MEMORANDUM FOR RICHARD E. STICKLER  
Acting Assistant Secretary  
Mine Safety and Health

FROM:  
CHARLES J. THOMAS  
Director, Office of Accountability

SUBJECT: MSHA Office of Accountability Audit, Boulder City, Nevada Field Office, and the

Introduction

This memorandum summarizes the Office of Accountability audit of the subject mine and field office. Audit subjects included MSHA field activities, level of enforcement, Field Activity Reviews (FARs), MSHA supervisory and managerial oversight, mine plans, conditions and practices at the mine, and related mine files. The audit was conducted during the week of [redacted] by Jerry Kissell and Arlie A. Webb. Positive findings and issues requiring attention are included in this audit report.

Overview

The primary reasons for this audit were based on data indicating:

1. A level trend of enforcement, (there were a total of 83 issuances in 2005, 47 issuances in CY 2006, 66 issuances in CY 2007, and only 32 issuances in CY 2008, so far) as the NFDL has continued elevated with no changes in violation issuances or level of enforcement appearing.

2. An increase in the NFDL incident rate, from 11.26 in 2nd quarter CY 2006 to 11.04 in CY 2007 and continued at 12.31 in CY 2008. These NFDL rates exceed the national average for like industry by as much as 4 times.

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3. There were three accidents related to handling materials in 2008, six accidents related to slips, trips, or falls occurred in CY 2007 as well as one handling of materials accident reported. Eighteen accidents were reported in CY 2007 and CY 2008 to date.

The audit revealed several positive findings related to MSHA activities, including documentation indicative of complete, thorough inspections, and knowledge of the mine industry processes. Several positive findings regarding the mine operator's efforts, such as the Lock-out/Tag-out program is followed throughout the facility, the haul road design, maintenance and berming is very well maintained, radio communications are used throughout the facility and allows for immediate notification, and the relations between the company employee's and management and MSHA are very open and stable.

There were also issues noted at the field office that will require corrective actions. The need to recognize inadequate or missing guards, efficient use of supervisory time, calibration of detection equipment, and properly addressing the hazards associated with coal, coal dust and float coal dust.

There were no headquarters Peer Reviews conducted during FY 2007 that involved the Western district, this field office, or this mine. District Peer Reviews were conducted at the Kent, Washington and Albany, Oregon field offices. Due to publication of the revised MSHA Accountability Handbook in March 2008, the Western District did not formalize the Albany report until recently because it was unknown if that report would have to meet the requirements of the revised handbook. OPPE advised HQ Metal Nonmetal in March that the report would be sufficient if it met the requirements of the previous handbook. The report was then written and is now being reviewed.

**Audit Results (Positive Findings)**

1. E01 inspection reports and accompanying documentation for the 2nd quarter of FY 2008 and the 3rd quarter of FY 2007 indicated the mine was inspected in its entirety.

2. During the most recently completed E01 inspection (2nd quarter of FY 2008), inspectors spent an average of 51% of the total E01 time on-site, with 28% spent on travel, 4% of the event time was spent on “other” inspection activities.

3. Interviews with mine personnel indicated, although a younger work force, the training quality which was adequate, as exhibited by the miner’s knowledge of the process and equipment.
4. An effective Lock-out and tag-out policy was observed. This policy ensures that all persons use their individual lock when participating in equipment maintenance or repair. A gang lock was observed with multiple locks attached while repairs were being made on the bucket conveyor for the silo structure. (Attachment A)

5. Communications at the mine site are conducted through radio communications.

6. Citation issuance were conducted and issued on mine site during this audit.

7. Field Activity Reviews and Accompanied Activity Reports were well documented, and indicated a complete, highly detailed observation of the inspector’s work practices, conduct, and use of inspection and safety equipment. Deficiencies observed by the supervisor are documented, corrective actions are listed, and follow up activities indicate corrections are effective. At the time of the audit, the new supervisor had already begun using field activity reviews and accompanied inspections to mentor inspectors and provide a level of enforcement more consistent with the conditions and practices observed at the mines.

8. Frequent staff meetings are conducted by the new supervisor to discuss improving inspection activities, proper level of enforcement, and other procedures implemented by the district in a timely manner.

