



OCT - 5 2018

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for  
Mine Safety and Health Administration

THROUGH:

KEVIN G. STRICKLIN  
Acting Administrator for  
Metal and Nonmetal Mine Safety and Health

FROM:

THOMAS W. CHARBONEAU  
Director, Office of Assessments

SUBJECT:

Mine Safety and Health Administration (MSHA)  
Office of Accountability Review  
Metal and Nonmetal Rocky Mountain District  
Salt Lake City, Utah Field Office

Introduction

This memorandum summarizes the Office of Accountability's review of the Rocky Mountain District, Salt Lake City, Utah Field Office. The review focused on enforcement activities at the [REDACTED]. This review included MSHA field activities, level of enforcement, conditions and practices at the mine, and MSHA supervisory and managerial oversight.

Purpose

The purpose of this accountability review is to determine whether MSHA enforcement policies, procedures and guidance are being followed consistently and to assess whether mission critical enforcement activities are accomplished effectively. The accountability review also identifies areas for improvement and evaluates the subsequent implementation of effective corrective actions to address any identified issues.

## Overview

Office of Accountability (OA) Specialists Jerry Kissell and Mark Odum (Review Team) conducted the review in accordance with the annual accountability review plan schedule. The review concentrated on two Regular Safety and Health Inspections (E01) of the [REDACTED] [REDACTED] Event Nos. [REDACTED]. The OA selected the operation because it had an elevated Significant and Substantial (S&S) violation rate in Fiscal Year (FY) 2018 of 36 percent compared to the Field Office S&S rate of 18 percent; a District S&S rate of 20 percent; and the national S&S rate of 22 percent. The Review Team conducted the on-site review from [REDACTED]. The review focused on enforcement activities during FY 2017, and the first half of FY 2018 and included a review of supervisory oversight activities.

## Mine Visit [REDACTED]

The Review Team accompanied the Assistant District Manager, the Field Office Supervisor, and an inspector to the mine on [REDACTED] as part of an E01 - Regular Safety and Health Inspection.

The mine is a [REDACTED] operation located in [REDACTED] and employs approximately [REDACTED] miners working two nine-hour production shifts per day, five days a week. [REDACTED] is blasted and moved by front-end loader to the primary crusher. The [REDACTED] is transported by conveyor belts to a sizing screen where it is sized, sorted, and transferred into stock piles. The processed material is then transported by trucks to the customer. During the mine visit, the Review Team evaluated general conditions at the mine, assessed whether conditions at the mine compared with enforcement levels documented in the inspection reports reviewed, and observed work practices at the mine site.

The mine visit included inspections and observations of the following:

- pre-inspection discussions with the mine operator
- mine office
- examination records
- work practices
- two front-end loaders
- quarry - high walls, road ways and berms
- mining cycles (load, haul and dump)
- jaw crusher
- screen plant (screening and sizing of material)
- nine conveyor belts
- mine roads and berms
- skid steer
- safety talks with miners in the active pit and plant areas
- daily close-out conference

During the inspection, the accompanying inspector issued 11 enforcement actions.

## Review Results

### Positive Findings:

The review revealed positive findings in the following areas:

1. Inspection notes reviewed were neat and detailed.
2. Violation photos clearly showed the violation and the termination action.
3. The review did not identify any issues that required a corrective action plan.

The Review Team discussed with District personnel some inspection and procedural best practices as described in the Metal and Nonmetal General Inspection Procedures Handbook. A general outline of discussion topics is included in an attachment to this memorandum. (Attachment A)

While the S&S rate for the mine was higher than the average S&S rates of the Field Office, District and nation, the enforcement levels were appropriate with existing mining conditions and work practices based on the review and observations made during the mine visit.

