



**US Department of Labor  
 Mine Safety and Health Administration  
 Office Of Assessments  
 PROPOSED ASSESSMENT  
 AND  
 STATEMENT OF ACCOUNT**



Statement Date: 01/10/2018

Statement Number: 000456337  
 Mine Name: Waste Isolation Pilot Plant (Wipp)  
 Served To: U S Department Of Energy  
 Attn.: Todd A Schrader - Mgr, Carlsbad  
 PO Box 3090  
 CARLSBAD, NM USA 882213090

Mine ID: 2901857  
 Violator ID: (Operator - L01268)  
 Mine Location: Eddy, NM 88220

Upon reviewing the violations cited in the citations and orders referenced below and the data supplied by the Secretary's Authorized Representative, and all other information supplied concerning these citations and orders, MSHA finds that the violations cited did in fact occur and applying that data to the assessment regulations described in 30 CFR 100, MSHA proposes the penalty specified.

Pursuant to 30 CFR 100.7, you have 30 days from receipt of this proposed assessment to either pay the penalty, or notify MSHA that you wish to contest the proposed assessment and that you request a hearing on the violations in question before the Federal Mine Safety and Health Review Commission. If you do not exercise the right herein described within 30 days of receipt of this proposed assessment, this proposed assessment will become a final order of the Commission and will be enforced under provisions of the Federal Mine Safety and Health Act of 1977.

For violations assessed under the formula described in 30 CFR 100.3, the points assigned for the size of the operator (Column A) are derived from applying Subsection 100.3(b) of 30 CFR 100 using the size of your company and the size of your mine. The points assigned for the history of previous violations (Column B) are derived from applying subsection 100.3 (c) of 30 CFR, that is, the number of violations assessed per inspection day. The points assigned for negligence (Column C) are derived from applying subsection 100.3(d) of 30 CFR, that is, finding either no negligence, low negligence, moderate negligence, high negligence or reckless disregard. The points assigned for gravity (Column D) are derived from applying Subsection 100.3(e) of 30 CFR, that is, the likelihood of occurrence of the event against which the standard is directed, the severity of the injury or illness if it occurred or were to occur, and the number of persons potentially affected if the event occurred or were to occur. The points or percentage reduction assigned for the demonstrated good faith of the operator charged in attempting to achieve rapid compliance or the effects thereof (Column E) are derived from applying subsection 100.3(f) of 30 CFR, that is, finding either good faith or a lack of good faith. Single Penalty Assessments are developed in accordance with former Subsection 100.4 (prior to the 2007 rule revision) and Special Assessments are developed in accordance with subsection 100.5 of 30 CFR.

If there is an outstanding balance included with this billing statement, MSHA records indicate that you have unpaid civil penalties. The Debt Collection Improvement Act of 1996 requires us to either: (1) refer your debt to the U.S. Department of Treasury's Cross-Servicing Program with an additional 18% referral fee; (2) refer your debt to a private collection agency with an additional 23% referral fee; (3) refer you to the United States Department of Justice for collection with an additional 13% referral fee; (4) bar you from receiving Federal loans, guarantees, and other Federal benefits; or (5) report you to the credit bureaus, if your debt remains unpaid. For questions concerning your billing statement, please contact the Civil Penalty Compliance Office at (202) 693-9720. If you have entered bankruptcy protection, do not consider this a demand. Please provide the Civil Penalty Compliance Office with court, case number, and designated trustee and attorney contact information.

**Contest Information**

Please see the 'NOTICE OF CONTEST RIGHTS AND INSTRUCTIONS' page for instructions on contesting assessments, if any.

**Payment Information**

To ensure that your payment is properly applied, please include the attached Remittance Coupon with all payments submitted. Please send all payments to the address shown on the Remittance Coupon.

