

U.S. Department of Labor

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



FEB - 9 2015

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for Operations/
Mine Safety and Health

THROUGH:

KEVIN G. STRICKLIN
Administrator for
Coal Mine Safety and Health

JAY P. MATTOS
Director, Office of Assessments, Accountability,
Special Enforcement and Investigations

FROM:

ALFRED L. CLAYBORNE
Deputy Director, Office of Accountability,
Special Enforcement and Investigations

SUBJECT:

**MSHA Office of Accountability Review, Coal District 9,
Price, Utah Field Office.**

Introduction

This memorandum, prepared by Ted Smith, Supervisor, Office of Accountability, summarizes the Office of Accountability's review of Coal District 9, Price, Utah Field Office, and [REDACTED]. The review included MSHA field activities; level of enforcement; conditions and practices at the mine; Field Activity Reviews (FARs); Accompanied Activities (AAs); second level reviews; and MSHA supervisory and managerial oversight. The review also included evaluations to determine if there were any deficiencies in areas commonly identified during Agency internal reviews of MSHA's actions following past mine disasters.

Positive findings, as well as issues requiring attention are included in this report.

Overview

The review was conducted by Accountability Specialists Troy Davis and Jerry Kissell from [REDACTED]

On [REDACTED], the Office of Accountability Review Team traveled to [REDACTED] [REDACTED], along with the [REDACTED] [REDACTED] and [REDACTED] on an E01, Regular Health and Safety Inspection.

Areas and activities examined by the inspection group included the primary escapeway/travelway from the surface to the 2nd North pillaring section (retreat mining), MMU 002-0. The group inspected conditions along the travelway including roof and rib support, ventilation, date, times, initials of examinations, and escape lifelines and signage. The working section was idle due to mechanical issues with the continuous mining machine. The inspection included examinations of all faces at the pillar line area for imminent dangers; methane tests along the face and air readings at the intake pillar line were conducted. The inspection also included observations of the roof support system and ventilation controls associated with retreat mining in the 2nd North panel, along with rock dusting and cleanup. The Refuge Alternative (RA) for the working section was properly located.

The outby areas visited included the 2nd North belt and head/transfer area. Fire suppression systems and fire protection equipment were examined in this area. Visual observations in the outby areas included ventilation, cleanup, rock dust applications, and roof control. A portion of the return aircourse and alternate escapeway was examined in the 1st East extending into the North Mains. A set of Minova 50 psi seals along the North Mains and a set of Minova 50 psi seals under construction in the North Main at x-cut 87 were examined.

Surface areas examined included the check-in/check-out system; escapeway map; mine record books; and the communication/tracking system. The review team observed pre- and post-inspection conferences conducted by the inspector and supervisor.

Review Results

This review revealed positive findings in several areas as follows:

1. The [REDACTED] used calendars to aid in tracking for required 103(i) spot inspections.
2. The district and field office used an Electronic Uniform Mine File (UMF) system and electronic Inspection Tracking System (ITS).
3. Inspectors used the ITS pages for integration into their inspection notes.
4. The Rockdust Map included documentation of bag numbers of rock dust samples providing best review and tracking capabilities.
5. Inspectors and supervisory staff were professional in conduct and displayed good rapport with miners.

Review of [REDACTED], E01 Event No. [REDACTED] – [REDACTED]
[REDACTED]

This review revealed 5 issues from the Office of Accountability Review Checklist items that require corrective actions. Under each issue, specific deficiencies are noted: (Supporting information can be found in the Office of Accountability Review Checklist and Attachment E)

1. Office of Accountability Review Checklist Item #1 – The E01 inspection Event [REDACTED] conducted [REDACTED] was not complete and thorough.

A. Rockdust sampling procedures were not followed:

1. One return aircourse sample was taken for this three-working section mine.
2. No sample was taken for the 5 left bleeder which is also a return aircourse for the MMU 001-0.
3. No sample was taken for belt flights #8 and #9. Sample #0067577AA is noted in the field notes on [REDACTED] which appears to have been taken on #9 belt, however no submission form was produced and the lab has no results for this bag number.

B. All return aircourses and alternate escapeways were not inspected. A portion (six x-cuts) of the return aircourse which also serves as the alternate escapeway located at the intersection of the 1st East and 2nd North Mains x-cut 52 for MMU 002-0 was not inspected.

2. Office of Accountability Review Checklist Item #2 – The documentation for inspections was not complete and thorough.

A. The E01 Tracking Map was not marked with all information as required per the GIPH.

1. The Tracking Map did not always include start and stop points for each aircourse traveled.

B. The E01 Rock Dust Map was not marked with all information as required per the GIPH.

1. The Rock Dust Map did not include citations issued for non-compliant samples.

C. Inspection notes did not include documentation of discussions with miners on their knowledge and training regarding roof control and ventilation plans for each MMU.

D. A printout of the diesel equipment inventory was not included in the report.

E. Deficiencies in completeness of 2000-86 forms for respirable dust sampling were identified:

1. The method for determining the 30 shift average is not denoted in the remarks section on MSHA form 2000-86 for surveys taken.

2. The shift length is not denoted in the remarks section on the 2000-86 for surveys taken.

3. 2000-86's for the MMU 002-0 on [REDACTED] and [REDACTED] had conflicting information regarding Items 17A and 17B.

3. Office of Accountability Review Checklist Item #18

A. The required FARs were not completed for all inspectors/specialists during FY 2013. The health specialists did not receive FAR's for the second half of FY 2013. (The Health Supervisor position was vacant from April of FY 2013 through October 20, 2014.)

- B. In 2014 - eight of ten required FAR's were completed for the field office, and no health specialist reviews were completed. (The Health Supervisor position was vacant from April of FY 2013 through October 20, 2014.)

4. Office of Accountability Review Checklist Item #19

- A. The required AAs were not completed for all inspectors/specialists during FY 2013 – Eighteen of twenty-two required AA's were completed for the field office. No health specialist AA reviews were completed for the second half of FY 2013. (The Health Supervisor position was vacant from April of FY 2013 through October 20, 2014.)
- B. In 2014 - Nine of twenty required AA's were completed for the field office, and no health specialist reviews were completed. (The Health Supervisor position was vacant from April of FY 2013 through October 20, 2014.)