**Attachments**

A. Discussion Topics

B. Office of Accountability Checklist

C. Mine visit enforcement actions

- [REDACTED] 56.9300(b)
- [REDACTED] 46.9(a)
- [REDACTED] 56.9300(a) - 104(d)(1) initial action
- [REDACTED] 56.12004
- [REDACTED] 56.14112(a)(1)
- [REDACTED] 56.11002 - 104(d)(1) order
- [REDACTED] 56.14112(a)(1)
- [REDACTED] 56.14107(a)
- [REDACTED] 56.14112(b)
- [REDACTED] 56.14112(a)(1)
- [REDACTED] 56.9300(a) - 104(d)(1) order

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Office of Accountability

District  Field Office  Mine ID  Date

Attachment A – Discussion Topics

- enforcement and inspection best practices
- citation and order writing documentation and completing all justification fields on MSHA form 4000-49g
- inspection activity during normal operations at mine sites to include evaluating environmental conditions, such as dust and noise while the facility is operating
- reviewing hazard recognition with employees/managers at mines as the new work place examination regulations become effective
- district plan to conduct additional inspections at the mine site

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District  Field Office  Mine ID  Date

Attachment B – Office of Accountability Checklist

1. Determine if complete and thorough E01 inspections are being conducted and /or if policy and procedures were properly followed.  
Adequate  Corrective Action Needed  Comments Below

2. Determine if documentation for inspections is complete and thorough.  
Adequate  Corrective Action Needed  Comments Below

3. Determine if citations and orders issued during previous inspections were properly evaluated for gravity, negligence, level of enforcement, number of persons affected, and supported by documentation.  
Adequate  Corrective Action Needed  Comments Below

4. Evaluate inspector(s) examination of required records and postings for compliance with applicable standards.  
Adequate  Corrective Action Needed  Comments Below

5. Evaluate the inspector(s) physical examination of the active working areas of the mine and inspection of all mining cycles.  
Adequate  Corrective Action Needed  Comments Below

6. Evaluate the inspector(s) on-site contaminant assessment and documentation.  
Adequate  Corrective Action Needed  Comments Below

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7. Evaluate inspector(s) examination of electrical equipment, transformer stations, and/or electrical circuits.

Adequate  Corrective Action Needed  Comments Below

8. Determine if adequate close-out conferences are being conducted at the end of each inspection.

Adequate  Corrective Action Needed  Comments Below

9. Determine if Possible Knowing/Willful (PKW) Forms are documented and processed according to agency policy and procedures.

Adequate  Corrective Action Needed  Comments Below

10. Evaluate 103(i) spot inspection (E02) reports for the office/district being reviewed for compliance with agency policies and procedures, including compliance with time frames and separating E02 inspections from other events.

Adequate  Corrective Action Needed  Comments Below

The Field Office does not have any mines in a 103(i) status.

11. Determine if Hazard Complaint inspections/investigations are being conducted according to policy and procedures.

Adequate  Corrective Action Needed  Comments Below

12. Determine if supervisors are monitoring inspector time and activity to ensure proper use of time, including off-shift and weekend work, by all inspectors.

Adequate  Corrective Action Needed  Comments Below

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13. Are required Field Accompanied Reviews (FARs), Office Reviews (ORs) and supervisory follow-up reviews being conducted and documented according to agency policy and procedures?

[REDACTED]

14. Determine if a 104(d) tracking system is in place and being kept current at the office being reviewed.

Adequate  Corrective Action Needed  Comments Below

15. Determine if the Mine Files are legible, up to date, and reviewed by supervisors.

Adequate  Corrective Action Needed  Comments Below

16. Determine if supervisors are visiting active mines.

Adequate  Corrective Action Needed  Comments Below

17. Review documentation of staff meetings/safety meetings to determine their effectiveness and relevance to current issues and the Agency's mission.

Adequate  Corrective Action Needed  Comments Below

18. Determine if Assistant District Manager is conducting the required second level reviews and holding supervisors accountable for oversight of Office Reviews and Field Accompanied Activity Reviews.

[REDACTED]

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19. Determine if district management personnel are reviewing work products and reports for accuracy and completeness.

Adequate  Corrective Action Needed  Comments Below

20. Determine if managers and supervisors are using required standardized reports to review critical data relevant to inspections and investigations.

Adequate  Corrective Action Needed  Comments Below

21. Determine if Districts, when required, are conducting in-depth accountability reviews in compliance with agency policy and procedures including follow-up to determine the effectiveness of corrective actions.

