



December 17, 2010

MEMORANDUM FOR ROBERT L. PHILLIPS

Acting Deputy Assistant Secretary for Operations
Mine Safety and Health

THROUGH:

PETER J. MONTALI

Acting Director of Accountability for
Mine Safety and Health

Splice A. Webb for

FROM:

JERRY KISSELL

Accountability Specialist

Splice A. Webb for

SUBJECT:

MSHA Office of Accountability Audit, MNM Rocky Mountain
District Denver, Colorado field office. [REDACTED]

Introduction

This memorandum summarizes the Office of Accountability audit of the subject district office, field office, and mine. Audit subjects included MSHA field activities, level of enforcement, Field Activity Reviews (FAR's), Accompanied Activities (AA's), MSHA supervisory and managerial oversight and the conditions and practices at the mine. The audit was conducted by Accountability Specialists Jerry Kissell, during the week of [REDACTED], through [REDACTED] (district review) and [REDACTED] through [REDACTED] (field office/mine visit review). Positive findings and issues requiring attention are included in this audit report.

Overview

The district audit was conducted from [REDACTED] and included a review of administrative, technical, and other areas such as special investigations and the ACRI Program. The on-site mine visit and field office portion of the audit was conducted on [REDACTED] through [REDACTED]. Accompanying the audit team were [REDACTED].

On-site areas were examined on August 30 and 31st and included the wash plant, the quarry (7120, 6760 and 6700 benches), the explosives magazines, the maintenance shop, the load-out bins, haulroads and the mine office. Equipment observed included six caterpillar haul trucks; two 773-B's, two 777-B's, one 773-F, and one Komatsu HD 605. Four caterpillar front end loaders; two 980-G's, one 988-H and one 992-G, other mobile equipment included a Ford 9000-L service truck, a caterpillar 226-B skid steer, a Bobcat 463 skid steer, a caterpillar 426 turbo rubber tire backhoe/front end loader, a International service/welder truck, a Hitachi Ex 550 excavator, a caterpillar 140-G road grader (maintainer), a Ingersoll Rand bench drill, and the ANFO powder truck. Other areas and equipment observed included the CB-11a and CB-11b conveyor belts, the Jade air clarifier and electrical disconnect panels, and the wash

plant feed surge tunnel, the fuel storage area, the oil storage areas, berming, pre-operational records and bulletin board postings at the mine office. A bench blast was observed as well as drilling operations.

S&S Rate Comparison

S&S rates for the Denver, CO Field Office, are below that district and national levels for FY 2008 and FY 2009, currently the field office is above the national average as to-date in FY 2010.

S&S Rate Comparison			
Fiscal Year	Field Office	District	National Average
2008	17.63%	17.75%	21.44%
2009	23.94%	21.41%	27.93%
2010 (to date)	37.02%	33.65%	36.47%

Time and Activity Comparison

Time distribution for E01 inspections conducted out of the Denver, CO field office from October 2008 to August 2010 indicated that onsite time for surface facilities increased from 53.11% in FY 2008 to 58.08% in FY 2009, and currently is 56.45% in FY 2010. In addition, time spent in the "other" category increased from 27.05% to 24.16% for the same time period and currently is 25.67% for FY 2010.

Time Distribution (Percent) – E01 Inspections at Surface Facilities						
	Travel	Other	Total On-Site	Citations Issued On-site	Citations Issued Off-site	Total Percent
FY2008	27.05%	14.68%	53.11%	2.63%	5.14%	100.00%
2008 Nat'l Avg	20.31%	10.38%	61.60%	2.99%	7.71%	100.00%
FY2009	24.16%	15.17%	58.08%	1.64%	2.58%	100.00%
2009 Nat'l Avg	20.40%	10.67%	61.84%	3.82%	7.09%	100.00%
FY2010	25.67%	14.53%	56.45%	2.87%	3.34%	100.00%
2010 Nat'l Avg	20.11%	9.81%	62.19%	3.47%	7.88%	100.00%

* Total on-site time includes citations issued on-site.

