



MAY - 5 2015

MEMORANDUM FOR PATRICIA W. SILVEY

Deputy Assistant Secretary for Operations  
Mine Safety and Health Administration

THROUGH:

KEVIN G. STRICKLIN

Administrator for  
Coal Mine Safety and Health

THOMAS W. CHARBONEAU

Acting 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 5, Vansant,  
Virginia Field Office and

Introduction

This memorandum summarizes the Office of Accountability's review of the subject district office, field office, and mine. The review included evaluation of 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 accountability 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 accountability review report.

## Overview

Office of Accountability Supervisor Ted Smith and Accountability Specialist Troy Davis, conducted the review of Coal District 5 and the Vansant, Virginia Field Office from [REDACTED]. This review focused on inspection activities during FY 2014 (October 2013 through September 2014) and the first quarter of FY 2015 (October 2014 through December 2014). The review focused specifically on documentation of the regular E01 inspection, Event No. [REDACTED] conducted by the Vansant, Virginia Field Office of the [REDACTED].

The Office of Accountability selected the Vansant Field Office and the [REDACTED] because the mine is a large longwall mine with large sealed longwall districts. The mine liberates large quantities of methane and is on a [REDACTED]. The mine has had a large number of violations including 104(d) orders issued at the mine. On [REDACTED] the review team conducted a mine visit focusing on general mine conditions; whether conditions at the mine are commensurate with enforcement levels documented in the inspection reports reviewed; and to observe company work practices at the mine site.

## Mine Visit

The [REDACTED] is an underground coal mine located in [REDACTED]. The mine has 12 shaft openings into the [REDACTED]. The seam averages 6 feet in height. Four fans exhausting approximately 2.4 million cubic feet of air per minute provide ventilation. Laboratory analysis of return air samples shows a methane liberation rate of 7 million cubic feet per day through the main fans. The development units are ventilated using a split system with exhausting line curtains or auxiliary fans and ventilation tubing. The mine employs approximately [REDACTED] miners working three shifts per day (two production shifts and a maintenance shift), five days per week. The mine produces an average of [REDACTED] of raw material daily from six continuous mining machine units and one longwall unit. The six continuous mining machines Mechanized Mining Units (MMUs) are comprised of three super sections where two units operate side-by-side and dump coal at the same section loading point. Coal is transported from the faces by battery-powered ram cars and a longwall face conveyor. The coal is then transported to the production shaft bottom by conveyors, stored in underground bunkers, and hoisted to the surface by skip hoist cars. Employees and materials are transported in and out of the mine via man hoists and underground travel is facilitated by a diesel-powered track haulage system.

The inspection group, which included the Staff Assistant, Field Office Supervisor and the Inspector, traveled to MMUs 007-0 and 008-0 (continuous mining machine development section) and MMU 017-0 (longwall section). The review included observations of the following: inspections of the working sections; examinations of the working faces for imminent dangers; methane tests at the faces; air readings; ventilation; rock dusting and cleanup; roof and rib conditions; communication and tracking system and the Strata refuge alternatives for the MMUs inspected. The inspector conducted safety, health, and best practice discussions and questioned miners to determine their knowledge and adequacy of training concerning the roof

control and ventilation plans. Outby inspections included a portion of the primary escapeway, the 0 East belt drive and associated fire protection; and the 19 Right seals (120 psi Minova). Other observations during the inspection included the travelway/alternate escapeway, signage, lifelines and dates, times, and initials. The on-site review also included observations of the check-in/check-out system, escapeway maps located on the surface and at underground refuge alternatives examined, communication and tracking system, air scrubbing system for the working section return; and closeout discussions. No violations were observed during the mine visit.

### Review Results

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

- E01 Inspection report was complete and field notes were descriptive and organized.
- Inspection field notes of multiple inspectors for the E01 Inspection reviewed were consistent indicating effective management oversight.
- Health Inspection documentation was complete and thorough pertaining to the field notes and MSHA forms for both respirable dust and noise surveys conducted. Good documentation of work environment when sampling Part 90 Miners.
- The field office supervisor utilized the MSIS calendars for tracking 103(i) spot inspections for the workgroup.

This accountability review did not reveal any issues that required corrective actions.

