



November 1, 2012

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for Operations
Mine Safety and Health Administration

(b) (6)

THROUGH:

NEAL H. MERRIFIELD
Administrator for
Metal Nonmetal Mine Safety and Health

(b) (6)

FROM:

JAY MATTOS
Director, Office of Assessments, Accountability, Special
Enforcement and Investigations

SUBJECT:

MSHA Office of Accountability Audit, MNM Rocky Mountain
District, Green River, Wyoming Field Office, and (b) (6)
(b) (6)

Introduction

This memorandum summarizes the Office of Accountability's (OA) audit of the subject district office, 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 included evaluations to determine if there were any deficiencies in areas commonly identified during Agency internal reviews of MSHA's actions following past mine disasters.

Positive findings are included in this audit report.

Overview

This audit was conducted by Accountability Specialists Arlie A. Webb, Jerry J. Kissell, and Ted Smith, OA Supervisor, from (b) (6) The (b) (6) and the (b) (6) accompanied the accountability specialists during this audit.

The audit team traveled with the inspection party to the mine on a regular (E-01) inspection. Areas and activities examined included the mine file, pre-inspection conference, safety meeting, review of records, main elevator and shaft, mantrip vehicles, the Longwall Mining Section and the #10 Bore Miner Section.

Longwall Section - The primary escapeway (travelway) was inspected from the elevator shaft to the longwall section. Although the longwall was not producing during the audit, the inspection included an examination of the entire longwall face for imminent dangers, the longwall shear, shields, areas behind the longwall set-up, the tailgate and headgate areas, air quantity and quality checks at the mid-point of the longwall and at the tailgate, roof, ribs, longwall and mine communication systems, and a portion of the bleeder system. Permissibility examinations were conducted on the longwall shear and the lighting system.

#10 Bore Miner Section – The primary escapeway (travelway) was inspected from the elevator shaft to the miner section. The inspection included an examination of the section for imminent dangers, observation of the mining cycle, roof, ribs, air quantity and quality checks in the last open crosscut and the face areas, permissibility on a continuous mining machine, roof bolting machine, and shuttle car, trailing cables for the mining machine, bolting machine and shuttle car, and the mine communication system.

Surface areas inspected included the mine office, access roads, Sesqui Capital Crew mechanics shop, Sesqui Capital Electrical Crew shop, air condition shop, electrical shop, machine shop, repair shop, Melter building, A-Crew Shop, Lube Shack, Pump Repair Shop and the Heavy Equipment Storage Building. Equipment inspected included a mobile boom truck, Broderson boom mobile crane, Grove RT 890 E mobile crane, Grove RT 745 mobile crane, and a Grove RT 530 E mobile crane

The audit team also observed a hazard complaint inspection/investigation during the mine site visit, from opening conference through a review of negative findings with the operator, contractor and union representative.

Following each day's inspection activities, a daily close-out conference was conducted with mine management, the safety department, and union representatives.

Audit Results

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

1. Enforcement personnel conducted themselves in a professional and courteous manner at all times during the audit and during the inspection.
2. Inspectors demonstrated strong and positive communication skills during the mine site visit.
3. Inspection procedures observed during the audit were in compliance with MSHA policy and procedures.
4. Enforcement personnel used appropriate enforcement tools during the mine site visit.

4. Enforcement personnel used appropriate enforcement tools during the mine site visit.
5. Field Accompanied Reviews (FARs) and Office Reviews (ORs) for the Green River field office were adequately documented.
6. The field office supervisor exceeded the minimum required Office Reviews (ORs) and Field Accompanied Reviews (FARs) for FY 2012.
7. The ADM exceeded the minimum number of required 2nd level reviews by doing at least one Accompanied Activity (AA) review and two FAR reviews for each inspector in the Green River field office for both FY 2011 and FY 2012.
8. 103(i) spot inspections (E02) were conducted at irregular intervals and within the required time frames.
9. Staff and safety meetings were documented and showed updates and reviews of MSHA initiatives and policy memoranda.
10. The onsite time for E01 inspections of the underground mines in the Green River field office was above the national average for the time period reviewed.

This audit revealed no issue(s) that require a corrective action.

