



FEB 13 2017

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

THROUGH: KEVIN G. STRICKLIN [REDACTED]
Acting Administrator for [REDACTED]
Metal and Nonmetal Mine Safety and Health

FROM: THOMAS W. CHARBONEAU [REDACTED]
Director, Office of Assessments

SUBJECT: Mine Safety and Health Administration (MSHA)
Office of Accountability Review, Metal and Nonmetal Rocky
Mountain District, Topeka, Kansas Field Office and
[REDACTED]

Introduction

This memorandum summarizes the Office of Accountability's review of the subject district office, field office, and mine. This review 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 review also involved evaluations to determine if there were any issues in areas commonly identified during Agency internal reviews of MSHA's actions following past mine disasters.

Purpose

The purpose of this accountability review is to determine whether MSHA enforcement policies, procedures and guidance are being followed consistently; assess whether mission critical enforcement activities are accomplished effectively and to evaluate and improve the overall performance of MSHA's enforcement program. The major outcome expected from the Office of Accountability's review program is the identification of potential or actual areas for improvement and the subsequent implementation of effective corrective actions to address any identified issues.

Office of Accountability (OA) Specialists Troy Davis and Jerry Kissell (Review Team) conducted this review of Metal and Nonmetal's (MNM) Rocky Mountain District and the Topeka, Kansas Field Office (FO), from [REDACTED]. This review focused on inspection activities during FY 2015 (October 2014 through September 2015) and the first half of FY 2016 (October 2015 through March 2016), and included supervisory oversight activities, Field Accompanied Reviews (FARs) and Office Reviews (ORs) for FY 2015 and the first half of FY 2016. The review concentrated specifically on two regular E01 inspections, Event No. [REDACTED] and [REDACTED] conducted by the Topeka, Kansas FO of the [REDACTED].

Overview

The review was conducted in accordance with the annual accountability review plan schedule. The [REDACTED] was selected for review due to its large size as a crushed [REDACTED] mining property.

As a part of this review, the Review Team conducted a mine visit to evaluate the general conditions at the mine; assess whether conditions at the mine are commensurate with enforcement levels documented in the inspection reports reviewed; and to observe work practices at the mine site.

Mine Visit ([REDACTED])

The Review Team accompanied the Field Office Supervisor and an inspector to the [REDACTED] on [REDACTED] as part of a Regular Inspection (E01). The [REDACTED] is a surface crushed [REDACTED] mine located in [REDACTED] producing an average of [REDACTED] tons annually. The mine employs [REDACTED] miners working one ten-hour production shift, five days per week. [REDACTED] is mined by drilling and blasting [REDACTED] in a surface quarry, which is subsequently loaded onto Caterpillar 777 haul trucks. The raw material is transported to a primary crusher where the material is crushed and transferred by conveyers through a series of screens and secondary cone crushers for further resizing. Once processed, the final product is prepared for commerce.

The inspection group visited the three active quarry benches; the overburden bench, the top production bench and the [REDACTED] production ledge. The group also observed the screen plant, the pug mill, the mechanics shop, the oil storage area, the tool and parts storage shed and the welding shop.

Equipment inspected and observed included: an Atlas Copco T-45 Flexiroc drill, a Caterpillar 990 front end loader, a Caterpillar 970-F front end loader, a Caterpillar 988 H front end loader, two Caterpillar 777 haul trucks, a Caterpillar 775 - G haul truck, a Caterpillar D-9 L dozer, a Deere 330-C excavator, a Ford F-250 drillers truck, a Ford F-250 mine mechanics truck, a Dodge 5500 service/boom truck, a Caterpillar 769 - C water truck, the pug mill, conveyor belts, guarding, and electrical conditions.

The Review Team and inspection personnel also observed the primary crusher dump point, primary crusher, haul truck loading practices, high wall conditions, road ways, berms, housekeeping, walk ways, communications, break rooms, and the inspector's pre- and post-inspection discussions with the operator and safety talks with miners. During the mine visit, the inspector issued five enforcement actions.

Review Results

Positive Findings:

This accountability review revealed positive findings in several areas, including the following:

1. For the E01 inspection reports reviewed, notes and documentation were organized, clear and concise, and included pictures of violations.
2. For the E01 inspections reviewed, inspectors documented in detail their observations of work practices, mining cycles observed, and safety talks conducted with miners.
3. The supervisor regularly conducted staff meetings with inspectors and documented topics covered. The meetings provided inspectors with pertinent enforcement information and updates and reviews of MSHA policy and procedures.
4. All required ORs were completed, with an additional 3 OR's per inspector, exceeding the minimum requirements. Also one additional FAR per inspector exceeded the minimum requirements.
5. Sound pressure level readings were taken and recorded on all mobile equipment inspected.
6. The review did not reveal any major issues that require a corrective action plan.

