

NOV 18 2011

MEMORANDUM FOR PATRICIA W. SILVEY
Deputy Assistant Secretary for Operations
Mine Safety and Health Administration

THROUGH: PETER J. MONTALI (b) (6)
Acting Director of Accountability for
Mine Safety and Health Administration

FROM: JERRY J. KISSELL (b) (6)
Accountability Specialist

SUBJECT: MSHA Office of Accountability Audit, MNM Western District
Albany Field Office, Albany, Oregon Field Office, and (b) (6)
(b) (6)

Introduction

This memorandum summarizes the Office of Accountability (OA) audit of the field office, and mine. The audit included MSHA field activities, level of enforcement, conditions and practices at the mine, Field Accompanied Reviews (FARs), Office Reviews (ORs), and MSHA supervisory and managerial oversight. The audit was conducted by Accountability Specialist Jerry J. Kissell.

Overview

The field office audit was conducted from (b) (6) through (b) (6) and included a review of administrative, inspection and enforcement levels. The mine visit was conducted on (b) (6). Accompanying the accountability specialist during the audit was the (b) (6).

On the day of the inspection, the audit team traveled with the inspection party to the mine on a regular (E-01) inspection. Areas and activities examined included the primary plant dump ramp, primary crusher, under hopper conveyor belt, wash screen feed conveyor belt, two sand conveyor belts, two sand screws, cyclone pump, wash screen, three eights bunker, three eights conveyor belt, three quarter conveyor belt, three quarter cross conveyor belt, 4X10 screen, the one and one half inch damp conveyor belt, Konica crusher feed conveyor, Konica crusher, the under Konica conveyor belt, dry screen feed conveyor belt, base rock conveyor belt, crusher return conveyor belt, the little feeder and the conveyor belt under the dry screen.

Other equipment and areas inspected included the control booth, parts trailer, MCC electrical trailer, oil storage area, miller welder, air compressor, various roadways and berms, weigh scales, diesel fuel storage area and the plant pump. Mobile equipment examined included a Caterpillar 375L excavator, HL 770-7 Hyundai front end loader, two Caterpillar D 300E haul trucks and the Mack lube truck. A self contained Road Runner screening plant was also inspected; this plant had 4 conveyor belts, a feed hopper, and a double deck screen. Work place examination records were reviewed along with observations for warning signs, fire fighting equipment and personal protective equipment being used.

S&S Rate Comparison

During FY 2010, the S&S rates for this field office were comparable to the district and above the national average. In FY 2011, the S&S rates for the Albany field office were comparable to the district and above the national average. Citations issued during the audit were appropriately issued and consistent with policy and procedures. (See attachment B)

Fiscal Year	Albany Field Office	Western District	National Average
2010	40%	40%	36%
2011	35%	35%	32%

Time and Activity Comparison

A comparison of FY 2010 and FY 2011 time distribution at the Albany field office remained the same for inspections at surface facilities and is below the national average. On-site time has slightly decreased for inspections at surface facilities and is below the national average.

Time Distribution (%) – E01 Inspections at Surface Facilities

	Travel	Other*	Total On-Site**	Citations Issued On-Site	Citations Issued Off-Site	Total Percent
FY 2010	28%	9%	53%	1%	10%	100%
Nat'l Avg FY 2010	20%	10%	62%	4%	8%	100%
FY 2011	31%	9%	52%	1%	8%	100%
Nat'l Avg FY 2011	21%	11%	61%	3%	6%	100%

** Other time includes calibration of health sampling equipment, and mailing of samples

* Total On-Site time includes citations written on-site

A comparison of FY 2010 and FY 2011 time distribution at the Albany field office shows that time in the other category has increased for inspections at surface mines but is below the national average. On-site time has decreased for inspections at surface mines and is below the national average. The Albany staff assisted other field offices during the period of review which would account for the increased travel time and decreased on-site.