9. The office mine files were found up to date and contained all required information.

10. The majority of citations and orders are being issued on site by inspectors from this field office. Several positives result from this action, such as;
   a. The mine operator is fully aware of the condition or practice requiring correction, aiding in quick and appropriate actions to abate;
   b. giving the inspector the earliest possible opportunity to discuss root cause(s), corrective actions, and potential injuries related to the violation; and
   c. reducing “travel” time and “other” time by the efficient use of on-site time, often preventing a return visit to the mine site just to deliver issued paperwork. Increased inspector on-site time is, in and of itself, a positive factor in the reduction of accidents and violations.
Record Books

All applicable record books at the plant were well maintained and complete. The inspector conducted a thorough review of plans, postings, and required records.

Audit Results (Issues Requiring Attention)

Enforcement

1. Six citations were issued associated with inadequate or no guarding during the audit mine site visit. Four of these issuances were issued on equipment that had existing guards that appeared to be obvious aftermarket designs. These guards appeared to exist for at least one prior inspection.

   Action Required - Greater attention to detail is needed during inspection of conveyors, shafts, couplings and other equipment where there are potential entanglement points with moving machine parts. Termination on guarding violations needs to be adequate to ensure the guards are in compliance with the language in the standard. Supervisors must monitor and mentor inspectors during inspections, providing corrective criticism when warranted.

2. At the time of this audit, the Boulder City, Nevada, field office did not have any means to calibrate or “bump test” gas detection equipment. Even though the office had two Solaris brand, multi-gas detectors, the necessary equipment to maintain those detectors were not available.

   Action Required – Proper calibration and “bump testing” equipment needs to be provided and maintained at each field office to permit adequate and accurate testing of gases, and to allow rapid response to hazard complaints and situations such as low oxygen content, toxic gases, and explosive gases. Note: This issue has been corrected.

3. Numerous Metal Nonmetal operations use coal fired boilers, kilns, or heaters as part of the operation. This frequently involves the storage, belt conveyor transport, crushing, and burning of the coal. During this audit, several requests were made regarding combustibility, explosiveness, and other hazards associated with coal, coal dust and float coal dust. Inspection personnel were unsure how to evaluate citations or orders issued for accumulations of coal, coal dust, and/or float coal dust at metal/non metal mines. Some inspectors also indicated a need for training
in the proper method for collecting samples of combustible materials for analysis. Due to the 100% inspection plan adopted by Metal Nonmetal in FY 2008 the journeyman training in this subject was cancelled and is planned to be given in the next fiscal year.

Action Required - Although the Mine Academy has one or more presentations that address this subject, all MNM inspection personnel that inspect cement plants need to be trained relative to the combustibility, explosiveness, and other hazards associated with coal, as well as proper sampling procedures.

Recommendation - The Office of Accountability recommends that an internet based training course, addressing these specific issues in detail, should be developed by the Mine Academy, and all MNM inspection personnel required to complete the course. Using an internet based training course will allow tracking of course completion, thus ensuring that all inspection personnel have had the training. A Web-based training course would also allow inspection personnel to complete this training without the need to spend valuable inspection time traveling to and from the Mine Academy. Discussions with Headquarters management indicate training was canceled to implement and support the 100% completion of inspection plan and will be rescheduled.

Mine Visit

During the mine visit, 17 citations were issued for the following conditions. (Attachment B)

1. Citation No. was issued under 30 CFR, §56.14107(a) for failure to adequately guard the electric motor drive shaft on a Telsmith cone crusher.

2. Citation No. was issued under 30 CFR, §56.14107(a) for failure to adequately guard a take up pulley.

3. Citation No. (d)(1) citation was issued under 30 CFR, §56.14105 for a failure to effectively protect persons from injury while performing repairs on equipment while energized. The supervisor received an amputated finger tip during this activity.

4. Citation No. was issued under 30 CFR, §46.7a, a miner could not perform the emergency steering test when requested by the inspector.
5. Citation No. [REDACTED] was issued under 30 CFR, §56.14100b for failure to properly maintain the emergency steering system on a water truck.

6. Citation No. [REDACTED] was issued under 30 CFR, §56.14130e for failure to properly maintain a ROPS on a Bobcat skid steer.

7. Citation No. [REDACTED] was issued under 30 CFR, §47.41a for failure to maintain a label on a 55 gallon drum identifying its contents.

8. Citation No. [REDACTED] was issued under 30 CFR, §56.20003a for failure to cleanup accumulations of coal in the coal surge tunnel.

