

In The Matter of
U.S. Silver - Idaho, Inc.
Galena Mine
MSHA ID# 10 -00012

PETITION FOR MODIFICATION

Docket No. M-2013-008-M

PROPOSED ORDER OF DISMISSAL

On June 12, 2013, U.S. Silver - Idaho, Inc., filed a petition under 30 U.S.C. § 811(c) and 30 C.F.R. Part 44 seeking a modification of the application of 30 C.F.R. § 57.14106(a) to its Galena Mine, an underground silver ore mine in Shoshone County, ID.

The standard at 30 C.F.R. § 57.14106(a) on “Falling object protection” provides:

Fork-lift trucks, front-end loaders, and bulldozers shall be provided with falling object protective structures if used in an area where falling objects could create a hazard to the operator.

The petitioner alleges that: (1) the standard does not apply to load haul dump (LHD) utility vehicles used underground; (2) the standard does not apply to the Galena Mine because all the equipment is used under supported ground where there is no increased hazard of falling objects; and (3) application of the standard to LHDs is a diminution of safety.

MSHA personnel conducted an investigation of the petition and filed a report of their findings with the Administrator for Metal and Nonmetal Safety and Health. After a careful review of the entire record, including the petition and MSHA’s investigative report, this Proposed Order of Dismissal is issued.

Findings of Fact and Conclusions of Law

According to the MSHA report of investigation for the petition, the Galena Mine utilizes four shafts which access the deepest level of the mine, the 5500 level. The Galena Shaft is located near the center of the property with a collar elevation of 3,042 feet above sea level. The #3 Shaft is currently the primary mine access shaft and has been developed to a depth of 5,825 feet. Development from the shafts is generally spaced about 300 feet apart, vertically. Level development historically has been conducted by track drifting and rail haulage. Since 1999, the Galena Mine has developed five areas with rubber-tired diesel equipment. Lateral track drifts extend for thousands of feet out from the shafts in an east-west direction.

The levels provide access to over 100 veins that are currently producing, or have produced in the past. Currently, most of the ore production is coming from conventional cut and fill stopes.

The Galena Mine uses three mining methods to extract ore from underground veins. First, conventional “overhand” cut and fill stoping, using hydraulically-placed mill tailings for backfill. Typically, the backfill for overhand stoping does not include cement for added strength. Second, mechanized “overhand” cut and fill stoping, using hydraulically-placed mill tailings for backfill. Typically, the backfill for overhand stoping does not include cement

for added strength. Third, mechanized “underhand” cut and fill stoping, using hydraulically-placed mill tailings for backfill. Typically, the backfill for overhand stoping includes cement for added strength.

LHDs are typically operated less than two hours during a production cycle. The remaining time is used for roof control, advancing utilities, drilling and blasting. The operating times vary based on the length of the drift. Smaller LHDs are used to place the ore into the muck bay and larger LHDs transport the ore from the muck bay to the Rock Pocket or load the ore into rail cars or trucks.

Measurements were taken of the height of the back and width of the drifts in several areas of the mine. The nominal sizes of the drifts in the Galena Mine were 10 feet wide by 10 feet high. The Galena mine uses a combination of rock bolting and timbering in their ground support plan. Hence, the LHDs are never operated under unsupported ground. During the investigation, all the LHDs were observed operating under supported ground. Due to the LHDs not being used in an area of the mine where there was a hazard created by falling objects, the standard does not apply. Accordingly, the petition for modification of the application of section 57.14106(a) to U.S. Silver - Idaho Inc.’s Galena Mine is dismissed.

ORDER

Wherefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Metal and Nonmetal Mine Safety and Health, U.S. Silver - Idaho Inc.’s petition for modification of 30 C.F.R. § 57.14106(a) at its Galena Mine is hereby **DISMISSED**.

Any party to this action desiring a hearing on this matter must file, in accordance with 30 CFR Part 44.14, a request for hearing within 30 days after service of the Proposed Order of Dismissal. This request for hearing must be filed with the Administrator for Metal and Nonmetal Mine Safety and Health, 1100 Wilson Boulevard, Arlington, Virginia, 22209-3939.

If a hearing is requested, the request must contain a concise summary of position concerning the issues of fact or law desired to be raised by the party requesting the hearing, including specific objections to the Proposed Order Dismissal. A party other than the petitioner who has requested a hearing shall also comment upon all issues of fact or law presented in the petition. Any party to this action requesting a hearing may indicate a desired hearing site. If no request for a hearing is filed within 30 days after service thereof, this Proposed Order of Dismissal will become final.

Neal H. Merrifield

Neal Merrifield
Administrator for Metal and Nonmetal
Mine Safety and Health