5. Office of Accountability Review Checklist Item #26

- A. The approved ventilation plan is not compatible with mining conditions and equipment. The [REDACTED] conducts retreat mining (pillaring) and the ventilation plan contains no typical section ventilation illustrations or language regarding ventilation requirements when this mining method is being used.

The district along with the review team analyzed the findings identified during this review to determine the root causes of the noted deficiencies. Items 1 and 2 - deficiencies resulted from a result of a combination of insufficient attention to detail, not recognizing items needed to be documented and insufficient management oversight of inspection documentation. Items 3 and 4 - deficiencies were the lack of available supervisors to perform the required duties. The Health supervisory position had been vacant from April of FY 2013 through October 20, 2014, and the [REDACTED] and unable to conduct the required field activities. Item 5 – the deficiency was a result of insufficient attention to detail, and not recognizing items or ventilation methods being employed at the mine that need to be included in the ventilation plan during the plan review process. Also District 9 has only one mine which employs this mining method.

Corrective actions for the deficiencies are included in the corrective action plan in the memorandum from the district, which has been reviewed and approved by the Coal Administrator. (See Attachment F)

Attachments

A. Internal Review Summary

B. Office of Accountability Review Checklist

C. Citations/Orders/Safeguard Issued During This Review

Four citations and one safeguard were issued during the review:

- [REDACTED] 75.202(a)
- [REDACTED] 75.403
- [REDACTED] 75.1719-4(b)
- [REDACTED] 75.333(h)
- [REDACTED] 75.1403

D. Examples of Citations Issued During Previous E01 Inspections

N/A

E. Issues/Deficiencies from Office of Accountability Review Checklist Items

F. District Corrective Action Plan

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

District Coal District 9 Field Office Price, UT
Field Office Mine ID Date

Attachment A – Internal Review Summary

The table below lists the most common internal review findings following mine disasters. District 9 had three of the most commonly identified issues.

	Common Internal Review Findings	Examples of Deficiencies :
X	Failure to identify deviations in approved plans.	Not identifying operator departures from requirements in any plan that requires approval, such as training plans, roof control plans, ventilation plans, emergency response plans, etc.
X	Incomplete or inadequate inspections	Not following policy or procedures for conducting/documenting inspections. Failure to cite all violations. Not inspecting all areas and equipment.
	Failure to conduct 103(i) spot inspections according to policy.	Not conducting spot inspections, not conducted in a timely manner and at irregular intervals.
X	Supervisors did not provide adequate oversight.	No review/lax review of inspection reports. Inadequate review of PKW/SAR forms. Failure to conduct required Field Activity Reviews and Accompanied Activities.
	Improper evaluations of gravity, negligence and type of enforcement action.	Inadequate documentation to support citation and evaluation. Failure to consider and document aggravating or mitigating circumstances.
	Inadequate Peer Reviews	Inadequate district level Peer Reviews. Failure to adopt and follow corrective action plans. Failure to follow up or monitor effectiveness of corrective action plans.
	Weakness in the ACR Program	Not following ACR handbook. Inadequate management oversight. Failure to follow the Mine Act, MINER Act, 30 CFR and MSHA policy.
	MSHA data not used or reviewed.	Key Indicators, Mine Profile, Inspection completion reports not being used. Failure to keep MSIS data up to date and accurate.
	Lack of unwarrantable failure tracking system	No or inadequate unwarrantable failure sequence tracking system.
	Conflict of Interest	Inspecting prior employers, employment of relatives
	Failure to comply with Hazard Complaint Procedures.	Improper coding of inspections. Inadequate documentation of inspections/investigations.
	Investigations of multi-phase plans	Failure to conduct on-site evaluations of plans.
	Failure to observe retreat mining.	Inadequate periodic evaluations when retreat mining is conducted.
	Upper Big Branch Internal Review Corrective Actions	Corrective Actions implemented as of March 31, 2013.

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

District Field Office Mine ID Date

Attachment B – Office of Accountability Review Checklist

1. Determine if complete and thorough E01 inspections are being conducted and/or if policy and procedures were properly followed.

Adequate Corrective Action Needed Comments Below

See Attachment E

2. Determine if documentation for inspections is complete and thorough.

Adequate Corrective Action Needed Comments Below

See Attachment E

- Determine if citations and orders issued during previous inspections were
3. properly evaluated for gravity, negligence, level of enforcement, number of persons affected, and supported by documentation.

Adequate Corrective Action Needed Comments Below

4. Evaluate inspector/specialist examination of required record books and postings for compliance with applicable standards.

Adequate Corrective Action Needed Comments Below

5. Evaluate inspector/specialist examination of the operator's maps (on-site) for accuracy, escapeway locations, etc.

Adequate Corrective Action Needed Comments Below

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

District

Coal District 9

Field Office

Price, UT
Field Office

Mine ID



Date



6. Upon arrival on the working section, accompany and evaluate inspector/specialist examination of all working faces for imminent dangers.

Adequate

Corrective Action Needed

Comments Below

7. Evaluate the inspector/specialist observation of the work cycle and conditions on the working section during the review.

Adequate

Corrective Action Needed

Comments Below

Section was idle

8. Evaluate the inspector/specialist air quantity, quality, and gas checks during the review.

Adequate

Corrective Action Needed

Comments Below

9. Evaluate inspector/specialist examination of equipment electrical cables during the review.

Adequate

Corrective Action Needed

Comments Below

Visual observation only

10. Evaluate inspector/specialist examination for permissibility during the review.

Adequate

Corrective Action Needed

Comments Below

No permissibility checked during this inspection.

11. Determine if previous E01 inspections include examinations of the condition and maintenance of conveyor belts, belt entries, belt drives, fire detection and suppression systems, and separation of belt entries from other air courses.

Adequate

Corrective Action Needed

Comments Below

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

District

Coal District 9

Field Office

Price, UT
Field Office

Mine ID



Date



12. During the review, evaluate the inspection of at least one set of seals, including methods for obtaining samples from sealed area.

Adequate

Corrective Action Needed

Comments Below

Examined a set of Minova 50 psi in 4 left; a set of Minova 50 psi under construction in North Main.

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

Adequate

Corrective Action Needed

Comments Below

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

Adequate

Corrective Action Needed

Comments Below

Not reviewed as a part of this review.