Time Distribution (%) – E01 Inspections at Surface Mines

Time Distribution (%) – E01 Inspections at Surface Mines

	Travel	Other	Total On-Site*	Citations Issued On-Site	Citations Issued Off-Site	Total Percent
FY 2010	28%	8%	52%	4%	12%	100%
Nat'l Avg FY 2010	25%	12%	56%	4%	7%	100%
FY 2011	32%	11%	48%	2%	9%	100%
Nat'l Avg FY 2011	26%	12%	55%	3%	7%	100%

** Other time includes calibration of health sampling equipment, and mailing of samples

* Total On-Site time includes citations written on-site

A comparison of FY 2010 and FY 2011 time distribution at the Albany field office shows that time in the other category has slightly increased for inspections at underground mines and is comparable to the national average. On-site time has remained about the same but is below the national average. The Albany staff assisted other field offices during the period of review which would account for the increased travel time.

Time Distribution (%) – E01 Inspections at Underground Mines

	Travel	Other	Total On-Site*	Citations Issued On-Site	Citations Issued Off-Site	Total Percent
FY 2010	29%	9%	51%	4%	11%	100%
Nat'l Avg FY 2010	23%	11%	60%	2%	6%	100%
FY 2011	35%	11%	50%	4%	4%	100%
Nat'l Avg FY 2011	25%	11%	58%	2%	6%	100%

**Other time includes calibration of health sampling equipment, and mailing of samples

* Total On-Site time includes citations written on-site

Audit Results

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

1. MSHA personnel conducted themselves in a professional and courteous manner at all times during the audit and during the inspection.
2. Inspection activities conducted during the audit were thorough and in compliance with agency policies and procedures.
3. MSHA personnel demonstrated excellent communications skills with the mine operator and conducted a good pre-conference discussion, reviewing past inspections, citations, and current operational status of the mine site.
4. Required Field Accompanied Reviews (FAR's) and Office Reviews (OR's) for the Albany field office were well documented.
5. Appropriate use of enforcement tools were observed during the mine site visit.
6. The Albany field office reported all of their mandated inspections were conducted and also provided assistance to other field offices with inspections throughout the year.

No issues needing corrective actions were identified during the audit; however, a citation for violation of 30 CFR 56.4500 issued during the mine visit portion of the audit appeared to be for a condition/practice that has existed through multiple past inspections. This was reviewed with the field office supervisor and ADM in the close-out. The field office supervisor had discussed this enforcement issue with the Albany field office staff the week before the audit in a staff meeting.

Attachments

A. Office of Accountability Checklist with comments and recommendations.

B. Citations/Orders issued during this audit

- | | |
|-------------|-------------|
| 1. (b) (6) | 56.14100(b) |
| 2. (b) (6) | 56.14100(d) |
| 3. (b) (6) | 56.11001 |
| 4. (b) (6) | 56.14107(a) |
| 5. (b) (6) | 56.4500 |
| 6. (b) (6) | 56.14107(a) |
| 7. (b) (6) | 56.14107(a) |
| 8. (b) (6) | 56.14107(a) |
| 9. (b) (6) | 56.14107(a) |
| 10. (b) (6) | 56.9300a |
| 11. (b) (6) | 56.11012 |
| 12. (b) (6) | 56.20011 |

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Adequate Inadequate Not Applicable Comments Below

During the Audit the inspection was in compliance with MSHA policy and procedure. However, Citation # (b) (6) issued during the audit under CFR 56.4500 was for condition/practice that had not been recognized as a violation during previous inspections. Previous inspection reports reviewed showed the same area had been traveled by inspectors with no enforcement actions noted.

Determine if citations and orders issued during previous inspections were

2. properly evaluated for gravity, negligence, level of enforcement, number of persons affected, and supported by documentation.

Adequate Inadequate Not Applicable Comments Below

3. Evaluate inspector(s) examinations of required records and postings for compliance with applicable standards.

Adequate Inadequate Not Applicable Comments Below

Work place examination and pre-operational records were reviewed during the audit mine site visit.

4. Evaluate the inspector(s) physical examination of the active working area's of the mine and inspection of all mining cycles.

Adequate Inadequate Not Applicable Comments Below

The mine was shutting down for maintenance and reconfiguration and no excavating activities were occurring during the mine site visit.

5. Evaluate the inspector(s) on-site contaminant assessment and documentation.

Adequate Inadequate Not Applicable Comments Below

No health samples were taken during this inspection. A review of previous Inspection reports verify the last health surveys were conducted in FY 2010 with no violations.

