



**Allen, Pam, NMENV**

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**From:** Maestas, Ricardo, NMENV  
**Sent:** Tuesday, September 16, 2014 3:38 PM  
**To:** Flynn, Ryan, NMENV; Kendall, Jeff, NMENV  
**Cc:** Winchester, Jim, NMENV; Tongate, Butch, NMENV; Blaine, Tom, NMENV; Skibitski, Thomas, NMENV; Kieling, John, NMENV; Holmes, Steve, NMENV; LucasKamat, Susan, NMENV; Turner, Jill, NMENV; Nelson, Morgan, NMENV; Ines Triay; Maestas, Ricardo, NMENV; Smith, Coleman, NMENV; Simon, Martin, NMENV; Cobrain, Dave, NMENV; Pullen, Steve, NMENV; Dale, Leslie, NMENV; Briley, Siona, NMENV; Hall, Timothy, NMENV; Kliphuis, Trais, NMENV; Hower, Jennifer, NMENV; Allen, Pam, NMENV; Lauer, Gregory, NMENV  
**Subject:** FW: Recent MSHA Citations  
**Attachments:** MSHA Citations 091614.pdf

- Russ will be forwarding the latest MSHA WIPP Inspection report to the group. Cole asked for this last week.

The above bullet was listed in the summary notes I sent out at 3:14pm.

The attached document is the MSHA report.

Thanks.

Ricardo

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**From:** Russ Patterson [<mailto:russ.patterson@cbfo.doe.gov>]  
**Sent:** Tuesday, September 16, 2014 3:29 PM  
**To:** Smith, Coleman, NMENV; Kliphuis, Trais, NMENV; Maestas, Ricardo, NMENV; Holmes, Steve, NMENV; 'Economy.Kathleen@epa.gov'; 'peake.tom@epa.gov'; 'Walsh, Jonathan'; 'Stone.Nick@epa.gov'  
**Cc:** George Hellstrom - WIPPNet; George Basabilvazo - WIPPNet; Susan McCauslin; Don Galbraith - WIPPNet; Casey Gadbury; [steve.kouba@wipp.ws](mailto:steve.kouba@wipp.ws); Anthony Stone  
**Subject:** Recent MSHA Citations

Coleman and others:

Please find attached a PDF showing the 8 citations from the recent MSHA visit. They appear to be in ascending order. This information and perhaps additional details will be available in the future on the MSHA website. I believe this will close out action item 106 from our weekly phone call. Please pass on to others that may have need to know.

Thanks

Russ

Russell Patterson  
Compliance Certification Manager  
DOE/CBFO  
575-234-7457 or 234-706-0027





Section I—Violation Data

1. Date Mo Da Yr 09/09/2014	2. Time (24 Hr. Clock) 0943	3. Citation/ Order Number 8775268
4. Served To Casey Gadbury-Facility Manager	5. Operator U S DEPARTMENT OF ENERGY	
6. Mine WASTE ISOLATION PILOT PLANT (WIPP)	7. Mine ID 29-01857	(Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The security personnel at the gate refused to allow an authorized representative to enter the mine. Wade Smith-Nuclear Waste Partnership Captain of Security stated that the MSHA inspectors could not enter the mine to conduct any inspection without obtaining site specific training. Mr. Smith was advised that training was not necessary and that refusal to allow the inspection was a violation of the provisions of Section 103a of the Mine Act. This condition has not been designated as "significant and substantial" because the conduct violated a provision of the Mine Act rather than a mandatory safety or health standard.

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 103A	C. Part/Section of Title 30 CFR
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Section II—Inspector's Evaluation

10. Gravity:				
A. Injury or Illness (has) (is): No Likelihood <input checked="" type="checkbox"/> Unlikely <input 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 checked="" type="checkbox"/> Lost Workdays Or Restricted Duty <input 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: 000	
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input checked="" 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 09/09/2014	B. Time (24 Hr. Clock) 1015
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Section III—Termination Action

17. Action to Terminate

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

19. Type of Inspection (activity code) E01	20. Event Number 6657217	21. Primary or Mill P
22. AR Name Darwin Leonard Bratcher		23. AR Number 4220

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.



Section I--Violation Data

1. Date Mo Da Yr 09/08/2014	2. Time (24 Hr. Clock) 1605	3. Citation/ Order Number 8775267
4. Served To Casey Gadbury-Facility Manager		5. Operator U S DEPARTMENT OF ENERGY
6. Mine WASTE ISOLATION PILOT PLANT (WIPP)		7. Mine ID 29-01857 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

There are two P-10 mixture pressure cylinders in the Rad Con instrument room that do not have protection for the valves. This is a flying debris hazard. These cylinders are used in the Rad Con process. An eye injury could result from this condition.

Photo Taken:

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR	57.16006
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Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or Illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input checked="" type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				D. Number of Persons Affected: 001
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104a		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>			E. Citation/ Order Number	F. Dated Mo Da Yr
15. Area or Equipment				

16. Termination Due	A. Date Mo Da Yr 09/15/2014	B. Time (24 Hr. Clock) 0800
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Section III--Termination Action

17. Action to Terminate		
18. Terminate	A. Date Mo Da Yr	B. Time (24 Hr. Clock)

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 6657217	21. Primary or Mill P
22. AR Name Darwin Leonard Bratcher		23. AR Number 4220

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.



