



AUG 18 2009

MEMORANDUM FOR MICHAEL A. DAVIS
Deputy Assistant Secretary for Operations
Mine Safety and Health

THROUGH: PETER J. MONTALI *Peter J. Montali*
Acting Director of Accountability for
Mine Safety and Health

FROM: ARLIE A. WEBB *Peter J. Montali for*
Accountability Specialist

SUBJECT: MSHA Office of Accountability Audit, Summersville, West Virginia,
Field Office, and [REDACTED]
([REDACTED]

Introduction

This memorandum summarizes the Office of Accountability audit of the subject mine and field office. Audit subjects included MSHA supervisory and managerial oversight, MSHA field activities, level of enforcement, Field Activity Reviews (FARs), Accompanied Activities, the Uniform Mine File, mine plans, and the conditions and practices at the mine. The audit was conducted during the week of [REDACTED] by Arlie A. Webb. Peter J. Montali, Acting Director for the Office of Accountability, also participated in this audit. Positive findings and issues requiring attention are included in this audit report.

Overview

The accountability specialists traveled to the Summersville, West Virginia Field Office and to the [REDACTED] to observe and evaluate enforcement activities, supervisory oversight, and mine conditions. Accompanying the accountability specialists were [REDACTED]

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) Areas of the mine examined during this audit included mine office, mine record books, maps and other required postings, all three surface pits, highwall drills, front end loaders, haul trucks, haul roads, berms, D9R bulldozer, highwalls, explosive storage magazines and bins, shop area, and the supply house. Approved plans were compared to the conditions and practices at the mine.

S&S Rate Comparison

Overall, the Significant and Substantial (S&S) rates for the Summersville field office are comparable to the national average. The S&S rate for District 4 as a whole is slightly higher than the national average.

Fiscal Year	Field Office	Coal District 4	National Avg.
2008	32.9%	39.8%	35%
2009	35.0%	38.0%	35%

However, a close examination of the current enforcement actions at this field office indicates that gravity, negligence and S&S determinations are not always consistent with the seriousness of the violations observed.

Time and Activity Comparison

A review of time distribution for the Summersville field office indicates excellent time distribution and commendable on-site time.

Surface Facilities – E01 Inspections						
	Travel Time	Other Time	Total On-Site	Citations Written On-Site	Citations Written Off-Site	Total Percent
% in FY 2008	16.6%	17.0%	66.2%	4.9%	<1.0%	100%
% in FY 2009	17.1%	16.8%	65.9%	3.8%	<1.0%	100%

Surface Mines – E01 Inspections						
	Travel Time	Other Time	Total On-Site	Citations Written On-Site	Citations Written Off-Site	Total Percent
% in FY 2008	15.6%	8.5%	75.9%	8.9%	<1.0%	100%
% in FY 2009	16.7%	6.7%	76.6%	7.5%	0%	100%

Underground Mines – E01 Inspections						
	Travel Time	Other Time	Total On-Site	Citations Written On-Site	Citations Written Off-Site	Total Percent
% in FY 2008	18.1%	14.4%	67.3%	4.7%	<1.0%	100%
% in FY 2009	17.1%	16.6%	66.2%	3.9%	<1.0%	100%

Audit Results

The audit revealed positive findings in several categories, including the following:

1. (b) (6)
2. Field Office Supervisors and district supervisors and managers are conducting mine visits on a regular basis.
3. With the exception of off-shifts, inspection time distribution was excellent, with a very low percentage of time spent in the “other” category.
4. The audit team observed two different inspectors conducting quality imminent danger examinations and inspections.

The audit also revealed issues in several categories that require corrective actions, including the following:

1. Evaluations of S&S, gravity, negligence, and number of persons affected do not appear commensurate with the type of violations cited. (FO)
2. Insufficient time spent on “off shifts” during E01 inspections. (FO)
3. Peer Reviews were not thorough and did not contain means for follow-up. (HQ)(District)

The attached checklist addresses the findings of the audit. Positive issues as well as issues requiring action are covered in detail in the checklist.

Attachments:

- A. Audit Checklist
- B. Selected citations with apparently inconsistent evaluations

District Field Office Mine ID

1. Evaluate supervisory review of inspection reports and documentation for completeness.

Adequate Inadequate Not Applicable Comments Below

2. Determine if supervisors address report deficiencies immediately

Adequate Inadequate Not Applicable Comments Below

Report deficiencies are immediately addressed, although better documentation is needed.

