U.S. Department of Labor

Mine Safety and Health Administration 1100 Wilson Boulevard Arlington, Virginia 22209-3939



JUN - 9 2010

MEMORANDUM FOR GREGORY R. WAGNER, M.D.

Deputy Assistant Secretary for Policy

Mine Safety and Health

THROUGH:

PETER J. MONTALI

Acting Director of Accountability for

Mine Safety and Health

FROM:

BILLY RANDOLPH

Acting Accountability Specialist

SUBJECT:

MSHA Office of Accountability Audit, MNM Northeastern

District Wyomissing South Field Office, Wyomissing, Pennsylvania,

Introduction

This memorandum summarizes the Office of Accountability audit of the subject field office and mine. Audit subjects included MSHA field activities, level of enforcement, Field Activity Reviews (FARs), Accompanied Activities (AAs), MSHA supervisory and managerial oversight, mine plans, and the conditions and practices at the mine. The audit was conducted by Billy Randolph, during the week of 2009. Positive findings and issues requiring attaction are included in this audit report.

Overview

The field office audit was conducted on was conducted on October

and the on-site portion of the audit.

Accompanying the audit team was

(b) (d)

On-site areas examined included the high wall, high wall blast area, contract blasting, top level crushing plant, lime plant, mine office and break room. Work cycles were also observed at the blast site and crushing plant.

S&S Rate Comparison

Although the S&S rate for the Wyomissing-South Field Office were below the district and national average for FY 2008, that rate increased in FY 2009 and exceeded both the district and national averages.

	S&S Rate Co	mparison	
Fiscal Year	Field Office, State Field Office	District Name	National Average
2008	19.9%	25.8%	21.0%
2009	29.4%	27.0%	21.0%

Time and Activity Comparison

Time distribution for E01 inspections conducted out of the Wyomissing-South Field Office from October 01, 2008 through September 30, 2009 indicates that approximately 59% of the total inspection time is being spent on-site.

	Time D	istributio	n (Percent) - E01 Inspe	ections at Surfa	ce Facilities
	Travel	Other	Total On-Site	Citations Issued On-site	Citations Issued Off-site	Total Percent
2008	20.51%	8.39%	65.86%	0.76%	5.24%	100.0%
Nat'l Avg. 2008	20.31%	10.42%	61.59%	3.02%	7.69%	100.0%
2009	24.45%	8.10%	58.00%	0.87%	9.45%	100.0%
Nat'l Avg. 2009	20.42%	10.66%	61.88%	3.82%	7.05%	100.0%

	Time	Distributi	on (Perce	nt) – E01 Ins	pections at Sur	face Mines
	Travel	Other	Total On-Site	Citations Issued On-site	Citations Issued Off-site	Total Percent
2008	26.84%	8.77%	61.22%	1.48%	3.16%	100.0%
Nat'l Avg. 2008	26.19%	11.97%	56.17%	3.16%	5.67%	100.0%
2009	26.61%	9.10%	58.03%	1.88%	6.26%	100.0%
Nat'l Avg. 2008	25.89%	11.93%	56.18%	3.27%	6.00%	100.0%

	Time I	Distributio	n (Percent)	- E01 Inspect	ions at Undergro	ound Mines
	Travel	Other	Total On-Site	Citations Issued On-site	Citations Issued Off-site	Total Percent
WG 01		There are	no undergro	ound mines assi	gned to this field	office

Audit Results

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

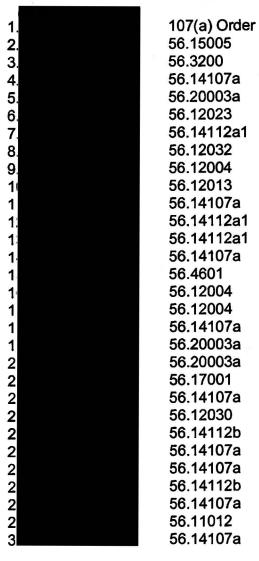
- 1. Conditions or practices identified by the inspector were very detailed.
- The documentation for the second level reviews of Field Activity Reviews by district
 management provided detailed comments. The second level reviews identified many
 specific deficiencies and provided excellent feedback to FO supervisors concerning
 the submitted reports.
- 3. Personnel at the field office displayed a professional attitude and appearance.
- 4. Mine files were neat, labeled appropriately, up to date, and in excellent order.

The audit also revealed several issues that require corrective actions, including the following:

- Citations issued for conditions observed during this audit indicate that mining methods and maintenance of safe ground conditions were not being addressed in previous inspections. Citations were being extended to allow excessive time for the operator to correct the hazard by scaling.
- 2. Guards observed were mostly providing minimum protection from moving machine parts, and few resembled the type of guarding recommended in the Guarding Guide Book. Several were constructed and/or mounted in a manner that created the hazard of the guard falling on miners.
- 3. On-site inspection time for previous inspections at the V does not appear appropriate for the mine size, equipment or mine type. See Item # 27
- 4. The district should review the status of intermittent and full-time operations for accuracy. A review of man-hour reports for some operations listed in intermittent status indicate they should be classified as full-time.
- 5. Inspection reports indicate the District and Field Office is not adhering to MSHA policy regarding the rotation of mine assignments. (Page 5 supervisor handbook C)
- Several citations were issued during the audit for conditions that appeared to have existed for extended period of time but had not been identified and addressed. -Attachment B
- 7. Citations issued for violations not always properly evaluated regarding gravity, negligence and type of action. *Attachment C*

Attachments

- A. Office of Accountability Checklist with comments, recommendations, and references
- B. Citations/Orders issued during this audit



- C. Enforcement actions with questionable evaluations
- D. Photos taken during audit

District MNM Northeastern Field Office Wyomissing South Mine ID
Evaluate supervisory review of inspection reports and documentation for completeness.
Adequate Inadequate x Not Applicable Comments Below
This mine has only a base line Mine Information Form on file. The mine schedule and number of employees are different than stated in the Mine Information Form. In addition, previous inspection reports were found with errors that had not been corrected.
Action Required: Mine information should be kept up to date and accurate. Reference: General Inspection Procedure Handbook, pages 37 & 38. See Attachment C
2. Determine if supervisors address report deficiencies immediately
Adequate Inadequate X Not Applicable Comments Below
/h
Several citations and notes did not adequately state the cited hazard or violation without corrections made.
See Attachment C
4. Evaluate the quality of Field Activity Review reports (FARs)
Adequate Inadequate X Not Applicable Comments Below
Not all Far's were completed on every inspector as required. A review of FARs revealed the was not documenting any deficiencies and was commending the inspectors for thoroughness. was recognizing possible deficiencies however, no action was found in the audit for corrections of these possible deficiencies.

District MNM Northeastern Field Office Wyomissing South Mine ID

District MNM Northeastern Field Office Wyomissing South Mine ID
Evaluate supervisory and management review of 103(i) (spot inspection) tracking system for compliance with time frames
Adequate Not Applicable X Comments Below
There are no 103(i) mines assigned to this field office.
Determine if supervisors and managers are ensuring that 103(i) inspections are not combined with any other type of inspection
Adequate
There are no 103(i) mines assigned to this field office.
Determine if supervisors, staff assistants, and other management personnel are reviewing work products for accuracy and completeness
Adequate Inadequate X Not Applicable Comments Below
See Items 1 and 2 above. Although several deficiencies were identified, was interfering with their ability to take corrective actions needed for the inspectors.
See Attachment C
Determine if supervisors are monitoring inspector time and activity documentation to ensure proper use of time by inspector
Adequate Inadequate X Not Applicable Comments Below
Although several inspections had excessive gaps in the days on-site, no explanation was documented in notes. This deficiency was also noted by the and
Required Action: Inspection time distribution must be monitored to ensure that time is used efficiently.