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

Adequate

Corrective Action Needed

Comments Below

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

Adequate

Corrective Action Needed

Comments Below

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

Adequate

Corrective Action Needed

Comments Below

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

District

Coal District 9

Field Office

Price, UT
Field Office

Mine ID



Date



18. Are required Field Activity Reviews (FARs) and supervisory follow-ups being conducted and documented according to agency policy and procedures?

Adequate

Corrective Action Needed

Comments Below

See Attachment E.

19. Are Accompanied Activities (AAs) and supervisory follow-ups being conducted and documented according to agency policy and procedures?

Adequate

Corrective Action Needed

Comments Below

See Attachment E.

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

Adequate

Corrective Action Needed

Comments Below

21. Determine if the Uniform Mine File books are being maintained and reviewed according to current agency policy and procedures.

Adequate

Corrective Action Needed

Comments Below

22. Are supervisors thoroughly reviewing Uniform Mine Files at least annually?

Adequate

Corrective Action Needed

Comments Below

23. Determine if supervisors are visiting each active underground mine at least annually.

Adequate

Corrective Action Needed

Comments Below

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

District Field Office Mine ID Date

24. Are all sections where retreat mining is occurring (not to include longwall mining) being inspected at least monthly?

Adequate Corrective Action Needed Comments Below

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

Adequate Corrective Action Needed Comments Below

26. After an in-mine visit, evaluate approved plans (ventilation, roof control, training, etc.) for compatibility with mining conditions and equipment.

Adequate Corrective Action Needed Comments Below

See Attachment E.

27. Determine if approved plans are being revised or updated to reflect changes in conditions and/or equipment.

Adequate Corrective Action Needed Comments Below

28. Determine if plan reviews are in compliance with current agency policy and procedures (performed within required timeframes, tracked from the date of submission, properly documented, and contain input from all affected departments and field offices).

Adequate Corrective Action Needed Comments Below

ADM, Tech. receives a weekly report tracking all plans pending along with time frames.

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

District Field Office Mine ID Date

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

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

Adequate Corrective Action Needed Comments Below

31. Determine if District Managers, Assistant District Managers, and supervisors are conducting required mine visits and properly completing the required spreadsheet.

Adequate Corrective Action Needed Comments Below

32. Determine if District Manager is using discretion in granting conferences and monitoring the ACR program to ensure that all decisions (including upholding, modifying or vacating citations) are properly documented and justified by the CLRs.

Adequate Corrective Action Needed Comments Below

The ACRI program was not reviewed during this review.

33. Determine if District Manager is holding the Supervisory Special Investigator accountable for properly evaluating and initiating or denying potential cases.

Adequate Corrective Action Needed Comments Below

The SI program was not reviewed during this review.

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

District Field Office Mine ID Date

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

Adequate Corrective Action Needed Comments Below

35. Determine if Districts are conducting in-depth Peer Reviews in compliance with agency policy and procedures including follow-up to determine the effectiveness of corrective actions.

Adequate Corrective Action Needed Comments Below

36. Is information (mine status, methane liberation, number of employees, etc.) being entered into the MSHA Standardized Information System (MSIS) accurately and in a timely manner?

Adequate Corrective Action Needed Comments Below

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

District Field Office Mine ID Date

UBB Internal Review Corrective Actions

(Implemented as of March 31, 2013)

(#2) Training which covered an overview of Part 48 and Part 48 inspection
37. procedures, emphasizing a purposeful examination of training records. Annual
refresher online training concerning Part 48.

Adequate Corrective Action Needed Comments Below

(#3) On August 30, 2012, the Administrator for Coal directed district managers to
38. use MPA database system to identify overdue responses from operators and
take appropriate actions.

Adequate Corrective Action Needed Comments Below

(#4) Enforcement personnel were instructed that MSHA policy only allows
violations of 30 CFR 48.5, 48.6, 48.7, 48.8, and 48.11 to be cited under section
104(g)(1) of the Mine Act for untrained miners at underground mines. Also trained
39. on records that must be inspected to ensure that an operator is providing all
required training. This includes checking training records for AMS operators,
responsible persons, and persons who sample atmospheres behind seals.

Adequate Corrective Action Needed Comments Below

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

District

Coal District 9

Field Office

Price, UT
Field Office

Mine ID

Date

40. (#5) Identify training records required by 30 CFR 75.338(a) and 75.1501(a)(3) as records that are to be inspected during a regular inspection, as well as any records of any other training required by MSHA regulations;
- Specify the percentage of miners for which training records are to be inspected during a regular inspection;
 - Inspectors are to question miners on their training related to roof control plans and document such information per GIPH. This also applies to training related to ventilation plans.

Adequate

Corrective Action Needed

Comments Below

Refer to item 2 in the checklist Attachment E.

41. (#7) A complete permissibility inspection of each longwall system shall be conducted by electrical specialists or inspectors who hold a current MSHA electrical qualification card on at least an annual basis.

Adequate

Corrective Action Needed

Comments Below

The field office and district track and ensure at least one annual electrical inspection is conducted of longwalls by an electrical specialist or CMI with electrical card.

42. (#11) Conduct a proper examination of the AMS system and/or AMS systems that operate CO sensors for the purposes of 75.1101. A complete inspection includes those items in the revised GIPH (AMS checklist).

Adequate

Corrective Action Needed

Comments Below

43. (#12) Inspectors are to review examination records with the purpose of determining whether:
- Examinations have been conducted at required intervals;
 - Records include violations of mandatory safety or health standards;
 - Hazardous conditions have been properly recorded;
 - Records of violations or hazardous conditions indicate a need for inspectors to follow up;
 - Corrective actions have been recorded for reported hazardous conditions;
 - Ventilation of worked out and outby areas have been evaluated properly.

Adequate

Corrective Action Needed

Comments Below

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

District Field Office Mine ID Date

44. (#19) Supervisors are to utilize standard oversight reports in the review of rockdust sampling and to also ensure inspectors have valid reasons for not collecting samples, including visiting some areas that inspectors indicated were too wet to sample.

Adequate Corrective Action Needed Comments Below

45. (#21) Inspectors were reinstructed to review required records and postings, including Mine Accident, Injury, and Illness Reports (MSHA Form 7000-1) and Quarterly Employment and Coal Production Reports (MSHA Form 7000-2) during each regular inspection. This will help identify mine operators that routinely under report or inaccurately report accidents, injuries, illnesses, employment, and production.

The District Managers were instructed to hold supervisors accountable for enforcing compliance with this directive.