9. Citation No. [REDACTED] was issued under 30 CFR, §56.14107a for failure to guard a shaft from the gear reducer to the pulley on the screw drive on top of the #5 coal bin.

10. Citation No. [REDACTED] was issued under 30 CFR, §56.14107a for failure to guard the weigh belt for bin #4.

11. Citation No. [REDACTED] was issued under 30 CFR, §56.12001 for a defective 110 volt GFCI outlet.

12. Citation No. [REDACTED] was issued under 30 CFR, §56.14107a for failure to guard an electric motor drive shaft for the #1 and #2 coal mill fan.

13. Citation No. [REDACTED] was issued under 30 CFR, §56.15005 for failure to wear fall protection while closing the lids on his bulk load container trailer.

14. Citation No. [REDACTED] was issued under 30 CFR, §47.41a for failure to maintain the trailer braking system on the bulk load container trailer.

15. Citation No. [REDACTED] was issued under 30 CFR, §56.14107a for failure to guard the drive shaft from the gear reducer to the bottom drive pulley at the top of the elevator.

16. Citation No. [REDACTED] was issued under 30 CFR, §56.12004 for mechanical damage to welding leads at the east hoisting elevator.

17. Citation No. [REDACTED] was issued under 30 CFR, §47.41a for failure to label a one gallon container identifying its contents.
In each case, the audit team agreed that citations were evaluated properly for gravity, negligence, and the level of enforcement. (With miner errors that were corrected through modifications.)

The audit team conducted in-mine activities on the day shift on [insert date], and also the evening shift on [insert date].

The mine was clean and well maintained in most all areas visited by the audit team. Haul roads and berming met regulatory compliance. The average grade on the haul roads into the pit area was 9-10%. The roadways were well maintained and dust control was constant.

The mining equipment observed and inspected was maintained in good condition, with few exceptions.

The work force is predominately new, as 80 percent of the employee’s have 5 years or less experience.

The weekend shifts are manned normally with 7-10 employees. The audit teamed observed 7 persons working on the Sunday night shift. Of these 7 miners on duty, it was noted the employee’s were young miners with limited experience. It was observed that no “maintenance” employee’s worked on the weekend shifts. The kiln operators and laborers primarily completed the required maintenance duties necessary. The supervisor was responsible to ensure repair tasks were completed safely. Maintenance persons worked Saturday, overtime, to correct conditions that were cited on the previous inspection day.

**MSHA Supervisory/Management Oversight**

At the time of this audit, the Boulder City, Nevada, field office did not have an office assistant, clerk or secretary. Standard clerical activities such as receiving and sending mail, monitoring telephones, filing completed reports, providing a contact point for hazardous condition complaints, etc. were being performed by the field office supervisor. This adversely affects the supervisor’s ability to properly accompany, monitor, and mentor subordinates.

*Metal and Nonmetal has recently hired or is hiring 26 additional automation clerks nationwide. Boulder City, NV field office was one of the offices selected to receive one of these positions. No action required.*
Peer Reviews

MSHA Headquarters conducted two Peer Review audits during 2007. The audits were conducted in North East District and Rocky Mountain District.

The Western District conducted two Peer Reviews during 2007. These reviews were conducted at the Kent, WA field office and Albany, Oregon field offices. The Accountability Handbook in effect at that time stated that each district “...will conduct Peer Reviews of selected field offices annually.” (plural)

Recommendation – Districts should conduct several Peer Reviews throughout each year to promote identification and correction of issues on a continuing basis, rather than one field office per year.
Attachments

A. Lock-out/Tag-out documents
B. Citations issued during this audit

cc: R. Friend
    J. Pallasch
    F. Quintana
    N. Merrifield
    W. Wilson
    K. Stricklin
    T. Bentley
    G. Fesak
    J. Duncan
Attachment A -

Lock-out Pictures, Bucket Conveyor Switch Gear.
(One lock per employee attached to spider.)
The shaft from the electric motor for the Telemith cone crusher drive was not guarded. Miners could contact the moving machine parts and suffer broken bones, loss of fingers. The area is accessed on an as needed basis for maintenance. The opening was approx 3 inches wide between the motor housing and the existing guard and it was 20 inches in from the edge of the frame, making the chance of an accident unlikely.