Section I--Violation Data

1. Date Mo Da Yr 09/08/2014	2. Time (24 Hr. Clock) 1552	3. Citation/ Order Number 8775266
4. Served To Casey Gadbury-Facility Manager		5. Operator U S DEPARTMENT OF ENERGY
6. Mine WASTE ISOLATION PILOT PLANT (WIPP)		7. Mine ID 29-01857 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The charging station located in the TMF building is not ventilated with a sufficient volume of air to prevent the accumulation of hydrogen gas. This is a fire hazard. This area has several forklifts and automatic vehicles on charge at the time of the inspection. Burns or other injuries could result from this condition,

Photo Taken:

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.4502a
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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 09/08/2014	B. Time (24 Hr. Clock) 1630
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Section III--Termination Action

17. Action to Terminate

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

19. Type of Inspection (activity code) E01	20. Event Number 6657217	21. Primary or Mill P
22. AR Name Darwin Leonard Bratcher		23. AR Number 4220

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.



Section I—Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 09/08/2014	3. Citation/ Order Number 8775266 - 01
4. Served To Casey Gadbury-Facility Manager	5. Operator U S DEPARTMENT OF ENERGY	
6. Mine WASTE ISOLATION PILOT PLANT (WIPP)	7. Mine ID 29-01857	(Contractor)

Section II—Justification for Action

Two portable fans have been positioned to help with the air flow until a permanent repair can be made to the ventilation system.

See Continuation Form

Section III—Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr 09/22/2014	B. Time (24 Hr. Clock) 0800	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV—Inspection Data

9. Type of Inspection E01	10. Event Number 6657217		
11. AR Name Darwin Leonard Bratcher	AR Number 4220	12. Date Mo Da Yr 09/08/2014	13. Time (24 Hr. Clock) 1605



Section I--Violation Data

1. Date Mo Da Yr 09/08/2014	2. Time (24 Hr. Clock) 1540	3. Citation/ Order Number 8775265
4. Served To Casey Gadbury-Facility Manager		5. Operator U S DEPARTMENT OF ENERGY
6. Mine WASTE ISOLATION PILOT PLANT (WIPP)		7. Mine ID 29-01857 <span style="float: right;">(Contractor)</span>
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The charging station in the TMF building does not have signs restricting smoking and open flames. This is a fire hazard. Several electrical forklifts and automatic vehicles are charging. Burns or other injuries could result from this condition.

Photo Taken:

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.4502c
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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 09/22/2014	B. Time (24 Hr. Clock) 0800
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Section III--Termination Action

17. Action to Terminate

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

19. Type of Inspection (activity code) E01	20. Event Number 6657217	21. Primary or Mill P
22. AR Name Darwin Leonard Bratcher		23. AR Number 4220

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Section I—Violation Data

1. Date Mo Da Yr 09/08/2014	2. Time (24 Hr. Clock) 1510	3. Citation/ Order Number 8775264
4. Served To Casey Gadbury-Facility Manager		5. Operator U S DEPARTMENT OF ENERGY
6. Mine WASTE ISOLATION PILOT PLANT (WIPP)		7. Mine ID 29-01857 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The outside cover on the #41P-DP04/2 480 volt electrical panel is not secured. Two of the fasteners are loose allowing the cover to open. This is an arc flash hazard. This panel controls equipment in the area. Burns or other injuries could result from this condition.

Photo Taken:

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.12032
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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 09/09/2014	B. Time (24 Hr. Clock) 1600
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Section III—Termination Action

17. Action to Terminate

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

19. Type of Inspection (activity code) E01	20. Event Number 6657217	21. Primary or Mill P
22. AR Name Darwin Leonard Bratcher		23. AR Number 4220

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Section I--Violation Data

1. Date Mo Da Yr 09/08/2014	2. Time (24 Hr. Clock) 1455	3. Citation/ Order Number 8775263
4. Served To Casey Gadbury-Facility Manager		5. Operator U S DEPARTMENT OF ENERGY
6. Mine WASTE ISOLATION PILOT PLANT (WIPP)		7. Mine ID 29-01857 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

There are 6 P-10 pressure cylinders in the CH building that do not have valve protection. This is a valve damage hazard. These cylinders are used in the Rad Con process. Average pressure is approx. 1200 psi. Eye injuries could result from this condition.

Photo Taken:

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.16006
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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 09/15/2014	B. Time (24 Hr. Clock) 0800
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Section III--Termination Action

17. Action to Terminate

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

19. Type of Inspection (activity code) E01	20. Event Number 6657217	21. Primary or Mill P
22. AR Name Darwin Leonard Bratcher		23. AR Number 4220

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Section I—Violation Data

1. Date Mo Da Yr 09/08/2014	2. Time (24 Hr. Clock) 1445	3. Citation/ Order Number 8775262
4. Served To Casey Gadbury-Facility Manager		5. Operator U S DEPARTMENT OF ENERGY
6. Mine WASTE ISOLATION PILOT PLANT (WIPP)		7. Mine ID 29-01857 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

Loading car #41-H-018 has unguarded moving machine parts. This car is located in the CH building. This is an entanglement hazard. This equipment is used to transport waste containers. A loss of limb injury could result from this condition.

Photo Taken:

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.14107a
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Section II—Inspector's Evaluation

10. Gravity:

A. Injury or Illness (has) (is): No Likelihood  Unlikely  Reasonably Likely  Highly Likely  Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays  Lost Workdays Or Restricted Duty  Permanently Disabling  Fatal

C. Significant and Substantial: Yes  No  D. Number of Persons Affected: 001

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

12. Type of Action 104a 13. Type of Issuance (check one) Citation  Order  Safeguard  Written Notice

14. Initial Action A. Citation  B. Order  C. Safeguard  D. Written Notice  E. Citation/  
Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr 09/22/2014	B. Time (24 Hr. Clock) 0800
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Section III—Termination Action

17. Action to Terminate

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

19. Type of Inspection (activity code) E01	20. Event Number 6657217	21. Primary or Mill P
22. AR Name Darwin Leonard Bratcher		23. AR Number 4220

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.