Adequate  Corrective Action Needed  Comments Below

22. Is information (mine status, methane liberation, number of employees, etc.) being entered into the MSHA Standardized Information System (MSIS) accurately and in a timely manner?

Adequate  Corrective Action Needed  Comments Below

23. Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.

Adequate  Corrective Action Needed  Comments Below

24. Evaluate the overall condition of the mine relative to the level of enforcement documented in previously completed inspections.

Adequate  Corrective Action Needed  Comments Below

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Determine if inspectors have an understanding of when a violation of Section 103(a) for  
25. Advance Notice occurs and whether appropriate citations are issued for Advance  
Notice.

Adequate  Corrective Action Needed  Comments Below

26. Determine if the management resource tracking tool is being used to track resources  
regarding Special Investigations.

Adequate  Corrective Action Needed  Comments Below

27. Determine if retraining of supervisors, inspectors, and specialists is being tracked.

Adequate  Corrective Action Needed  Comments Below

28. Determine if supervisors are rotating the mine assignments annually among inspectors  
assigned to their Field Office.

Adequate  Corrective Action Needed  Comments Below

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**Attachment C – Mine visit enforcement actions**

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

**Section I - Violation Data**

1. Date Mo Da Yr <b>[REDACTED]</b>	2. Time (24 Hr. Clock) <b>[REDACTED]</b>	3. Citation/Order Number <b>[REDACTED]</b>
4. Served To <b>[REDACTED]</b>		5. Operator <b>[REDACTED]</b>
6. Mine <b>[REDACTED]</b>		7. Mine ID <b>[REDACTED]</b> (Contractor)
8. Condition or Practice <span style="float: right;">8a. Written Notice (103g) <input type="checkbox"/></span>		

The north entrance of the pit area is missing 2 sections of berm. One section is 30 feet the other is 70 feet. The distance to the bench floor below was approximately 25 feet. This road is used periodically for maintenance operations or when access routes in the blast area need to be inspected for persons or equipment. This condition exposes Miners to serious rollover/crash related injuries should a vehicle run off the road in this area.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
56.9300b			

**Section II - Inspector's Evaluation**

10. Gravity:

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

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

C. Significant and Substantial: Yes  No  D. Number of Persons Affected: 001

11. Negligence (check one) A. None  B. Low  C. Moderate  D. High  E. Reckless Disregard

12. Type of Action 104a 13. Type of Issuance (check one) Citation  Order  Safeguard  Written Notice

14. Initial Action A. Citation  B. Order  C. Safeguard  D. Written Notice  E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr <b>[REDACTED]</b>	B. Time (24 Hr. Clock) <b>[REDACTED]</b>
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**Section III - Termination Action**

17. Action to Terminate  
The berms have built up to at least mid-axle height, eliminating the hazard. This citation is now terminated.

18. Terminated	A. Date Mo Da Yr <b>[REDACTED]</b>	B. Time (24 Hr. Clock) <b>[REDACTED]</b>
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**Section IV - Automated System Data**

19. Type of Inspection (activity code) E01	20. Event Number <b>[REDACTED]</b>	21. Primary or Mill 2
22. AR Name <b>[REDACTED]</b>		23. AR Number <b>[REDACTED]</b>

MSHA Form 7000-3, Apr 98 (revised). In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District **Rocky Mountain** Field Office **Salt Lake City, UT** Mine ID **[REDACTED]** Date **[REDACTED]**

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

**Section I--Violation Data**

1. Date Mo Da Yr <b>[REDACTED]</b>	2. Time (24 Hr. Clock) <b>[REDACTED]</b>	3. Citation/Order Number <b>[REDACTED]</b>
4. Served To <b>[REDACTED]</b>		5. Operator <b>[REDACTED]</b>
6. Mine <b>[REDACTED]</b>		7. Mine ID <b>[REDACTED]</b> (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

A new experienced miner was observed working at the mine. The mine operator failed to record and certify on MSHA form 5000-23, or on a form that contained the information listed in paragraph (b) of this section, that each miner has received training required under this part. Through an interview with the miner it was concluded that the training was performed.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR  46.9a
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**Section II--Inspector's Evaluation**