6. Evaluate examination of electrical equipment, transformer stations, and/or electrical circuits.

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Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below	<input type="checkbox"/>

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

Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below	<input type="checkbox"/>

8. Determine if Possible knowing/Willful (PKW) forms are documented and processed according to agency policy and procedures.

Adequate	<input type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below	<input checked="" type="checkbox"/>
NO PKW forms were reviewed during this audit.							

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

Adequate	<input type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below	<input checked="" type="checkbox"/>
There are no 103(i) mines assigned to this field office.							

10. Determine if Hazard complaint inspections/investigations are being conducted according to policy and procedures.

Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below	<input type="checkbox"/>

11. 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	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below	<input type="checkbox"/>
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During the FY 2011 inspectors from the Albany field office assisted with inspections for the Anchorage, Alaska field office, the Kent, Washington field office and the Elko, Nevada field office which contributed to elevated "travel" and "other" time categories.

12. Are all required Office Reviews (OR's) and supervisory follow-up reviews being conducted and documented according to agency policy and procedures?
(One E-01/Inspector/every six months/FY – minimum)
Adequate Inadequate Not Applicable Comments Below

Required office reviews for FY 2010 and FY 2011 were completed and in compliance with MSHA policy and procedure.

13. Are all required Field Accompanied Reviews (FAR's) and supervisory follow-up reviews being conducted and documented according to agency policy and procedure?
Adequate Inadequate Not Applicable Comments Below

5 of 6 required Field Accompanied Reviews were completed in FY 2011. (b) (6) at the end of the fiscal year. (All required reviews were completed in FY 2010)

14. Determine if a 104(d) tracking system is in place and being kept current at the office being audited.
Adequate Inadequate Not Applicable Comments Below

15. Determine if required mine files are legible, up to date, and reviewed by supervisors.
Adequate Inadequate Not Applicable Comments Below

16. Determine if supervisors are visiting mines.
Adequate Inadequate Not Applicable Comments Below

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Not required outside of field accompanied activities, however the Albany FO supervisor makes mine visits randomly to verify enforcement levels and mine conditions.

17. 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

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 Reviews.
(b) (6)

19. Determine if district management personnel are reviewing work products for accuracy and completeness.
Adequate Inadequate Not Applicable Comments Below
District management personnel review inspection reports throughout the fiscal year.

20. Determine if District Manager is using discretion in granting conferences and is monitoring the ACR program to ensure that all decisions (including upholding, modifying or vacating citations) are properly documented and justified by the CLRs.
Adequate Inadequate Not Applicable Comments Below
This audit did not include a review of the ACR Program.

21. Determine if District Manager is holding the Supervisory Special Investigator accountable for properly evaluating and initiating or denying potential cases.
Adequate Inadequate Not Applicable Comments Below

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The Special Investigations Program was not included in this audit.

22. 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
Supervisors use the Key Indicator reports/district reports.

23. Determine if Districts are conducting in-depth Peer Reviews in compliance with agency policy and procedures including follow-up to determine effectiveness of corrective actions.
Adequate Inadequate Not Applicable Comments Below
Peer reviews were conducted for FY 2010 in the Vacaville field office, and for FY 2011 in the Albany, Oregon field office.

24. 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 Inadequate Not Applicable Comments Below
The district and field office should review the mine status of all mining operations during the year and determine appropriate changes and update the mine information in MSIS.

25. Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.
Adequate Inadequate Not Applicable Comments Below

26. Evaluate the overall condition of the mine relative to the level of enforcement documented in previously completed inspections.
Adequate Inadequate Not Applicable Comments Below

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Attachment B- Citations issued during the Audit

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Mine Citation/Order

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Section I--Violation Data

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

8a. Written Notice (103g)

8. Condition or Practice

The front windshield wiper on the 375L Caterpillar Excavator would not function when tested. The wiper was used when adverse rainy conditions obstructed the operators view. It was not raining at the time of the inspection. The excavator was used during the mining process and around the crusher and wash plant for special projects when needed. If a person were to be struck or run over by the unit they could receive serious permanently disabling injuries. The miner conducting the pre-shift inspection knew of the condition but had failed to inform the operator on the pre-shift form or any other means of communication.