Adequate Corrective Action Needed Comments Below

46. (#32) Districts are to monitor the time required to process plans and take appropriate administrative actions when necessary. The Administrator for Coal directed district managers and district personnel to use the "Days to Reach Decision" Report in the MSHA Report Center to monitor the time required to process plans and take appropriate administrative action when necessary.

Adequate Corrective Action Needed Comments Below

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

District

Coal District 9

Field Office

Price, UT
Field Office

Mine ID



Date



(#33) The Coal Safety Division provided training on the procedures outlined in the Mine Ventilation Plan Approval Procedures Handbook regarding six-month plan reviews to all inspectors and specialists to help ensure that the in-mine physical inspection of the mine ventilation system is properly conducted and documented.

47.

District Managers were instructed to monitor the six-month reviews to verify their effectiveness and take follow-up corrective action if necessary.

Adequate

Corrective Action Needed

Comments Below

During ADM interview 6 month reviews are being conducted, no records were reviewed for this item. A review was ongoing at the Mine reviewed during this visit and the plan was in the office still under review by the specialist.

(#38&64) Coal revised the Program Policy Manual provision governing the establishment of Mechanized Mining Unit (MMU) numbers under 30 CFR 70.207.

48. The revised policy provides that the reduced respirable dust standard, due to the presence of quartz, will not change when the operator changes equipment on a mining section.

Adequate

Corrective Action Needed

Comments Below

(#42) The Administrator for Coal directed staff to monitor the implementation of new regulations to ensure districts enforce the provisions of final rules within the effective dates specified. This will be tracked through Field Activity Reviews, Accompanied Activities, Second Level Reviews, and District Peer Reviews.

49.

Adequate

Corrective Action Needed

Comments Below

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

District

Coal District 9

Field Office

Price, UT
Field Office

Mine ID



Date



(#47) The Roof Control Plan SOP should comply with the established Program Policy Manual requirements as identified by the OIG report to address deficiencies identified in the Internal Review report. The SOPs should account for:

- 50.
- to check that required information is submitted
 - check for communication with other plan approval groups
 - assure that designated MSHA personnel contact the operator for additional information
 - discuss results of on-site evaluations with the operator and identified miners' representatives.

Adequate

Corrective Action Needed

Comments Below

Not currently in the SOP, required only for D4 and D12, the advantages of this SOP was discussed with the ADM, Tech.

(#48&49) Six month In-mine physical evaluation of the Roof Control Plan shall be properly conducted and documented (*checklists*). GIPH provides guidance on

51. when six month reviews of complex roof control plans should be forwarded to Technical Support for evaluation. Complex plans should be reviewed by roof control specialists and/or forwarded to Tech Support.

Adequate

Corrective Action Needed

Comments Below

The mine visited during this review had a pillaring plan approved for retreat mining in the 2nd North under deep cover that was reviewed by Tech. support.

(#58) SSI's are required to maintain a memorandum detailing the reasons for not conducting a special investigation when the district manager decides to take no further action, in accordance with the Special Investigations Procedures Handbook.

52.

Adequate

Corrective Action Needed

Comments Below

SI was not reviewed during this review of the Price, Field Office.

(#65) The Coal Health Division provided training on proper procedures for

53. conducting, documenting, and reviewing MSHA respirable dust surveys. Proper documentation to include blue cards, 2000-86's, etc.

Adequate

Corrective Action Needed

Comments Below

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

District Field Office Mine ID Date

Refer to item 2 in the checklist Attachment E.

54. (#66) Managers and enforcement personnel should monitor respirable dust violations from issuance to termination to reduce miners' exposure to respirable coal mine dust. The "Abatement Times for Respirable Dust Citations" report is located in the MSHA Report Center on MSHAnet website.

Adequate Corrective Action Needed Comments Below

55. (#67) Retraining of inspectors report is available so that districts can track the training process of their inspectors in real time. This report also allows districts to integrate retraining of inspectors conducted at other sites and certified by Coal. The reports are now available on one reporting system. The Administrator for Coal will provide an annual report to the Assistant Secretary detailing compliance with this policy at the end of each fiscal year.

Adequate Corrective Action Needed Comments Below

Field office is tracking and all CMI's training was up to date.

56. (#75) The Administrator for Coal provided uniform guidance to all district managers and assistant district managers to provide acting field office supervisors with the level of oversight necessary to manage their work groups on a temporary basis. The guidance will be included in each District's SOP for training newly promoted field office supervisors. An online distance learning training course with a knowledge check for temporarily promoted supervisors has been developed for this purpose.

Adequate Corrective Action Needed Comments Below

The SOP was not reviewed during this visit however discussions were conducted with the District Manager and the district is going above what is required. Any new supervisor or transferred supervisor, or temp supervisor is required to take the training.

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

District Coal District 9 Field Office Price, UT
Field Office Mine ID Date

Attachment C – Citations Issued During Review

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

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

In the 2 North Pillar Section, MMU 002, inby #21 crosscut along the #3 Entry, a piece of loose rib was observed next to the place where # 100 truck had parked. When the piece of rib, 8 feet by 3 feet and from 4 to 6 inches in thickness, was pried down it contacted the vehicle as it fell. Two other pieces of loose rib were observed inby the ventilation curtain on the way to the kitchen area. Both were easily knocked down. The roof, face and ribs of areas where persons work or travel shall be supported or otherwise controlled to protect persons from hazards to falls of the roof, face or ribs.

Standard 75.202(a) was cited [REDACTED] (to a contractor).

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.202(a)
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Section II—Inspector's Evaluation				
10. Gravity:				
A. Injury or Illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: 001	
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104(a)		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>				E. Citation/ Order Number
15. Area or Equipment				

16. Termination Due	A. Date Mo Da Yr [REDACTED]	B. Time (24 Hr. Clock) [REDACTED]
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Section III—Termination Action	
17. Action to Terminate The cited ribs were knocked down from a safe distance.	

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

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

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

District Coal District 9 Field Office Price, UT
Field Office Mine ID Date

Mine Citation/Order

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



Section I—Violation Data

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

8. Condition or Practice

8a. Written Notice (103g)

In the #25 Crosscut, between Entries 4 and 6, no new rockdust had been applied to the sloughed areas of the ribs. Pillar extraction was planned to take place off of the #4 entry and crosscut 25. A rockdust sample of the area was taken, # 0067604AA, for analysis of combustible content. The current Cleanup Program does not address retreat mining areas.