3. Determine if supervisors are visiting each assigned mine at least annually

Adequate Inadequate Not Applicable Comments Below

4. Evaluate the quality of Field Activity Review reports (FARs)

Adequate Inadequate Not Applicable Comments Below

During the time period audited, eighteen Field Activity Reviews were conducted. Positive comments were made in 14 of these. Most of these comments indicated the inspector conducted a complete and thorough inspection, or performed his duties efficiently.

However, 4 FARs contained excellent comments on areas where the inspector needs to improve.

Recommendation – Field Activity Reviews should include documentation of an inspector’s extraordinary efforts or accomplishments, as well as areas where improvement is needed. Simply completing a thorough inspection is not extraordinary.

Reference - Coal Mine Safety and Health Supervisor’s Handbook (AH-08-III-1(2)), Chapter 1, Section IV, Items E & F, and Chapter 1, Section X, Item A.

District Field Office Mine ID

5. Determine if supervisors/managers are identifying and addressing performance or behavior based issues during and after accompanied inspections are conducted

Adequate Inadequate Not Applicable Comments Below

6. Evaluate the quality of Accompanied Inspections

Adequate Inadequate Not Applicable Comments Below

Interviews indicate that quality regular inspections are being conducted in the field. However, the documentation for regular inspections needs to be improved.

During the time period audited, twenty-one Accompanied Activities were conducted. Positive comments were made in 10 of these. Most of these comments indicated the inspector conducted a complete and thorough inspection, or performed his duties efficiently. Only one Accompanied Activity indicated an area where the inspector needed to improve.

Recommendation – Accompanied Activity Reports should include documentation of an inspector's extraordinary efforts or accomplishments, as well as areas where improvement is needed. Simply completing a thorough inspection is not extraordinary.

Reference - Coal Mine Safety and Health Supervisor's Handbook (AH-08-III-1(2)), Chapter 1, Section IV, Items E & F, and Chapter 1, Section X, Item B.

7. Determine if supervisors are thoroughly reviewing mine files at least annually

Adequate Inadequate Not Applicable Comments Below

8. Determine if Assistant District Manager is holding supervisor accountable for general mine visits, FARs, and accompanied activities.

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID

11. Determine if ADMs and DMs are visiting mines with poor compliance at least monthly

Adequate Inadequate Not Applicable Comments Below

17. Determine if supervisors are monitoring inspector time and activity documentation to ensure proper use of time by inspector

Adequate Inadequate Not Applicable Comments Below

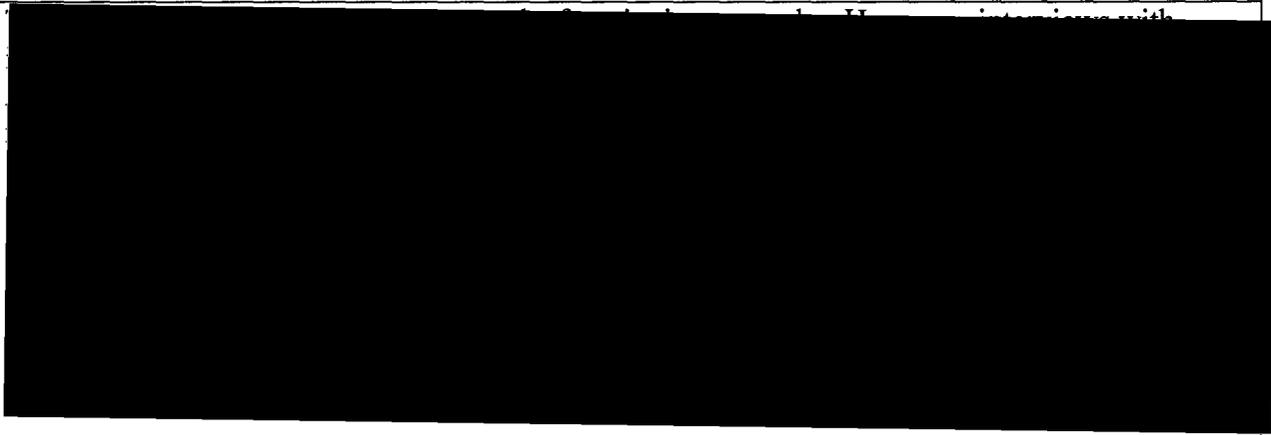
Supervisory oversight of inspection times, with the exception of the issue listed in Item 31 below, was excellent.