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 56.14100b
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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) (6)	B. Time (24 Hr. Clock) (b) (6)
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Section III--Termination Action

17. Action to Terminate The wiper was repaired and functioning when retested.

18. Terminated	A. Date Mo Da Yr (b) (6)	B. 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)		23. AR Number (b) (6)

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.

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District Field Office Mine ID Date

Mine Citation/Order U.S. Department of Labor
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Section I--Violation Data		
1. Date Mo Da Yr (b) (6)	2. Time (24 Hr. Clock) (b) (6)	3. Citation/ Order Number (b) (6)
4. Served To (b) (6)		5. Operator (b) (6)
6. Mine (b) (6)		7. Mine ID (b) (6) (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The miner conducting the Pre-shift inspection on the 375L Caterpillar excavator did not report a defective front windshield wiper on the company Pre-shift form or by any other means to the operator. The excavator was being used to remove a conveyor from the wash plant operation. Weather condition were as such at the time that the wiper was not required. The miner and the supervisor stated that the wiper had been functional the last shift when it had been needed for use. The miner stated he had been trained on the reporting procedure and had just forgotten to document it or inform the operator of the issue.

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 56.14100d
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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 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 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
				F. Dated Mo Da Yr
15. Area or Equipment				

16. Termination Due	A. Date Mo Da Yr (b) (6)	B. Time (24 Hr. Clock) (b) (6)
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Section III--Termination Action

17. Action to Terminate MSHA reviewed the 30 CFR standard with the miner and the operator also reviewed it and stated they would have safety meetings with other employees when reviewing citations

18. Terminated	A. Date Mo Da Yr (b) (6)	B. 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)		23. AR Number (b) (6)	

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.

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Mine Citation/Order

U.S. Department of Labor
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Section I—Violation Data		
1. Date Mo Da Yr (b) (6)	2. Time (24 Hr. Clock) (b) (6)	3. Citation/ Order Number (b) (6)
4. Served To (b) (6)	5. Operator (b) (6)	
6. Mine (b) (6)	7. Mine ID (b) (6)	(Contractor)
8a. Written Notice (103g) <input type="checkbox"/>		

8. Condition or Practice
 The Concrete Farmer Blocks used to retain the 3/8 inch stockpile were leaning out over center into the work area around and under the 3/8 and 3/4 inch conveyors. The individual blocks dimensions were about 24 inches wide by 24 inches tall by 6 ft. long. The blocks were stacked 3 high. The blocks on the Northwest end were leaning out over center about 13 inches at the top block. Employees access the area during shut down to conduct cleanup and daily checks when required. This condition creates a crushing hazard to miners if the blocks were to fall over while a miner was working or passing through the area.

Termination date set to allow operator time to remove stockpile and properly reposition blocks

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 56.11001
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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 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 Mo Da Yr (b) (6)	B. Time (24 Hr. Clock) (b) (6)
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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 (b) (6)	21. Primary or Mill P
22. Signature (b) (6)		23. AR Number (b) (6)

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.

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 Mine Safety and Health Administration
 Office of Accountability

District Western Field Office Albany, OR 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 Mo Da Yr (b) (6)	2. Time (24 Hr. Clock) (b) (6)	3. Citation/ Order Number (b) (6)
4. Served To (b) (6)		5. Operator (b) (6)
6. Mine (b) (6)		7. Mine ID (b) (6) (Contractor)

8. Condition of Practice 8a. Written Notice (103g)
 The right side self cleaning tail pulley guard on the 1 1/2 inch Drain rock conveyor left an opening where a miner could contact the moving machine parts. The opening was 4 inches wide. The outer edge of the guard at the opening was 10 inches from the tail pulley fins. The Drain Rock conveyor guard was butted up next to the tail pulley guard on the conveyor to **(b) (6)**. Miners access the area when the plant was shut down to grease or conduct daily checks. A miner contacting the moving machine parts could receive serious crushing entanglement injuries. The guard had not been installed in it's proper position during the last time maintenance had been conducted on the unit.