10. Gravity:

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

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

C. Significant and Substantial: Yes  No  D. Number of Persons Affected: 000

11. Negligence (check one) A. None  B. Low  C. Moderate  D. High  E. Reckless Disregard

12. Type of Action 1.04a 13. Type of Issuance (check one) Citation  Order  Safeguard  Written Notice

14. Initial Action A. Citation  B. Order  C. Safeguard  D. Written Notice  E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date Mo Da Yr **[REDACTED]** B. Time (24 Hr. Clock) **[REDACTED]**

**Section III--Termination Action**

17. Action to Terminate  
Completed training records have now been provided, therefore this citation is terminated.

18. Terminated A. Date Mo Da Yr **[REDACTED]** B. Time (24 Hr. Clock) **[REDACTED]**

**Section IV--Automated System Data**

19. Type of Inspection (activity code) E01	20. Event Number <b>[REDACTED]</b>	21. Primary or Mill <input checked="" type="checkbox"/>	23. AR Number <b>[REDACTED]</b>
22. AR Name <b>[REDACTED]</b>			

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 2nd Street, SW, MC 2120, Washington, DC 20415. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

**United States Department of Labor  
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Office of Accountability**

District **Rocky Mountain** Field Office **Salt Lake City, UT** Mine ID **[REDACTED]** Date **[REDACTED]**

Mine Citation/Order

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



Section I--Violation Data

1. Date Mo Da Yr [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/ Order Number [REDACTED]
4. Served To [REDACTED]		5. Operator [REDACTED]
6. Mine [REDACTED]	7. Mine ID [REDACTED] (Contractor)	
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The Jaw area ramp was not provided with berms where a drop off exists. The drop off on the north side of the Jaw measures between 2 1/2' to 3'; for a distance of 20 feet. The drop off on the south side of the Jaw measures between 2' to 3 1/2'; for a distance of 30 feet. Skid steer tracks were observed on the north side of the ramp near the drop off. The skid steer does not have rear view mirrors and had backed up to this location. The skid steer utilizes the ramp during shift while the crushing plant is in operation, making the chance of an accident reasonably likely. This exposes Miners to fatal rollover crash related injuries should the skid steer drive off the ramp.

[REDACTED] at the mine site daily engaged in aggravated conduct constituting more than ordinary negligence in that no reasonable efforts were made by the mine operator to correct the violative conditions. This violation is an unwarrantable failure to comply with a mandatory standard.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	56.9300a
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Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: 001	
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input checked="" type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104d1		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>			E. Citation/ Order Number	F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section III--Termination Action

17. Action to Terminate  
Berms have now been provided where the drop off/roll over hazards existed. This citation is now terminated.

18. Terminated	A. Date Mo Da Yr [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number [REDACTED]	21. Primary or Mill P
22. AR Name [REDACTED]		23. AR Number [REDACTED]

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

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

District **Rocky Mountain** Field Office **Salt Lake City, UT** Mine ID **[REDACTED]** Date **[REDACTED]**

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

Section I--Violation Data		
1. Date <small>Mo Da Yr</small> [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/ Order Number [REDACTED]
4. Served To [REDACTED]		5. Operator [REDACTED]
6. Mine [REDACTED]		7. Mine ID (Contractor) [REDACTED]
8. Condition or Practice <span style="float: right;">8a. Written Notice (103g) <input type="checkbox"/></span>		

The 480 VAC power cable for the Rock Stacker is pulled approximately 1 inch out of the fitting which enters the metal enclosure on the overhead drive motor. This exposes the unprotected inner conductors to mechanical damage. The inner conductor's insulation does not appear to be damaged. The exposed inner conductors are approximately 12 feet above ground level, making it unlikely a Miner would be affected by an arc flash or electrical shock, however in the event of an electrical failure; Miners in the area would be exposed to electrocution/burn injuries.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR  56.12004
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Section II--Inspector's Evaluation					
D. Gravity:					
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>					
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input checked="" type="checkbox"/> Fatal <input type="checkbox"/>					
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				D. Number of Persons Affected: 001	
11. Negligence (check one): A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>					
12. Type of Action 104a		13. Type of Issuance (check one): Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>			
14. Initial Action: A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>				E. Citation/ Order Number	
F. Dated Mo Da Yr					
15. Area or Equipment					

