 0 1 A. None B. Low C. Moderate D. High E. Reckless Disregard 11. Negligence (check one) I. Low C. Moderate D. High F. Dat				
A respiratory protection program meeting all requirements of ANSI Z88.2 - 1969 was not in place. See Continuation Form (MSHA Form 7000-Sa) 9. Violation A. Health Safety B. Section of Arct C. Part/Section of Title 30 CFR 5 8 . 6 2 0 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 (char) (is): No Likelihood 11. Negligence (check one) No Lost Workdays A. None B. Low C. Significant and Substantial (See Reverse): Yes IX None B. Low 12. Type of Action 1 0 0 4 - a - 1 14. Initial Action B. Order C. Safeguard 15. Area or Equipment F. Dated Mo The water take on an it rate was filled and the dust control system was activated. After the dust control system was activated. 17. Action to Termination B. Time (24 Hr Clock) 1 1 2 0 0 Section III Fermination Action B. Time (24 Hr Clock) 1 1 3 0 0 Section IV Automated System Data	hollow drill steel and out the drill bit. The water tank for drill operator was not wearing a respirator, and his clothi	r the system	was empty. No other dust contri red with dust He was drilling i	ol was being used. The
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1 0 4 - - Citation X Order Safeguard 14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice Citation F. Dated Mo Da Yr 15. Area or Equipment Termination Due A. Date Mo Da Yr Yr Number 16. Termination Due A. Date Mo Da Yr Hr. Clock) 1 2 0 0 Section III Termination Action 17. Action to Terminate The water tank on air trac was filled and the dust control system was activated. After the dust control system was activated, there was no visible dust when the drill was operated. It is one interminated	12. Type of Action	1	3. Type of Issuance (check one)	
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Section IV Automated System Data 20. Event Number 21. Primary or Mill 19. Type of Inspection (activity code) E 0 1 20. Event Number 21. Primary or Mill 22. Signature 23. AR Number 9		4 Hr Clock)	1 1 2 0	
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(activity code) E 0 1 2 3 4 5 6 9 22. Signature 23. AR Number 23. AR Number TED OLSON 9 9 9 9 9 9 9 9 9 9 9			21. Primary or Mill	
22. Signature 23. AR Number 9 <td></td> <td>2 3 4 5</td> <td></td> <td></td>		2 3 4 5		
TED OLSON 9 9 9 9 9 9		<u></u> .		23. AR Number
	C C C C C C C C C C C C C C C C C C C			
	MSHA Form 7000-3 Mar 85 (Revised)			

104(a) CITATION - "S&S" OVEREXPOSURE TO DRILL DUST

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

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
1 1 0 7 0 8 1 7 0 0 4. Served To	
	5. Operator
SYDNEY JONES, PRESIDENT 6. Mine	TMC MINING COMPANY 7. Mine ID 1
TRIANGLE MINE	7 2 - 0 0 0 1 2 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
The results of an MSHA full shift noise sample taken on 11/07/08 sh	owed the driver of the No. 31 Euclid Haul truck received an action level
noise dose of 76%. This exceeds the action level dose or 50% plus the	he error factor (or 66%). The miner was not enrolled in a hearing
conservation program as required by 30 CFR 62.120.	
The electroment date for this situation is to allow the mine encounter time	a to annull the minor into a formal bearing concernation program
The abatement date for this citation is to allow the mine operator tim which meets all the requirements of 30 CFR 62.150.	e to enroll the miner into a formal hearing conservation program
which meets an the requirements of 50 Cr R 02.150.	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health B. Section	C. Part/Section of
Other of Act -	Title 30 CFR 6 2 . 1 2 0
Section II Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely X	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea-	
sonably be expected to be: No Lost Workdays Lost	Workdays or Restricted Duty Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes No	X D. Number of Persons Affected 0 0 1
11. Negligence (check one)	
A. None B. Low C. Moderate	e X D. High E. Reckless Disregard
12. Type of Action 11	3. Type of Issuance (check one)
1 0 4 - a - , - - -	Citation X Order Safeguard
A hisial Astian	
14. Initial Action D. Writt A. Citation B. Order C. Safeguard Notic	
	Number
15. Area or Equipment	
16. Termination Due Mo Da Yr	
A. Date B. Time (24 1 1 2 9 0 8 Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
19 Terminated Ma Da Va	
18. Terminated Mo Da Yr A. Date B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 1 2 3 4 5	
22. Signature	23. AR Number
TED JOHNSON	0 5 5 5 5
MSHA Form 7000-3 Mar 85 (Revised)	