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 56.14107a
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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) (6)	B. Time (24 Hr. Clock) (b) (6)
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Section III--Termination Action

17. Action to Terminate The guard was installed and secure in it's proper place over the opening at the self cleaning tail pulley

18. Terminated	A. Date Mo Da Yr (b) (6)	B. 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	23. AR Number (b) (6)
22. Signature (b) (6)			

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 Western Field Office Albany, OR 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 Mo Da Yr <u>(b) (6)</u>	2. Time (24 Hr. Clock) <u>(b) (6)</u>	3. Citation/ Order Number <u>(b) (6)</u>
4. Served To <u>(b) (6)</u>	5. Operator <u>(b) (6)</u>	
6. Mine <u>(b) (6)</u>	7. Mine ID <u>(b) (6)</u>	(Contractor)
8a. Written Notice (103g) <input type="checkbox"/>		

8. Condition or Practice
 Flammable materials were stored in the Electric Van where the main 480v electrical disconnects for the plant were located. Aerosol cans of Penetrating oil, engine enamel paint, and brake cleaner were stored on wooden shelving about 8 feet from the electrical panels. Also stored at the rear of the van about 15 feet from the electrical panels were 5 gallon cans of transmission fluid, 76 UNAX AW 32 oil, one gallon plastic containers of 15w-40 engine oil, and a metal safety can of mix gas. If an arc were to occur from the electrical panels the flammable materials could be ignited causing a fire. The van was accessed once a day by a miner to get tools. If a fire were to occur a person could receive serious burns to the body and or smoke inhalation.

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 <u>56.4500</u>
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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 <u>(b) (6)</u>	B. Time (24 Hr. Clock) <u>(b) (6)</u>
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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) <u>E01</u>	20. Event Number <u>(b) (6)</u>	21. Primary or Mill <u>P</u>
22. Signature <u>(b) (6)</u>		23. AR Number <u>(b) (6)</u>

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 Field Office Mine ID Date

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

Section I--Violation Data		3. Citation/Order Number
1. Date Mo Da Yr <input type="text" value="(b) (6)"/>	2. Time (24 Hr. Clock) <input type="text" value="(b) (6)"/>	<input type="text" value="(b) (6)"/>
4. Served To <input type="text" value="(b) (6)"/>	5. Operator <input type="text" value="COMMERCIAL REDI-MIX"/>	
6. Mine <input type="text" value="(b) (6)"/>	7. Mine ID <input type="text" value="(b) (6)"/>	(Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The self cleaning tail pulley on the rear conveyor of the Roadrunner screen plant was not guarded to keep miners from contacting the moving machine parts. The right side of the tail pulley was exposed and located 42 inches from the ground level on the end of the plant. The opening on the side was 21 inches wide and 36 inches long between the metal frame work. One person operates the plant and was on the ground once each shift to conduct checks and to start and stop the plant. This condition creates a crushing entanglement injury hazard to persons walking by or working in the area while the plant was operating. The operator stated he was not aware that the topsoil reclaim plant was under MSHA jurisdiction.

Termination date was set to allow the operator time to remove the unit to 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 <input type="text" value="56.14107a"/>
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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:

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

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

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 <input type="text" value="(b) (6)"/>	B. Time (24 Hr. Clock) <input type="text" value="(b) (6)"/>
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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) <input type="text" value="E01"/>	20. Event Number <input type="text" value="(b) (6)"/>	21. Primary or Mill <input type="text" value="P"/>
22. Signature <input type="text" value="(b) (6)"/>		23. AR Number <input type="text" value="(b) (6)"/>

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 Western Field Office Albany, OR Mine ID (b) (6) Date (b) (6)

Mine Citation/Order
 Continuation

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



Section I--Subsequent Action/Continuation Data

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

Section II--Justification for Action

Continuation of 8. Condition or Practice
 their shop area and repair the violative conditions.