Attachments

- A. Internal Review Summary
- B. Office of Accountability Audit Checklist
- C. Statistics
- D. Citations/Orders issued during this audit
 1. (b) (6) 57.14207
 2. (b) (6) 57.12018
 3. (b) (6) 57.20011
 4. (b) (6) 57.11001
- E. Examples of Citations Issued During Previous E01 Inspections
(No issues were identified during this audit)
- F. District Corrective Action Plan – No corrective actions needed

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District Rocky Mountain Field Office Green River, WY Mine ID (b) (6) Date (b) (6)

Attachment A – Internal Review Summary

The table below lists the most common internal review findings following mine disasters. The Green River, Wyoming field office had none of the most commonly identified issues.

Common Internal Review Findings	Examples of Deficiencies found:
Failure to identify deviations in approved plans.	Not identifying operator departures from requirements in any plan that requires approval, such as training plans, roof control plans, ventilation plans, emergency response plans, etc.
Incomplete or inadequate inspections.	Not following policy or procedures for conducting inspections. Failure to cite all violations. Not inspecting all areas and equipment.
Failure to conduct 103(i) spot inspections according to policy.	Not conducting spot inspections in a timely manner and at irregular intervals.
Supervisors did not provide adequate oversight.	No review/lax review of inspection reports. Inadequate review of PKW/SAR forms. Failure to conduct required Field Activity Reviews and Accompanied Activities.
Improper evaluations of gravity, negligence and type of enforcement action.	Inadequate documentation to support citation and evaluation. Failure to consider and document aggravating or mitigating circumstances.
Inadequate Peer Reviews	Inadequate district level Peer Reviews. Failure to adopt and follow corrective action plans. Failure to follow up or monitor effectiveness of corrective action plans.
Weakness in the ACR Program	Not following ACR handbook. Inadequate management oversight. Failure to follow the Mine Act, MINER Act, 30 CFR and MSHA policy.
MSHA data not used or reviewed.	Key Indicators, Mine Profile, Inspection completion reports not being used. Failure to keep MSIS data up to date and accurate.
Lack of unwarrantable failure tracking system	No or inadequate unwarrantable failure sequence tracking system.
Conflict of Interest	Inspecting prior employers, employment of relatives
Failure to comply with Hazard Complaint Procedures.	Improper coding of inspections. Inadequate documentation of inspections/investigations.
Investigations of multi-phase plans	Failure to conduct on-site evaluations of plans.
Failure to observe retreat mining.	Inadequate periodic evaluations when retreat mining is conducted.

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Attachment B – Audit Checklist

1. Determine if complete and thorough E01 inspections are being conducted.
Adequate Corrective Action Needed Comments Below

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

3. Evaluate inspector(s) examination of required records and postings for compliance with
applicable standards.
Adequate Corrective Action Needed Comments Below
Reports reviewed show all required records were inspected

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

5. Evaluate the inspector(s) on-site contaminant assessment and documentation.
Adequate Corrective Action Needed Comments Below
No health samples were taken during the audit mine visit inspection. A review of previous
inspection reports verify the last health survey was conducted in May 2012. During the onsite
mine inspection airborne gas containments were constantly monitored by MSHA enforcement
personnel.

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

Adequate Corrective Action Needed Comments Below

Permissibility exams appear to be thorough and properly completed.

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

Adequate Corrective Action Needed Comments Below

Field notes reviewed show daily and final close-outs are consistently conducted.

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

Adequate Corrective Action Needed Comments Below

Six PKW forms were reviewed with no issues found.

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 Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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 Corrective Action Needed Comments Below

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District Field Office Mine ID Date

12. Are required Office Reviews (ORs) 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 Corrective Action Needed Comments Below

Field Office supervisor exceeded the minimum required office reviews for his work group and did additional reviews for the Rapid City field office as well.

13. Are Field Accompanied Reviews (FARs) and supervisory follow-up reviews being conducted and documented according to agency policy and procedures?
(one/inspector/year - minimum)

Adequate Corrective Action Needed Comments Below

Field Office supervisor exceeded the minimum required Field Accompanied Activity reviews for his work group and did additional reviews for the Rapid City field office as well.

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

16. Determine if supervisors are visiting active mines.

Adequate Corrective Action Needed Comments Below

The field office supervisor made multiple mine visits with and without inspectors beyond the required field accompanied activities.

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

Adequate Corrective Action Needed Comments Below

Staff/safety meetings reviewed were documented and covered MSHA policy and procedures as well as safe practices and safety alerts.