<table>
<thead>
<tr>
<th>Violation</th>
<th>Section of Act</th>
<th>Part/Section of Title 30 CFR</th>
<th>Citation/Order Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Health</td>
<td>B. Section</td>
<td>C. Part/Section of Title 30 CFR</td>
<td>56.14107a</td>
</tr>
</tbody>
</table>

**Section II - Inspectors' Evaluation**

- **Gravity:**
  - A. Injury or illness (injury): 
    - 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 Disabled
    - Fatal
  - C. Significant and Substantial: 
    - Yes
    - No
  - D. Number of Persons Affected: 001

**Section III - Initial Action**

- A. Citation
- B. Order
- C. Safeguard
- D. Written Notice
- E. Citation/Order Number
- F. Dated: Mo Da Yr

**Section IV - Terminated Action**

- A. Date
- B. Time (24 Hr. Clock)

Section V - Terminated Action Data

- 19. Type of Inspection (activity code): E01
- 20. Event Number
- 21. Primary or Mill
- 33. AR Number

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**Attachment B - Citations issued during audit (cont.)**

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**MISHA** Form 7000-13, Mar. 95 (revised) — In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1998, the Small Business Administration has established a National Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Enforcement Boards to receive complaints from small businesses about federal agency enforcement actions. The Ombudsman gladly evaluates well-founded activities and limits the agency’s regulatory actions to small businesses. If you wish to comment on the enforcement actions of the OSHA, 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 1st Street SW, MC 3130B, Washington, DC 20410. Please note, however, that your right to file a complaint 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.
Attachment B - Citations issued during audit (cont.)

The existing guard for the # 204 take up pulley was not sufficient. Miners could contact the moving machine parts and suffer lacerations to the hands, or loss of fingers. The opening in the existing guard was approx 3 inches tall by 14 inches long and was approx 6 inches above the walkway, making the chance for an accident unlikely.

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**Mine Citation/Order**

<table>
<thead>
<tr>
<th>Section 1 - Violation Data</th>
<th>U.S. Department of Labor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Date Mo Da Yr</td>
<td>Mine Safety and Health Administration</td>
</tr>
<tr>
<td>2. Time (24 Hr. Clock)</td>
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<tr>
<td>3. Citation/Order Number</td>
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<tr>
<td>4. Issued To</td>
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<td>5. Operator</td>
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<td>6. Mine</td>
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<td>7. Mine ID</td>
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<td>8. Location or Precinct</td>
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<tr>
<td>9. Wire</td>
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</tbody>
</table>

**Section II - Inspector's Evaluation**

| 10. Gravity: |
| A. Injury or Illness (has) (is) Unlikely | Reasonable Likelihood | 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 |

**Section III - Termination Action**

<table>
<thead>
<tr>
<th>11. Type of Action</th>
<th>104a</th>
</tr>
</thead>
<tbody>
<tr>
<td>12. Type of Issuance (check one)</td>
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<tr>
<td>Citation</td>
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<tr>
<td>A. Citation</td>
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<tr>
<td>B. Order</td>
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<td>C. Safeguard</td>
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<tr>
<td>D. Written Notice</td>
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<tr>
<td>E. Citation/Order Number</td>
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<tr>
<td>F. Dated</td>
<td>Mo Da Yr</td>
</tr>
</tbody>
</table>

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**Section IV - Administrative Action Data**

| 13. Event Number | 001 |
| 14. Primary or Mitigating Factor |
| 15. Area or Equipment |
| 16. Initial Action |
| A. Citation | |
| B. Order | |
| C. Safeguard | |
| D. Written Notice | |
| E. Citation/Order Number | |
| F. Dated | Mo Da Yr |

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**Comment Form (MSHA Form 7000-3a)**

**Section V - Other Data**

<table>
<thead>
<tr>
<th>17. Action to Terminate</th>
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<td>18. Terminated</td>
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<td>19. Type of Inspection (activity code)</td>
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<tr>
<td>20. Event Number</td>
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<tr>
<td>21. Primary or Mitigating Factor</td>
</tr>
<tr>
<td>22. Signature</td>
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<tr>
<td>23. AR Number</td>
</tr>
</tbody>
</table>

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**Notice**

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 Ombudsmen to receive comments from small businesses about federal regulatory enforcement actions. The Ombudsmen annually evaluate enforcement activities and relay their 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, 400 3rd Street, SW, MC 2120, Washington, DC 20418. Please note, however, that you have a right to file a complaint with the Ombudsman. 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.
Repairs were being made to the lifting cables for the BCL with the power on. Cables were being manually placed onto the sheave while being "bumped" to turn the pulley. The miner who was placing the cables on the pulley told another miner to "bump it again" and this is when his finger was amputated. The miner engaged in aggravated conduct constituting more than ordinary negligence by making repairs to machinery with the power on. This violation is an unwarrantable failure to comply with a mandatory standard.
Attachment B - Citations issued during audit (cont.)