The Review Team identified a lessor issue regarding enforcement action documentation and discussed it with the field office and district.

As a part of the review, the OA compared enforcement levels of the mine with the field office, district, and national averages. The mine had a significant and substantial (S&S) rate of 25 percent during FY 2015 compared to the FO S&S rate of 33 percent; a district S&S rate of 28 percent; and the national S&S rate of 26 percent. This comparison of FY 2015 showed the S&S rate for the mine was lower than the average S&S rates of the field office, district and nation.

Based on the review and observations made during the mine visit, enforcement levels were appropriate with existing mining conditions and work practices.

Attachments

A. Office of Accountability Checklist

B. Citations issued during this review

- [REDACTED] 56.14207
- [REDACTED] 56.14100(b)
- [REDACTED] 56.14100(b)1
- [REDACTED] 56.4100(b)
- [REDACTED] 56.14100

C. Discussion Topics

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

District Field Office Mine ID Date

Attachment A – Office of Accountability Checklist

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

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

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

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

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

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

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

Reviewed Timelines for decision only per SI Handbook

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

Adequate Corrective Action Needed Comments Below

Not reviewed as a part of this review. The Field Office does not have any mines in a 103(i) status.

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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Mine Safety and Health Administration
Office of Accountability

District Field Office Mine ID Date

13. Are required Field Accompanied Reviews (FARs), Office Reviews (ORs) and supervisory follow-up reviews being conducted and documented according to agency policy and procedures?
(OR's -One E-01/Inspector/every six months/FY -minimum; FAR's - one/inspector/year - minimum)

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

16. Determine if supervisors are visiting active mines.

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

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Mine Safety and Health Administration
Office of Accountability

District Field Office Mine ID Date

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

Key indicators and district internal reports are used

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

Adequate Corrective Action Needed Comments Below

22. Is methane liberation information being entered into the MSHA Standardized Information System (MSIS) accurately and in a timely manner?

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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Mine Safety and Health Administration
Office of Accountability

District Field Office Mine ID Date

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

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 Mine Safety and Health Administration
 Office of Accountability

District Rocky Mountain Field Office Topeka, KS Mine ID [REDACTED] Date [REDACTED]

Attachment B - Citations issued during the review

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

Section I—Violation Data		
1. Date Mo Da Yr [REDACTED]	2. Time (24 Hr. Clock) [REDACTED]	3. Citation/ Order Number [REDACTED]
4. Served To [REDACTED]		5. Operator [REDACTED]
6. Mine [REDACTED]		7. Mine ID [REDACTED] (Contractor)

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

THE PEXCO DRILLER DRIVING A FORD F-250 ([REDACTED] LICENSE [REDACTED]) DID NOT SET THE PARKING BRAKE WHEN HE LEFT THE TRUCK UNATTENDED. THE DRILLER ARRIVED AT THE MINE SITE AT 06:30, ATTENDED A SAFETY MEETING AT THE SHOP THEN DROVE FROM THE SHOP TO THE PRODUCTION LEDGE IN THE QUARRY WHERE THE DRILL WAS PARKED, THEN LEFT THE TRUCK AND MOVED THE DRILL TO THE DRILL AREA. THE TRANSMISSION WAS IN THE PARK POSITION AND THE TRUCK WAS ON FLAT GROUND. MOBILE EQUIPMENT SHALL NOT BE LEFT UNATTENDED UNLESS THE CONTROLS ARE PLACED IN THE PARK POSITION AND THE PARKING BRAKE IS SET. THIS EXPOSES PERSONS TO INJURIES FROM BEING STRUCK BY MOVING EQUIPMENT.

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 56.14207
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Section II—Inspector's Evaluation				
10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input 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
15. Area or Equipment				

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

17. Action to Terminate THE PARKING BRAKE WAS SET. THIS ACTION TERMINATES THE CITATION.

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

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District Rocky Mountain Field Office Topeka, KS Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I--Violation Data

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

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

THE FORD F-250 TRUCK (OKLAHOMA LICENSE [REDACTED]) HAD A BROKEN TOP PASSENGER SIDE MIRROR. THE MIRROR IS A TWO PIECE MIRROR WITH THE TOP BEING THE STANDARD MIRROR AND THE BOTTOM BEING THE FISH EYE MIRROR. THE DRIVER ARRIVED AT THE MINE AT 06:30 FOR A SAFETY MEETING, THEN DROVE THE TRUCK TO THE PRODUCTION LEDGE IN THE QUARRY WHERE HE PARKED IT. DEFECTS ON ANY EQUIPMENT THAT AFFECT SAFETY SHALL BE CORRECTED IN A TIMELY MANOR. THIS CONDITION EXPOSES PERSONS TO COLLISION INJURIES.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 56.14100b
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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. Time (24 Hr. Clock)