104(a) CITATION - "NON S&S" HEARING CONSERVATION PROGRAM

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

Section I Subsequent /	Action/Continuation	Data					
1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)	Мо 1 1	Da 0 7	Yr 0 8	3. Citation/Order Number 4 4 4 4 4 4 4 4 - 0	1
4. Served To				5. Op	erator		
SYDNEY JONES, PR	ESIDENT			TN		NING COMPANY	
6. Mine				7. Min	ie ID		
TRIANGLE MINE						7 2 - 0 0 1 2 - (contractor)	
Section II Justification	for Action						
The driver of the Ne	21 English handa as						
of 30 CFR 62.150.	51 Euclid naulage	ruck has been enrolled	mai	ormai	nearing	g conservation program meeting all provisions	
0150 CI K 02.150.							
-							
							—
							_
						See Continuation Form	
Section III Subsequent	Action Taken						
8. Extended To A. Da	te Mo Da	Yr B. Time (24 Hr.	Clock)		C. Vacated D. Terminated X E. Modified	
Section IV Inspection I							
9. Type of Inspection	E 0 1	vent Number	3 4	56	7		
11. Signature		AR	Numb	er 12	. Date	Mo Da Yr 13. Time (24 Hr. Clock)	Π
TED JOHNSON		0 5	5 5	5		1 1 2 9 0 8 1 1 0	0

MSHA Form 7000-3a, Mar 85 (Revised)

104(A) CITATION - TERMINATION AFTER ENROLLMENT IN HEARING PROGRAM

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

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) I <thi< th=""> I <thi< th=""> I <thi< td=""><td>3. Citation/Order 4 4 4 4 4 4 5</td></thi<></thi<></thi<>	3. Citation/Order 4 4 4 4 4 4 5
4. Served To	5. Operator
GEORGE JONES, SAFETY DIRECTOR	XYZ MINING COMPANY
6. Mine	7. Mine ID
XYZ MINE	8 1 - 1 2 3 4 5 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
The results of an MSHA full shift noise sample taken on 12/03/08 s	
permissible exposure level noise dose of 152%. This exceeds the	
error factor (or 132%). The end loader operator was wearing a hea	
The abatement date for this citation is to allow time for the mine op	erator to install all feasible engineering and administrative controls.
The mine operator must ensure continued use of a hearing protector	or until the noise dose is reduced to or below the permissible
exposure level.	
Equipment: Caterpillar 880 front-end loader, S/N 00764762	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of
Other of Act -	Title 30 CFR 6 2 . 1 3 0 a
Section II Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely X	Reasonably Likely Highly Likely Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Lo	st Workdays or Restricted Duty Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes No	X D. Number of Persons Affected 0 0 1
11. Negligence (check one) A. None B. Low C. Moder	
12. Type of Action	13. Type of Issuance (check one)
	Citation X Order Safeguard
14. Initial Action A. Citation B. Order C. Safeguard No	ritten E. Citation/ F. Dated Mo Da Yr
15. Area or Equipment	
16. Termination Due Mo Da Yr	
16. Termination Due Mo Da Yr A. Date I I B. Time (24) 1 2 1 6 0 8 Hr. Clock)	1 2 0 0
Section III Termination Action	
17. Action to Terminate	
18. Terminated A. Date Mo Da Yr B. Time (24 Hr Clock)
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 7 6 5 4	3 2 1
22. Signature	23. AR Number
JOE SOUTH	0 5 5 5 6
MSHA Form 7000-3 Mar 85 (Revised)	