When asked, the miner could not perform the emergency steering test as required. The miner was exposed to over travel and collision hazards from uncontrolled steering, if engine were to fail. This unit is operated on a daily basis thru-out the mine site.
When tested the emergency steering did not function on the Komatsu water truck, Co # 205, (S.N.6237). This exposed the operator to possible over travel and collision injuries due to not being able to avoid hazards due to mechanical failure. This unit travels on all mine roads, on grades of up to 10% and on switchback turns.
Attachment B - Citations issued during audit (cont.)

The ROPS on the Bobcat 763 skid steer, (S.N. 512267149) had visually obvious abnormal structural problems. The right front was bowed out and the top on each front corner was crushed. Miners were exposed to crushing injuries if the ROPS were to fail during a rollover or impact incident. This unit is used to stem blast holes, 2-3 times per week.

---

**Section III - Violation Date**

- Date: [Redacted]
- Time (24-Hr. Clock): [Redacted]
- Citation/Order Number: [Redacted]

**Condition or Practice**

- No. Written/Notice (103g): [Redacted]

**9. Violation**

- A. Health
- B. Safety
- C. Other

**10. Description**

- The right front was bowed out and the top on each front corner was crushed. Miners were exposed to crushing injuries if the ROPS were to fail during a rollover or impact incident. This unit is used to stem blast holes, 2-3 times per week.

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**Section IV - Citations/Orders**

- Citation/Order: [Redacted]

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**Section V - Inspections Evaluation**

- A. Injury or Illness (yes/no): [Redacted]
- B. Injury or Illness could reasonably be expected to be: [Redacted]
- C. Significant and Substantial: [Redacted]

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**Section VI - Termination Action**

- A. Date: [Redacted]
- B. Time (24-Hr. Clock): [Redacted]

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**Section VII - Action to Terminate**

- [Redacted]

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**Section VIII - Automated System Data**

- Event Number: [Redacted]
- Primary or Mill: [Redacted]
- Alt Number: [Redacted]

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**Section IX - Initial Action**

- A. Citation: [Redacted]
- B. Order: [Redacted]
- C. Safeguard: [Redacted]
- D. Written Notice: [Redacted]

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**Section X - General Information**

- Docket Number: [Redacted]
There was approx 55 gallons of liquid found in a plastic barrel without labeling. The container was located on the fire deck outside the control room. The 55 gallon container had what appeared to be water in it. The purpose of the label is to reduce the possibility of injury or illness by ensuring that each miner is provided correct information about the chemical hazard and appropriate protective measures to be taken. If a miner is exposed to an unknown chemical it might result in skin or eye irritation and/or burns.
The area around the tail pulley in the coal surge tunnel had built up coal on the floor. The material was from several inches deep to approx 2 feet above the floor. The area affected was approx 9 feet long by 7 feet wide. Miners could slip trip and fall due to the build up. Miners access this area as needed for maintenance or repair.

<table>
<thead>
<tr>
<th>Mine Citation/Order</th>
<th>U.S. Department of Labor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section I - Violation Data</td>
<td>Mine Safety and Health Administration</td>
</tr>
<tr>
<td>1. Date</td>
<td>2. Time (24 Hr. Clock)</td>
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<tr>
<td>A. Revised Date</td>
<td>B. Citation</td>
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<td>6. Condition or Practice</td>
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<td>7. Mine ID</td>
<td>8. Written Notice (105g)</td>
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<table>
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<tr>
<th>Section II - Inspector's Explanation</th>
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<tbody>
<tr>
<td>10. Gravity:</td>
</tr>
<tr>
<td>A. Injuries or illness (le) Unlikely</td>
</tr>
<tr>
<td>B. Injuries or illness could reasonably be expected to be:</td>
</tr>
<tr>
<td>No Lost Workdays</td>
</tr>
<tr>
<td>C. Significant and Substantial</td>
</tr>
<tr>
<td>D. Number of Persons Affected: 1001</td>
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<table>
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<tr>
<th>Section III - Citation Action</th>
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</thead>
<tbody>
<tr>
<td>17. Action to Terminate:</td>
</tr>
<tr>
<td>The area around the coal feed belt tail pulley has been cleaned up, terminating the citation.</td>
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</table>