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 (b) (6)					
11. Signature (b) (6)	AR Number (b) (6)	12. Date	Mo (b) (6)	Da (b) (6)	Yr (b) (6)	13. Time (24 Hr. Clock) (b) (6)

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

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

District Western Field Office Albany, OR Mine ID (b) (6) Date (b) (6)

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

Section I--Violation Data		3. Citation/Order Number <u>(b) (6)</u>
1. Date <u>(b) (6)</u>	2. Time (24 Hr. Clock) <u>(b) (6)</u>	
4. Served To <u>(b) (6)</u>	5. Operator <u>(b) (6)</u>	
6. Mine <u>(b) (6)</u>	7. Mine ID <u>(b) (6)</u>	(Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The conveyor under screen on the Roadrunner topsoil screen plant was not adequately guard on the under side to keep miners from contacting the moving machine parts. The tail pulley was 41 inches from ground level and located up under the frame of the plant and screen unit. A miner would have to go under the unit to grease the bearing. If a miner were to contact the moving parts they could receive crushing entanglement injuries. One person runs the plant while operating the loader that feeds the unit. The Operator stated he was not aware that the topsoil reclaim plant was under MSHA jurisdiction.

Termination date was set to allow the operator time to remove the unit to their shop area and correct the violative conditions.

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	56.14107a
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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

15. Area or Equipment

16. Termination Due	A. Date <u>(b) (6)</u>	B. Time (24 Hr. Clock) <u>(b) (6)</u>
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Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date <u>(b) (6)</u>	B. Time (24 Hr. Clock)
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Section IV--Automated System Data		
19. Type of Inspection (activity code) <u>E01</u>	20. Event Number <u>(b) (6)</u>	21. Primary or Mill <u>P</u>
22. Signature <u>(b) (6)</u>		23. AR Number <u>(b) (6)</u>

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 Western Field Office Albany, OR Mine ID (b) (6) Date (b) (6)

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

Section I--Violation Data		3. Citation/Order Number
1. Date (b) (6)	2. Time (24 Hr. Clock) (b) (6)	(b) (6)
4. Served To (b) (6)		5. Operator (b) (6)
6. Mine (b) (6)	7. Mine ID (b) (6)	8a. Written Notice (103g) <input type="checkbox"/>

8. Condition or Practice

The head pulley on the feed conveyor of the Roadrunner topsoil screen plant was not adequately guarded to keep miners from contacting the moving machine parts. A metal guard had been provide on the both sides of the unit but left an opening on the front side. The opening was 8 inches wide by 8 inches in height. The head pulley and conveyor belt were within 10 inches of the front edge of the provided guard. The head pulley was also 51 inches above the work platform. A manual start switch for the feed belt was located on the hand rail within 29 inches from the opening in the head pulley guard. A miner could access the area to jog the feed belt or pick sticks from the screen. A miner contacting the moving machine parts could receive serious crushing entanglement injuries. The operator stated he was not aware that the topsoil reclaim plant was under MSHA jurisdiction.

See Continuation Form (MSHA Form 7000-3a)

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

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) (6)	B. Time (24 Hr. Clock) (b) (6)
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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 (b) (6)	21. Primary or Mill P
22. Signature (b) (6)		23. AR Number (b) (6)

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 Western Field Office Albany, OR Mine ID (b) (6) Date (b) (6)

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

Section I--Violation Data		3. Citation/Order Number (b) (6)
1. Date (b) (6)	2. Time (24 Hr. Clock) (b) (6)	
4. Served To (b) (6)		5. Operator (b) (6)
6. Mine (b) (6)	7. Mine ID (b) (6)	(Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The side screen on the Roadrunner topsoil screen plant was not adequately guard on the under side to keep miners from contacting the moving machine parts. The tail pulley was 44 inches from ground level and located up under the frame of the screen plant. A miner would have to go under the unit to grease the bearing. The start stop controls were located out side the frame and about 2 feet the tail pulley. The tail pulley was 17 inches from the edge of the frame of the plant. If a miner were to contact the moving parts they could receive crushing entanglement injuries. One person runs the plant while operating the loader that feeds the unit. The Operator stated he was not aware that the topsoil reclaim plant was under MSHA jurisdiction.