20. Determine if supervisors are adequately evaluating the level of enforcement by visiting each producing mine

Adequate Inadequate Not Applicable Comments Below

21. Determine if District Manager is monitoring the ACRI program and using the Performance Management System to ensure that CLR's justify changes

Adequate Inadequate Not Applicable Comments Below



District Field Office Mine ID

23.	Determine if second level reviews and Peer Reviews are used to assess supervisory review of enforcement actions					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

25.	Evaluate inspector/specialist knowledge of documentation required and process for completing PKW Forms.					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

26.	Evaluate the district's process for performing Possible Knowing/Willful (PKW) reviews and initiating or denying special investigations					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

29.	Determine if complete and thorough inspections are being conducted and adequately documented					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

30.	Determine if inspection notes, air samples, rock dust samples, and tracking map/diagram support the inspector's assertion that the mine was inspected in its entirety					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

District Field Office Mine ID

31.	Determine that the inspector spent sufficient time on off-shifts and on weekends					
Adequate	<input type="checkbox"/>	Inadequate	<input checked="" type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
<p>During the two most recent E01 inspections, only 8 hours was spent on off-shifts. This was only 4.4% of the total onsite time and does not appear to be sufficient time to observe work practices or examine conditions at three individual pits/spreads.</p> <p><i>Recommendation – Devote sufficient time to off shifts to determine the attitude, work habits, and conditions.</i></p> <p><i>Reference – General Coal Mine Inspection Procedures and Inspection Tracking System Handbook (PH-08-V-1), Chapter III, Section A, Item 6.</i></p>						

34.	Determine if all mine record books, postings, and other required materials are examined during the inspection					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

36.	Determine if the amount of time expended on each inspection activity and area of the mine is sufficient to accomplish inspection goals					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
<p>Time distribution was excellent during the two E01 inspections completed prior to this audit. Time in the “other” category averaged less than 5 percent, while “on-site” time averaged more than 80 percent.</p>						

District Field Office Mine ID

37. Evaluate each citation/order/safeguard for inspector's determination of gravity, negligence, number of persons affected, and the level of enforcement

Adequate Inadequate Not Applicable Comments Below

A review of citations issued during the two most recent E01 inspections at the subject mine revealed the following: (See Attachment B)

- Citation S&S determination, Likelihood, and Termination date
- Citation S&S determination, Likelihood, and Injury or Illness
- Citation S&S determination and Likelihood
- Citation S&S determination and Likelihood
- Citation S&S determination, Likelihood, and Injury or Illness. In addition, three separate citations (one per truck) should have been issued.

In addition, all of the citations were evaluated as "moderate" negligence.

38. Accompany and evaluate inspector's imminent danger run

Adequate Inadequate Not Applicable Comments Below

39. Check adequacy of preshift/onshift examinations

Adequate Inadequate Not Applicable Comments Below

41. Evaluate operator's workplace examinations

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID

60. Determine if all required record books are adequately completed and in compliance with applicable standards

Adequate Inadequate Not Applicable Comments Below

62. Examine mine bulletin board and evaluate adequacy of all required postings

Adequate Inadequate Not Applicable Comments Below

64. Determine if approved plans address and are compatible with mining conditions and equipment

Adequate Inadequate Not Applicable Comments Below

68. Determine if Peer Reviews identify root causes of deficiencies, corrective actions, set time lines for corrections, and identify a method for accurately measuring the success or failure of corrective actions.

Adequate Inadequate Not Applicable Comments Below

District-level reviews and headquarters-level reviews do not adequately address follow-up, evaluation, or methods for measuring the success or failure of corrective actions.

Recommendation – Follow-up, evaluation, and measurement of corrective actions is an important part of the review process, and should always be a part of the review report.

Reference – Accountability Program Handbook (AH08-III-4), Page 8

70. Determine if Peer Reviews include a visit to the mine, and include observation of the producing section, conveyor belt entries, escapeways and the ERP provisions

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID

71. Determine if Peer Reviews accurately reflect and evaluate MSHA activities at all types of mining (underground/surface/surface facilities) within the district

Adequate Inadequate Not Applicable Comments Below

Reviews listed on the district's spreadsheet indicate that both surface and underground mining is included in the review process.

72. Determine if approved plans and the Uniform Mine File books are addressed during each Peer Review

Adequate Inadequate Not Applicable Comments Below

75. Evaluate approved training plan after discussion with miners

Adequate Inadequate Not Applicable Comments Below

77. Evaluate the two most current completed E01 (regular) inspection reports (two quarters)

Adequate Inadequate Not Applicable Comments Below

The inspections appeared to be complete and quite thorough. However, issues as identified in Items 31 and 37 need to be addressed.