District MNM Northeastern Field Office Wyomissing South Mine ID
Reference: Key Indicator Reports
Determine if Standard Operating Procedures (SOPs) are in place, current, and in compliance with MSHA policies and procedures
Adequate Inadequate x Not Applicable Comments Below x
Mine assignments are not being rotated annually among inspectors. Interviews with field office personnel indicated that mine assignments are done by and are based on 301 (regular) inspections at the mine visited during this audit had been conducted by the same inspector for
Required Action: Mine assignments are to be made by the field office supervisor, and are to be rotated among the inspection staff on an annual basis.
Reference: General Inspection Procedures Handbook, page 13 (l).
Determine if supervisors are using the Performance Management System to hold inspectors accountable for properly evaluating gravity and negligence, termination due dates, and timely termination of citations
Adequate Inadequate X Not Applicable Comments Below
Deficiencies that were noted were not being addressed. Determinations of gravity, negligence, and level of enforcement on citations issued during previous inspections were sometimes questionable.
See Attachment C
18. Determine if supervisors are adequately evaluating the level of enforcement.
Adequate Inadequate X Not Applicable Comments Below x
Numerous guarding issues existed at the operation visited during this audit. The manner in which several guards were mounted creating hazards and allowed easy accessed to moving parts. Poorly maintained highwalls and poor mining practices were also observed and cited. Although district-level reviews questioned the enforcement actions and evaluations, there was not documentation provided to indicate these issues were being addressed or corrected. See Attachment C

District MNM Northeastern Field Office Wyomissing South Mine ID
Determine if District Manager is monitoring the ACR program and using the Performance Management System to ensure that CLRs justify changes
Adequate Not Applicable X Comments Below
The team did not conduct a review of the ACR program.
20. Determine if District Manager is using discretion in granting conferences
Adequate Not Applicable X Comments Below
The team did not conduct a review of the ACR program.
Determine if second level reviews and Peer Reviews are used to assess supervisory review of enforcement actions
Adequate Inadequate X Not Applicable Comments Below
See Item No. 8, 9, and 14.
Determine if a more winter estimate and tall a large manifest and tall and the second management of the second management
Determine if appropriate actions are taken by supervisors and manager with respect to issues of misconduct and/or poor performance
respect to issues of misconduct and/or poor performance
respect to issues of misconduct and/or poor performance Adequate Not Applicable Comments Below
respect to issues of misconduct and/or poor performance Adequate Not Applicable Comments Below
respect to issues of misconduct and/or poor performance Adequate

District MNM Northeastern Field Office Wyomissing South Mine ID
Evaluate the district's process for performing Possible Knowing/Willful (PKW) reviews and initiating or denying special investigations
Adequate
PKWs were not reviewed during this audit.
Determine if District Manager is using Performance Management System to hold the Supervisory Special Investigator accountable for properly evaluating potential cases
Adequate Not Applicable Comments Below x
Not reviewed during this audit.
Determine if managers and supervisors are using required "standardized reports" to review critical data relevant to inspections and investigations
Adequate
District and Field Office supervisors are using the Key Indicator Reports.
Determine if complete and thorough inspections are being conducted and adequately documented
Adequate Inadequate X Not Applicable Comments Below
E01 (regular) inspections at the mine visited during this audit had been conducted by the same inspector for more than 3 years. When loose material on the high wall was seen, the inspector stated it had been this way for an extended time. During the regular inspection (Event conducted during the audit, a total of site hours were necessary to complete the inspection. There were tations issued, of which where evaluated as S&S The previous four inspections average nours
on-site time to complete the <u>inspec</u> tion. An average citations were issued per

District MNM Northeastern Field Office Wyomissing South Mine ID
Determine if inspection notes support the inspector's assertion that the mine was inspected in its entirety, including health sampling
Adequate Inadequate X Not Applicable Comments Below
See Item 27 above. Observation of the mine site during the audit indicated it is highly unlikely that all highwalls, equipment, plants, and work cycles could have been adequately inspected and safety talks held during the time spent on-site. Inspection notes indicated that, even on the inspections with minimal on-site time, the mine received a complete inspection.
The amount of time spent on inspection events should have caused concern to the supervisor that a complete and thorough inspection was not achieved.
Determine that the inspector spent sufficient time on off-shifts and on weekends
Adequate
This mine works one shift per day, five days per week. Analysis of inspection time sheets indicates that inspection time is distributed evenly over the work week.
Determine if all mine records, postings, and other required materials are examined during the inspection
Adequate Not Applicable Comments Below x
Mine records were not examined during this audit. The inspection continued after the audit was completed.
Determine if all provisions of the MINER Act (Affecting MNM) are evaluated during the inspection
Adequate Not Applicable X Comments Below

District MNM Northeastern Field Office Wyomissing South Mine ID
Determine if the amount of time expended on each inspection activity and area of
32. the mine is sufficient to accomplish inspection goals
Adequate Inadequate X Not Applicable Comments Below
A total of on-site hours were required to complete the inspection at during the accompanied inspection. The previous <u>four inspections</u> ranged from on-site
hours to hours. These hours are from to complete
the regular inspection in comparison to the inspection conducted during the aud to
Evaluate each citation/order for inspector's determination of gravity, negligence, number of persons affected, and the level of enforcement
Adequate Inadequate x Not Applicable Comments Below
During the audit, the inspector was very methodical in his inspection activities and
evaluation of gravity, negligence and level of enforcement. However, a review of citations
from previous inspections indicates questionable determination of gravity, negligence, and level of enforcement. See Attachment C
level of enforcement. See Attachment C
Reference: Citation and Order Writing Handbook, pp 7-9
Evaluate the inspector's mine site check.
Adagueta Inadagueta V Not Applicable Comments Relate
Adequate Inadequate x Not Applicable Comments Below
The inspector's notes indicate he conducted a "drive through" inspection of the plant and quarry.
quuiy.
Page 19, Item V of the General Inspection Handbook states that, "MSHA inspectors, when
appropriate and/or possible, should conduct inspections or investigations on foot in all areas of a surface or underground mine or mill. Inspectors may periodically or briefly operate a
government vehicle or ride in other vehicles to travel from one location to another while
conducting inspections at a site. These trips should be kept to a minimum and only
undertaken when they are necessary to conduct an efficient and effective inspection.
Reference: General inspection handbook.
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District MNM Northeastern Field Office Wyomissing South Mine ID
35. Check adequacy of work place examinations/pre-operational examinations
Adequate Inadequate X Not Applicable Comments Below
Two citations were issued to the operator for related violations during this audit.
See Attachment B
36. Evaluate inspector's observation of back/Ground conditions
Adequate Inadequate X Not Applicable Comments Below
An interview with ndicated this field office has not been addressing high wall issues. The district peer review conducted from dentified similar issues regarding ground conditions at the two mining operations visited during their review. The review stated; 1. Ground Conditions in the Pit. (No indication of citations ever issued for ground conditions at this mine) 2. Failure to examine and test for loose ground conditions in the pit. 3. Failure to maintain wall bank and slope stability in the pit.
37. Evaluate conditions of working areas and observe work cycle
Adequate Inadequate x Not Applicable Comments Below
Numerous guarding hazards existed and were cited during this audit. These violations appear to have existed for an extended period of time. In several instances, tie wraps and bungee straps had been used to secure guards to the equipment. Violations also existed that exposed miners to the dangers related to loose rocks on highwalls. See Attachment B

District MNM Northeastern Field Office Wyomissing South Mine ID
39. Determine adequacy of training plans (interview miners)
Adequate X Inadequate Not Applicable Comments Below
Reviewed a contractors training plan on this inspection.
40. Evaluate Self-Rescuer conditions
Adequate
Examine electrical cables on several pieces of equipment
Adequate Inadequate x Not Applicable Comments Below
During the audit, citations were issued for damaged electrical cables. Citations vere issued for extensive damage to cables.
See Attachment B
Evaluate several pieces of equipment for permissibility (Gassy mines)
Adequate
Examine compliance with regulations for escape and evacuation
Adequate Not Applicable X Comments Below

District MNM Northeastern Field Office Wyomissing South Mine ID
45. Evaluate condition and maintenance on conveyor belts, structures, and guarding
Adequate Inadequate X Not Applicable Comments Below
Guarding of moving conveyor belts was poorly maintained. See citations
46. Evaluate fire valves and hoses
Adequate Not Applicable X Comments Below x
,
49. Evaluate cleanup of accumulations/housekeeping
Adequate Inadequate x Not Applicable Comments Below
See Citations n Attachment B.
51. Examine mine bulletin board and evaluate adequacy of all required postings
Adequate Not Applicable Comments Below X
Did not have the opportunity to review the bulletin board during the mine visit. Inspection was on-going at the time of the audit and was completed after the mine visit was conducted.
52. Interview responsible person(s) and evaluate knowledge of emergency response, evacuation procedures, and fire fighting processes and first aid (Person in charge)
Adequate Not Applicable Comments Below
Did not review during the mine visit. Inspection was on-going at the time of the audit.

District MNM Northeastern Field Office Wyomissing South Mine ID
55. Determine if MSHA headquarters is conducting sufficient, in-depth Peer Reviews
Adequate Not Applicable Comments Below x
Audit team did not review the peer reviews. Documentation is maintained at the District
Determine if Peer Reviews identify root causes of deficiencies, corrective actions, set time lines for corrections, and identify a method for accurately measuring the success or failure of corrective actions.
Adequate Not Applicable Comments Below x
Audit team did not review the peer reviews. Documentation is maintained at the District
Determine if Peer Reviews are being used to assess supervisors and managers performance
Adequate Not Applicable Comments Below x
Audit team did not review the peer reviews. Documentation is maintained at the District
63. Citations, orders, and safeguards issued during previous two quarters
Adequate Inadequate X Not Applicable Comments Below
See Attachment C
Determine if 104(d) tracking system is in place at the office being audited, and is being kept up to date
Adequate Not Applicable Comments Below x
Did not review on this audit.