104(a) CITATION - "NON S&S" OVEREXPOSURE TO NOISE

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

Section I Subsec	quent Action	/Continuatior	Data													
1. Subsequent Act		Continuation	2. Dated (Original Issue	e) 12	Da 2 0 3	Yr 0 8		 Citation Numbrand 		er	4	4 4	4	4 4 5	5 -	0 1
4. Served To					5. Op	erator										
GEORGE JON	ES, SAFET	Y DIRECTOR	R		X	YZ MIN	ING CO	MPANY								
6. Mine					7. Mir	ne ID										
XYZ MINE							81-	123	4 5	-		(cont	racto	·)		
Section II Justific	cation for Ac	tion														
The mine oper	otor installed		er, put in a noise ins	sulating flo	or mot	and n	luggod a	ll oponings	botwo	on tha a	norc	tor's				
			ent with noise atten	×			00				pera	1015				
	ind the origin	ie eenparan		adding mat		1 110 0	atorpinar									
Based on an M	SHA full shit	ft noise samp	le taken on 12/16/0	8, the ope	rator o	f the fr	ont-end l	oader rece	eived							
	xposure leve	el noise dose	of 76%. This dose	is less that	an the	permis	sible exp	osure leve	l of 100	% plus	erro	facto	r			
(or 132%).																
The frent and k	andar anara	tor identified		oprolled in		ring of	nooniotii	on program	o which	aamalia		th the				
			above must remain ise dose is reduced				onservatio	on program	1 Which	complie	es w	th the				
	0111 02.10				200101	110 001.										
Equipment: Ca	aterpillar 880	front-end loa	ader, S/N 00764762	2												
																_
										5	See	Contir	nuatio	n Form	ı	
Section III Subse	equent Action	n Taken														
8. Extended To	A. Date	Mo Da	Yr B. Time (24	4 Hr. Clock	()		с	. Vacated		D. Te	rmin	ated	Х	E. Mo	dified	
Section IV Inspe	ction Data					1										
9. Type of Inspecti			Event Number	7 6 5 4	4 3 2											
11. Signature		<u>, 1</u>		7 6 5 4 AR Numb		2. Date	Мо	Da Y	′r 13.	Time (2	24 H	r. Clo	ck)		Π	Π
JOE SOUTH			(5 5 5	6		1 2	2 1 6 0	8						1 7	3 0
MSHA Form 7000	-3a, Mar 85	(Revised)			•									!		