<table>
<thead>
<tr>
<th>Section IV - Associated System Data</th>
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<tbody>
<tr>
<td>19. Type of Injury (activity code)</td>
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<tr>
<td>20. Event Number</td>
</tr>
<tr>
<td>22. Signs</td>
</tr>
<tr>
<td>23. AR Number</td>
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</tbody>
</table>
The shaft from the gear reducer to the pulley for the screw drive was not sufficiently guarded. The exposed shaft was approx 6 inches in from the edge of the existing guard. The exposed keyed shaft was approx 3 inches long. This was located on the top of coal bin #5. The coal bin depth is monitored from the control room. Miners access this area on an as needed basis for repairs and maintenance.

<table>
<thead>
<tr>
<th>Mine Citation/Order</th>
<th>U.S. Department of Labor</th>
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<tbody>
<tr>
<td></td>
<td>Mine Safety and Health Administration</td>
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<table>
<thead>
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<th>Section I - Violation Data</th>
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<th>Mo Da. Yr.</th>
<th>12. Time (MM:SS:HH)</th>
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<td>4. Location</td>
<td>(Contractor)</td>
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<td>7. Mine</td>
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<table>
<thead>
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<th>6. Violation</th>
<th>A. Health or Safety</th>
<th>B. Section of Act</th>
<th>C. Part/Section of Title 30 CFR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>56.14107a</td>
</tr>
</tbody>
</table>

| Section II - Description | ft from the gec.trau:E:ic::1'~n.t1Y | The exposed shaft was approx 6 inches in from the edge of the existing guard. The exposed keyed shaft was approx 3 inches long. This was located on the top of coal bin #5. The coal bin depth is monitored from the control room. Miners access this area on an as needed basis for repairs and maintenance. |

<table>
<thead>
<tr>
<th>10. Gravity:</th>
<th>A. Injury or illness (has it): No Likelihood</th>
<th>Unlikely</th>
<th>Reasonably Likely</th>
<th>Highly Likely</th>
<th>Occurred</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B. Injury or illness could reasonably be expected to be: No Lost Workdays</td>
<td>Lost Workdays</td>
<td>Lost Workdays or Restricted Duty</td>
<td>Permanently Disabling</td>
<td>Fatal</td>
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<tr>
<td></td>
<td>C. Significant and Substantial: Yes</td>
<td>No</td>
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<tr>
<td></td>
<td>D. Number of Persons Affected: 001</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>11. Negligence (check one)</th>
<th>A. None</th>
<th>B. Low</th>
<th>C. Moderate</th>
<th>D. High</th>
<th>E. Reckless Disregard</th>
</tr>
</thead>
</table>

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<tr>
<th>12. Type of Action</th>
<th>A. Citation</th>
<th>B. Order</th>
<th>C. Safeguard</th>
<th>D. Written Notice</th>
<th>F. Citation/Order Number</th>
<th>G. Dated</th>
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<tr>
<th>14. Initial Action</th>
<th>A. Citation</th>
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<th>C. Safeguard</th>
<th>D. Written Notice</th>
<th>F. Citation/Order Number</th>
<th>G. Dated</th>
<th>Mo Da. Yr.</th>
</tr>
</thead>
</table>

| 15. Area or Equipment | |

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

17. Action to Terminate | |

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

19. Action to Automated System Date | |

<table>
<thead>
<tr>
<th>20. Event Number</th>
<th>21. Primary or Minor</th>
</tr>
</thead>
</table>

22. Signatures | 23. AR Number |
|----------------|---------------|

MSHA Form MSHA-2403 (Rev. 9/15) is the official form of the United States Department of Labor, Mine Safety and Health Administration. Treat this form as a legal document and only use it for official purposes. The form is used to record violations of the Mine Safety and Health Act of 1977 (MSHA) and to provide copies of citations to miners and mine operators. The form is divided into sections, each containing specific information related to the violation, such as date, time, location, nature of the violation, and the proposed penalties. The form also includes a section for signatures, which must be signed by the inspector and the responsible party. The form is a crucial tool for ensuring compliance with MSHA regulations and is used in the enforcement of the Mine Act. The form is designed to be filled out accurately and completely, and any discrepancies or errors can result in legal consequences. The form is available in both English and Spanish, and is used in all mine states and territories. The form is an important tool for ensuring mine safety and health, and is used in the enforcement of the Mine Act. The form is a crucial tool for ensuring compliance with MSHA regulations and is used in the enforcement of the Mine Act.
The guard for the weigh belt for bin #4 was off. The guards were off and laying on the deck. The distance into the hazard was approx 10 inches. The opening was approx 6 feet long by 2 feet wide. Miners had been working in this area as evidenced by a hammer and bars nearby. The deck had coal laying on it making the floor uneven.