District MNM Northeastern Field Office Wyomissing South Mine ID
65. Determine if mine files are legible, and up to date
Adequate X Inadequate Not Applicable Comments Below
The field office clerk had all files legible and in order. These files were well maintained.
Determine if miners are adequately trained in the provisions of any new conditions/changes/equipment at the mine.
Adequate Not Applicable Comments Below x
Inspection was not completed during the audit. Did not review during the audit mine visit.
Determine if required information is submitted in the plan
Adequate
Determine if submitted plans are evaluated for provisions contrary to standards or regulations
Adequate Not Applicable X Comments Below
71. Evaluate the effectiveness of management's support of, and communication with, inspectors and specialists
Adequate Inadequate X Not Applicable Comments Below
No documentation was provided to show that the results of second-level reviews, nor required corrective actions were being communicated to inspector.

District MNM Northeastern Field Office Wyomissing South Mine ID
73. Are MSHA Forms 7000-1 accurately reviewed for proper information and potential violations, unsafe practices, or conditions?
Adequate Not Applicable Comments Below X
Not reviewed during this audit.
74. Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.
Adequate Not Applicable Comments Below
Determine if adequate close-out conferences are being conducted at the end of each inspection.
Adequate X Inadequate Not Applicable Comments Below
Inspector notes indicate that close-out conferences are being conducted at the end of each inspection.
76. Determine if E01 inspections at surface mines includes an observation/evaluatio of blast hole drilling, loading, and blasting operations.
Adequate X Inadequate Not Applicable Comments Below
Inspection/audit team observed blasting during the audit.
*
Determine if manpower at the field office is sufficient to ensure adequate, complete inspections, investigations, and other activities.

Attachment A

The field office completed all required inspections last year.

District MNM Northeastern Field Office Wyomissing South Mine ID
78. Evaluate the two most current completed E01 (regular) inspections
Adequate Inadequate X Not Applicable Comments Below
The following information is a summary of the two most recently completed E01 inspections at the subject mine:
Event Onsite hours Citations issued S&S % = Citations issued = 0 S&S % = 17
Accountability Audit: Event # Onsite hours = (Citations issued S&S % = (6)
See Attachment C
79.
Adequate Not Applicable Comments Below

		astern Fie		missing South	Mine ID		
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District MNM Northeastern Field Office Wyomissing South Mine ID

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inflorement actions. The Ombudamen enrusity evaluates enforcement activities and rates each agency's responsiveness to amail business. If you wish to comment on the inforcement actions of MSHA, you may call 1-858-REG-FAIR (1-858-734-3247), or write the Orribudamen at Small Business Administration, Office of the National Ombudamen, 409 3rd Street, SW MC 2120, Weshington, DC 20418. Please note, however, that your right to the Orribudamen 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 MNM Northeastern	Field Office	Wyomis	ssing South Mine ID (6)
Mine Citation/Order		*3	U.S. Department of Labor

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Section I-Violation Data							*****
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						A- 1869-	(Contractor)
Condition or Practice	mand on t	bo +=:2=:11	or of the	G0717011	ar that		n Notice (103g)
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it to fall to	the ground	on it's lef	t end. Em	lovees	working	or trav	eling this
area were expos							
contact the mov	ving machin	e parts. Th	e portable	plant			
located is norm	nally opera	ted by two	employees.				
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	6						
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. Violation A. Health	B. Section		C. Part/Section of				•
Safety Other	of Act		Title 30 CFR		56.141	12al	*
ection II-Inspector's Evaluation							
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Mine Citat	tion/Order				irtment of La ty and Health		ion	4
Section I-Viol							(h) (C)	
1. Date						3. Citation/ Order Num	ber	
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								(Contract
8. Condition	or Practice						Writte	Notice (103g)
			ocated unde					
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		*						
						See Contin	ration Form /MRH	A Form 7000-3a)
. Violation	A. Health Safety Other	B. Section of Act		C. Part/Section of Title 30 CFR		56.120		
ection II—Insp	ector's Evaluation							
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	be expected to be		orkdays Lost	Workdays Or Restric	ted Duty	Permanently	Disabling [Fatal 🗸
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District | MNM Northeastern Field Office | Wyomissing South | Mine ID Mine Citation/Order U.S. Department of Labor Mine Safety and Health Administration Section I-Violation Date 1. Date 3 Citation/ Order Number (Contractor) 8a. Written Notice (103g) 8. Condition of Practice The 480 volt power cable splice located between the tool trailer and jaw crusher was not insulated to a degree at least equal of that of the original outer jacket. The power conductors were only provided with cable connectors and a thin layer of tape. Employees working or traveling this area were exposed to possible electrical shock, burn, or electrocution hazards. The portable plant is normally operated by two employees. See Continuation Form (MSHA Form 7000-3a) 9. Violation A. Health B. Section C. Part/Section of Title 30 CFR of Act 56.12013b Section II-Insp 10. Gravity: A. Injury or Illness (has) (is): No Likelihood 🗌 Reasonably Likely 🗹 Highly Likely [Occurred [B. Injury or illness could res-sonably be expected to be No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabiling Fatel 🗸 C. Significant and Substantial: D. Number of Persons Affected: Yes 🗹 001 No [11. Negligence (check one) E. Recidess Disregard A. None B. Low C. Moderate D. High 🗹 12. Type of Action 13. Type of issuance (check one) Citation 🗹 Order Safeguard [Written Notice 14. Initial Action
A. Citation B. Order C. Safeguard E. Citation/ F. Dated Mo Da Yr Order Number D. Written Notice 15. Area or Equipment 18. Termination Due B. Time (24 Hr. Clock) Section III-Termination Action 17. Action to Terminate 18. Terminated A Date B. Time (24 Hr. Clock Section IV-Automated System Dat 19. Type of Inspection (activity code) 21. Primary or Mill E01 22. Signature 23. AR Number Form 7000-3, Apr 06 (revised) in accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1998, the Small Business Administration has shed a National Small Business and Agriculture Regulatory Ombudaman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency ement actions. The Ombudaman annually evaluates enforcement activities and rates each agency's responsiveness to amail business. If you wish to comment on the ement actions of MSHA, you may call 1-988-REG-FAIR (1-888-734-3247), or write the Ombudaman at Small Business. If you wish to comment on the National Ombudaman, 409 3rd SW MC 2120, Weshington, DC 2041e. Please note, however, that your right to file a comment with the Ombudaman is in addition to any other rights you may have, including it to contast citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission. MSHA Form 7000-3, Apr 06 (revised) established a National Small Business enforcement actions. The Ombudamer

trict MNM Northeastern				
Mine Citation/Order		U.S. Department of I Mine Safety and Heat		
Section i-Violation Data			(1-) (0)
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			Order Number	
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1				(Contract
8. Condition or Practice				Vritten Notice (103g)
The #1 lime pump comp	ressor drive was i	not adequately	guarded on th	e back sld
A large hole had been through. This conditi				
contact. The #1 lime				
Upper Plant mill buil	ding. When the mil	lls are running	g. an mill ope	rator is in
the area. If a miner	were to accidental	lly contact the	e moving fly w	heel, it
could result in loss	of fingers, hand,	or limb injur	ies.	•
•				
				2007
	F 4		See Continuation Form	(MSHA Form 7000-3a)
. Violation A. Health B. Section	- 100			
		Part/Section of		
Safety ☐ of Act		Part/Section of Title 30 CFR	56.14107a	
Safety of Act			56.14107a	
Safety of Act Other Section II—Inepector's Evaluation 10. Gravity:	T		56.14107a	
Safety of Act Other Section II—Inspector's Evaluation 10. Gravity: A. Injury or Illness (has) (is): No Likeli	T			Occurred
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Office of Accountability Field Office Wyomissing South Mine ID District | MNM Northeastern Mine Citation/Order U.S. Department of Labor Mine Safety and Health Administration Citation/ Order Number (Contractor) Ba. Written Notice (103g) The bottom part of the tailpulley guard of the conveyor to the bin was not in place. The section not in place was hanging down approximately one foot, exposing access to the tailpulley. Employees working or traveling this area were exposed to the possibility of injury, if they were to accidentally contact the moving machine parts. The portable plant is normally operated by two employees. See Continuation Form (MSHA Form 7000-Se) 9. Violation B. Section C. Part/Section of Safety Other of Act Title 30 CFR 56.14112a1 Section II-In 10. Gravity: A. Injury or Iliness (has) (is): No Likelihood [Highly Likely Occurred [Unlikely 🔽 Reasonably Likely B. Injury or lineas could rea-Lost Workdays Or Restricted Duty No Lost Workdays Permanently Disabling Fatal 🔲 sonably be expected to be: C. Significant and Substantial: D. Number of Persons Affected: 001 No 🗹 Yes 🗌 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 🔽 Safeguard [Written Notice Order 🗌 104a Mo Da Yr 14. Initial Action E. Citation/ A. Citation B. Order C. Safeguard D. Written Notice 15. Area or Equipment 16. Termination Due B. Time (24 Hr. Clock) Section III-Termination Actio 17. Action to Terminate 18. Terminated Mo Da Yr A Date B. Time (24 Hr. Clock Section IV-Automa

MSHA Form 7000-3, Apr 06 (revised) in adfordance 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 Ornbudamen and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ornbudamen annually evaluates enforcement activities and make each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MEINA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ornbudamen at Small Business Administration, Office of the National Ornbudamen, 409 3rd Street, SV MC 2120, Meanington, DC 20416. Please note, however, that your right to the ornament with the Ornbudamen 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.

