

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

1400 Old Country Road, Suite 208
Westbury, NY 11590
Phone: (516)334-3344 FAX: (111)222-3333



Citation and Notification of Penalty

To:
Frank Lally, President
Simtek Inc.
and its successors
21 Deforest Street
Amityville, NY 11701-2805

Inspection Number: 315996355
Inspection Date(s): 01/06/2012-01/06/2012
Issuance Date: 06/28/2012

Inspection Site:
21 Deforest Street
Amityville, NY 11701-2805

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal

conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 5 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment - Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action - For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification must be sent by you within **10 calendar days** of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities - The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data - You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at WWW.OSHA.GOV. If you have any dispute with the accuracy of the information displayed, please contact this office.

ABATEMENT CERTIFICATION

Anthony Ciuffo, CSP, Area Director
U.S. Department of Labor - OSHA

1400 Old Country Road, Suite 208
Westbury, NY 11590
Phone: (516)334-3344

Simtek Inc.
21 Deforest Street
Amityville, NY 11701-2805

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

I attest that the information contained in this document is accurate and that the affected employees and their
representatives have been informed of the abatement activities described in this certification.

Signature

Typed or Printed Name



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 06/28/2012. The conference will be held at the OSHA office located at , 1400 Old Country Road, Suite 208, Westbury, NY, 11590 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.



Citation and Notification of Penalty

Company Name: Simtek Inc.
Inspection Site: 21 Deforest Street, Amityville, NY 11701-8805

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.304(f)(1)(iv): Overcurrent devices shall be readily accessible to each employee or authorized building management personnel.

a) Worksite, Back Room, Welding Area, Challenger Load Center - Circuit Breakers in the Load Center were not readily accessible. Box was blocked by argon gas tanks, and welding machine; on or about 01/06/12

Note: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:	07/10/2012
Proposed Penalty:	\$ 2640.00



Citation and Notification of Penalty

Company Name: Simtek Inc.
Inspection Site: 21 Deforest Street, Amityville, NY 11701-8805

Citation 2 Item 1 Type of Violation: Repeat

29 CFR 1910.36(d)(1): Employees must be able to open an exit route from the inside at all times without keys, tools, or special knowledge:

a) Work-place, Front Room, (Former Press Brake Room) South Exit - The employer does not protect each employee by ensuring that all exit routes can be opened by employees from the inside at all times, without keys, tools or special knowledge. This violation was most recently observed on 01/06/12. A designated exit door was locked with a custom steel bar and caulked around the door jam. To abate this violation the employer shall open the exit door at all times when employees are in the building.

The employer, Simtek, Inc., was previously cited for a violation of this Standard or its equivalent standard, 29 CFR 1910.36(d)(1) which was contained in OSHA Inspection Number 315204974, Citation Number [1], Item Number [2], and was affirmed as a Final Order on 06/29/11, with respect to a workplace located at 21 Deforest Street, Amityville, NY 11701.

Note: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:	07/04/2012
Proposed Penalty:	\$ 6600.00



Citation and Notification of Penalty

Company Name: Simtek Inc.

Inspection Site: 21 Deforest Street, Amityville, NY 11701-8805

Citation 2 Item 2 Type of Violation: **Repeat**

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

a) Workplace, Back Room; The employer does not protect each employee by using and installing listed and labeled equipment in accordance with Underwriters Laboratory instruction included in the listing and labeling. This violation was most recently observed on 01/06/12. Employees were using a hitachi hand sander and a hand grinder that were plugged into a job made metal quad outlet box via 100' flexible extension cords. The quad box was not mounted in accordance with instructions. To abate this violation the employer must use and install listed and labeled equipment in accordance with Underwriters Laboratory instruction included in the listing and labeling.

The employer, Simtek, Inc., was previously cited for a violation of this Standard or its equivalent standard, 29 CFR 1910.303(b)(2) which was contained in OSHA Inspection Number 315204974, Citation Number [1], Item Number [13], and was affirmed as a Final Order on 06/29/11, with respect to a workplace located at 21 Deforest Street, Amityville, NY 11701.

Note: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:

07/10/2012

Proposed Penalty:

\$ 6600.00



Citation and Notification of Penalty

Company Name: Simtek Inc.

Inspection Site: 21 Deforest Street, Amityville, NY 11701-8805

Citation 2 Item 3 Type of Violation: **Repeat**

29CFR 1910.305(a)(2)(x): Flexible cords and cables were not protected from accidental damage, as might be caused, for example, by sharp corners, projections, and doorways or other pinch points.

a) Worksite, Back Room; The employer does not protect each employee by protecting flexible cords and cables from accidental damage, as might be caused, for example, by sharp corners, projections, and doorways or other pinch points. This violation was most recently observed on 01/06/12. An Hatachi Sander was plugged into a green extension cord for electrical power. The wire was not protected from damage. The flex cord was lying on the floor where employees traverse the area with rolling tables, hand trucks and a forklift. To abate this violation the employer shall protect flexible cords and cables from accidental damage, as might be caused, for example, by sharp corners, projections, and doorways or other pinch points.

The employer, Simtek Inc., was previously cited for a violation of this Standard or its equivalent standard, 29 CFR 1910.305(a)(2)(x) which was contained in OSHA Inspection Number 315204974, Citation Number [1], Item Number [15], and was affirmed as a Final Order on 06/29/11, with respect to a workplace located at 21 Deforest Street, Amityville, NY 11701.