Section III--Termination Action

17. Action to Terminate

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

Section IV--Automated System Data

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

MSHA Form 7000-3, Apr 06 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District Rocky Mountain Field Office Topeka, KS Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I—Violation Data

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

8. Condition or Practice

8a. Written Notice (103g)

THE RIGHT SIDE TURN SIGNAL AND THE RIGHT SIDE BRAKE LIGHT ON THE FORD F-250 (OKLAHOMA LICENSE [REDACTED]) DID NOT FUNCTION WHEN TESTED. THE DRIVER ARRIVED AT THE MINE AT 06:30 FOR A SAFETY MEETING, THEN DROVE THE TRUCK TO THE PRODUCTION LEDGE IN THE QUARRY WHERE HE PARKED IT. DEFECTS ON ANY EQUIPMENT THAT AFFECT SAFETY SHALL BE CORRECTED IN A TIMELY MANNER. THIS CONDITION EXPOSES PERSONS TO INJURIES CAUSED BY COLLISIONS.

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 <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 [REDACTED]	B. Time (24 Hr. Clock)	[REDACTED]
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Section III—Termination Action

17. Action to Terminate THE LIGHTS WERE REPAIRED. THIS ACTION TERMINATES THE CITATION.

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

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

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

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

District Rocky Mountain Field Office Topeka, KS Mine ID [REDACTED] Date [REDACTED]

Mine Citation/Order

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



Section I—Violation Data

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

5 CIGARETTE BUTTS WERE FOUND IN BAY 2, THE OIL AND GREASE STORAGE ROOM WHERE MOBILE EQUIPMENT IS SERVICED. THE ROOM HAD 2 SIGNS PROHIBITING SMOKING AND OPEN FLAMES. ONE CIGARETTE BUTT WAS WITHIN APPROXIMATELY 8 FEET OF ONE OF THE SIGNS AND ANOTHER ONE WAS LOCATED WITHIN THE COILS OF A GREASE HOSE WITH THE OTHER THREE IN VARIOUS OTHER AREAS OF THE LUBE ROOM. THERE WERE SEVEN 500 GALLON TOTES OF OIL, 3 BARRELS OF GREASE AND 8 OTHER 55 GALLON BARRELS OF VARIOUS TYPES OF OIL. MINERS ARE IN THE ROOM EVERY DAY. NO PERSON SHALL SMOKE OR USE AN OPEN FLAME WHERE FLAMMABLE OR COMBUSTIBLE LIQUIDS INCLUDING GREASES ARE STORED OR HANDLED. THIS CONDITION EXPOSES PERSONS TO BURNS AND/OR SMOKE INHALATION INJURIES.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
			56.4100b

Section II—Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input checked="" type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: 001	
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input 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		E. Citation/Order Number		F. Dated Mo Da Yr
A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>				
15. Area or Equipment				
16. Termination Due				
A. Date Mo Da Yr		B. Time (24 Hr. Clock)		

Section III—Termination Action

17. Action to Terminate ALL THE MINERS WERE RETRAINED WHERE SMOKING IS PROHIBITED. THIS ACTION TERMINATES THE CITATION.

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	21. Primary or Mill	P
22. AR Name			23. AR Number	

MSHA Form 7000-3, Apr 06 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

District **Rocky Mountain** Field Office **Topeka, KS** Mine ID **[REDACTED]** Date **[REDACTED]**

Mine Citation/Order

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



Section I--Violation Data

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

THE HIGH PRESSURE GAGE ON THE PORTABLE OXYGEN ACETYLENE TORCH LOCATED IN BAY 3 OF THE SHOP DID NOT ACCURATELY READ THE OXYGEN PRESSURE IN THE TANK. THE GAGE READ 700LBS PRESSURE WITH THE OXYGEN TANK VALVE SHUT OFF AND THE OXYGEN BLED FROM THE TORCH. MAINTENANCE PEOPLE ARE IN THE SHOP ON A DAILY BASIS. DEFECTS ON ANY TOOL THAT AFFECT SAFETY SHALL BE CORRECTED IN A TIMELY MANNER. THIS CONDITION EXPOSES PERSONS TO HIGH PRESSURE AND PROJECTILE TYPE INJURIES.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	56.14100b
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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 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 [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section III--Termination Action

17. Action to Terminate THE GAGE WAS REPLACED. THIS ACTION TERMINATES THE CITATION.

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

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

MSHA Form 7000-3, Apr 06 (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

Attachment C – Discussion Topics

- Documentation for enforcement action; justification for gravity, negligence and likelihood. In a couple instances the citation documentation notes did not provide the mitigating factors that supported the negligence selected. This item was determined not to be a major issue as it occurred minimally.(Metal and Nonmetal GIPH, PH13-IV-1, Chapter 7, section D, pg.63-65)