Time distribution for E01 inspections conducted out of the Denver, CO field office from October 2008 to August 2010 indicated that onsite time for surface mines increased from 33.15% in FY 2008 to 47.36% in FY 2009, and currently is 50.74% in FY 2010. In addition, time spent in the "other" category decreased from 33.15% to 30.43% for the same time period and currently is 29.92% for FY 2010.

Time Distribution (Percent) – E01 Inspections at Surface Mines						
	Travel	Other	Total On-Site	Citations Issued On-site	Citations Issued Off-site	Total Percent
FY2008	33.15%	14.15%	46.21%	1.45%	6.49%	100.00%
2008 Nat'l Avg	26.19%	11.97%	56.17%	3.17%	5.67%	100.00%
FY2009	30.43%	16.99%	47.36%	1.91%	5.22%	100.00%
2009 Nat'l Avg	25.89%	11.95%	56.17%	3.27%	6.00%	100.00%
FY2010	29.92%	15.44%	50.74%	2.99%	3.90%	100.00%
2010 Nat'l Avg	24.67%	11.49%	56.81%	3.59%	7.03%	100.00%

* Total on-site time includes citations issued on-site.

Time distribution for E01 inspections conducted out of the Denver, CO field office from October 2008 to August 2010 indicated that onsite time for underground mines decreased from 52.42% in FY 2008 to 49.79% and currently is 56.24% in FY 2010. In addition, time spent in the "other" category decreased from 33.21% to 32.92% for the same time period and currently is 25.56% for FY 2010.

Time Distribution (Percent) – E01 Inspections at Underground Mines						
	Travel	Other	Total On-Site	Citations Issued On-site	Citations Issued Off-site	Total Percent
FY2008	33.21%	10.61%	51.42%	0.86%	4.77%	100.00%
2008 Nat'l Avg	15.88%	18.47%	64.71%	5.94%	0.93%	100.00%
FY2009	32.92%	15.69%	49.79%	1.89%	1.60%	100.00%
2009 Nat'l Avg	15.92%	17.01%	66.26%	5.66%	0.81%	100.00%
FY2010	25.56%	15.10%	56.24%	1.50%	3.10%	100.00%
2010 Nat'l Avg	16.48%	15.43%	67.04%	5.52%	1.05%	100.00%

* Total on-site time includes citations issued on-site.

Audit Results

The audit revealed positive findings in several areas, including the following:

1. MSHA personnel were professional and courteous to the OA and the mine operator and miners at all times during the audit.
2. Complete and thorough inspections
3. 2nd level reviews indicated thorough examination by the ADM and feedback to supervisors for inaccurate documentation, incorrect use of standards and corrections to be addressed with inspectors.
4. FAR's and AA reports reviewed were well documented for area's to improve and achievements, as well as exceeding the minimum required.
5. District files were well maintained and orderly.
6. Staff meeting documentation indicates consistent reviews of MSHA policy and initiatives weekly, and presentation's by inspectors each week of enforcement topics striving to constantly improve consistency at all levels.
7. Interviews with inspectors indicated the FO supervisor travels regularly with inspection staff, exceeding the minimum requirements of accompanied activities.
8. Enforcement tools including the use of the PPM were used to ensure correct issuance of citations.
9. Enforcement personnel conducted safety discussions with miners as they completed equipment inspections.
10. MSHA personnel chalk the wheels on GOV's when on the mine site consistently
11. Conditions at the mine including roadway maintenance and berming were excellent, mobile equipment was well maintained and pre-op inspections records were consistently documented.

The audit also revealed one item that requires action:

1. Field notes in a previous inspection report did not document areas of the quarry/pit being inspected, while health survey field notes indicated persons were sampled in the quarry/pit. (See item 55 in attachment A)
(Note the previous inspection report had excellent documentation of all other areas inspected)

Attachments

A. Office of Accountability Checklist with comments, recommendations, and references

B. Citations/Orders issued during this audit

1. 
- 2.
- 3.
- 4.