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	56.14107a
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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

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

18. Terminated	A. Date (b) (6)	B. Time (24 Hr. Clock)
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Section IV--Automated System Data		
19. Type of Inspection (activity code) <u>E01</u>	20. Event Number (b) (6)	21. Primary or Mill <u>P</u>
22. Signature (b) (6)		23. AR Number (b) (6)

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 Western Field Office Albany, OR 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 Mo Da Yr <u>(b) (6)</u>	2. Time (24 Hr. Clock) <u>(b) (6)</u>	3. Citation/ Order Number <u>(b) (6)</u>
4. Served To <u>(b) (6)</u>	5. Operator <u>(b) (6)</u>	
6. Mine <u>(b) (6)</u>	7. Mine ID <u>(b) (6)</u>	(Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

A berm was not provided on the lower half of the feed ramp for the Roadrunner topsoil screen plant. The feed ramp was access throughout a shift by a 770-7 Hyundai Front end loader. The feed ramp was 19 feet long from the lower level up to where a Farmers block berm had been provided. The feed ramp was 14 feet wide with an incline in elevation up to 53 inches in height. This condition created a rollover hazard for the loader if the operator were to misjudge an over travel the open edge. The loader operator could receive serious injuries from broken bones, bruises, cuts or concussion if the loader were to over turn. The operator stated he was not aware that the topsoil reclaim plant was under MSHA jurisdiction.

The feed ramp was beamed off while the plant was removed. A termination
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 <u>56.9300a</u>
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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 <u>(b) (6)</u>	B. Time (24 Hr. Clock) <u>(b) (6)</u>
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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) <u>E01</u>	20. Event Number <u>(b) (6)</u>	21. Primary or Mill <u>P</u>
22. Signature <u>(b) (6)</u>		23. AR Number <u>(b) (6)</u>

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 Western Field Office Albany, OR Mine ID (b) (6) Date (b) (6)

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 (b) (6)	Da (b) (6)	Yr (b) (6)	3. Citation/ Order Number (b) (6)
4. Served To (b) (6)				5. Operator (b) (6)	
6. Mine (b) (6)				7. Mine ID (b) (6) (Contractor)	

Section II—Justification for Action

Continuation of 8. Condition or Practice

date was set to allow the operator time to remove the screen plant to the shop, correct the violative conditions and return the plant to its place at the mine site.

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 (b) (6)					
11. Signature (b) (6)	AR Number (b) (6)	12. Date	Mo (b) (6)	Da (b) (6)	Yr (b) (6)	13. Time (24 Hr. Clock) (b) (6)

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

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

District Western Field Office Albany, OR 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 Mo Da Yr (b) (6)	2. Time (24 Hr. Clock) (b) (6)	3. Citation/ Order Number (b) (6)
4. Served To (b) (6)		5. Operator (b) (6)
A. Mine (b) (6)		7. Mine ID (b) (6) (Contractor)

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

The openings at the ladder access points on both sides of the elevated screen work deck travel way on the Roadrunner topsoil screen plant did not have railings installed. Miners working on the elevated travel way could fall through the openings while working in the area. The openings were 28 inches wide and 8 feet from ground level. Miners would have to access the travel way to remove sticks from the screen and to conduct maintenance and lube requirements. If a miner were to fall through the opening to the ground below they could receive serious permanently disabling injuries. The operator stated he was not aware that the topsoil reclaim plant was under MSHA jurisdiction.

Termination date was set to allow the operator time to remove the unit to See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 56.11012
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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) (6)	B. Time (24 Hr. Clock) (b) (6)
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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 (b) (6)	21. Primary or Mill P	23. AR Number (b) (6)
22. Signature (b) (6)			

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 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 (b) (6)	3. Citation/ Order Number (b) (6)
4. Served To (b) (6)	5. Operator (b) (6)	
6. Mine (b) (6)	7. Mine ID (b) (6)	(Contractor)

Section II--Justification for Action

Continuation of 8. Condition or Practice
 the shop area and repair the violative conditions.

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 (b) (6)		
11. Signature (b) (6)	AR Number (b) (6)	12. Date Mo Da Yr (b) (6)	13. Time (24 Hr. Clock) (b) (6)

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

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

Warning signs or barricades were not posted on the back side of the feeder or at the over sized chute on the Roadrunner screen plant to warn persons of the falling materials hazard. Over sized dirt clods that range in size up to about 4 inches in diameter fell in an unprotected area at the end of the screen plant while some materials were spilled over the backside of the feeder when the loader would dump materials. A person walking around the plant that was unaware of the hazards could be stuck causing serious permanently disabling injuries. The screen plant was operated by one person on a front end loader. The operator stated he was not aware that the topsoil reclaim plant was under MSHA jurisdiction.