21. Primary or Mill

23. AR Number

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Attachment B

19. Type of inspection

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Attachment B

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United States Department of Labor Mine Safety and Health Administration Office of Accountability District MNM Northeastern Field Office | Wyomissing South Mine ID Mine Citation/Order U.S. Department of Labor Mine Safety and Health Administration 3. Citation/ М Sa. Written Notice (103g) A 480 volt power cable located at the 1650 crusher framework structure had the outer jacket cut in several places. This exposes the inner conductors to weather and mechanical damage from excessive vibration caused by the crusher operating. The cable was followed to a junction box with two buttons, one labeled up and the other labeled down. Employees working or traveling this area were exposed to the possibility of injury from shock, burn, or electrocution hazards. The portable plant is normally operated by two employees. See Continuation Form (MSHA Form 7000-3a) 9. Violation Health B. Section C. Part/Section of of Act 56.12004 Title 30 CFR Other Section II-Into 10. Gravity: A. Injury or iliness (has) (is): No Likelihood 🗌 Unlikely [Ressonably Likely 📝 Highly Likely 🔲 B. Injury or illness could rea-sonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabiling Fatel V C. Significant and Substantial: D. Number of Persons Affected: Yes 🗸 001 No 🗆 11. Negligence (check one) A. None B. Low C. Moderate D. High 🔲 E. Reckless Disregard 12. Type of Action Order 🔲 Written Notice 13. Type of issuance (check one) Citation 🗹 Safeguard [14. Initial Action
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18. Terminated A.	Date Mo Da Yr	B. Time (24 Hr. Clock			
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22. Signature				23. AR Number	

MSHA Form 7000-3, Apr 08 (revised) In accordance wen tre provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudernan and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudernan annually evaluates enforcement actions in the SMSHA, you may call 1-886-REG-FAIR (1-886-734-3247), or write the Ombudernan at Small Business Administration, Office of the National Ombudernan, 400 3rd Street, SW MC 2120, Washington, DC 20416. Please-note, however, that your right to tile a comment with the Oribudernan is in addition to any other rights you may have, including the right to contest olistions and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Office of Accountability $(b)_{(6)}$ District | MNM Northeastern Field Office Wyomissing South | Mine ID Date Mine Citation/Order U.S. Department of Labor Mine Safety and Health Administration Section I-Violation Data 3. Citation Order Number 8a. Written Notice (103g) The #1 mill auger screw drive located in the #1 elevator pit was not provided with a guard on the back side. The drive V-belts and pulleys were open to contact. The opening in the back side was measured at 65 inches from the ground level. The auger screw speed reducer keyed shaft was measured at 69 1/2 inches from the ground and was also open to contact. The #1 elevator pit is not a regular travelway. This area is accessed for clean-up and maintenance. This condition exposes miners to entanglement injuries from accidental contact. See Continuation Form (MSHA Form 7000-3a) 9 Violation B. Section C. Part/Section of Safety [of Act Title 30 CFR 56.14107a Section II-Inspe 1D. Gravity: A. Injury or lilness (has) (is): No Likelihood 🔲 Unlikely 🔲 Ressonably Likely 🗹 Highly Likely Occurred [B. Injury or Illness could res-sonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabiling Fatal [C. Significant and Substantial: D. Number of Persons Affected: 001 Yes 🔽 No 🗌 11. Negligence (check one) B. Low C. Moderate A. None E. Reckiese Disrecerd D. High 🔲 Citation 2 Written Notice [12. Type of Action 13. Type of issuance (check one) Order Safeguard [14. Initial Action
A. Citation B. Order C. Safeguard D. Written Notice E. Citation F. Dated Mo Da Yr Order Number 15. Area or Equipment 16. Termination Due Mo Da Yr B. Time (24 Hr. Clock) Section III-Termination Act 17. Action to Terminate 18. Terminated A. Date B. Time (24 Hr. Clock

MSHA Form 7000-3, Apr 06 (revised) in accordance with the provisions of the Small Business Regulatory Enforcement Falmess Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Orreus/sman and 10 Regional Felmess Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually exclusions enforcement activities and rates expensely responsiveness to small businesses. If you with the comment actions of MSHA, you may call 1-888-REG-FAIR (1-858-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Westington, DC 20418. Please note, however, that your right to the a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penetics and obtain a hearing before the Federal Mine Safety and Health Review Commission.

21. Primary or Mill

19. Type of Inspection

(activity code)

20. Event Number

E01

(b) (d)

23. AR Number

MNM Northeastern Field Office Wyomissing South Mine ID Mine Citation/Order U.S. Department of Labor Mine Safety and Health Administration Section I-Violation Data 1. Date 2, Time (24 Hr. Clock) 3. Citation/ Order Number (Contractor) 8. Condition or Practice 8a. Written Notice (103g) Grease and air hoses were found laying across the walkway and steps going to the #1 mill. The grease hose was extended across the walkway and left lying on the platform of the #8 mill. This condition exposes miners to slip/trip/fall hazards. The Upper Plant mill building is accessible and a mill operator is in the area when the mills are operating. See Continuation Form (MSHA Form 7000-3a) 9. Violation B. Section C. Part/Section of of Act Title 30 CFR 56.20003a Other Section II-In 10. Gravity: Unlikely [A. Injury or ilinees (has) (is): No Likelihood Reasonably Likely Highly Likely [Occurred B. Injury or Iliness could rea-No Lost Workdays Lost Workdays Or Restricted Duty 📝 Permanently Disabling Fatal sonably be expected to be: C. Significent and Substantial: D. Number of Persons Affected: 001 Yes 🗸 No 🔲 11. Negligence (check one) C. Moderate 🗹 E. Reckless Disregard [A. None B. Low D. High 🔲 12. Type of Action 13. Type of Issuance (check one) Citation 2 Safeguard [Order [Written Notice 104a 14. Initial Action E. Citation/ Mo Da Yr A. Citation B. Order C. Safeguard D. Written Notice 15. Area or Equipment 16. Termination Due A. Date B. Time (24 Hr. Clock) Section III-Termination Action 17. Action to Terminate The hoses have been removed from the walkways. 18. Terminated A. Date B. Time (24 Hr. Clock Section IV-Automated System Date 19. Type of Inspection (activity code) 21. Primary or Mill M 22. Signature 23. AR Number M8HA Form 7000-3, Apr 06 (revised) in accordance was the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small business and Agriculture Regulatory Ombudaman and 10 Regional Fairness Boards to receive comments from small business are referement actions. The Ombudaman annually evaluates enforcement activities and raise each agancy's responsiveness to amail business. If you wish to our enforcement actions of M8HA, you may call 1-898-REG-FAIR (1-888-734-3247), or write the Ombudaman at Small Business Administration, Office of the Nation Street, SW MC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudaman is in addition to any other rights you the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Attachment B

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Attachment B

Mine Citation/Order					ertment of	Labor Ith Administra	ation	
Section I-Violation Data	14				,		(b) (6)	
1. Date	1. 54.	W1 U. V	tarb)			3. Citation/ Order Nu	,	
(b) (o)			-	(b		01001110	11001	,
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not have suff contains stai This condition elevator pit. running.	rs, aug n creat	illumi er scr es a s	nation to ews and t lip/trip/	he bottom fall hazar	afe work section d to min	king con of the ners tha	ditions. lime elev t enter t	The pit vator.
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*								
A 14 - 14 - 15 - 15 - 15 - 15 - 15 - 15 -	7 7 7 2 11			T		See Cont	inustion Form (MSH	IA Form 7000-3a)
9. Violation A. Health Safety	B. Secti			C. Part/Section of Title 30 CFR		56.1	7001	
Section II—Inepector's Evaluati 10. Gravity: A. injury or Illness (has	on) (ls): No Like	Nithood [Un⊞kety ⊬	Reasonably	Likely [Highly Likely	Occin	ried []
Section II—Inspector's Evaluati 10. Gravity: A. injury or Illness (has B. Injury or Illness could sonably be expected	on) (ls): No Like I rea- to be: No L	ost Workd		Reasonably Workdays Or Restric		Permanent	y Disabling 🗌	Fatal [
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Section III—Inspectors Evaluation 10. Gravity: A. Injury or Illness (has a. Injury or Illness couls sonably be expected. C. Significant and Subsection 11. Negligence (check one and a check on a	on) (is): No Like I rea- to be: No L tantial:) A. None 2. r C. Safe Mo Da Yr Cata	ost Workd	No B. Low 13. Type of iss D. Written Notice B. Time (24 Hr. Ck	C. Moderate uance (check one) E. Citation/ Order Num	D. High Citation	Permanenti D. Number of E.	Persons Affected Recidess Disreg Safeguard F. Dated	Fatal : 4: 001 and : : : : : : : : : : : : : : : : : : :
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Attachment B

District MNM Northeastern Field Office Wyomissing South Mine ID

The area is accessed for clean-up and maintenance duties.