C. Photos taken during audit

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

District

RM

Field Office

Denver, CO

Mine ID

1. Evaluate supervisory review of inspection reports and documentation for completeness.

Adequate Inadequate Not Applicable Comments Below

2. Determine if supervisors address report deficiencies immediately

Adequate Inadequate Not Applicable Comments Below

3. Determine if supervisors are visiting mines

Adequate Inadequate Not Applicable Comments Below

4. Evaluate the quality of Field Activity Review reports (FARs)

Adequate Inadequate Not Applicable Comments Below

Very good documentation for accomplishments as well as areas where improvement is needed

5. Determine if supervisors/managers are identifying and addressing performance or behavior based issues during and after accompanied inspections are conducted

Adequate Inadequate Not Applicable Comments Below

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Date

6. Evaluate the quality of Accompanied Activity Inspections

Adequate Inadequate Not Applicable Comments Below

Same as item 4 above.

7. Determine if supervisors are reviewing mine files

Adequate Inadequate Not Applicable Comments Below

Supervisor looks at FO inspection files regularly

8. Determine if Assistant District Manager is holding supervisor accountable for Field Activity Reviews, and Accompanied Activity Reviews

Adequate Inadequate Not Applicable Comments Below

Tracking on District T drive for all field offices and each inspector.

9. Determine if District Manager is using Performance Management System to hold ADM's accountable for oversight of subordinates

Adequate Inadequate Not Applicable Comments Below

10. Determine if ADM's and DM's are visiting mines

Adequate Inadequate Not Applicable Comments Below

FO supervisor stated the ADM accompanies him on inspections periodically throughout the year

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11. Evaluate supervisory and management review of 103(i) (spot inspection) tracking system for compliance with time frames

Adequate Inadequate Not Applicable Comments Below

No 103(i) mines are currently assigned with this field office

13. Determine if supervisors, staff assistants, and other management personnel are reviewing work products for accuracy and completeness

Adequate Inadequate Not Applicable Comments Below

14. Determine if supervisors are monitoring inspector time and activity documentation to ensure proper use of time by inspector

Adequate Inadequate Not Applicable Comments Below

The supervisor tracks inspection time through comparison from previous inspections and notes and inspection activity sheets.

15. Determine if supervisors are using the Performance Management System to hold inspectors accountable for properly evaluating gravity and negligence, termination due dates, and timely termination of citations

Adequate Inadequate Not Applicable Comments Below

16. Determine if supervisors are adequately evaluating the level of enforcement

Adequate Inadequate Not Applicable Comments Below

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17. Determine if District Manager is monitoring the ACRI program and using the Performance Management System to ensure that CLR's justify changes

Adequate Inadequate Not Applicable Comments Below

18. Determine if District Manager is using discretion in granting conferences

Adequate Inadequate Not Applicable Comments Below

19. Determine if second level reviews and District Level Peer Reviews are used to assess supervisory review of enforcement actions

Adequate Inadequate Not Applicable Comments Below

20. Determine if appropriate actions are taken by supervisors and manager with respect to issues of misconduct and/or poor performance

Adequate Inadequate Not Applicable Comments Below

No issues were documented for the time period covered by this audit.

21. Evaluate inspector/specialist knowledge of documentation required and process for completing PKW Forms.

Adequate Inadequate Not Applicable Comments Below

22. Evaluate the district's process for performing Possible Knowing/Willful (PKW) reviews and initiating or denying special investigations

Adequate Inadequate Not Applicable Comments Below

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23.

Determine if District Manager is using Performance Management System to hold the Supervisory Special Investigator accountable for properly evaluating potential cases

Adequate

Inadequate

Not Applicable

Comments Below

24.

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

Adequate

Inadequate

Not Applicable

Comments Below

Key indicators as well as internal district reports are used and monitored

25.

Determine if complete and thorough inspections are being conducted and adequately documented

Adequate

Inadequate

Not Applicable

Comments Below

The inspection conducted during the audit was thorough and well documented.

26.