16. Termination Due	A. Date <small>Mo Da Yr</small> [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date <small>Mo Da Yr</small> [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section IV--Automated System Data		
19. Type of Inspection (activity code) E01	20. Event Number [REDACTED]	21. Primary or Mill P
22. AR Name [REDACTED]		23. AR Number [REDACTED]

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

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

District **Rocky Mountain** Field Office **Salt Lake City, UT** Mine ID **[REDACTED]** Date **[REDACTED]**

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

**Section I - Violation Data**

1. Date <small>Mo Da Yr</small> [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/ Order Number [REDACTED]	
4. Served To [REDACTED]		5. Operator [REDACTED]	
6. Mine [REDACTED]		7. Mine ID [REDACTED] (Contractor)	

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

The Rock Stacker tail pulley is not being maintained. The east side of the guard and had been hit and shoved above the tail pulley. This unguarded moving machine part is approximately 4 1/2' above ground level. The area is below the Jaw. Miners would not normally travel near or under the belt at this location. Cleanup work in the area is done primarily with a skid steer loader. This limited access makes an accident unlikely; however this condition exposes miners to fatal entanglement/dismemberment injuries.

Standard 56.14112a1 was cited [REDACTED]

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR  56.14112a1
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**Section II - Inspector's Evaluation**

10. Gravity:

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

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

C. Significant and Substantial: Yes  No  D. Number of Persons Affected: 001

11. Negligence (check one) A. None  B. Low  C. Moderate  D. High  E. Reckless Disregard

12. Type of Action 104a 13. Type of Issuance (check one) Citation  Order  Safeguard  Written Notice

14. Initial Action A. Citation  B. Order  C. Safeguard  D. Written Notice  E. Citation/  
Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)

**Section III - Termination Action**

17. Action to Terminate  
The guard has been repaired, eliminating the hazard. This citation is terminated.

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

**Section IV - Automated System Data**

19. Type of Inspection (activity code) E01	20. Event Number [REDACTED]	21. Primary or Mill P	22. AR Name [REDACTED]
			23. AR Number [REDACTED]

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

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

District **Rocky Mountain** Field Office **Salt Lake City, UT** Mine ID **[REDACTED]** Date **[REDACTED]**

Mine Citation/Order

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



Section I--Violation Data

1. Date Mo Da Yr [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/ Order Number [REDACTED]
4. Served To [REDACTED]	5. Operator [REDACTED]	
6. Mine [REDACTED]	7. Mine ID [REDACTED]	(Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The #1 Screen deck elevated walkway was not being maintained in good condition, as required. The hinges supporting the interior of the walkway were broken (3 out of 6). The openings cut into the par/floor and damage to the toe board on the south end have caused the walkway to droop and compromised its ability to sustain weight. 2 of the 6 gussets from the outer walkway to the screen are detached, one is being used to hold power cables. The walkway is approximately 20 feet in length with a fall distance of 7 feet to the ground below. This area is accessed for daily spillage clean up, inspection, and screen maintenance as needed. This is an obvious condition and was identified as a hazard by the Superintendent. However, No attempt was made to restrict access to the damaged area or completely repair it prior to operation. This condition exposes miners to serious fall related injuries should the walkway fail during use.

[REDACTED] at the mine site engaged in aggravated conduct constituting more than ordinary negligence in that he was aware of the conditions yet made no reasonable effort