Standard 75.403 was cited
 0 to a contractor).

Supporting rock dust sample bag numbers: 0067604AA

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.403
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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: 002

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

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

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

15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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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 	21. Primary or Mill
22. AR Name 		23. AR Number

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

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

District Coal District 9 Field Office Price, UT
Field Office Mine ID Date

Mine Citation/Order

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



Section I—Violation Data

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

On the outby end of the Joy Continuous Miner in the 2 North section, MMU 002, there was no visible reflective material applied.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.1719-4(b)
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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 104(a)		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 B. Time (24 Hr. Clock) 				

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

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

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

District Coal District 9 Field Office Price, UT
Field Office Mine ID Date

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

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

In the 2 North Beltline, at stoppings 21 and 18, the stoppings were not being maintained for their intended purpose. The # 21 stopping had a hole filled only with expansion foam that measured 5 inches by 24 inches. The #18 stopping had a hole filled only with expansion foam that measured 8 inches by 7 inches. Flags are provided by the manufacturer to reduce the size of openings, along with a detailed installation instructions. This device was not used in either of these places. The stopping line is between the belt and the intake.

Standard 75.333(h) was cited , 0 to a contractor).

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR <p align="center">75.333(h)</p>
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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 I04(a)		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	B. Time (24 Hr. Clock)
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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 	21. Primary or Mill
22. AR Name 		23. AR Number

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

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

District Coal District 9 Field Office Price, UT
Field Office Mine ID Date

Mine Citation/Order

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



Section I--Violation Data

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

8. Condition of Practice

8a. Written Notice (103g)

On [REDACTED] in the Main North Seal Construction area, 86 crosscut, No.4 entry, 6 miners were working in the intersection supplying Tek Seal material into the Minova Seal pump. The seal pump was located on the inby side of the No.86 crosscut between the No.4 to 3 entry. The Gehl 6640 skid-steer fork lift was observed delivering a pallet of Tek-Seal material into the seal pump. The Tek-Seal material was being dumped into the hopper of the seal pump by a miner. The distance from the miner to the pallet of Tek-Seal measured 12 inches. The Gehl skid-steer is equipped with hydraulic steering and is a fast reacting control. The miner was in a hazardous location by placing himself between mobile equipment and the seal pump while materials were being delivered to the area.

This is a Notice to Provide Safeguard requiring the operators of all

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.1403
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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: _____

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

12. Type of Action 314(b) 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 [REDACTED] B. Time (24 Hr. Clock) [REDACTED]

Section III--Termination Action

17. Action to Terminate Miners were immediately removed from the hazard by the mine operator and safe work practices were reviewed with the miners.

18. Terminate A. Date Mo Da Yr [REDACTED] B. Time (24 Hr. Clock) [REDACTED]

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number [REDACTED]	21. Primary or Mill <input type="checkbox"/>	
22. AR Name [REDACTED]		23. AR Number [REDACTED]	

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

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

District Coal District 9 Field Office Price, UT
Field Office Mine ID Date

Mine Citation/Order
Continuation

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



Section I—Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue)	Mo	Da	Yr	3. Citation/Order Number
4. Served To 			5. Operator 		
6. Mine 			7. Mine ID (Contractor)		

Section II—Justification for Action

Continuation of 8. Condition or Practice

self-propelled equipment to assure all persons are in the clear prior to moving such equipment and to sound an audible warning device whenever persons may be endangered by the movement of the equipment. The audible alarm must be distinguishable from surrounding noise and be loud enough to be heard by all persons potentially endangered.

Standard 75.1403 was cited
 0 to a contractor).

See Continuation Form

Section III—Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<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 		
11. AR Name 	AR Number 	12. Date Mo Da Yr	13. Time (24 Hr. Clock)

MSHA Form 7000-3a, Mar 85 (revised)

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

District	Coal District 9	Field Office	Price, UT Field Office	Mine ID	[REDACTED]	Date	[REDACTED]
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Attachment D – Examples of Citations Issued During Previous Inspections

N/A

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

District

Coal District 9

Field Office

Price, UT
Field Office

Mine ID

Date

Attachment E – Office of Accountability Checklist Issues

1. Office of Accountability Review Checklist Item #1 – The E01 inspection Event

conducted was not complete and thorough.

A. Rockdust sampling procedures were not followed:

- 1) One return aircourse sample was taken for the operating three working sections.
- 2) No sample was taken for the 5 left bleeder which is also a return aircourse for the MMU 001-0.
- 3) No sample was taken for belt flights #8 and #9. Sample #0067577AA is noted in the field notes on which appears to have been taken on #9 belt, however no submission form was produced and the lab has no results for this bag number.

Requirements:

GIPH, PH13-V-1, pages 5-14, 5-18 in part (underlining for emphasis)

Bleeders

Inspectors should collect at least one band sample per significant accessible bleeder aircourse that is used as a return for a working section.

Outby (not including the area from the faces to the mouth of the section)

Returns

Inspectors should collect at least one band sample per significant return aircourse.

Conveyor Belts/Conveyor Slopes

Inspectors should collect at least one band sample per belt flight.

Data Submittal and Mailing of Bagged Samples

Rock dust sampling data must be input into and submitted using the Inspectors Portable Application for Laptops (IPAL). Rock dust samples should be mailed to the NADL in accordance with postal regulations within 3 working days from when the samples were collected. Securely seal the shipping boxes to prevent loss of samples in transit. Include the return address on the shipping label. Place the return address of the office on the outside of the shipment box from which the samples are being mailed. Use a regular corrugated pasteboard carton, but fill voids around the bags with packing to keep the bags from breaking open from rough handling. Do not use crumpled manila envelopes, excelsior, paper towels, shredded paper, packing peanuts or tissues as packing. Dust

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

District

Coal District 9

Field Office

Price, UT
Field Office

Mine ID

Date

Sampling Lab Report (MSHA Form 2000-156 – Rock Dust Sample Submission Form) must be prepared and uploaded to the NADL

Server using the IPAL. A copy of MSHA Form 2000-156 must be printed and shipped with the bagged sample(s). Compliance/noncompliance concerning rock dust samples will be determined at the NADL and the results returned electronically.