Determine if inspection notes support the inspector's assertion that the mine was inspected in its entirety, including health sampling

Adequate

Inadequate

Not Applicable

Comments Below

Notes reviewed for the ongoing inspection indicate complete and detailed notes for areas traveled and equipment inspected.

27.

Determine that the inspector spent sufficient time on off-shifts and on weekends

Adequate

Inadequate

Not Applicable

Comments Below

The mine currently is operating one production shift on dayshift and only has a two man crew on evening shift doing maintenance and some stock pile moving.

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28. Determine if all mine records and postings are examined during the inspection

Adequate Inadequate Not Applicable Comments Below

The inspector was completing the records on the last day of this inspection; previous reports indicate a thorough review of required records.

29. Determine if all provisions of the MINER Act (Affecting MNM) are evaluated during the inspection

Adequate Inadequate Not Applicable Comments Below

30. Determine if the amount of time expended on each inspection activity and area of the mine is sufficient to accomplish inspection goals

Adequate Inadequate Not Applicable Comments Below

31. Evaluate each citation/order for inspector's determination of gravity, negligence, number of persons affected, and the level of enforcement

Adequate Inadequate Not Applicable Comments Below

32. Evaluate inspector's observation of back/ground conditions

Adequate Inadequate Not Applicable Comments Below

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33. Evaluate conditions of working areas and observe work cycle

Adequate Inadequate Not Applicable Comments Below

34. Observe noise SPL and air quality gas checks by inspector

Adequate Inadequate Not Applicable Comments Below

Health surveys were conducted on the last inspection at this mine by the same inspector, and no changes had occurred at the mine since that time.

35. Determine adequacy of training plans (interview miners)

Adequate Inadequate Not Applicable Comments Below

Miners interviewed provided positive feedback on training. (part 46 mine)

37. Examine electrical equipment (Includes electrical cables/equipment/power supply stations, etc.)

Adequate Inadequate Not Applicable Comments Below

39. Examine compliance with regulations for escape and evacuation

Adequate Inadequate Not Applicable Comments Below

The company's emergency plan was posted on the bulletin board

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44. Evaluate cleanup of accumulations/housekeeping

Adequate Inadequate Not Applicable Comments Below

Mine was in good condition overall, one violation was issued for a wet working floor in the wash plant building. (Condition changed from day to day)

46. Examine mine bulletin board and evaluate adequacy of all required postings

Adequate Inadequate Not Applicable Comments Below

47. Interview responsible person(s) and evaluate knowledge of emergency response, evacuation procedures, and fire fighting processes and first aid (Person in charge)

Adequate Inadequate Not Applicable Comments Below

Local EMS and Fire department numbers were posted and personnel were trained in procedure for notification.

49. Determine if districts are conducting sufficient, in-depth Peer Reviews

Adequate Inadequate Not Applicable Comments Below

50. Determine if MSHA headquarters is conducting sufficient, in-depth Peer Reviews

Adequate Inadequate Not Applicable Comments Below

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51. Determine if Peer Reviews are being used to assess supervisors and managers performance

Adequate

Inadequate

Not Applicable

Comments Below

52.

Determine if Peer Reviews include a visit to the mine, and include observation of the working areas, equipment, travel ways and any other provisions

Adequate

Inadequate

Not Applicable

Comments Below

53.

Determine if Peer Reviews accurately reflect and evaluate MSHA activities at all types of mining (underground/surface/surface facilities) within the district

Adequate

Inadequate

Not Applicable

Comments Below

55.

Evaluate the two most current completed E01 (regular) inspection reports (two quarters)

Adequate

Inadequate

Not Applicable

Comments Below

Field notes in the previous E-01 inspection report (Event # [REDACTED]) did not document the inspection of the pit area, even though health survey field notes indicated haul truck drivers were sampled and health equipment checks were conducted in the pit area.

(PH09-IV-1, M/NM General Inspections Procedures Handbook, Chapter 5, Section W – Documentation of Inspections)

57.