Mine Citation/Order		U.S. Department of Labor Mine Safety and Health Admi	inistration	
Section I-Violation Data	1.			
1. Date	to Time Md He Madel	3. Cit	stion/ der Number	ă
	,	5(h		
1	·	7.		
				(Contractor)
			8a. Written N	otice (103g)
provided with contact. The The speed red level. This of	n a guard on the back auger screw speed red ducer pulley and shaft condition exposes mine	ted in the #8 mill elev side. The V-belts and p ucer keyed shaft was al were approximately 5 f rs to possible entangle evator pit is not a req	oulleys were on so open to co eet from the ment injuries	pen to ntact. floor from

						See Cor	dinustion Form (MSH	A Form 7000-3a)
9. Violation	A. Health Safety Other	B. Section of Act	C	Part/Section of Title 30 CFR		56.1	4107a	*
Section II-Insp	ector's Evaluation							
10. Gravity:				14				
A. Injury o	r iliness (has) (is):	No Likelihood 🔲	Unlikely 🔲	Reasonably	Likely 📝	Highly Likely	Cocu	med 🔲
	r illness could rea- be expected to be	No Lost Workd	ays Lost Worl	days Or Restric	ted Duty 🗌	Permanen	tty Disabling 🔽	Fetal 🔲
C. Signific	ant and Substantia	t: Yes 🗹	No 🗌	6	F	D. Number o	f Persons Affected	t 001
11. Negligeno	ce (check one)	A. None	B. Low C. I	Moderate 🗹	D. High		. Recidess Diareg	ard 🗌
12. Type of A	ction 104a		13. Type of Issuance	e (check one)	Citation 2	Order 🗌	Safeguard	Written Notice
14. Initial Acti A. Citation		C. Safeguard	D. Written Notice	E. Citation/ Order Nurr	ber		F. Dated	Mo Da Yr
15. Area or E	quipment							
							60	
	- 1 g				*			*
16. Termination	A. Date	Ma Pa V	Time (24 Hr. Clock)		,			
Section III-Terr	nination Action	61					-	
17. Action to	Terminate	9						3
18. Terminate	A. Date Mo	De Yr B. Time	(24 Hr. Clock		1			
Section IV-Auto	emated System Data	*				13		
19. Type of in (activity of		20. Event Number		21. Pri	nery or Mill M	3		
22. Signature					T.	23. AR	Number	

instruct from 1995, April to (version) in a continuous wife provincia of the Grain and a functions and a function of the Continuous and Agriculture Regulatory Conductorian and 10 Regional Falmess Boards to receive comments from small businesses about federal agency enforcement actions. The Cribudeman anniusity evaluates enforcement activities and raise each agency's responsiveness to small businesse. If you wish to comment on the enforcement actions of MRHA, you may call 1488-REG-FAIR (1-888-734-247), or write the Ombudeman at Small Business Administration, Office of the National Ombudeman, 408 3rd Street, SW MCC 2120, Viberington, DC 20418. Piesse note, however, that your right to file a comment with the Ombudeman 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 Citati	on/Order			+ *		partment of L lety and Healt		ration	•	
Section I-Viola	tion Date							(b) (c)		_
I. Date (t	In Time	Ma Hr Charly	•			3. Citation/ Order No	(
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								ley drum.		k
side ex	rpanded r	netal se	ction h	ad been	cut out	and repl	aced by	re-atta	ching th	
ection	with p	leces of	wire o	n the to	p side o	only. An	opening	was obs	erved	
pelow t	ne back	side wh	ich mea	sured 24	1/2 by	5 1/2 ir	ches. 7	This open	ing also	į
rtanaj	ement i	to the	while w	rey arum	. Miners	ing this	posed t	o possib	.comerato	~
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				rs are r		01 0110	opper			
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Materia	A Marks	D. O. W.			De		See Con	tinuation Form (MSI	HA Form 7000-3a)	_
. Violation	A Health Safety Other	B. Section of Act		10	Perl/Section of Title 30 CFR			4112b	HA Form 7000-3a)	_[
	Safety					of			HA Form 7000-3a)	_[
ection II—Inspe 0. Gravity:	Safety Other Octor's Evaluation	of Act			Title 30 CFR		56.14	4112b		
ection il-Inape 0. Gravity: A. Injury or	Safety Other Stor's Evaluation	of Act): No Likelih	ood 🗆	Unlikely 🛂	Title 30 CFR Reasonably	/Likely 🗆	56.14 Highly Likely	4112b	urred [_[
ection II—Inspe 0. Gravity: A. Injury or B. Injury or	Safety Other Octor's Evaluation	of Act		Unlikely 🛂	Title 30 CFR	/Likely 🗆	56.14 Highly Likely	4112b		
ection il-Inspe 0. Gravity: A. Injury or B. Injury or sonably	Safety Other Other Other Selection Evaluation Illness (has) (is	of Act i): No Likelih be: No Los	ood 🗆	Unlikely 2	Title 30 CFR Reasonably	/Likely 🗆	56.14 Highly Likely Permanent	4112b	urred []	
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ection III-Inspe D. Gravity: A. Injury or B. Injury or sonably C. Significa I. Negligenor Z. Type of Action A. Citation	Safety Other Control Evaluation Illness (has) (is liness could re be expected to unt and Substant (check one) ction 104a	of Act Of Act No Likelih No Los Hali A. None	ood t Workdays n No B. Lo	Unlikely Lost Wor C. Type of Issuan	Ressonably kdays Or Restr	y Likely ☐ icted Duty ☐ D. High Citation ☑	56.14 Highly Likely Permanent D. Number of	4112b Occurry Disabling f Persons Affects Recidess Disreg	Fatal d: 001	•[
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9. Violation A.	Health Safety Other	B. Section of Act	90	•	C. Part/Section Title 30 CF		56.14	1107a	
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Mine Citation/Order		U.S. Department of L Mine Safety and Heal		1	
Section i-Violation Data				-{	
1. Date	Plant 1	•	3. Citation/ Order Numbe	r	
		5. Operator			_
		•			(Contractor)
		•	•••	Sa. Written	Notice (103g)
The tailpulley guard of t	he Rice belt w	as not secured	in place	on the	left
side. The side section of					
attaching the section with					
section was not secured a condition exposes miners					i e
entanglement injuries res					r-type
ailpulley. The Rice belt					
s in the area when the m					_
t s. K.	T .				
	•				
			See Continuati	ion Form (MSH.	A Form 7000-Sa) [
Violation A. Health B. Section of Act		rt/Section of a 30 CFR	56.14112	.	
	• • •	SU CFR	30.14112	U	
Other _		•			
ection II—Inspector's Evaluation					
ection II—Inspector's Evaluation O. Gravity:	Unificaty 57	Reasonably Likely (1)	Highly Likely	Occur	red 🗀
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		astern Field	Office W	yomissing Sout	th Mine ID		
Mine Citation	on/Order		17		ertment of Labor ty and Health Adm	ninistration	•
Section I-Violat	ton Deta	,				(b) (6)	
1. Date (b						itation/	
(,		Į.		/		rder Number	
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			74				
i				1			(Contractor)
8. Condition o							ten Notice (103g)
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						s partially	
a remov	able wall	kway cross	-over plat	form. This	platform d	id not cover	r the
entire	tailpulie	ey and coul	ld easily	be lifted o	off. Opening	gs around th	1e
caliput	ley range	ed from 3-4	l inches o	n the top	side and 8-	10 inches or	the sides
or the	carrbarre	ey. Inis co	maition e	xposes mine	ers working	or traveling the or traveling of the or traveling of the original or traveling or	ig this
Tinner D	boasible	s encangled	ment injur	ies. The F	tat kice be.	e mills and	conchine
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			1:	F 1		See Continuation Form (Mi	SHA Form 7000-3a)
9. Violation	A. Health	B. Section		C. Part/Section of		56 14100	7
	Safety	of Act		Title 30 CFR		56.14107a	
Section II-Insper				4			
10. Gravity:							
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	Iliness could rea- be expected to be		days 🗌 Lost	Workdays Or Restric	ted Duty 🗹 Pen	manently Disabling	Fatal [
	nt and Substantie		No ☑		D. Nur	mber of Persons Affect	ed: 001
11. Negligenos	(check one)	A. None	B. Low 🗹	.C. Moderate	D. High 🗌	E. Recidess Disre	
12. Type of Ac	tion 104a	1	13. Type of lar	suence (check one)	Citation 🔽 Orde	r Safeguard	Written Notice
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A Chatten F		C. Safeguard [D. Written Notice	Order Num	Der		
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15. Area or Eq	Due A Date		B. Time (24 Hr. Ci	ock)	*		
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Attachment B