104(a) CITATION - TERMINATION AFTER RESAMPLING

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

Section I Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/Order
	Number 4444476
4. Served To	5. Operator
JOHN MILTON, PRESIDENT	ONLY THE BEST ROCK
6. Mine	7. Mine ID
HARD ROCK MINE	9 0 - 8 8 8 8 8 - (contractor)
8. Condition or Practice	8a. Written Notice (103g)
The results of an MSHA full shift noise sample taken on 01/03/08 sho	wed the operator using the jack leg drill received
a noise dose of 1230%. This exceeds the dual hearing protection level	el of 800% plus error factor (or 1056%). The miner was not
wearing dual hearing protection, but was just using a muff-type hearin	g protector. Further, no muffler was installed on the drill.
The initial abatement period is to allow time for the mine operator to p	rovide and ensure the concurrent use of dual hearing protectors.
The abatement date may be extended to allow the mine operator time	to install and implement all feasible engineering and
administrative noise controls.	
	· · · · · · · · · · · ·
Dual hearing protection must be worn by the affected miner until the n	÷
protection level. After the dual hearing protection requirement is met,	actions specified under 30 CFR 62.130 apply for
exposures that exceed the permissible exposure level.	
Equipment: Model 2 B-Barber jack leg drill, Company # 10 Location: 9 East Section, 12 Right	
Elocation: 5 East Occition, 12 Night	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health	
Safety B. Section	C. Part/Section of Title 30 CFR 6 2 . 1 4 0 a
Other of Act	Title 30 CFR 6 2 . 1 4 0 a 1
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely X Occurred
B. Injury or Illness could rea- sonably be expected to be: No Lost Workdays Lost	Workdays or Restricted Duty Permanently Disabling X Fatal
C. Significant and Substantial (See Reverse): Yes X No	D. Number of Persons Affected 0 0 1
11. Negligence (check one) A. None B. Low C. Moderate	e X D. High E. Reckless Disregard
12. Type of Action 1 0 4 - a - , 11	Type of Issuance (check one) Citation X Order Safeguard
14. Initial Action D. Writt	en E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard Notic	e 🗖 Order
15. Area or Equipment	
16. Termination Due Mo Da Yr A. Date B. Time (24	
A. Date 0 1 1 0 0 8 Hr. Clock)	
Section III Termination Action	
17. Action to Terminate	
18. Terminated Mo Da Yr A. Date I I B. Time (24 Hr Clock)	
Section IV Automated System Data	
19. Type of Inspection 20. Event Number	21. Primary or Mill
(activity code) E 0 1 1 2 3 4 5	6 8
22. Signature	23. AR Number
HORATIO ALGER	6 0 0 0 0
MSHA Form 7000-3 Mar 85 (Revised)	

104(a) CITATION - OVEREXPOSURE TO NOISE

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

Section I Subsequent A	Action/Continuation	Data						
1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)	Мо 0 1	Da 0 3	Yr 0 8		 Citation/Order Number 	4 4 4 4 7 6 - 0 1
4. Served To				5. Op	erator			
	RIDENT						POCK	
JOHN MILTON, PRE	SIDENT							
6. Mine				7. Min	ie ID			
HARD ROCK MINE	ion Action					90-	88888-	(contractor)
Section II Justification	or Action							
The mine operator ba	s provided the mine	ar with both a muff and		utvna h	oaring	protecto	r of the miner's choosing	
							ed that they are being us	
concurrently.				<i>p</i> :0:00			od andt anoy are being a	, ou
								-
The mine operator ha	s ordered a manufa	acturer's muffler for the	jack le	eg drill.	The r	miner ope	rating the jack leg drill n	iust continue
							al hearing protection lev	
This citation is being	extended to allow tir	me for the mine operate	or to ir	nstall ar	nd imp	lement al	l feasible engineering ar	ıd
administrative control	S.							
Equipment: Model 2	B-Barber Jack Leg	Drill, No. 10						
								See Continuation Form
Section III Subsequent	Action Tokon							
8. Extended To A. Da	Mo Da	Yr B. Time (24 Hr.	Clock	:)	1 2		Vacated D. Te	erminated E. Modified
Section IV Inspection I	Data							
9. Type of Inspection		vent Number						
	E 0 1		34		8			
11. Signature			Numb		. Date	Mo		(24 Hr. Clock)
HORATIO ALGER		60	0 0	0		0 1	1 1 0 8	1 3 0 0

MSHA Form 7000-3a, Mar 85 (Revised)

104(a) CITATION - EXTENSION OF NOISE CITATION

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

Section I Subsection	quent Action/	Continuatior	Data											
1. Subsequent Act	tion 1a. C	ontinuation	2. Date (Or	ed iginal Issue)	Мо 0 1	Da 0 3	Yr 3 0 8		 Citation Number 		4 4 4	4 4 7	6 - 0) 4
4. Served To						5. Op	perator							
JOHN MILTON	I, PRESIDEN	т				0	NLY TH	IE BEST	ROCK					
6. Mine						7. Mi	ne ID							
HARD ROCK N								90-	888	88-	(contra	actor)		
Section II Justific	cation for Acti	on												
A "P" code for	the occupation	on operating	the No.	10, Model 2B	Barbe	r jack	leg dril	l has bee	n assigned a	as number X	XXX.			_
All feasible en leg drill. In ad												jack		_
The mine operation	ator must con	tinue to me	et require	ements of 30 C	FR Pa	rt 62.								
This citation is	terminated.													
														_
														_
														_
														_
														_
Section III Subse	august Action	Takan									See Continu	ation Form	n	
8. Extended To	A. Date	Mo Da	Yr	B. Time (24 Hr.	. Clock	()		C	Vacated	D. T	erminated	X E. Mo	odified	
Section IV Inspe														_
9. Type of Inspect	ion E 0		Event Nu		3 4	56	6 8							
11. Signature		• • •		AR	Numb	er 12	2. Date	Mo	Da Yr		(24 Hr. Clock			\square
HORATIO ALG				60	0 0	0		03	050	8			1 3 0) 0
MSHA Form 7000	-3a, Mar 85 (Revised)												