Mine Citation/Order

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

Section I - Violation Data

1. Date
2. Time (24 Hr. Clock)
3. Citation/Order Number

4. Cited By

5. Mine

6. Location of Violation

7. Mine ID

8. Written Notice (105g)

9. Violation

A. Health

Safety

Other

B. Section of Act

C. Part/Section of Title 30 CFR

56.14107a

10. Gravity:

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 [X] Temporarily Disabled [ ] Fatal [ ]

C. Significant and Substantial: Yes [X] No [ ]

D. Number of Persons Affected: 001

11. Negligence (check one)

A. None [X] B. Low [ ] C. Moderate [ ] D. High [ ] E. Reckless Disregard [ ]

12. Type of Action

A. Citation [X] B. Order [ ] C. Safeguard [ ] D. Written Notice [ ] E. Citation/Order Number

F. Dated

Mo Da Yr

14. Initial Action

A Citation [X] B. Order [ ] C. Safeguard [ ] D. Written Notice [ ] E. Citation/Order Number

15. Area or Equipment

16. Termination Due

A. Date

Mo Da Yr

B. Time (24 Hr. Clock)

20. Event Number

21. Primary or Mill

22. Signature

23. AR Number

20.

Attachment B - Citations issued during audit (cont.)
The 110 volt GFCI located by the coal feed belt #4 was not working. When tested it would not trip out as required. If a fault were to occur in any piece of electrical equipment that was plugged into this GFCI, it would not trip out as required. This would cause a person to be exposed to an electrical shock longer. The circuit breaker would trip out when the fault reached the amps that it was set to trip out at. The GFCI is supposed to trip out in milliamps, (4.2)
The shaft for the electric motor to the fan on the coal mill #1 and #2 was not adequately guarded. The opening was approx 4 inches between the motor and the existing guard. There is a grease zerk that is within approx 6 inches of the moving machine part. If the oiler were to slip, his hand would go towards the hazard, not away from it. There are tripping hazards in the concrete in front of the guard, there are two bolts that are approx 7/8 inches diameter by approx 4 inches tall.
A contractor driver was observed not wearing fall protection while closing the lids on his dry bulk material trailer. The trailer company number was [redacted]. The last 6 digits of the truck VIN was [redacted]. The license plate number of the trailer was [redacted]. The fall to the ground from the top of the trailer was approximately 11 feet. Falls from this height have proven fatal. The mine supplies the contractor drivers with access racks, which include safety lines and harnesses. All drivers entering the mine must sign documentation on every trip that they will use the mine provided truck racks. This truck driver did sign and date this document twice today upon entering the mine site.

<table>
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<td>Mine Safety and Health Administration</td>
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**Section I - Violation Information**

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Citation/Order Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Section II - Inspector's Evaluation**

- **Gravity:**
  - A. Injury or Illness (has it): Not Likely, 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

- **Type of Action:**
  - A. Citation, B. Order, C. Safeguard, D. Written Notice
  - E. Citation/Order Number: 56.15005

- **Area of Equipment:**

**Section III - Termination Action**

- **Action to Terminate:** The truck driver was re-instructed on the rules for using the truck racks and the provided fall protection.

**Section IV - Automatic System Usage**

- **Type of Inspection:**
  - A. Event Number: 001
  - B. Primary of Mill: P

**Signature:**

**MSHA Form 7000-3, Mar 05 (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 Enforcement Ombudsman and 10th Regional Enforcement Ombudsman to receive complaints from small businesses about federal agency enforcement actions. The Ombudsman manually evaluates enforcement activities and assesses each agency's responsiveness to small businesses. 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 MSHA Business Assistance, Office of the National Ombudsman, 401 4th Street, SW, MC 2120, Washington, DC 20464. Please note, however, that your right to file a complaint 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.
The trailer brakes on the dry bulk trailer did not apply when the dash mounted valve was pulled. There was visible space between the drums and the brake shoes, on the trailer. All 4 sets of brake shoes on the trailer had visible space. This unit hauls approx 60,000 pounds of dry material. The driver leaves the truck to open and close the lids and wash off excess material from the trailers at least three times per trip. If the trailer were to move after parking it could cause fatal crushing injuries.
Attachment B - Citations issued during audit (cont.)