Mine Citat	tion/Order	· ·	24			rtment of I ty and Heal		stration		•
Section I-Viol	ation Data	12 Time (24 Hr.	Clark	·			3. Citatio		(b) (c)	
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				(t	Operator					
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The wa		ngside the	old bin	nevt t	o the	flat r	ice he	It ha		Notice (103g)
the ex	panded met	tal floor.	A hole	in the	cente	r of the	e floor	r was	appro	oximatel
inch	es by 12 :	inches. Th	ere was	also an	open:	ing alor	ng the	left	side	of the
walkwa	y ranging	approxima	tely 6-10	0 inche	s in v	width a	nd exte	endin	g for	
approx	imately 15	feet in	length.	This co	nditio	on expo	ses min	ners	worki	ng or
		area to a								not a
reguta	r travelwa	y. Access	ed for c.	lean-up	and/c	or main	tenance	e aut	ies.	
								+		
							2.7			
Violation	A Health	B. Section		C Pest	Section of		See C	ontinustion	Form (MSH	A Form 7000-3a)
. VINIEURI	Safety	of Act			30 CFR		56	.11012		
	Other _	<u> </u>		- 1						
	ector's Evaluation									
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Attachment B

trict MNM N	Northeastern	Field Off	fice Wyor	nissing Sou	th Mine	ID [
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Section I-Violation Data 1. Date (•		•			3. Citation/ Order Nu	(mbe-	
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							. 3	(Contracto
8. Condition or rrace The East Co expanded me attached wi opening on of 24 inche pulleys of expose mine from accide employee is	onveyor ta etal had b ith wire o the lower es allowin this belt ers workin ental cont	een cut n the to left si g access were al g or tra act with	open 24 in ponly. The de. The last to the was not guard the movi	nches by he back eft side ing-type arded on is area ng machi	section of the tailpul the bac to possine parts	inches had a 6 tailpul ley. The k side. ble ent	and the s 1/2 by 6 ley had a e drive k These co anglement 1 operato	section r 5 1/2 inc an opening belts and onditions t hazards
employee 12	, in the a	rea when	CHE MITT	s or cru	enrna al		e rumrii	
9. Violation A. Hea	tth □ B. Sect	ion	16	. Part/Section o	1	See Con	inuation Form (MSH	A Form 7000-3a)
Saf	lety of Ac			Title 30 CFR		56.14	107a	
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12. Type of Action	104a		13. Type of Issuer	ice (check one)	Citation 🗹	Order [Safeguard [Written Notice
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15. Area or Equipment		- 41 - 41		- L	. 1			
16. Termination Due	A. Date			7.1			*	
Section III—Termination Ac	tion							
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8. Terminated A. Dat	Mo Da Yr	B. Time (24 I	Hr. Clock					
lection IV-Automated Syr	stern Data	_! <u></u>						
9. Type of inspection	20 Fu	ent Number		21. Pri	mary or Mill			
(activity code)	E01							
					<u>M</u> ·	23. AR	lumber	

Enforcement actions with questionable evaluations

District MNM Northeastern

Field Office Wyomissing South Mine ID



Mine ID	Violation	Januard	Туре	30 CFR	S&S	Likely	Injury	No. Affected	Neg
	'(104(a)	56.14107(a)	N	Unlikely	Fatal	1	Moderate

A guard was provided for area between the speed reducer and the head pulley on the No.9 conveyor belt. Moving machine parts shall be guarded to protect persons from contacting gears, head, tail, and take up pulleys, shafts, and similar moving parts that can cause injury. No one travels this area when the belt is running.

#1 The fist line in the condition or practice should read, A Guard was NOT provided for the area between the speed reducer and the head pulley. #2 The citation lacks explaining the hazard and gravity of the injury. #3 The statement that no one travels the area while belt is operating. How was this proven? What is the hazard without any exposure? These type opinions do nothing to support the violation the supervisor should have had these errors corrected

Mine ID	Violation	Issued	Туре	30 CFR	S&S	Likely	Injury	No. Affected	Neg
)	104(a)	56.4201(a)(2)	N	Unlikely	Lost Days	1	High

The fire extinguisher located on the welding machine trailer (Co# 70 welding machine) was not provided with an annual inspection or records tag showing that the annual maintenance inspection had been performed. The annual inspection is to be performed by a qualified technician and a certification tag placed on the extinguisher. The inspection is needed to check the mechanical parts, hose, nozzle and vessel, the amount of the extinguishing agent and expellant. The wire fastener was still attached to the fire extinguisher but the tag was not attached. There were no other records available to indicate that the annual inspection had been done. All units must be certified every 12 months. Persons were exposed to possible serious burns while attempting to use a defective unit. The fire extinguisher gauge showed pressure and appeared to be in usable condition.

#1 How was lost work days determined? #2 Burns usually result in permanently disabling injuries from scarring. #3 Citation lacks any information to support high negligence. #4 Since when do we require a qualified technician to conduct a yearly exam? Who were the people exposed?

Mine ID	Violation	Issued	Туре	30 CFR	S&S	Likely	Injury	No. Affected	Neg
		(6)	104(a)	50.30(a)	N	No Likelihood	NoLostDays	0	Moderate

An MSHA #7000-2 (Quarterly Employment Report) for the 2nd quarter of 2008 (April, May, June) was not completed nor mailed to MSHA's Health and Safety Analysis Center prior to July 15, 2008. The quarterly report is to be submitted to the MSHA Health and Safety Analysis Center in accordance with the instruction criteria in 50.30-1. The report is due within 15 days after the end of each calendar quarter and a copy retained at the company's main office for a period of five years after the submission date.

#1 Citation lacks any negligence justification. Or gravity.

Mine								No.	
ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Neg
			104(a)	56.1203	N	Unlikely	Lost Days	1	Moderate

The trouble light found at the No.8 mill area had the outer jacket broken, exposing the electrical conductors, creating a shock or burn hazard. When a potentially dangerous condition is found it shall be corrected before equipment or wiring is energized.

#1 Does not appear to be the most appropriate standard. #2 Who was exposed and how? #3 How was exposed bare conductors evaluated as unlikely? #4 What facts did the inspector use to determine gravity of injuries? #5 What facts did the inspector use to determine moderate negligence? Why say shock or burn is this multiple choice? Citation should be factual as possible.

Attachment C

United States Department of Labor Mine Safety and Health Administration

Office of Accountability

] District | MNM Northeastern Field Office Wyomissing South Mine ID Mine No. Affected ID Violation Issued Type 30 CFR S&S Likely Injury Neg 104(a) 56.12034 Unlikely Lost Days High The 110 Voir cuss to dawn light had no guarding to protect a person from a burn or shock hazard. The dusk to dawn light was located alongside the walkway of the # 2B stacker conveyor belt approximately five feet above the walkway. #1 What person was exposed and how and how often. Where is the facts for negligence.

Mine							-	No.	
ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Neg
(104(a)	56.12018	N	Unlikely	Fatal	1	High

The mane operator tailed to provide labeling for the 110 volt circuit breakers located in the 110/220 panel on the wall of the West Power Room/Control Room. Breakers not labeled were #8,16,22,24,25,27, and 29. All of these breakers were in the "ON" energized position. Principal power switches shall be labeled to indicate which units or circuits they control. Miners were exposed to electrical hazards associated with working on or near energized circuits which could be thought to be inactive. Injuries expected would include shock, burn, and possible electrocution. The West Power Room/Control Room is accessed on a daily basis.

#1 Citation reads like we picked fatal from options of shock, burns, electrocution. No explanation for fatal. (how come fatal) #2 How did we determine high negligence? #3 Who were the miners exposed how long were they exposed?

Mine	-							No.	
ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Neg
			104(a)	56.4201(a)(1)	N	Unlikely	Lost Days	0	High

The fire extinguisher ated on the Ford F250 maintenance truck (Co# 16) had not been visually inspected and recorded during the months of Februar March, or April. The annual inspection was conducted January 2009. There was pressure on the gauge indicating the fire exti uisher was usable if needed. Persons were exposed to possible serious burns by attempting to use a defective unit.

#1 What are we citing failure to make a record or conduct the test? #2 Were we citing a fire extinquisher or a record of a test? #3 How could the test or record cause LWD injuries? #4 Where is th negligence justification?

Mine								No.	
ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Neg
			104(a)	56.14112(a)(1)	N	Unlikely	Fatal	1	High

The guard for the tail pulley under the feed hopper, had been broken off and partially covered up with material. Guards shall be constructed and maintained to withstand the vibration, shock, and wear to which they will be subjected during normal operations. No one works or travels in this area when the plant is running.

#1 If guard was broken off and we had exposed moving parts. Why would 56.14107(a) not be cited? #2 If you have access, can we say we never will or never have had exposure? Is fatal really the most expected injury? #3 What kind of moving parts did we have? Last sentence does nothing to support a violation. Is this a fact or opinion? How was this statement proven? why would a supervisor allow this in a citation? #4 Where is any negligence justification?

Mine ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Neg
	(0) (0)		104(a)	56.14101(a)(2)	N	Unlikely	Lost Days	1	High

The Chevrolet 1500 pickup truck (serial #IGCEC14 V4YE353378) Parking brake did not hold on a slight grade when tested. The Chevrolet pickup truck operates in the quarry pit on level areas most of the time.