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District Field Office Mine ID Date

18. Determine if Assistant District Manager is conducting the required second level reviews and holding supervisors accountable for oversight of Office Reviews and Field Accompanied Activity Reviews.
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(b) (6)

19. Determine if district management personnel are reviewing work products and reports for accuracy and completeness.
Adequate Corrective Action Needed Comments Below

20. Determine if District Manager is using discretion in granting conferences and monitoring the ACR program to ensure that all decisions (including upholding, modifying or vacating citations) are properly documented and justified by the CLR's.
(b) (6)

21. Determine if District Manager is holding the Supervisory Special Investigator accountable for properly evaluating and initiating or denying potential cases.
(b) (6)

22. Determine if managers and supervisors are using required standardized reports to review critical data relevant to inspections and investigations.
Adequate Corrective Action Needed Comments Below
Monthly data reports are reviewed

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District

Rocky
Mountain

Field
Office

Green River, WY

Mine ID

(b) (6)

Date

(b) (6)

23. Determine if Districts are conducting in-depth Peer Reviews in compliance with agency policy and procedures including follow-up to determine the effectiveness of corrective actions.

Adequate

Corrective Action Needed

Comments Below

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

Adequate

Corrective Action Needed

Comments Below

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

Adequate

Corrective Action Needed

Comments Below

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

Adequate

Corrective Action Needed

Comments Below

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Mine Safety and Health Administration
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District Rocky Mountain Field Office Green River, WY Mine ID (b) (6) Date (b) (6)

Attachment C – Statistics

S&S Rate Comparison

During FY 2011, the S&S rates for the Green River, WY Field Office are lower than the average for the Rocky Mountain District and national average. Citations issued during the audit were appropriately issued and consistent with policy and procedures. (See attachment B)

Fiscal Year	Green River Field Office	Rocky Mountain District	National Average
2011	26%	32%	30%
2012	27%	30%	30%

Time and Activity Comparison

A comparison of FY 2011 and FY 2012 time distribution for the Green River field office at surface facilities shows that time in the other category has remained about the same and on-site time has increased.

Time Distribution (%) – E01 Inspections at Surface Facilities							
FY	Area/Office	Travel	**Other	*Total On-Site	Citations Issued On-Site	Citations Issued Off-Site	Total Percent
2011	Green River	39%	14%	42%	1%	5%	100%
	Nat'l Avg	21%	11%	61%	3%	6%	100%
2012	Green River	37%	15%	46%	3%	2%	100%
	Nat'l Avg	21%	11%	61%	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 2011 and FY 2012 time distribution for the Green River field office at surface mines shows that time in the other remained about the same and on-site time has decreased.

Time Distribution (%) – E01 Inspections at Surface Mines							
FY	Area/Office	Travel	**Other	*Total On-Site	Citations Issued On-Site	Citations Issued Off-Site	Total Percent
2011	Green River	34%	16%	47%	3%	3%	100%
	Nat'l Avg	26%	12%	55%	3%	7%	100%
2012	Green River	35%	15%	45%	2%	5%	100%
	Nat'l Avg	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

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District Rocky Mountain Field Office Green River, WY Mine ID (b) (6) Date (b) (6)

A comparison of FY 2011 and FY 2012 time distribution for the Green River field office at underground mines shows that time in the other category has increased and on-site time has decreased.

Time Distribution (%) – E01 Inspections at Underground Mines							
FY	Area/Office	Travel	**Other	*Total On-Site	Citations Issued On-Site	Citations Issued Off-Site	Total Percent
2011	Green River	11%	14%	70%	3%	5%	100%
	Nat'l Avg	25%	11%	58%	2%	6%	100%
2012	Green River	12%	16%	67%	2%	5%	100%
	Nat'l Avg	24%	10%	60%	2%	6%	100%

** Other time includes calibration of health sampling equipment, and mailing of samples
 * Total On-Site time includes citations written on-site

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District Rocky Mountain Field Office Green River, WY Mine ID (b) (6) Date (b) (6)