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			56.11002

Section II--Inspector's Evaluation

10. Gravity:					
A. Injury or illness (has) (is):	No Likelihood <input type="checkbox"/>	Unlikely <input type="checkbox"/>	Reasonably Likely <input checked="" type="checkbox"/>	Highly Likely <input type="checkbox"/>	Occured <input type="checkbox"/>
B. Injury or illness could reasonably be expected to be:	No Lost Workdays <input type="checkbox"/>	Lost Workdays Or Restricted Duty <input type="checkbox"/>	Permanently Disabling <input checked="" type="checkbox"/>	Fatal <input type="checkbox"/>	
C. Significant and Substantial:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	D. Number of Persons Affected: 001		
11. Negligence (check one)	A. None <input type="checkbox"/>	B. Low <input type="checkbox"/>	C. Moderate <input type="checkbox"/>	D. High <input checked="" type="checkbox"/>	E. Reckless Disregard <input type="checkbox"/>
12. Type of Action	104 d1	13. Type of Issuance (check one)			
		Citation <input type="checkbox"/>	Order <input checked="" type="checkbox"/>	Safeguard <input type="checkbox"/>	Written Notice <input type="checkbox"/>
14. Initial Action		E. Citation/ Order Number		F. Dated Mo Da Yr	
A. Citation <input checked="" type="checkbox"/>	B. Order <input type="checkbox"/>	C. Safeguard <input type="checkbox"/>	D. Written Notice <input type="checkbox"/>	[REDACTED]	

15. Area or Equipment

TC1 #1 Screen deck elevated walkway

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)

Section III--Termination Action

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

Section IV--Automated System Data

19. Type of Inspection (activity code)	E01	20. Event Number	[REDACTED]	21. Primary or Mill	P
22. AR Name				23. AR Number	
[REDACTED]				[REDACTED]	

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

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

District Rocky Mountain Field Office Salt Lake City, UT Mine ID [REDACTED] Date [REDACTED]

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 <input type="checkbox"/>	2. Dated (Original Issue) <input checked="" type="checkbox"/>	Mo	Da	Yr	3. Citation/Order Number [REDACTED]
4. Served To [REDACTED]				5. Operator [REDACTED]	
6. Mine [REDACTED]			7. Mine ID [REDACTED] (Contractor)		

Section II--Justification for Action

Continuation of 8. Condition or Practice

to correct the violative conditions. This demonstrates a serious lack of reasonable care. This violation is an unwarrantable failure to comply with a mandatory standard.

See Continuation Form

Section III--Subsequent Action Taken

8. Extended To	A. Date	Mo	Da	Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated <input type="checkbox"/> D. Terminated <input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E01	10. Event Number [REDACTED]					
11. AR Name [REDACTED]	AR Number [REDACTED]	12. Date	Mo	Da	Yr	13. Time (24 Hr. Clock) [REDACTED]

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

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

District **Rocky Mountain** Field Office **Salt Lake City, UT** Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I - Violation Data

1. Date Mo Da Yr <span style="background-color: black; color: black;">[REDACTED]</span>	2. Time (24 Hr. Clock) <span style="background-color: black; color: black;">[REDACTED]</span>	3. Citation/ Order Number <span style="background-color: black; color: black;">[REDACTED]</span>
4. Served To <span style="background-color: black; color: black;">[REDACTED]</span>	5. Operator <span style="background-color: black; color: black;">[REDACTED]</span>	
6. Mine <span style="background-color: black; color: black;">[REDACTED]</span>	7. Mine ID <span style="background-color: black; color: black;">[REDACTED]</span> (Contractor)	
8. Condition of Practice		8a. Written Notice (103g) <input type="checkbox"/>

The Roadbase Stacker west side of the tail pulley is not being maintained. The guard had an approximate 6" x 10" opening. This unguarded moving machine part is approximately 3 1/4' above ground level. Miners recently removed this guard to adjust the tail pulley, then put it back in this condition. Miners would not normally travel near or under the belt at this location. Cleanup work in the area is done primarily with a skid steer loader. This limited access makes an accident unlikely; however this condition exposes miners to fatal entanglement/dismemberment injuries.