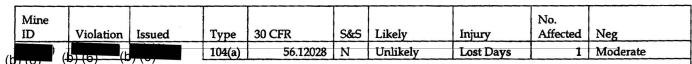
#1 If truck operates in the quarry but most of the time on level how did we determine it not likely to ever be parked grade? Would not hold on slight grade. #2 If run over by pickuptruck is lost work days really the injuries a person is likely to receive? How is negligence being justified?

Attachment C

United States Department of Labor Mine Safety and Health Administration

Office of Accountability

District MNM Northeastern Field Office Wyomissing South | Mine ID



The mine operator was unable to produce current documentation that the continuity and resistance testing of the electrical system and equipment within the Quarry Maintenance shop had been conducted. Records were available for the grounding electrode test and several pieces of equipment were tested for motor continuity. A pedestal type 220 volt grinding wheel was not tested and several other pieces of equipment did not have their grounding conductors tested. Employees working around or in this area were exposed to the possibility of electrical shock or burn if a ground fault condition were to go undetected.

#1 How would a failure of testing without a electrical fault cause LWD? An electrical fault is a different citation and should be cited.

Mine								No.	
ID	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	Affected	Neg
(0)			104(a)	56.4201(a)(1)	N	Unlikely	Lost Days	1	Moderate

Several fire extinguishers located at the mine site had not been visually inspected for serviceability during the month of April. The annual service examination was performed in March of 2009 and a monthly inspection was recorded for May of 2009. All the fire extinguishers that were checked showed pressure on the gauges, indicating their were operational if needed.

#1 Why did we cite fire extinguishers individually previously and lump several this time? #2 We are citing failure to test. How was LWD justified? #3 How was negligence justified in the citation?

Mine ID	Violation	Issued	Туре	30 CFR	S&S	Likely	Injury	No. Affected	Neg
			104(a)	56.14107(a)	N	Unlikely	Permanent	1	Moderate

The existing guard for the tail pulley on the No.8 feed belt in the mill area was not adequate. The openings on both sides of the tail pulley were not completely cover to prevent a person from contacting the pinch point.

#1 Who is exposed? How likely would it be for an accident to result? And what type injuries are likely to result if contact is made to the moving machine parts? #2 How is Negligence justified in the citation?

Mine ID	Violation	Issued	Туре	30 CFR	S&S	Likely	Injury	No. Affected	Neg
			104(a)	47.41(a)	N	Unlikely	LostDays	1	Moderate

The portable container,(1/2 Gal.), found on the Cat.Rock Breaker,(No.SB003) was not provided with a label marked with the appropriate information of it's contains. The operator must ensure that each container is properly label.

#1(This standard should only be cited if the chemical were hazardous. What was in the container?

le	Violation	Issued	Type	30 CFR	S&S	Likely	Injury	No. Affected	Neg
b) (6)		5)	104(a)	56.12018	N	Unlikely	Fatal	1	Moderate

The \(\frac{10}{220} \) volt breaker box located in the Primary Plant MCC building was not properly labeled to show which circuits they control. Breakers #20, #24, and #33 were not labeled but in the ON position. Upon inspection by the company electrician, these breakers did control live circuits. Other breakers had been moved from their original locations so another breaker could be added. Principal power switches shall be labeled to indicate which circuits they control. Miners were exposed to electrical hazards associated with working on or near energized circuits which could be thought to be inactive. The Primary Plant MCC building is accessed on an as needed basis for lock-out procedures of plant equipment. Electrical work is performed by company electricians and an outside electrical contractor.

Attachment C 52

District MNM Northeastern

Field Office Wyomissing South Mine ID



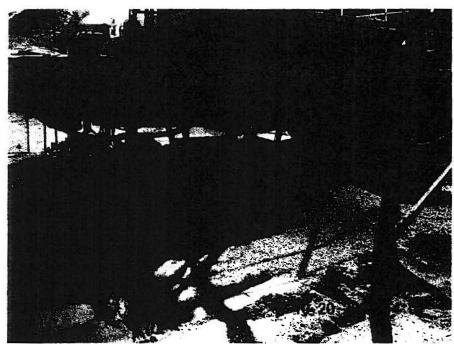


Photo No.1 -

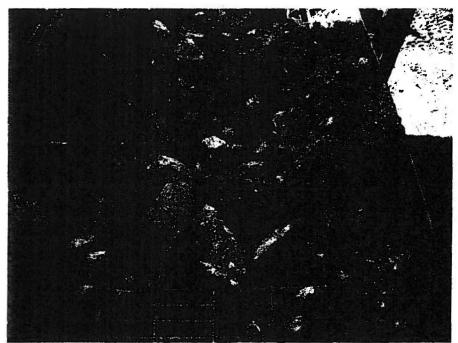


Photo No.2 -



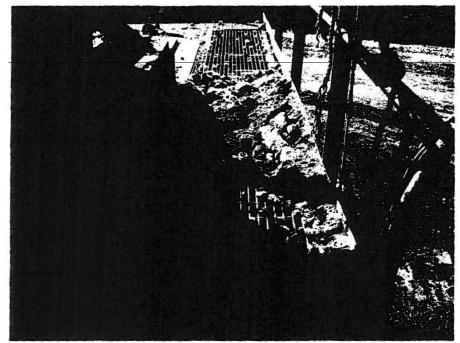


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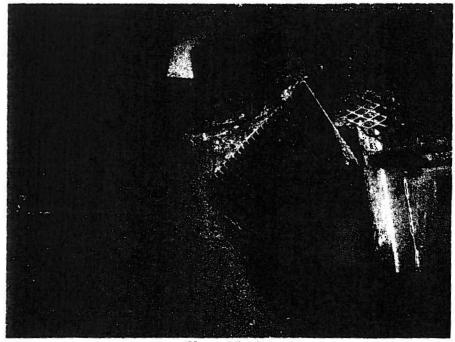


Photo No.4 -



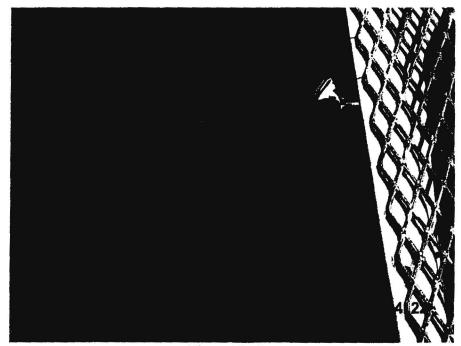


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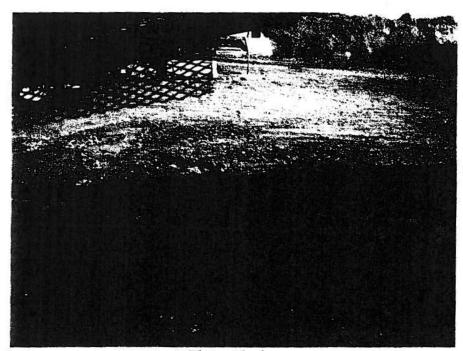
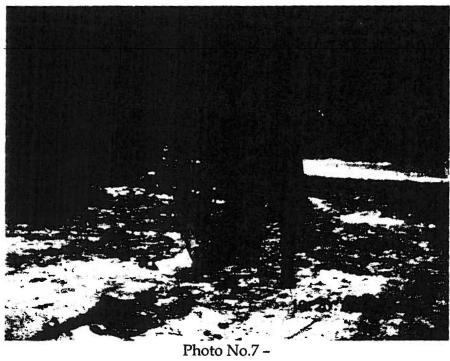


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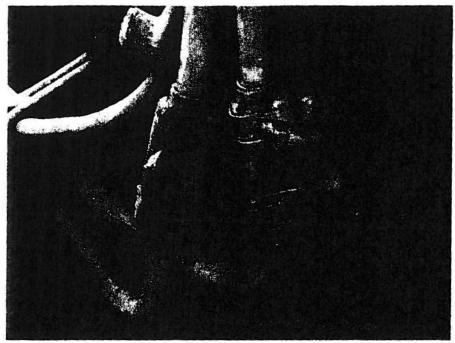


Photo No.8 -

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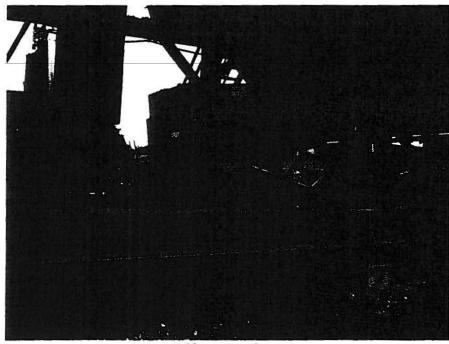


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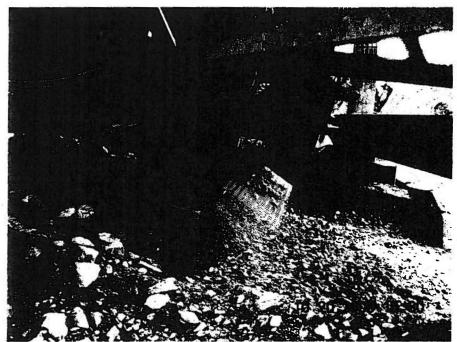