- B. All return aircourses and alternate escapeways were not inspected. A portion (six x-cuts) of the return aircourse which also serves as the alternate escapeway located at the intersection of the 1st East and 2nd North Mains x-cut 52 for MMU 002-0 was not inspected.

Requirements:

GIPH, PH13-V-1, page 3-42, in part

At least one entry in each intake and return aircourse shall be inspected in its entirety for compliance with applicable standards and approved plans.

2. Office of Accountability Review Checklist Item #2 – The documentation for inspections was not complete and thorough.

- A. The Tracking Map did not always include start and stop points for each aircourse traveled.

Requirements:

GIPH, PH13-V-1, page 3-42, in part (underlining for emphasis)

The inspector should record in the inspection notes each aircourse that is inspected. The aircourse should be identified in the inspection notes as it appears in the ITS. The inspector is not required to document the inspection of aircourses by date and initials in the ITS. If an aircourse is not inspected in its entirety, the starting and stopping points, as correlated to a permanent reference point such as a crosscut number or spad number on the mine map should be included in the inspection notes. The inspector should clearly mark the extent of daily travels that contribute to the E01 inspection by date and initials on the mine tracking map, including any approved evaluation or measurement point locations associated with the aircourse and the beginning and ending point of each day's travel until each intake or return aircourse is fully inspected (this does not apply to routine travel of or incidental travel through an aircourse).

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

District Field Office Mine ID Date

B. Inspection notes did not include documentation of discussions with miners on their knowledge and training regarding roof control and ventilation plans for each MMU.

Requirements:

GIPH, PH13-V-1, pages 3-59, 3-62, 3-64, in part (underlining for emphasis)

Discuss and question miners on current mining activities and conditions. Question the miners to determine whether their training with respect to the ventilation plans is complete and adequate for the mining activities. Ten example questions are listed below. These or other questions may be asked to determine the miners' level of knowledge. These discussions should be documented.

- 1) Were you trained on the contents of the ventilation plan?
- 2) Do you know how far the ventilation control device set back should be?
- 3) What is the required air quantity at the end of the ventilation control device?
- 4) What is the scrubber quantity (if applicable)?
- 5) What is required quantity at the last open cross cut?
- 6) What are the required quantity and/or velocity at the headgate?
- 7) What are the required quantity and/or velocity at the tailgate?
- 8) How often are you required to take gas checks?
- 9) Do you know what to do if the machine mounted methane monitor reaches 1%, 1.5%, or 2%?
- 10) Is belt air allowed to be used at the face?

Documentation Required: Health and safety discussions by the inspector should be documented in the inspection notes to show the mechanized mining unit number. Also a general statement about the discussion held with a representative number of miners for each MMU inspected about current mining activities and conditions, and training with respect to the ventilation plans is adequate will suffice.

Discuss and question miners on current mining activities and conditions. Ask them questions to determine their level of knowledge of the roof control plan. Question the miners to determine whether their level of knowledge and training with respect to the roof control plans is adequate, focusing especially on training with respect to retreat mining activities. These discussions should be documented.

Documentation Required: *Roof and Rib observations should be documented in the inspection notes to show the MMU number, and that the roof and ribs appear adequately supported. If geological conditions that are abnormal to regular mining conditions (faults, interfaces, etc.) are observed, they should be noted. A general statement about the discussion held with miners for each MMU inspected about current*

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

District

Coal District 9

Field Office

Price, UT
Field Office

Mine ID

Date

mining activities and conditions, and training with respect to the roof control plans is adequate; focusing especially on training with respect to retreat mining activities will suffice.

C. A printout of the diesel equipment inventory was not included in the report.

Requirements:

GIPH, PH13-V-1, page 6-10, in part

Forms and Information Needed in an E01 Inspection Report.

Diesel Equipment Inventory Records (print out)

D. Completeness of 2000-86 form for respirable dust sampling:

1. The method for determining the 30 shift average is not denoted in the remarks section on MSHA form 2000-86 for surveys taken.
2. The shift length is not denoted in the remarks section on the 2000-86 for surveys taken.
3. 2000-86's for the MMU 002-0 on April 4, 2014 and April 7, 2014 has conflicting information regarding Items 17 A and 17B.

Requirements:

Health Inspection Procedures, PH89-V-1, pages 1-34, 1-12, 1-27, in part (underlining for emphasis)

The inspector will also include in the comment section of MSHA Form 2000-86, the method used to determine the average production over the last 30 production shifts (i.e. operator records of production and shift length). This will include the date range for data utilized, the total production during the 30 shifts, the average for the 30 shifts, the normal shift length, and the percent of the 30-shift average obtained during this sampling shift. When calculating PH-89-V-1 (25)(August 2014) 1-35 the 30 shift average, the inspector should verify the operators' record of production for the past 30 shifts by measuring on the mine map the distance mined and calculate the cubic feet of material mined. All measurements, as well as any conversion factor used, must be included in the comments section.

The inspector will also determine the length of the shift and solicit cooperation from the miner in wearing the sampler unit. The shift length will be noted in the comments section of the 2000-86 completed during this inspection.

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

District

Coal District 9

Field Office

Price, UT
Field Office

Mine ID

Date

It is important that the inspector's notes and MSHA Form 2000-86 accurately reflect the dust controls being used and the actual quantities measured. This will serve as supporting documentation when plan changes are required and/or enforcement actions are taken.

3. Office of Accountability Review Checklist Item #18

- A. The required FARs were not completed for all inspectors/specialists during FY 2013 – The health specialists did not receive FAR's for the second half of FY 2013. (The Health supervisor position was vacant from April of FY 2013 through October 20, 2014.)
- B. In 2014 - eight of ten required FAR's were completed for the field office, and no health specialist reviews were completed (The Health Supervisor position was vacant from April of FY 2013 through October 20, 2014.)

Requirements:

CMS&H Supervisor's Handbook – AH08-III-1, page 10-14 (Applies to FY 2013)

The supervisor must document a FAR conducted on a completed inspection assignment for each of his/her inspectors and specialists during the first and second half (six month intervals) of each fiscal year. The assignment must be on one or more field activities, such as an E01, E02, E03, E16, etc. (Note: At least one activity review is required to be conducted on an E02 inspection.)