Standard 56.14112a1 was cited [REDACTED]

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			56.14112a1

Section II - Inspector's Evaluation

10. Gravity:

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

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

C. Significant and Substantial: Yes  No

D. Number of Persons Affected: 001

11. Negligence (check one): A. None  B. Low  C. Moderate  D. High  E. Reckless Disregard

12. Type of Action: 104a

13. Type of Issuance (check one): Citation  Order  Safeguard  Written Notice

14. Initial Action  
A. Citation  B. Order  C. Safeguard  D. Written Notice

E. Citation/  
Order Number

F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr <span style="background-color: black; color: black;">[REDACTED]</span>	B. Time (24 Hr. Clock) <span style="background-color: black; color: black;">[REDACTED]</span>
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Section III - Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr <span style="background-color: black; color: black;">[REDACTED]</span>	B. Time (24 Hr. Clock) <span style="background-color: black; color: black;">[REDACTED]</span>
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Section IV - Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill
E01	<span style="background-color: black; color: black;">[REDACTED]</span>	P
22. AR Name	23. AR Number	
<span style="background-color: black; color: black;">[REDACTED]</span>	<span style="background-color: black; color: black;">[REDACTED]</span>	

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-866-REG-FAIR (1-866-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District **Rocky Mountain** Field Office **Salt Lake City, UT** Mine ID **[REDACTED]** Date **[REDACTED]**

Mine Citation/Order

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
4. Served To	5. Operator	
6. Mine	7. Mine ID (Contractor)	

B. Condition or Practice

8a. Written Notice (102g)

The east side under screen belt was not provided with a guard. The unguarded moving machine parts is approximately 5' above ground level. Spillage had built up under it eliminating the seven foot distance from exposed moving parts to the walking or working surfaces. Miners couldn't normally walk under the belt at this location. Clean up work is done with a skid steer loader. This limited access makes an accident unlikely; however this condition exposes Miners to fatal entanglement/ dismemberment injuries.

Standard 56.14107a was cited [REDACTED]

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
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56.14107a

Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is):	No Likelihood <input type="checkbox"/>	Unlikely <input checked="" type="checkbox"/>	Reasonably Likely <input type="checkbox"/>	Highly Likely <input type="checkbox"/>	Occurred <input type="checkbox"/>
B. Injury or illness could reasonably be expected to be:	No Lost Workdays <input type="checkbox"/>	Lost Workdays Or Restricted Duty <input type="checkbox"/>	Permanently Disabling <input checked="" type="checkbox"/>	Fatal <input type="checkbox"/>	
C. Significant and Substantial:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	D. Number of Persons Affected: 001		

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

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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Section III—Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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Section IV—Automated System Data

19. Type of Inspection (activity code)	E01	20. Event Number	[REDACTED]	21. Primary or Mill	P
22. AR Name	[REDACTED]	23. AR Number	[REDACTED]		

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

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

District **Rocky Mountain** Field Office **Salt Lake City, UT** Mine ID **[REDACTED]** Date **[REDACTED]**

Mine Citation/Order

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
4. Served To	5. Operator	
6. Mine	7. Mine ID (Contractor)	

B. Condition or Practice 8a. Written Notice (103g)

The guard for lower return roller on the West side under #1screen belt was not installed correctly as required. It was incorrectly installed in the 2 retaining brackets. This unguarded moving machine part is approximately 4 W' above ground level. Miners couldn't normally walk under the belt at this location. This limited access makes an accident unlikely. This condition exposes miners to entanglement/ dismemberment injuries.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR  56.14112b
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Section II--Inspector's Evaluation

10. Gravity:

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

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

C. Significant and Substantial: Yes  No  D. Number of Persons Affected: 001

11. Negligence (check one) A. None  B. Low  C. Moderate  D. High  E. Reckless Disregard

12. Type of Action 1.04a 13. Type of Issuance (check one) Citation  Order  Safeguard  Written Notice

14. Initial Action A. Citation  B. Order  C. Safeguard  D. Written Notice  E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill
E01	[REDACTED]	P
22. AR Name	23. AR Number	

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

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

District **Rocky Mountain** Field Office **Salt Lake City, UT** Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I - Violation Data		
1. Date Mo Da Yr <span style="background-color: black; color: black;">[REDACTED]</span>	2. Time (24 Hr. Clock) <span style="background-color: black; color: black;">[REDACTED]</span>	3. Citation/ Order Number <span style="background-color: black; color: black;">[REDACTED]</span>
4. Served To <span style="background-color: black; color: black;">[REDACTED]</span>		5. Operator <span style="background-color: black; color: black;">[REDACTED]</span>
6. Mine <span style="background-color: black; color: black;">[REDACTED]</span>	7. Mine ID <span style="background-color: black; color: black;">[REDACTED]</span> (Contractor)	
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The guard on the #1 Screen rock tail pulley is damaged. This unguarded moving machine part is 31" above ground level. Cleanup work is done with a skid steer loader as needed. Miners couldn't normally walk under the belt at this location. This limited access makes an accident unlikely; however this condition exposes miners to fatal entanglement/dismemberment injuries.