Photo No.10 -

District MNM Northeastern

Field Office

Wyomissing South Mine ID



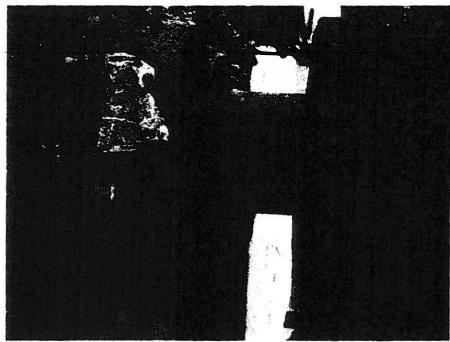


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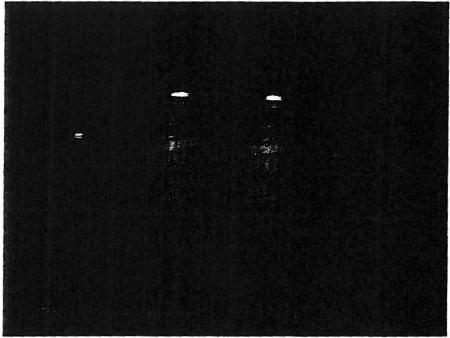


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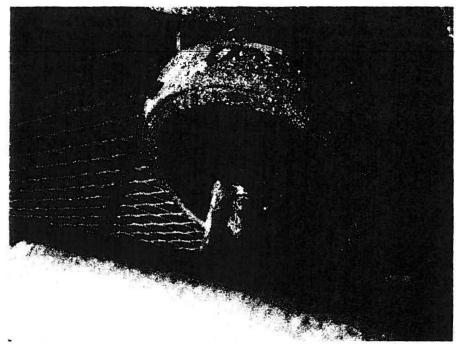


Photo No.13 -



Photo No.14 -

District MNM Northeastern

Field Office Wyomissing South

Mine ID



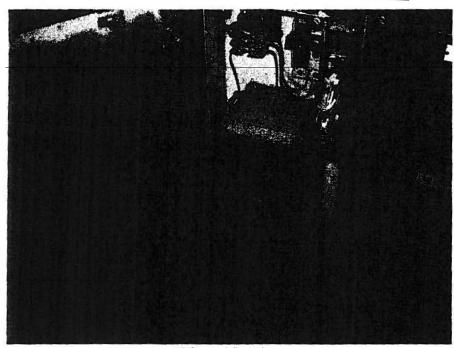


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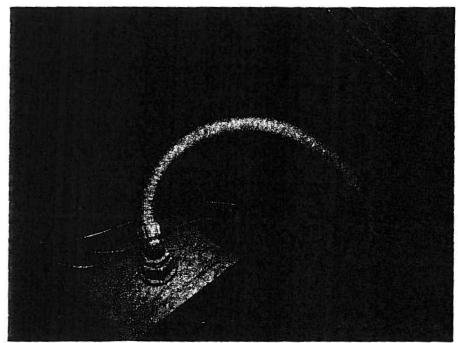


Photo No.16 -

Office of Accountability (b)

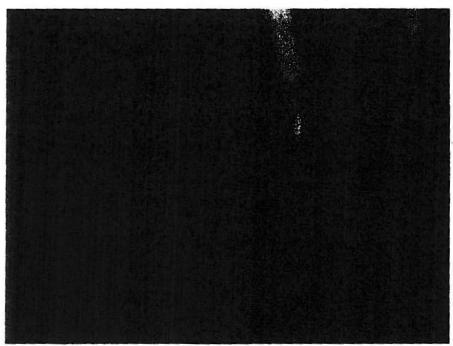


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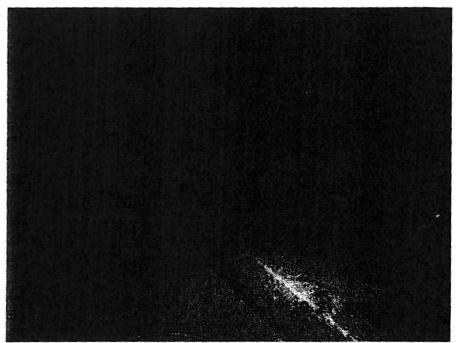


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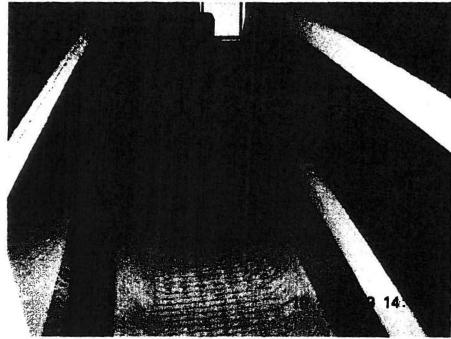


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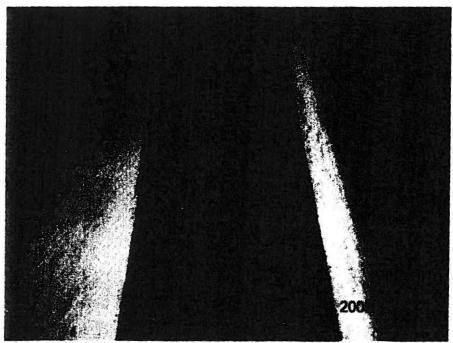


Photo No.20 -

MNM Northeastern Field Office Wyomissing South Mine ID District



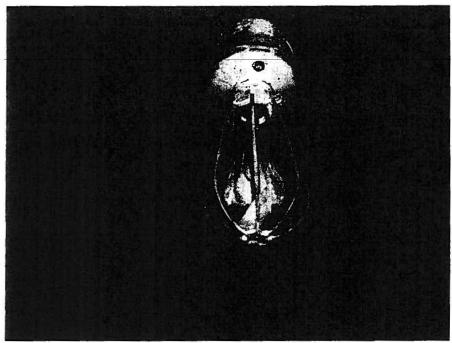


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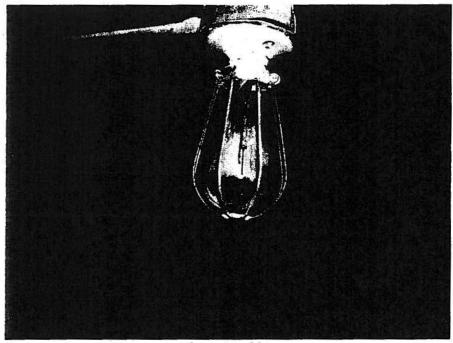


Photo No.22 -

63 Attachment D

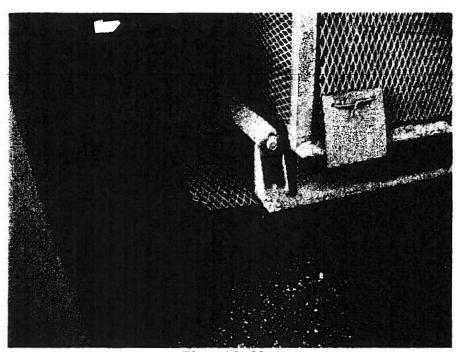


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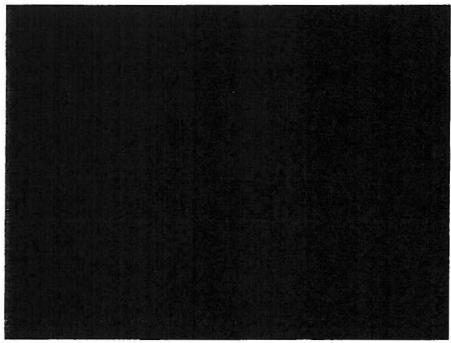


Photo No.24 -



Photo No.25 -

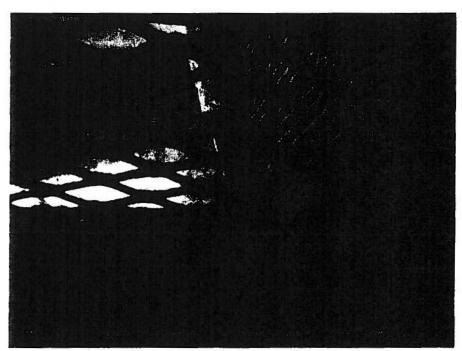


Photo No.26 -



Photo No.27 -

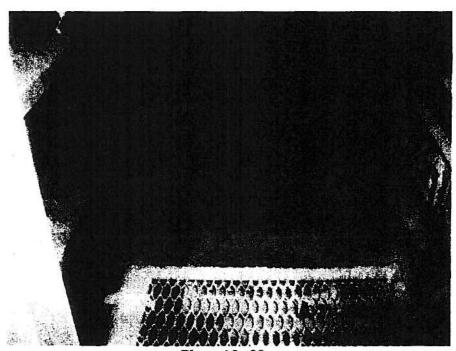


Photo No.28 -