CMS&H Supervisor's Handbook - AH14-III-4, page 1-13 (underlining for emphasis)
(Applies to FY 2014, after January)

The supervisor must document at least one FAR conducted on a completed inspection assignment for each of his/her inspectors and specialists during the first half and during the second half of each fiscal year. The FAR must be on an E-code event, such as an E01, E02, E03, E16, etc. At least one FAR per fiscal year half should be conducted on a complete E01 inspection. At least one FAR per fiscal year half should be conducted on an E02 inspection if the work group has mines in Section 103(i) status.

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

District Field Office Mine ID Date

4. Office of Accountability Review Checklist Item #19

- A. The required AAs were not completed for all inspectors/specialists during FY 2013 – Eighteen of twenty two required AA's were completed for the field office. No health specialist AA reviews were completed (The Health Supervisor position was vacant from April of FY 2013 through October 20, 2014.)

In 2014 - Nine of twenty required AA's were completed for the field office, and no health specialist reviews were completed (The Health Supervisor position was vacant from April of FY 2013.)

Requirements:

- B. CMS&H Supervisor's Handbook – AH08-III-1, page 10-14 (Applies to FY 2013)

Supervisors shall document an accompaniment for each of their inspectors and specialists at least twice during the first and second half (six month intervals) of each fiscal year. The accompaniment may be on one or more assigned field activities, such as E01, E02, E03, E16, etc. (At least one accompanied activity is required to be conducted on an E02 inspection if the work group has mines in Section 103(i) status.)

CMS&H Supervisor's Handbook - AH14-III-4, page 1-13 (underlining for emphasis)

Supervisors shall document an AA with each of their inspectors and specialists at least twice during the first half and at least twice during the second half of each fiscal year. The AA review may be on one or more assigned field activities, such as E01, E02, E03, E16, etc. At least one AA review per fiscal year half should be conducted on an E02 inspection if the work group has mines in Section 103(i) status.

5. Office of Accountability Review Checklist Item #26

- A. The approved ventilation plan is not compatible with mining conditions and equipment. The conducts retreat mining (pillaring) and the ventilation plan contains no typical section ventilation illustrations or language regarding ventilation requirements when this mining method is being used.

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

District Field Office Mine ID Date

Requirements:

Mine Ventilation Plan and Approval Procedures, PH13-V-2, page 1 and 2, in part

B. Authority

Section 303(o) of the Mine Act.

30 CFR 75.370

30 CFR 75.371 specifies information which must be included in the ventilation plan as a minimum. Additional information may be required to suit the particular conditions at the mine.

Under 30 CFR 75.370 the plan must be reviewed every 6 months by an authorized representative of the Secretary. This requirement implies that the plan in effect must be reviewed to determine if it is still appropriate for the mine and continues to provide for an adequate ventilation system.

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

District Coal District 9 Field Office Price, UT
Field Office Mine ID Date

Attachment F - District Corrective Action Plan

December 19, 2014

MEMORANDUM FOR TED SMITH
Supervisor, Office of Accountability

FROM: Russell Riley
District Manager
District 9 Coal

SUBJECT: Proposed Corrective Actions

This is a response to the review conducted by the Office of Accountability from at the Price, Utah field office and the . The results of your review identified five deficiencies, which are required to be addressed by this district.

DEFICIENCY

1. Office of Accountability Review Checklist Item #1 – The E01 inspection Event conducted was not complete and thorough.
 - A. Rockdust sampling procedures was not followed.
 1. One return aircourse sample was taken for this three working section mine.
 2. No sample was taken for the 5 left bleeder which is also a return aircourse for the MMU 001-0.
 3. No sample was taken for belt flights #8 and #9. Sample #0067577AA is noted in the field notes on which appears to have been taken on #9 belt, however no submission form was produced and the lab has no results for this bag number.
 - B. All return aircourses and alternate escapeways were not inspected. A portion (six x-cuts) of the return aircourse which

2/9/15

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

District

Coal District 9

Field Office

Price, UT
Field Office

Mine ID

Date

also serves as the alternate escapeway located at the intersection of the 1st East and 2nd North Mains x-cut 52 for MMU C02-0 was not inspected.

- ROOT CAUSE:

- PROPOSED CORRECTIVE ACTIONS:

1. A. 1. – The requirement was discussed with the [REDACTED]. Additional samples have been taken during the current E01 to address this deficiency. Increased [REDACTED] oversight. The district will discuss this deficiency and the requirements during meetings with all UG AR's.

A. 2. – The requirement was discussed with the [REDACTED]. If areas are too wet it will be documented in the inspectors notes and marked on the map. Increased [REDACTED] oversight. The district will discuss this deficiency and the requirements during meetings with all UG AR's.

A. 3. - The requirement was discussed with the [REDACTED]. Since July 2014 all belt flights have been sampled. Increased [REDACTED] oversight. The district will discuss this deficiency and the requirements during meetings with all UG AR's.

B. [REDACTED] will be trained. The district will discuss this deficiency and the requirements during meetings with all UG AR's.

An attendance roster will be signed by all participants and a record of the training will be kept with the corrective actions for this review.

- OFFICE OR POSITION RESPONSIBLE FOR IMPLEMENTING THE CORRECTIVE ACTION(S):

Assistant District Manager Enforcement

- TIMEFRAME FOR COMPLETION OF EACH CORRECTIVE ACTION:

By February 15, 2015

- METHOD FOR DETERMINING SUCCESS:

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

District

Coal District 9

Field Office

Price, UT
Field Office

Mine ID

Date

District will perform spot audits as needed for the work group.

2. Office of Accountability Review Checklist Item #2 – The documentation for inspections was not complete and thorough.

- A. E01 Tracking Map was not marked with all information as per the GIPH.
 - 1. The Tracking Map did not always include start and stop points for each aircourse traveled.
- B. E01 Rock Dust Map was not marked with all information as per the GIPH.
 - 1. The Rock Dust Map did not include citations issued for non-compliant samples.
- C. Inspection notes did not include documentation of discussions with miners on their knowledge and training regarding roof control and ventilation plans for each MMU.
- D. A printout of the diesel equipment inventory was not included in the report.
- E. Completeness of 2000-86 form for respirable dust sampling:
 - 1. The method for determining the 30 shift average is not denoted in the remarks section on MSHA form 2000-86 for surveys taken. (Health chap 1, pg1.20)
 - 2. The shift length is not denoted in the remarks section on the 2000-86 for surveys taken. (Health chap 1, pg1.1.11)
 - 3. 2000-86's for the MMU 002-0 on [REDACTED] and [REDACTED] [REDACTED] has conflicting information regarding Items 17 A and 17B.