104(a) CITATION - TERMINATION OF NOISE VIOLATION WITH "P" CODE

Appendix E Miscellaneous Forms And Codes

TABLE OF CONTENTS

Special Assessment Review Form4	F
Possible Knowing/Willful Violation Review Form5	í
Enforcement Activity Codes6	,

Special Assessment . Review Form

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

1. MSHA District Office		2. Field Office					
3. Mine ID/Contractor ID		4. Mine Name					
5. Operator Name		6. Citation/Order Number	7. Citation/Order Issue Date				
8. Accident Related Violation?	If yes, all viola	ations must be submitted together with any a	ccident report or memorandum.				
9. A. Operator Notified of Special Assessment?	Yes No						
10. Inspector's Recommendation Is	this a flagrant vio	lation?	No				
pecial Assessment? Yes No If yes, explain below the serious or aggravating circumstances involved.							

See Continuation Seet	Signature			Date
11. Supervisor's Review	Is this a flagrant violation?	Yes	No	
Special Assessment? Yes No				
Comments:				
_				
See Continuation Seet	Signature			Date
12. Assistant District Manager's Review	Is this a flagrant violation?	Yes	No	
Special Assessment? Yes No				
Comments:				
	<u>Oises stress</u>			Date
See Continuation Seet	Signature			Date
13. District Manager's Review	Is this a flagrant violation?	Yes	No	
Special Assessment? Yes No				
Comments:				
See Continuation Seet	Signature			Date
MSHA Form 7000-32, Revised August 2006				

POSSIBLE KNOWING/WILLFUL VIOLATION REVIEW FORM

U.S. De	epartment	of Lab	or

(Confidential, Pre-decisional Information)

-	
Mine Sefety and	Health Administration
wine Salety and	Health Administration

MINE ID	MSHA OFFICE
Citation/Order Number	Date
ACCIDENT INFORMATION Was this violation associated with an accident which caused an injury?	Yes No If yes: Fatal? Non-fatal?
REVIEW CRITERIA (Attach supplemental information if needed)1. Did the condition or practice cited create the presence of a high degree a) Who was exposed to the hazard? (Name and Occupation)	e of risk to the health and safety of miners? Yes No
b) How were they exposed to the hazard?	
c) When and over what period of time did the exposure occur?	
 d) Is this first hand information? If not, who provided the information? (Name and Occupation) 2. Did the operator or agent have actual knowledge, or reason to know, o a) Who had this knowledge? (Name and Title) b) How was this knowledge evidenced? 	-
 c) Is this first hand information? Yes No If not, who provided the information? (Name and Occupation) 3. Any other pertinent information: 	
	nd/or willful violaton of the Act or mandatory health or safety standard? Date:
Supervisor: Do you agree with the inspector's conclusion? Yes Signature:	
POSSIBLE RECOMMENDED ACTIONS: A. Conduct a special investigation. Assistant District Manager: Recommendation Signature:	C. No further action.
Supervisory Special Investigator: Recommendation:	(A or C from the list above) Date:
District Manager: Action Decision: (A or C from the signature:	
ADDITIONAL COMMENTS OR REMARKS	
CASE ASSIGNMENT INFORMATION: Investigation Case No.	Date Assigned
	ID No
MSHA Form 7000-20, June 97 (revised)	WHITE: SPECIAL INVESTIGATOR