Note: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:

07/04/2012

Proposed Penalty:

\$ 6600.00



Citation and Notification of Penalty

Company Name: Simtek Inc.

Inspection Site: 21 Deforest Street, Amityville, NY 11701-8805

Citation 2 Item 4 Type of Violation: **Repeat**

29 CFR 1910.305(b)(1)(ii): Unused openings in cabinets, boxes, and fittings shall be effectively closed.

a) Worksite - Front Room, Left Side of GE Panel; The employer does not protect each employee by effectively closing unused openings in cabinets, boxes, and fittings. This violation was most recently observed on 01/06/12. A 100 amp, 240 Volt Stab-Loc Load Center had a 1 1/4" w x 2" h opening in the circuit breaker row exposing energized parts. To abate this violation the employer must effectively close all unused openings in cabinets, boxes, and fittings.

b) Worksite - Back Room, Welding Area; The employer does not protect each employee by effectively closing unused openings in cabinets, boxes, and fittings. This violation was most recently observed on 01/06/12. A Challenger Load Center had a 2 1/4" w x 3" h opening in the circuit breaker row exposing energized parts. To abate this violation the employer must effectively close all unused openings in cabinets, boxes, and fittings.

The employer, Simtek, Inc., was previously cited for a violation of this Standard or its equivalent standard, 29 CFR 1910.305(b)(1)(ii) which was contained in OSHA Inspection Number 315204974, Citation Number [1], Item Number [16], and was affirmed as a Final Order on 06/29/11, with respect to a workplace located at 21 Deforest Street, Amityville, NY 11701.

Note: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:

07/10/2012

Proposed Penalty:

\$ 6600.00

A handwritten signature in blue ink, reading "A. Ciuffo", is written over a horizontal line.

Anthony Ciuffo, CSP
Area Director

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

1400 Old Country Road, Suite 208
Westbury, NY 11590
Phone: (516)334-3344 FAX: (516)334-3326
OSHA Website Address: <http://www.osha.gov>



INVOICE/ DEBT COLLECTION NOTICE

Company Name: Simtek Inc.
Inspection Site: 21 Deforest Street, Amityville, NY 11701-2805
Issuance Date: 06/28/2012

Summary of Penalties for Inspection Number 315996355

Citation 1, Serious	= \$	2640.00
Citation 2, Repeat	= \$	26400.00
TOTAL PROPOSED PENALTIES	= \$	29040.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to "DOL/OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

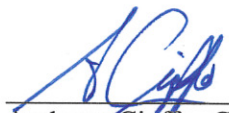
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest. Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 3%. Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you

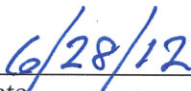
file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges. A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs. Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Anthony Ciuffo, CSP
Area Director



Date

EMPLOYER REQUIREMENTS FOR ABATEMENT VERIFICATION

06/28/2012

Simtek Inc.
21 Deforest Street
Amityville, NY 117012805

INSPECTION NO. 315996355

In accordance with 29 CFR 1903.19, Abatement Verification, effective May 30, 1997, employers are required to certify that abatement has been accomplished and, under certain circumstances, are required to submit documented proof of abatement of cited violations. The enclosed OSHA-2 Citation and Notification of Penalty has been annotated as to which items require abatement certification and which require abatement certification and documentation. Please list the specific method of correction and the date of correction for each citation item requiring abatement certification on the enclosed blank **Abatement Verification Letter**. In addition, please submit documentation for those items requiring abatement certification and documentation. Examples of such documentation would be evidence of purchase or repair of equipment, photographic or video evidence of abatement or other written evidence.

This information must be submitted to our office **within ten (10) days of the date each violation must be abated.**

If abatement cannot be accomplished by the date identified on the citation, please call this office at 516-334-3344, before that date, for appropriate procedures to modify an abatement date.

Simtek Inc.
21 Deforest Street
Amityville, NY 117012805

(date)

Anthony Ciuffo, CSP, Area Director
U.S. Department of Labor- OSHA
1400 Old Country Road, Suite 208
Westbury, NY 11590

INSPECTION NO. 315996355

ABATEMENT VERIFICATION LETTER

Citation # _____ Item # _____ was corrected on (date) _____

Explain how condition(s) were corrected

Citation # _____ Item # _____ was corrected on (date) _____

Explain how condition(s) were corrected

Citation # _____ Item # _____ was corrected on (date) _____

Explain how condition(s) were corrected

Citation # _____ Item # _____ was corrected on (date) _____

Explain how condition(s) were corrected

Citation # _____ Item # _____ was corrected on (date) _____

Explain how condition(s) were corrected

I certify that all employees and their representatives have been informed of all abatement action taken on these violations.

I attest that the information contained in this document is accurate.

Signature

Typed or Printed Name

Title

Date

FOR OSHA USE ONLY

ABATEMENT STATUS:

ACCEPTABLE [] UNACCEPTABLE [] INCOMPLETE []

ABSOLUTE PROOF OF ABATEMENT OUTSTANDING: YES [] NO []

RECOMMENDED FOLLOW UP: YES [] NO []

OSHA ASSISTANT AREA DIRECTOR

DATE