Review citations and orders issued during previous two quarters

Adequate

Inadequate

Not Applicable

Comments Below

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58. Determine if 104(d) tracking system is in place at the office being audited, and is being kept up to date

Adequate Inadequate Not Applicable Comments Below

Positive: Supervisor tracks and monitors 104(d) activity and posts initial action information for all inspection personnel observe.

59. Determine mine files are legible, and up to date

Adequate Inadequate Not Applicable Comments Below

60. Determine if miners are adequately trained in the provisions of any new conditions/changes/equipment at the mine.

Adequate Inadequate Not Applicable Comments Below

Discussion with miners indicated the company is pro-active in training on changes at the mine.

61. Evaluate the effectiveness of management's support of, and communication with, inspectors and specialists

Adequate Inadequate Not Applicable Comments Below

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

Adequate Inadequate Not Applicable Comments Below

Positive: The supervisor has excellent documentation of staff meeting's, enforcement initiatives, in house training, and inspectors participate in presenting enforcement topics each week.

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63.

Are MSHA Forms 7000-1 accurately reviewed for proper information and potential violations, unsafe practices, or conditions?

Adequate Inadequate Not Applicable Comments Below

Only two accidents, back in January and March of 2008 reported. No issues found

64.

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

Adequate Inadequate Not Applicable Comments Below

65.

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

Adequate Inadequate Not Applicable Comments Below

Inspectors reviewed daily inspection activity with the operator and previous inspection reports indicate good close-out conferences.

66.

Determine if E01 inspections at surface mines includes an observation/evaluation of blast hole drilling, loading, and blasting operations.

Adequate Inadequate Not Applicable Comments Below

Blasting and drilling were observed during the mine visit.

67.

Determine if manpower at the field office is sufficient to ensure adequate, complete inspections, investigations, and other activities.

Adequate Inadequate Not Applicable Comments Below

United States Department of Labor
 Mine Safety and Health Administration
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District Field Office Mine ID Date

Mine Citation/Order

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



Section I—Violation Data

1. Date	3. Citation/Order Number
4. Speed To	5. Operator
(Contractor) ss. written Notice (103g) <input type="checkbox"/>	

The cat haul truck company number 197 was parked on a grade, checked to be an average of 2.3 % and was not chocked. The quarry manager immediately placed a chock under the front wheel. The miner was waiting for a bin to fill with material for him to haul. The truck had been used during the shift. The miner was called to take part in the active inspection of the property. He exited the truck and inadvertently forgot to chock the wheels. There is no foot traffic in the area except the truck drivers parking or starting the trucks at the beginning of and at the end of shift. A miner struck by a haul truck could receive a fatal blow or a fatal crushing injury. The mine site has all the parked vehicles chocked and has not received a citation of this standard in the last two years. When parked on a grade, the wheels or tracks of mobile

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety Other	B. Section of Act	C. Part/Section of Title 30 CFR	56.14207
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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 checked="" type="checkbox"/> C. Moderate <input 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
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 wheels of the haul truck were chocked.	
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	21. Primary or Mill P
22. Signature		Z

MSHA Form 7000-3.visions 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, 406 3rd Street, SW MC 2120, Washington, DC 20418. 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 Field Office Mine ID Date

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"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr <input type="text" value="[REDACTED]"/>	3. Citation/Order Number <input type="text" value="[REDACTED]"/>
4. Served To <input type="text" value="[REDACTED]"/>	15. Operator <input type="text" value="[REDACTED]"/> (Contractor)	

Section II—Justification for Action
Continuation of 8. Condition or Practice
equipment shall be either chocked or turned into a bank.