Enforcement Activity Codes

MSIS Code	Activity	Description
E01	Regular Safety and Health Inspection	Mandatory Safety and Health Inspections of a mine, surface facility, or other entity having a mine I.D. number in its entirety.
E02	103(i) Spot Inspections	Mandatory spot inspections of mines that qualify under 103(i) of the Act and are inspected for gases liberation, serious ignition or explosions hazards, or other especially hazardous conditions or problems.
E03	103(g) Written Notification Hazard Complaint Inspection	Special inspections that respond to a written notice filed pursuant to 103(g) of the Act alleging a violation or imminent danger exists at a mine.
E04	Verbal Hazard Complaint Inspections	Special inspections that result from a verbal or otherwise written complaint where a violation or hazardous condition is alleged and is not a 103(g) request or a code-a-phone complaint.
E05	108 Injunctive Actions or Other SI Activities	All investigative activities conducted pursuant to 108 of the Act regarding injunctions or any other Special Investigation activities.
E06	Fatal Accident Investigation	Investigation of a death of an individual at a mine.
E07	Non-Fatal Accident Investigation	Investigation of a serious non-fatal injury accident at a mine.
E08	Non-Injury Accident Investigation	Investigation of non-injury accidents as defined in 30 CFR, Part 50.2
E09	Mine Emergency Operations	Includes all rescue and recovery operations during a mine emergency. No citations or orders should be issued against this type of activity. Also, includes time monitoring the mine environment during mine fires determined to be mine emergencies.
E10	Petition for Modification Investigation	All investigative activities conducted pursuant to 101 (c) and 101 (d) of the Act.
E11	105(c) Investigation (Discrimination)	All investigative activities conducted pursuant to 105 (c) of the Act where a complaint of discrimination is alleged.
E12	110(c), 110(d) Investigation (Willful or Knowing Violations)	All investigative activities conducted pursuant to 110 of the Act regarding citations and orders where there is possible knowing and willful intent.
E13 (Coal Only)	Re-opening Inspection	This is a non-penalty inspection of an entire mine after having been abandoned or declared inactive. This code is restricted to Coal Mine program area use only.
E14 (Metal Only)	Compliance Assistance Visit	A visit to a new mine, a visit prior to re-opening a mine, a visit to inspect new facilities at an operating mine, or the installation of new equipment at an operating mine to point out potential violations without monetary civil penalties being proposed.
E15	Compliance Follow-up Inspection	An inspection conducted for the primary purpose of ascertaining the abatement status of previously cited violations.
E16	Spot Inspection	The inspection of a mine or part(s) of a mine to determine whether there is compliance with safety and health standards
E17	Special Emphasis Programs	Activity for a specialized purpose that may be unique for the agency, coal or metal. An example would be the "Focus on Safe Work" outreach.