Termination date was set to allow the operator time to remove the unit to 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 56.20011
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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 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
15. Area or Equipment				

16. Termination Due	A. Date Mo Da Yr (b) (6)	B. Time (24 Hr. Clock) (b) (6)
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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 (b) (6)	21. Primary or Mill P
22. Signature (b) (6)		23. AR Number (b) (6)

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 Western Field Office Albany, OR Mine ID (b) (6) Date (b) (6)

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) Mo Da Yr <u>(b) (6)</u>	3. Citation/Order Number <u>(b) (6)</u>
4. Served To <u>(b) (6)</u>	5. Operator <u>(b) (6)</u>	
6. Mine <u>(b) (6)</u>	7. Mine ID <u>(b) (6)</u>	(Contractor)

Section II--Justification for Action

Continuation of 8. Condition or Practice

their shop area and repair the violative conditions.

Section III--Subsequent Action Taken See Continuation Form

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 <u>E01</u>	10. Event Number <u>(b) (6)</u>		
11. Signature <u>(b) (6)</u>	AR Number <u>(b) (6)</u>	12. Date Mo Da Yr <u>(b) (6)</u>	13. Time (24 Hr. Clock) <u>(b) (6)</u>

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

INTERNAL REVIEW AUDIT MATRIX SCORING SYSTEM - ALBANY OREGON, ALBANY FIELD OFFICE AUDIT, SEPTEMBER 26, 2011										
CAT	Applies to Program Area	Internal Review Findings	Summation or Examples	Category Base Point Value	Base Points Value	RESPONSIBILITY			SUM	Internal Review Category Percentage
						Inspector = 1	Supervisor = 2	District = 3		
1	C/MNM	MSHA failed to identify the deviations in approved plans	All plans, training, escape, roof, ventilation, anything that requires approval	5					0	0%
2	C/MNM	Incomplete or inadequate inspections	Not following policy, procedures, failure to cite violations, inspecting all areas/equipment, conducting 103(!) inspections	5					0	0%
3	C/MNM	Supervisors did not provide adequate oversight	No review/lax review of inspection reports/ PKW/SAR/FAR/AA	5		N/A			0	0%
4	C/MNM	Improper evaluation of gravity, negligence, type of enforcement action	Self evident/ Inadequate documentation/note taking	5					0	0%
5	C/MNM	Peer Reviews were inadequate	Did not include audit reviews, follow up, FARs/AAs	4		N/A			0	0%
6	C/MNM	Weakness in the ACRI Program	Not following ACRI policy/handbook, management oversight of ACRI program, ACRI program consistent with Mine Act, 30 CFR, MSHA policy	3		N/A	N/A		0	0%
7	C/MNM	MSHA Data not used/reviewed	Key Indicators, Mine Profile, Inspection Completion Statistics, Databases not maintained	2					0	0%
8	C/MNM	Lack of Unwarrantable Failure Tracking System	Self Explanatory	1		N/A			0	0%
9	C/MNM	Conflict of Interest	Prior employment, supervision of relatives, etc.	1					0	0%
10	C/MNM	Failure to comply with Hazard Complaints procedures	Hazard Complaint handbook, policies, procedures not being followed	1					0	0%
11	C	Failure to conduct investigations for multi-phase plans	No on-site investigations	1		N/A	N/A		0	0%
12	C	Failure to observe retreat mining	Whenever retreat mining is conducted (except longwall mining)	1					0	0%
TOTAL SCORE									0	

Minimum Score = 0
 Coal Maximum Score = 96
 MNM Maximum Score = 85

Summary: A) The audit revealed the Albany Field Office, Albany Oregon had none of the twelve most common issues found in the internal review reports as issues identified by the audit team.

B) **None of the ten** internal review categories that relate to the metal-nonmetal program area were identified during this audit.