**1800106**

**JAN 17 2018**

Check For Contest	Citation/Order Number	S & S	Issue Date	Type of Action	Health or Safety Standard Violated	(A) Size of Operator		(B) History of Previous Violations				(C)			(D) Gravity			Total Points	Penalty Amount Based On Total Points	Reduction for Good Faith	Proposed Penalty
						Mine Points	Controller Points	Number of Violations	Number of Inspection Days	History Points	Number of Repeat Violations	Repeat Violation Points	Negligence Points	Likelihood of Occurrence Points	Severity of Injury Expected Points	Number of Persons Affected Points	Lack of Good Faith Penalty Points				
<input type="checkbox"/>	9351366	N	11/21/2017	104(a) C	57.14207	0	0	0	107	0	0	0	20	10	5	1	36	\$132.00	10%	\$118.00	
<input type="checkbox"/>	9358045	Y	11/21/2017	104(a) C	57.20003(a)	0	0	0	107	0	0	0	20	30	5	1	56	\$132.00	10%	\$118.00	
<input type="checkbox"/>	9351367	N	11/28/2017	104(a) C	57.14207	0	0	0	106	0	0	0	20	10	5	1	36	\$132.00	10%	\$118.00	
<input type="checkbox"/>	9351368	N	11/28/2017	104(a) C	57.14100(c)	0	0	0	106	0	0	0	20	10	5	1	36	\$132.00	10%	\$118.00	
<input type="checkbox"/>	9351369	N	11/28/2017	104(a) C	57.14207	0	0	0	106	0	0	0	20	10	5	1	36	\$132.00	10%	\$118.00	
<input type="checkbox"/>	9358049	N	11/28/2017	104(a) C	57.3200	0	0	0	106	0	0	0	20	10	5	1	36	\$132.00	10%	\$118.00	
<input type="checkbox"/>	9351370	N	11/29/2017	104(a) C	57.14207	0	0	0	108	0	0	0	20	10	5	1	36	\$132.00	10%	\$118.00	
<input type="checkbox"/>	9351371	N	11/29/2017	104(a) C	57.14207	0	0	0	108	0	0	0	20	10	5	1	36	\$132.00	10%	\$118.00	
<input type="checkbox"/>	9351372	N	11/29/2017	104(a) C	57.3360	0	0	0	108	0	0	0	20	10	20	1	51	\$132.00	10%	\$118.00	
<input type="checkbox"/>	9351373	N	11/29/2017	104(a) C	57.14100(c)	0	0	0	108	0	0	0	20	10	5	1	36	\$132.00	10%	\$118.00	
<input type="checkbox"/>	9351374	Y	11/29/2017	104(a) C	57.3200	0	0	0	108	0	0	0	20	30	20	1	71	\$318.00	10%	\$286.00	
<input type="checkbox"/>	9351375	N	11/29/2017	104(a) C	57.3200	0	0	0	108	0	0	0	35	10	10	1	56	\$132.00	10%	\$118.00	
<input type="checkbox"/>	9358047	N	11/29/2017	104(a) C	57.17001	0	0	0	108	0	0	0	20	10	5	1	36	\$132.00	10%	\$118.00	
<b>Sub Total</b>																		<b>\$1,702.00</b>			

Check For Contest	Citation/Order Number	SS & S	Issue Date	Type of Action	Health or Safety Standard Violated	(A) Size of Operator		(B) History of Previous Violations				(C) Gravity			(E)	Penalty Amount Based On Total Points	Proposed Penalty			
						Mine Points	Controller Points	Number of Violations	Number of Inspection Days	History Points	Number of Repeat Violations	Repeat Violation Points	Negligence Points	Likelihood of Occurrence Points				Severity of Injury Expected Points	Number of Persons Affected Points	Lack of Good Faith Penalty Points
<input type="checkbox"/>	9358048	N	11/29/2017	104(a) C	57.17001	0	0	0	108	0	0	0	20	10	5	1	36	\$132.00	10%	\$118.00
<input type="checkbox"/>	9351376	N	11/30/2017	104(a) C	57.12018	0	0	0	111	0	0	0	20	10	5	1	36	\$132.00	10%	\$118.00
<input type="checkbox"/>	9351377	N	11/30/2017	104(a) C	57.12008	0	0	0	111	0	0	0	20	10	5	1	36	\$132.00	10%	\$118.00
<input type="checkbox"/>	9351378	N	11/30/2017	104(a) C	57.12008	0	0	0	111	0	0	0	20	10	5	1	36	\$132.00	10%	\$118.00
<input type="checkbox"/>	9351379	N	11/30/2017	104(a) C	57.16001	0	0	0	111	0	0	0	20	10	5	1	36	\$132.00	10%	\$118.00
<input type="checkbox"/>	9351380	N	11/30/2017	104(a) C	57.20003(c)	0	0	0	111	0	0	0	20	10	5	1	36	\$132.00	10%	\$118.00
<input type="checkbox"/>	9351381	N	12/03/2017	104(a) C	57.14207	0	0	0	112	0	0	0	20	10	5	1	36	\$132.00	10%	\$118.00
<input type="checkbox"/>	9351382	N	12/04/2017	104(a) C	57.20003(c)	0	0	0	112	0	0	0	20	10	5	1	36	\$132.00	10%	\$118.00
<input type="checkbox"/>	9351383	N	12/06/2017	104(a) C	57.3360	0	0	0	115	0	0	0	20	10	5	1	36	\$132.00	10%	\$118.00
<b>I wish to contest and have a formal hearing on all violations listed in the Proposed Assessment(s)</b>																				
<b>Outstanding Balances</b>															<b>Total Proposed Penalties for this Assessment Case</b>		<b>\$2,764.00</b>			
															<b>Outstanding Penalty</b>		<b>\$0.00</b>			
															<b>Total Outstanding Balances</b>		<b>\$2,764.00</b>			