MSIS Code	Activity	Description
		Each activity may be assigned a unique identifier.
E18	Shaft, Slope or Major Construction Spot Inspection	An inspection of a shaft, slope, or major construction site to determine whether an imminent danger exists and whether there is compliance with safety and health standards or any issued violations.
E19	Electrical Technical Investigation	An investigation of all or part of a mine's electrical components and systems. Includes field changes on electrical face equipment, trolley surveys, circuit breaker studies, ground monitor checks and other special electrical inspections/investigations.
E20	Roof Control Technical Investigation	An investigation of a mine's roof conditions that may include engineering and in-depth studies of roof problems or potential problems, roof control surveys, and pull tests.
E21	Ventilation Technical Investigation	An investigation of a mine's ventilation system that may include detailed engineering studies of current or potential problems, surveys, and waiver requests.
E22	Health Technical Investigation	Includes a toxic substance or harmful physical agent investigation of a reported problem or potential problem with any toxic substance or harmful physical agent. An investigation of an operator's sampling program where samples may or may not be collected and investigations of Part 90 miners and their occupations (Coal). Includes free silica technical investigations dictating additional respirable dust samples for further analysis.
E23	Impoundment Spot Inspection	An inspection of an impoundment of determine whether an imminent danger exists and whether there is compliance with approved plans and safety and health standards.
E24	Other Technical Compliance Investigations	Other technical investigations not described by any other code.
E25	Part 50 Audit	Part 50 Audit of a mine's accident, injury, illness, and employment records. Includes all activity in pursuit of the audit.
E26	Other Contacts	Includes industry assistance, technical assistance visits for plan evaluations, and other contacts not classified by one of the other codes. Although this is a visit to a mine, these are <i>not</i> mine inspections or investigations.
E27	Attempted Inspection (Denial of Entry)	A mine visit specifically for the purpose of conducting an enforcement activity, but the activity could not be accomplished because of direct or indirect denial of entry.
E28	Mine Idle Activity	A mine visit specifically for the purpose of conducting an enforcement activity, but the activity could not be accomplished because the mine was not operating.
E29	Program in Accident Reduction/Compliance Analysis Program	A program aimed at injury reduction in selected mines with high accident and injury levels. This includes accident reduction surveys conducted by teams. In Coal, includes all time working in a non-AR capacity.
E30	Accident Reduction Program	All activities in the field related to the accident reduction and prevention programs, and formal walk and talk activities. These are activities not conducted as part of any other event.
E31	Training Plan Approval and Revisions (Field)	All field activities regarding the initial approval or revision of training plans.

MSIS Code	Activity	Description
E32	On-site Training Program Evaluation (Field)	All field activities related to evaluating MSHA approved instructors, training plans, course content, task outline, 5000-23 forms, records of certified and qualified persons, learning environment, etc., not conducted as part of another event.
E33	Non-Chargeable Accident Investigation	Investigation of any death, serious non-fatal injury, or non-injury accident at a mine that is not charged to the mine, contractor, or the mining industry. NOTE: If the accident is subsequently deemed chargeable, the activity may be changed to another event type. Issuances can be issued during an E33 event.
T01	Investigative Case Review	Time spent in an MSHA office reviewing reports of investigations.
T02 (Coal only)	Office Generated Violation Activity	All time associated with office generated violations not coded under another code.
Т03	Legal Hearing/Document	Time involved in legal hearings, MSHA hearings, or testifying in court, including the prep time for these activities unless covered by another activity code. Does not include time spent by the CLRs.
T04	Safety and Health Conference	All time spent on operator / miners' representative requested conferences related to cited violations of the Act or regulations and the subsequent assessment of civil penalties. These are not inspectors' closeout conferences.
Т05	Contested Case Activities	All CLR activities (office, mine site, hearings, etc.) relating to ACRI case resolutions.
Т06	Plan Approvals and Reviews	Time spent in an MSHA office reviewing and approving plans
T07	Technical Assistance to Industry/Union Personnel or Interested Parties	All time associated with providing technical assistance to company or union personnel or other interested parties. This includes groups requiring our technical expertise but that are not specifically under MSHA jurisdiction.
Т08	Instructor Approval	All activities, other than training instructors, required to produce approved instructors.
Т09	Evaluating Cooperative Instructors	All time evaluating cooperative instructors in the office or field.
T10	Qualification and Certification	All activities related to qualifying and certifying people. Includes noise, dust, methane, oxygen deficiency, impoundments, electrical, mine rescue and first aid instructors, and so forth.
T11	Holmes Safety Association (Assistance to Chapters/Councils)	All activities of HSA chapters. Include all time spent in forming and operating HSA chapters or councils, preparing for and making presentations at meetings, and time involving Joseph A. Holmes Awards.
T12	State Grants Assistance and State Plans	Includes time spent attending State Grants meetings, as well as meetings with state and headquarters personnel regarding State Grant assistance and plans.
T13	Other Education and	Includes work on accident reduction and prevention programs that are not