Attachment D- Citations issued during the Audit

Mine Citation/Order		<i>Copy</i>		U.S. Department of Labor Mine Safety and Health Administration		
Section I--Violation Data						
1. Date	Mo Da Yr	2. Time (24 Hr. Clock)	3. Citation/Order Number		(b) (6)	
4. Served To			5. Operator			
(b) (6)			(b) (6)			
6. Mine			7. Mine ID		(b) (6)	
(b) (6)					(Contractor)	
8. Condition or Practice						
8a. Written Notice (103g) <input type="checkbox"/>						
THE # 493 CHERRY PICKER LOCATED IN THE K 1 CAPITAL SHOP DID NOT HAVE THE PARK BRAKE SET WHEN THE INSPECTION PARTY CHECKED IT. THE OUT RIGGERS WERE SET, AND IT WAS ON LEVEL GROUND MAKING IT UNLIKELY THAT AN ACCIDENT WOULD OCCUR DUE TO THIS CONDITION, HOWEVER THE PARKE BRAKE MUST BE SET TO PREVENT INJURY TO EMPLOYEES IN THIS AREA.						
Standard 57.14207 was cited (b) (6) to the operator, 0 to a contractor).						
See Continuation Form (MSHA Form 7000-3a) <input type="checkbox"/>						
9. Violation	A. Health Safety Other	B. Section of Act	C. Part/Section of Title 30 CFR			
	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		57.14207			
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		Mo Da Yr	B. Time (24 Hr. Clock)		(b) (6)	
(b) (6)		(b) (6)			(b) (6)	
Section III--Termination Action						
17. Action to Terminate THE PARK BRAKE WAS SET, BRINGING THE VIOLATION INTO COMPLIANCE.						
18. Terminate						
A. Date		Mo Da Yr	B. Time (24 Hr. Clock)		(b) (6)	
(b) (6)		(b) (6)			(b) (6)	
Section IV--Automated System Data						
19. Type of Inspection (activity code)		20. Event Number		21. Primary or Mill		
E03		(b) (6)		M		
22. Signature				23. AR Number		
(b) (6)				(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.

(b) (6)

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

District Rocky Mountain Field Office Green River, WY Mine ID (b) (6) Date (b) (6)

Mine Citation/Order *Copy* 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)
8. Condition or Practice		
(Contractor) <input type="checkbox"/>		
8a. Written Notice (103g) <input type="checkbox"/>		

THE SWITCH/BUTTON LOCATED IN THE ELECTRICAL SHOP LOCATED ON THE NORTH WEST WALL WAS NOT LABELED TO SHOW WHAT IT CONTROLS. YOU CAN NOT TELL BY LOOKING AT IT WHAT IT CONTROLS. IT RUNS THROUGH THE WALL INTO THE HEAVY EQUIPMENT BUILDING.

Standard 57.12018 was cited **(b) (6)** to the operator, 0 to a contractor).

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 57.12018
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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 SWITCH WAS LABELED TO SHOW WHAT IT CONTROLLED, BRINGING THE VIOLATION INTO COMPLIANCE.

18. Terminate	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) E03	20. Event Number (b) (6)	21. Primary or Mill M	22. Signature (b) (6)	23. AR Number (b) (6)
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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 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.

(b) (6)

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 Mine Safety and Health Administration
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District Rocky Mountain Field Office Green River, WY Mine ID (b) (6) Date (b) (6)

Mine Citation/Order

Copy

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"/>

THE FOUR INCH STEAM LINE LOCATED IN THE H CREW LUBE SHACK IS NOT INSULATED TO PREVENT EMPLOYEES FROM A BURN HAZARD. EMPLOYEES ARE REQUIRED TO BE IN THIS LUBE SHACK DAILY. THEY ALSO HAVE AN OVEN THAT WOULD PLACE EMPLOYEES IN THIS AREA TO GET THEIR LUNCH DAILY.

Standard 57.20011 was cited (b) (6) to the operator, 0 to a contractor).

to the

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 57.20011
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Section II—Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: 001	
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input 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. Terminate	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 Mili M	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.

(b) (6)

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

District Rocky Mountain Field Office Green River, WY Mine ID (b) (6) Date (b) (6)

Mine Citation/Order

Copy

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)
8. Condition or Practice					(Contractor)

8a. Written Notice (103g)

THE SKIN LOCATED ON THE NORTH AND NORTH EAST END OF THE MELTER BUILDING IS LOOSE CAUSING A HAZARD TO EMPLOYEES WHO ARE REQUIRED TO BE IN THIS AREA DAILY. THE COMPANY HAS PLANS TO CORRECT THIS CONDITION ON 10-15-2012, HOWEVER DUE TO THE LOOSE SKIN WHERE EMPLOYEES HAVE TO WORK AN ACCIDENT COULD HAPPEN BEFORE THE 15TH.

Standard 57.11001 was cited **(b) (6)** to the operator, 0 to a contractor).

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	57.11001
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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: 002

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. Terminate	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	M
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.

(b) (6)

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

District Rocky Mountain Field Office Green River, WY Mine ID (b) (6) Date (b) (6)

Attachment E – Examples of Citations Issued During Previous E01 Inspections

No issues were identified during this audit

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

District Field Office Mine ID Date

Attachment F – District Corrective Action Plan

No corrective action plan is needed.