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 <input type="text" value="[REDACTED]"/>		
11. Signature <input type="text" value="[REDACTED]"/>	FAD Number <input type="text" value="[REDACTED]"/>	12. Date Mo Da Yr <input type="text" value="[REDACTED]"/>	13. Time (24 Hr. Clock)

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 Office of Accountability

District RM Field Office Denver, CO Mine ID (b) (6) Date (b) (6)

Mine Citation/Order

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



Section I--Violation Data		
1. Date (b) (6)	2. Time (24 Hr. Clock) (b) (6)	3. Citation/Order Number (b) (6)
(Contractor) <input type="checkbox"/> 8a. Written Notice (103g) <input type="checkbox"/>		

The area in the wash plant had standing water on the floor. Miners travel through the area two to three times a day. A miner traveling through this area when the floor is wet is subject to a slip hazard and a lost workdays or restricted duty injury. This was three foot wide and 25 feet long. The floor area is normally dry. The floor of every workplace shall be maintained in a clean and, so far as possible, dry condition. Where wet processes are used, drainage shall be maintained, and false floors, platforms, mats, or other dry standing places shall be provided where practicable.

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 <p align="center">56.20003b</p>
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 checked="" type="checkbox"/> Permanently Disabling <input 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 (b) (6)	B. Time (24 Hr. Clock) (b) (6)
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Section III--Termination Action

17. Action to Terminate Mats and drainage were provided in the area where the standing water was.

18. Terminated	A. Date (b) (6)	Time (24 Hr. Clock) (b) (6)
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Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number (b) (6)	21. Primary or Mill P	22. Signature (b) (6)
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MSHA Form 7000-3, established a National 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 20418. 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 Field Office Mine ID Date

Mine Citation/Order

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



Section I--Violation Data

1. Date	2. Time	3. Citation/Order Number
[REDACTED]	[REDACTED]	[REDACTED]

8. Condition or Practice

(Contractor)
 8a. Written Notice (103g)

The Cat 140G maintainer, Product Identification number 72V15062, was left unattended with the ripper on the back of the machine in a raised position. The maintainer is used twice a day. Once at the start of the shift to blade the roads for the haul trucks and again midway through the shift to keep up the roads. The equipment is in good operating condition and requires only normal maintenance. The miner is exposed to this condition when doing the preshift examination at the start of shift once a day. A miner struck by the ripper falling from the raised position could receive a permanently disabling injury. When mobile equipment is unattended or not in use, dippers, buckets and scraper blades shall be lowered to the ground. Other movable parts, such as booms, shall be mechanically secured or positioned to prevent movement which would create a hazard to persons.

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	56.14206b
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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 De Yr

15. Area or Equipment

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

Section III--Termination Action

17. Action to Terminate The ripper on the maintainer was lowered to the ground and the equipment operator was advised of the condition and what he needs to do to prevent the hazard.

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

Section IV--Automated System

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

MSHA Form 7000-3, Apr 03 (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 20418. 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 RM Field Office Denver, CO Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I—Violation Data

1. Date [REDACTED]	3. Citation/Order Number [REDACTED]
4. Severity [REDACTED]	
(Contractor) <input type="checkbox"/>	

8. Condition or Practice

o.a. written Notice (103g)

The metal powder magazine containing the boosters and detonation cord did not have a metal strap connecting the door and the structure. This is required to keep the metal portions of magazines at the same electrical potential. Metal magazines shall be equipped with electrical bonding connections between all conductive portions so the entire structure is at the same electrical potential. Suitable electrical bonding methods include welding, riveting, or the use of securely tightened bolts where individual metal portions are joined.

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 56.6132b
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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 [REDACTED] B. Time (24 Hr. Clock) [REDACTED]

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. Signature [REDACTED]

23. AR Number [REDACTED]

MSHA Form 7000-3, April 1999. 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

RM

Field Office

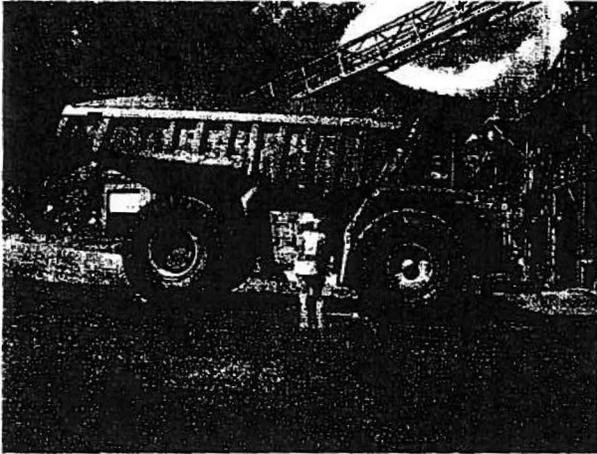
Denver, CO

Mine ID

[REDACTED]