The shaft from the bottom drive pulley to the gear reducer was unguarded. The moving taper locks with exposed bolt heads on both sides of the gear reducer were unguarded. The distance into the moving parts was approx 2-3 inches from the existing guard. There was an air hose, a broken scraper, a double jack a steel bar and a 2X8 piece of board laying on the deck. The top of the elevator is a small area, the widest part of the deck is approx 36-40 inches wide.
Welding leads were found on the east hoisting elevator that were cracked and conductors visible. The leads were hanging and ready for use. It does not appear that they have been used for some time. No welding was visible in the immediate area.

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<td>Mine Safety and Health Administration</td>
</tr>
<tr>
<td>1. Date</td>
<td>Most De Yr</td>
</tr>
<tr>
<td>2. Time of Occurrence</td>
<td>12</td>
</tr>
<tr>
<td>3. Citation/Order Number</td>
<td></td>
</tr>
<tr>
<td>4. Violation</td>
<td>A. Health Safety</td>
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<tr>
<td>5. Operator</td>
<td></td>
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<tr>
<td>6. Miner</td>
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<td>7. Mine ID</td>
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<td>8. Condition or Practice</td>
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<td>12. Type of Action</td>
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<tr>
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<td>15. Area of Equipment</td>
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<td>16. Termination Date</td>
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<td>17. Action to Terminate</td>
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</table>

- **Mine Citation/Order Data**
  - Date: Most De Yr
  - Time of Occurrence: 12
  - Citation/Order Number: 
  - Operator: 
  - Miner: 
  - Mine ID: 
  - Condition or Practice: 
  - Gravit: 
  - Type of Action: 
  - Type of Issuance: 
  - Initial Action: 
  - Area of Equipment: 
  - Termination Date: 
  - Action to Terminate: 
  - Terminated: 
  - Type of Inspection: 
  - Event Number: 
  - Primary or Minor: 
  - Signature: 
  - AR Number: 

- **Mine Safety and Health Administration**
  - Section I - Violation Data
  - Section II - Inspector's Evaluation
  - Section III - Termination Action
  - Section IV - Autosearch System Data

**Note:** The provided data is a screenshot of a form used by the Mine Safety and Health Administration to record violations and citations issued during an audit. The form includes sections for the date, time, operator, miner, mine ID, condition of practice, gravity, type of action, type of issuance, initial action, and area of equipment. The form also includes sections for the termination date, action to terminate, terminated date, type of inspection, event number, primary or minor, signature, and AR number.
9. **c.** Part/SectiOil

56.1000

56.12004

**Reason:** The computer defaults to 56.1000 for the standard. This was not noted before the citation was issued. The correct standard should have been 56.12004.
A one gallon metal can was found with an oily type of liquid inside. The metal can had approx one half gallon in it. There was no label or any writing to indicate the contents. The can did say kerosene-oil on it, but this was stamped on from the manufacturer. Miners working at the mine need to know what hazards they are working with or exposed to. This was a small amount of liquid, located away from any working places.

9. Violation:
   A. Health  
   B. Section of Act  
   C. Part/Section of Title 30 CFR  
   
10. Gravity:
    A. Injury or illness has (has not) been  
    B. Likely  
    C. Reasonably likely  
    D. Highly likely  
    E. Occurred  

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

12. Type of Action
    A. Citation  
    B. Order  
    C. Safeguard  
    D. Written Notice  
    E. Citation/Order Number  
    F. Dated  

13. Area or Equipment

14. Area or Equipment

15. Area or Equipment

16. Action to Terminate
   The operator removed the can to their dump sump, terminating the citation.

17. Area or Equipment

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

19. Type of Inspection
   A. Date  
   B. Time (24 Hr. Clock)  

20. Event Number  
21. Primary or Mill  
22. Signature  
23. AR Number  

MSHA Form 7000-3, Mar 91 (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 Enforcement 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 businesses. 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 2110, Washington, DC 20418. Please note, however: that your right to file a complaint with the Ombudsman 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.