• ROOT CAUSE:

[REDACTED]

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

District

Coal District 9

Field Office

Price, UT
Field Office

Mine ID



Date



• PROPOSED CORRECTIVE ACTIONS:

A. 1. – Inspectors will be retrained on adding start and stops for each air course on the map and increased Supervisor oversight. The district will discuss this deficiency and the requirements during meetings with all UG AR's.

B. 1. - Inspectors will be retrained on adding citations on the map and increased Supervisor oversight. Suggestions will be made to note Rock dust citations, on the map, in red ink so that it is readily visible. The district will discuss this deficiency and the requirements during meetings with all UG AR's.

C. Inspectors will be retrained on the requirements for documentation of discussions with miners on their knowledge and training regarding roof control and ventilation plans for each MMU in accordance with the GIPH, and increased Supervisor oversight. The district will discuss this deficiency and the requirements during meetings with all UG AR's.

D. Supervisors will print out and give the diesel inventories to inspector(s) at the beginning of the E01. The District will request that supervisors start using the check list in the GIPH on pages 6-9 and 6-10 as part of the supervisor certification. The district will discuss this deficiency and the requirements during meetings with all UG AR's.

E. 1. - The district will discuss this deficiency and the requirements during meetings with all UG AR's. Increased supervisor oversight with overall oversight by the ADM-T.

E. 2. - The district will discuss this deficiency and the requirements during meetings with all UG AR's. Increased supervisor oversight with overall oversight by the ADM-T.

E. 3. - The district will discuss this deficiency and the requirements during meetings with all UG AR's. Increased supervisor oversight with overall oversight by the ADM-T.

An attendance roster will be signed by all participants and a record of the training will be kept with the corrective actions for this review.

• OFFICE OR POSITION RESPONSIBLE FOR IMPLEMENTING THE CORRECTIVE ACTION(S):

Assistant District Manager Technical

• TIMEFRAME FOR COMPLETION OF EACH CORRECTIVE ACTION:

By February 15, 2015

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

District Field Office Mine ID Date

- METHOD FOR DETERMINING SUCCESS:

District will perform spot audits as needed for the work group.

3. Office of Accountability Review Checklist Item #18

- A. The required FARs were not completed for all inspectors/specialists during FY 2013. The health specialists did not receive FAR's for the second half of FY 2013. (The Health Supervisor position was vacant from April of FY 2013.)
- B. In 2014 - eight of ten required FAR's were completed for the field office, and no health specialist reviews were completed. (The Health Supervisor position was vacant from April of FY 2013.)

- ROOT CAUSE:

Lack of available supervisors.

- PROPOSED CORRECTIVE ACTIONS:

- 3. A. - The District will develop a tracking spreadsheet to be filled out / updated by FO supervisors and specialist supervisors, the supervisors will be trained on the spreadsheet. The spreadsheet will be monitored by the ADM-E and ADM-T.
- 3. B. - The District will develop a tracking spreadsheet to be filled out / updated by FO supervisors and specialist supervisors, the supervisors will be trained on the spreadsheet. The spreadsheet will be monitored by the ADM-E and ADM-T.

An attendance roster will be signed by all participants and a record of the training will be kept with the corrective actions for this review.

- OFFICE OR POSITION RESPONSIBLE FOR IMPLEMENTING THE CORRECTIVE ACTION(S):

Assistant District Manager Enforcement and Technical

- TIMEFRAME FOR COMPLETION OF EACH CORRECTIVE ACTION:

By February 15, 2015

- METHOD FOR DETERMINING SUCCESS:

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

District Field Office Mine ID Date

District will perform spot audits as needed.

4. Office of Accountability Review Checklist Item #19

- A. The required AAs were not completed for all inspectors/specialists during FY 2013 – Eighteen of twenty-two required AA's were completed for the field office. No health specialist AA reviews were completed for the second half of FY 2013. (The Health Supervisor position was vacant from April of FY 2013.)

In 2014 - Nine of twenty required AA's were completed for the field office, and no health specialist reviews were completed. (The Health Supervisor position was vacant from April of FY 2013.)

- ROOT CAUSE:

Lack of available supervisors.

- PROPOSED CORRECTIVE ACTIONS:

4. A. - The District will develop a tracking spreadsheet to be filled out / updated by FO supervisors and specialist supervisors, the supervisors will be trained on the spreadsheet. The spreadsheet will be monitored by the ADM-E and ADM-T.

An attendance roster will be signed by all participants and a record of the training will be kept with the corrective actions for this review.

- OFFICE OR POSITION RESPONSIBLE FOR IMPLEMENTING THE CORRECTIVE ACTION(S):

Assistant District Manager Enforcement and Technical

- TIMEFRAME FOR COMPLETION OF EACH CORRECTIVE ACTION:

By February 15, 2015

- METHOD FOR DETERMINING SUCCESS:

District will perform spot audits as needed.

5. Office of Accountability Review Checklist Item #26

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

District Field Office Mine ID Date

A. The approved ventilation plan is not compatible with mining conditions and equipment. The [redacted] conducts retreat mining (pillaring) and the ventilation plan contains no typical section ventilation illustrations or language regarding ventilation requirements when this mining method is being used.

• ROOT CAUSE:

Vent plan review failed to identify that the ventilation plan contains no typical section ventilation illustrations or language regarding ventilation requirements when this mining method is being used.

• PROPOSED CORRECTIVE ACTIONS:

5. A. [redacted] in the District. The plan has been amended and approved.

• OFFICE OR POSITION RESPONSIBLE FOR IMPLEMENTING THE CORRECTIVE ACTION(S):

Assistant District Manager Technical

• TIMEFRAME FOR COMPLETION OF EACH CORRECTIVE ACTION:

This has already been corrected.

• METHOD FOR DETERMINING SUCCESS:

This has already been corrected.

A DESCRIPTION OF THE DOCUMENTATION THAT WILL DEMONSTRATE CLOSURE OF THE CORRECTIVE ACTION:

The District Manager will send a memorandum to Alfred L. Clayborne, Deputy Director, Office of Assessments, Accountability, Special Enforcement and Investigations through Ted Smith, Supervisor, Office of Accountability upon completion and evaluation of the corrective actions.

(This will be a separate memorandum sent to document closure of the corrective action(s))