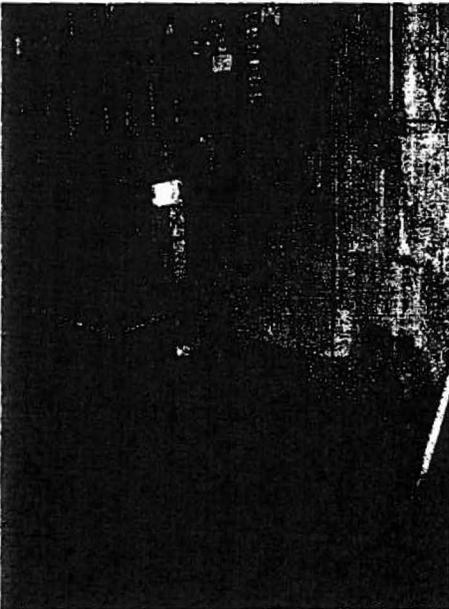
Date

(b) (6)



CFR 56.14207

Truck parked on 2% + grade
unattended and not chalked.



CFR 56.20003b

Wet floor where persons travel and
work not maintained in dry
condition.

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

District

RM

Field Office

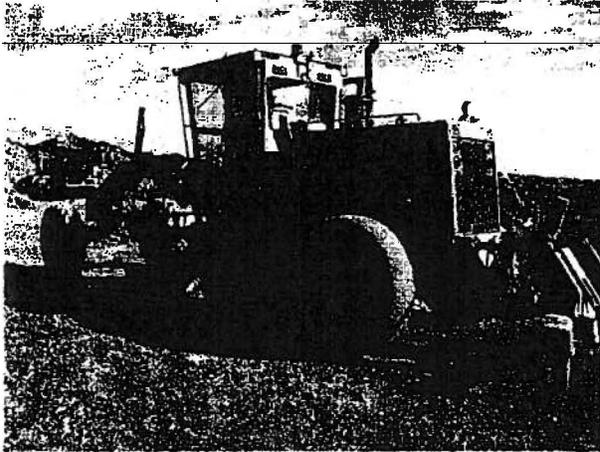
Denver, CO

Mine ID

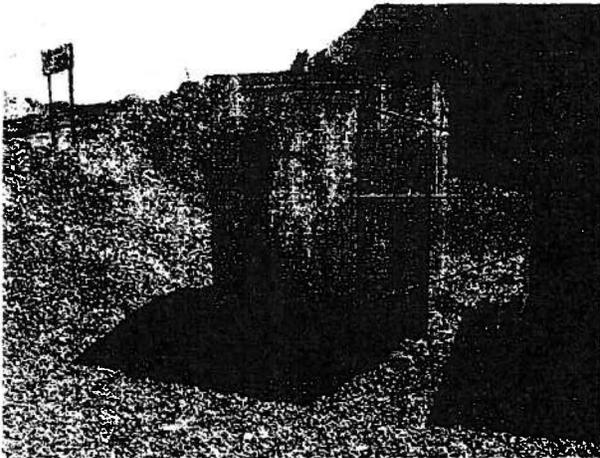
[REDACTED]

Date

[REDACTED]



[REDACTED] CFR 56.14206b
ripper implement was cited for
being left in elevated position
while unattended.



[REDACTED] CFR 56.6132b
No door bonding from main facility
to door to ensure the same electrical
potential.