MSIS Code	Activity	Description
	Training Field Activities	mine specific, as well as other activities providing assistance to the mining community that are not coded as an education and training event or that are not covered by another activity code. These activities are at locations other than the MSHA office.
T14	Informational Meetings, Seminars, and Training Classes Given to Industry	All activities relating to training, demonstrations, meetings, seminars, conferences, association meetings and informational meetings for industry (off-site meetings, excluding Holmes Safety).
T15	Instructing Mine Rescue and First Aid (non- MSHA)	All activities, excluding mine-rescue and first-aid-instructor training, related to mine rescue and first aid training, including team training, judges training, and so forth.
T16	Supervisory Duties (Office)	All supervisory-related duties in an MSHA Office.
T17	National Committee Meetings and Assignments	Includes time spent attending committee meetings at the national level and assignments from headquarters, such as the development or revision of standards and /or regulations.
T18	Review of Documents/Laboratory Duties / Vehicle Maintenance	Time spent reviewing such documents as regulations, policy, accident investigations, conducting laboratory duties (not associated with an event), and vehicle maintenance.
T19	Official Union Duties	Personnel participating in official union duties.
T20	Staff Meetings	Personnel participating in staff or safety meetings in or outside MSHA offices.
T21	Instructing MSHA Personnel in Training Classes	Time of MSHA personnel instructing classes, in information meetings, seminars, and so forth.
T22	Informational Meetings, Seminars and Training Classes Received	Personnel receiving training other than Mine Rescue and First Aid from both MSHA and outside sources.
T23	Mine Rescue/MERD Activities	Includes time spent training and preparing for or participating in the National or regional contests. Also includes time spent preparing for or participating in MERD exercises.
T24	FOIA Request/Congressional Inquiries	Includes all time spent researching and responding to the request.
T25	Medical Accommodation On- the-Job Injury	Include all time charged by the individuals who were injured or incapacitated on the job and who are performing meaningful work for MSHA in a capacity that meets their physician's prescribed limitations or restrictions. These assignments must be of limited duration.
T26	Medical Accommodation— Personal Injury	Include all time charged by the individuals who were injured or incapacitated outside of Government time and who are performing meaningful work for MSHA in a capacity that meets their physician's prescribed limitations or restrictions. These assignments must be of limited duration.
T27	Special and Miscellaneous Assignments	Duties of a temporary nature outside of regularly assigned job-related duties and any other activity not covered by other codes.

MSIS Code	Activity	Description
T28	Annual Leave	Self explanatory
T29	Administrative Leave	Self explanatory
Т30	Compensatory Leave	Self explanatory
T31	Holiday	Self explanatory
T32	LWOP	Leave Without Pay
Т33	AWOL	Absent Without Leave
T34	Military Leave	Self explanatory
T35	Sick Leave	Self explanatory
T36	OWCP	Worker's Compensation
T37	Jury Duty	Self explanatory
T38	Furlough (non-pay status)	Self explanatory
Т39	Suspension Without Pay	Self explanatory

New Enforcement Task Codes

Task Code	Task Title	
Ι	General Inspection Activity	
S	Supervisory Duties (Field)	
Т	Inspector T rainee	
R	Roof Control (on-site and plans)(Specialists only)	
V	Ventilation (on-site and plans)(Specialists only)	
Н	Health (on-site and plans)(Specialists only)	
W	Impoundments / \mathbf{W} aste Piles (on-site and plans)(Specialists only)	
Ε	Electrical (on-site)	
L	Hau L age Technical (special activities; does not include routine checks)	
С	Self-Contained Self-Rescuers Evaluation (Field)	
U	Ed \mathbf{U} cation and Training (including walk & talk activities)	
Α	Compliance Assistance	
D	Respirable D ust Sampling	
Ν	Noise Sampling	
Y	Industrial H \mathbf{Y} giene	
Μ	Diesel E M issions Work (does not include routine gas checks and ventilations checks)	
Ζ	HaZard Communication	