Standard 56.14112a1 was cited [REDACTED]

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR  56.14112a1
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Section II - Inspector's Evaluation			
10. Gravity:			
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>			
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>			
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			D. Number of Persons Affected: 001
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>			
12. Type of Action 104a		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>	
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number	F. Dated Mo Da Yr
15. Area or Equipment			

16. Termination Due	A. Date Mo Da Yr <span style="background-color: black; color: black;">[REDACTED]</span>	B. Time (24 Hr. Clock) <span style="background-color: black; color: black;">[REDACTED]</span>
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Section III - Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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Section IV - Automated System Data

19. Type of inspection (activity code) E01	20. Event Number <span style="background-color: black; color: black;">[REDACTED]</span>	21. Primary or Mill P
22. AR Name <span style="background-color: black; color: black;">[REDACTED]</span>		23. AR Number <span style="background-color: black; color: black;">[REDACTED]</span>

MSHA Form 7000-5, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 405 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties, and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District **Rocky Mountain** Field Office **Salt Lake City, UT** Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I - Violation Data

1. Date Mo Da Yr <span style="background-color: black; color: black;">[REDACTED]</span>	2. Time (24 Hr. Clock) <span style="background-color: black; color: black;">[REDACTED]</span>	3. Citation/ Order Number <span style="background-color: black; color: black;">[REDACTED]</span>
4. Served To <span style="background-color: black; color: black;">[REDACTED]</span>		5. Operator <span style="background-color: black; color: black;">[REDACTED]</span>
6. Mine <span style="background-color: black; color: black;">[REDACTED]</span>		7. Mine ID <span style="background-color: black; color: black;">[REDACTED]</span> (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The ramp beginning at the road, between the overland belt and the diesel tank to the crusher area was not provided with berms where a drop off exists. The drop off measures between 2 1/2' to 3'; for a distance of 20 feet. Skid steer tracks were observed the entire length of the ramp. The skid steer utilizes the ramp during shift while the crushing plant is in operation, making the chance of an accident reasonably likely. This exposes Miners to fatal rollover crash related injuries should the skid steer drive off the ramp.

[REDACTED] (at the mine site daily) engaged in aggravated conduct constituting more than ordinary negligence in that no reasonable efforts were made by the mine operator to correct the violative conditions. This demonstrates a serious lack of reasonable care. This violation is an unwarrantable failure to comply with a mandatory standard.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	56.9300a
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Section II - Inspector's Evaluation

10. Gravity				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: 001	
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input checked="" type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104d1		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action				
A. Citation <input checked="" type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number <span style="background-color: black; color: black;">[REDACTED]</span>		F. Dated Mo Da Yr <span style="background-color: black; color: black;">[REDACTED]</span>

15. Area or Equipment  
 TC1 Crusher area by the overland belt. The ramp beginning at the road, between the overland belt and the diesel tank to the crusher area

16. Termination Due	A. Date Mo Da Yr <span style="background-color: black; color: black;">[REDACTED]</span>	B. Time (24 Hr. Clock)
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Section III - Termination Action

17. Action to Terminate  
 Berms have now been provided where the drop off/roll over hazards existed. This order is now terminated.

18. Terminated	A. Date Mo Da Yr <span style="background-color: black; color: black;">[REDACTED]</span>	B. Time (24 Hr. Clock) <span style="background-color: black; color: black;">[REDACTED]</span>
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Section IV - Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number <span style="background-color: black; color: black;">[REDACTED]</span>	21. Primary or Mill P
22. AR Name <span style="background-color: black; color: black;">[REDACTED]</span>		23. AR Number <span style="background-color: black; color: black;">[REDACTED]</span>

MSHA Form 7000-3, Apr 88 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.