United States Department of Labor
Mine Safety and Health Administration
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District

RM

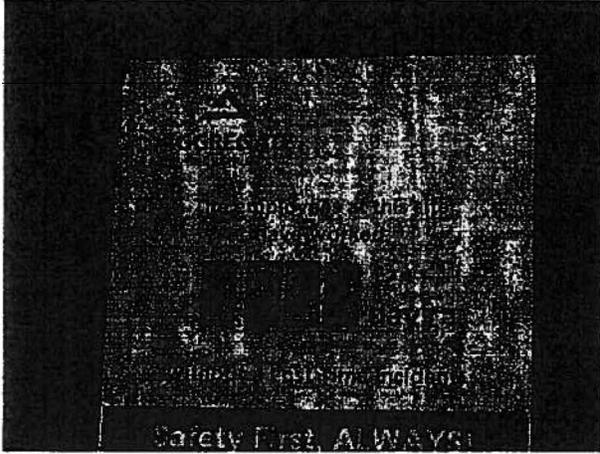
Field Office

Denver, CO

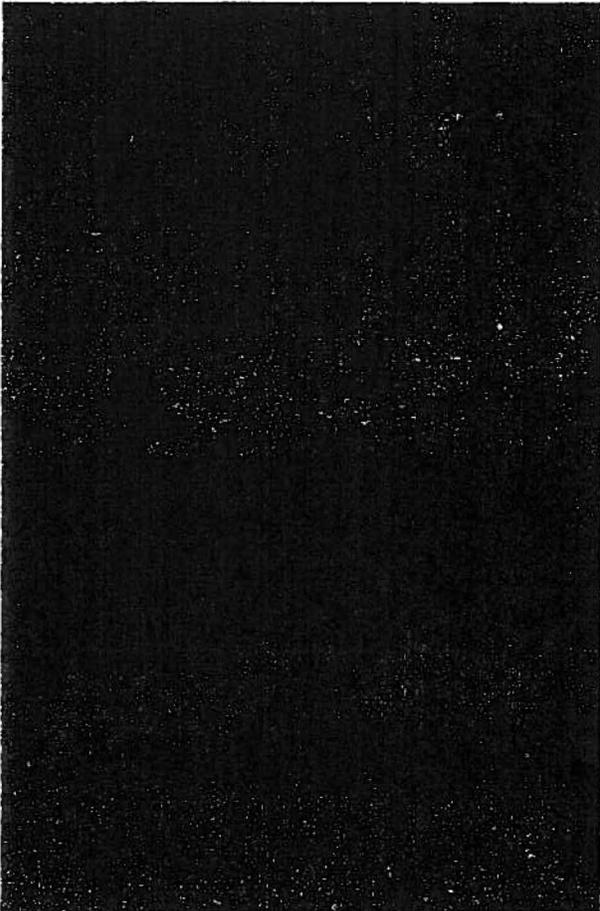
Mine ID

Date

District 7/12



Observations at mine site



Blast 7120 bench

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

District

RM

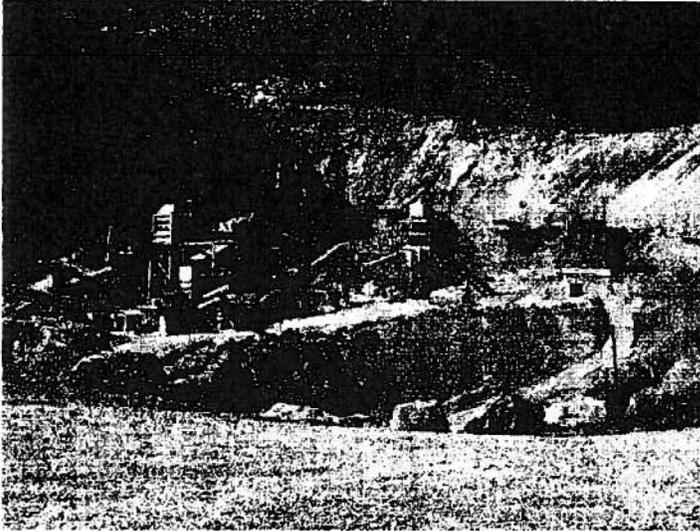
Field Office

Denver, CO

Mine ID

Date

F



Main plant



Drilling in progress