Attachments

- A. Office of Accountability Checklist
- B. Citations/Orders issued during this review  
(No citations issued during this review)
- C. Examples of Citations Issued During Previous E01 Inspections  
(No issues were identified during this review)
- D. District Corrective Action Plan  
(No corrective action required)

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

District  Field Office  Mine ID  Date

Attachment A - Office of Accountability 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

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

Adequate  Corrective Action Needed  Comments Below

3. Determine if citations and orders issued during previous inspections were 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  Field Office  Mine ID  Date

6. Evaluate, upon arrival on the working section, 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

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

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

Adequate  Corrective Action Needed  Comments Below

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 5

Field Office

Vansant  
Virginia Field  
Office

Mine ID

Date

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

Adequate  Corrective Action Needed  Comments Below

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

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

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

District  Field Office  Mine ID  Date

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

17. Adequate  Corrective Action Needed  Comments Below

Determine if required Field Activity Reviews (FARs) and supervisory follow-ups are being conducted and documented according to agency policy and procedures?

18. Adequate  Corrective Action Needed  Comments Below

Determine if Accompanied Activities (AAs) and supervisory follow-ups are being conducted and documented according to agency policy and procedures?

19. Adequate  Corrective Action Needed  Comments Below

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

20. Adequate  Corrective Action Needed  Comments Below

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

21. Adequate  Corrective Action Needed  Comments Below

Determine if supervisors are thoroughly reviewing Uniform Mine Files at least annually?

22. 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

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

Adequate  Corrective Action Needed  Comments Below

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

Adequate  Corrective Action Needed  Comments Below

25. Determine if documentation of staff meetings/safety meetings are effective and relevant to current issues and the Agency's mission.

Adequate  Corrective Action Needed  Comments Below

26. Determine, after an in-mine visit, if approved plans (ventilation, roof control, training, ERP, etc.) are compatible with mining conditions and equipment.

Adequate  Corrective Action Needed  Comments Below

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

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

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

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

Not reviewed as a part of this review.

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

District  Field Office  Mine ID  Date

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

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

Determine if Districts are conducting reviews in compliance with agency  
35. policy and procedures including follow-up to determine the effectiveness of corrective actions.  
Adequate  Corrective Action Needed  Comments Below

Determine if information (mine status, methane liberation, number of  
36. employees, etc.) is being entered into the MSHA Standardized Information System (MSIS) accurately and in a timely manner?  
Adequate  Corrective Action Needed  Comments Below

Determine if District Managers are using the Report Center to identify  
37. overdue responses from operators and take appropriate actions.

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

District  Field Office  Mine ID  Date

38. Determine if a complete permissibility inspection of each longwall system is being 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

39. Determine if a proper examination of the AMS system and/or AMS systems that operate CO sensors for the purposes of 75.1101 is being conducted. A complete inspection includes those items in the revised GIPH (AMS checklist).

Adequate  Corrective Action Needed  Comments Below

40. Determine if SSIs are maintaining 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.

41. Determine if proper procedures for conducting, documenting, and reviewing MSHA respirable dust surveys are being followed. 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	Coal District 5	Field Office	Vansant Virginia Field Office	Mine ID	[REDACTED]	Date	[REDACTED]
----------	-----------------	--------------	-------------------------------------	---------	------------	------	------------

42. Determine if District Managers and Assistant District Managers are providing acting field office supervisors with the level of oversight necessary to manage their work groups on a temporary basis including an online distance learning training course with a knowledge check for temporarily promoted supervisors. The guidance will be included in each District's SOP for training newly promoted field office supervisors.

[REDACTED]

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

District	Coal District 5	Field Office	Vansant Virginia Field Office	Mine ID	[REDACTED]	Date	[REDACTED]
----------	-----------------	--------------	-------------------------------------	---------	------------	------	------------

Attachment B – Citations/Orders Issued During This Review

No citations were issued during this review.

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

District	Coal District 5	Field Office	Vansant Virginia Field Office	Mine ID	[REDACTED]	Date	[REDACTED]
----------	-----------------	--------------	-------------------------------------	---------	------------	------	------------

Attachment C – Examples of Citations Issued During Previous Inspections

No issues identified during this review.

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

District Coal District 5 Field Office Vansant  
Virginia Field  
Office Mine ID [REDACTED] Date [REDACTED]

Attachment D – Corrective Action Plan

No issues identified during this review.