80. Determine if 104(d) tracking system is in place at the office being audited, and is being kept up to date

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID

81. Determine if all plans and documents in the Uniform Mine File are legible, and up to date

Adequate Inadequate Not Applicable Comments Below

83. Determine if plan review and approval process provides reasonable assurance that miners are protected

Adequate Inadequate Not Applicable Comments Below

85. Determine if miners are adequately trained in the provisions of any new plan prior to its implementation

Adequate Inadequate Not Applicable Comments Below

As per discussion with several miners

88. Determine if time frames for approval/disapproval of plans were set, and are being met

Adequate Inadequate Not Applicable Comments Below

90. Determine if dated copy of approval/disapproval letter is in file

Adequate Inadequate Not Applicable Comments Below

District Field Office Mine ID

92.	Determine if a copy of the most recent plan is provided for inclusion in the Uniform Mine File					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

99.	Determine if the uniform mine file is reviewed for information related to plan adequacy					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

102.	Determine if input is solicited from field office inspectors/supervisors, and recommendations are addressed prior to approval					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

114.	Determine if spreadsheets and/or databases provided for tracking of mine visits by supervisors and managers is kept up to date					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

115.	Evaluate the effectiveness of management's support of, and communication with, inspectors and specialists					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

116.	Review documentation of staff meetings/safety meetings to determine their effectiveness and relevance to the Agency's mission and current issues					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

District Field Office Mine ID

117.	Are MSHA Forms 7000-1 accurately reviewed for proper information and potential violations, unsafe practices, or conditions?					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

118.	Determine if inspectors have sufficient equipment and supplies to conduct thorough inspections.					
Adequate	<input type="checkbox"/>	Inadequate	<input checked="" type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below
This field office has only one "50/50" water pressure/flow rate gauge.						
<i>Recommendation – Based upon the number of inspectors and the number and size of underground mines assigned to this field office, an additional unit is recommended.</i>						

119.	Determine if adequate close-out conferences are being conducted at the end of each inspection.					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

120.	Determine if E01 inspections at surface mines includes an observation/evaluation of blast hole drilling, loading, and blasting operations.					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

121.	Determine if manpower at the field office is sufficient to ensure adequate, complete inspections, investigations, and other activities.					
Adequate	<input checked="" type="checkbox"/>	Inadequate	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>	Comments Below

District Field Office Mine ID

Selected Citations from Two Previous E01 Inspections
 (Refer to Checklist Item No. 37)

Violation Number	Date Issued	Type Action	30 CFR	S&S	Likelihood	Injury Illness	Persons Affected	Negligence	Due Date	Date Term
		104(a) Citation	77.1104	N	Unlikely	LostDays	1	Moderate		

Upon inspection of the Cat 988G Loader, co.no. 104, heavy oil accumulation was found on the turbo side of engine. The accumulation was from the bottom of the valve pan cover, all down the side of the engine and behind turbo. This is a potential ignition source. Operator agreed to have it steamed cleaned immediately.

Violation Number	Date Issued	Type Action	30 CFR	S&S	Likelihood	Injury Illness	Persons Affected	Negligence	Due Date	Date Term
		104(a) Citation	77.1606(c)	N	Unlikely	LostDays	1	Moderate		

During the brake function test on the Red International Coal Truck, Co. No. 0327, the park brake was unable to hold the loaded coal truck on approximately a 6% grade. The service brakes functioned properly. Driver immediately took Coal Truck to the shop for repair.

Violation Number	Date Issued	Type Action	30 CFR	S&S	Likelihood	Injury Illness	Persons Affected	Negligence	Due Date	Date Term
		104(a) Citation	77.1605(k)	N	Unlikely	Fatal	2	Moderate		

During my inspection of the [redacted] It was observed that the berm to the dump site was not adequate to restrain the equipment. Approximately 40 to 50 feet of the outer bank had only 1 to 2 feet of berm, this is not adequate for the 2 - Cat 740 Articulating Dumps that were travelling this haulroad. The roadway was basically level and dry. It was approximately 20 feet wide. Dozer operator immediately started correcting this violation before normal work continued.

Violation Number	Date Issued	Type Action	30 CFR	S&S	Likelihood	Injury Illness	Persons Affected	Negligence	Due Date	Date Term
		104(a) Citation	77.400(a)	N	Unlikely	Permanent	1	Moderate		

There were no doors or guarding found on the Cat D9R Dozer, #204, engine compartment to protect miner from exposed moving belts and pulleys.

Violation Number	Date Issued	Type Action	30 CFR	S&S	Likelihood	Injury Illness	Persons Affected	Negligence	Due Date	Date Term
		104(a) Citation	77.1606(c)	N	Unlikely	LostDays	1	Moderate		

During my inspection of T C Transport Coal Trucks the park brakes on trucks #7254, #0891 and #0753 would not hold these coal trucks on a 6% road grade. The service brake would stop the coal trucks. This condition was found during a functional brake test. The trucks were taken out of service and repaired. The last sentence in section 8 should read "out of service" not "out of service"