
WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

October 13, 2006

Fatal Privately Owned Vehicle Accident Investigation Report
Frasure Creek Mining, LLC
Mine No. 4
Permit No. S-5022-01A

Region Two – Welch Office
891 Stewart Street
Welch, WV 24801
Fred B. Stinson, Inspector-at-Large

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**FATAL PRIVATELY OWNED VEHICLE ACCIDENT INVESTIGATION REPORT
FRASURE CREEK MINING, LLC
MINE NO. 4
PERMIT NO. S-5022-01A**

GENERAL INFORMATION

An accident involving privately owned vehicles occurred at Frasure Creek Mining's haul road on October 13, 2006, at approximately 11:20 a.m. Jerry Ray May was dead at the scene. Mr. May was delivering lunches at the time of the accident. Mr. May was employed by Bonnie's Restaurant. Matthew Cantrell, driver of the second vehicle involved, was leaving the mine. Mr. Cantrell is employed by Austin Powder Company.

The Office of Miners' Health, Safety and Training received notification of the accident from Joe Hall at approximately 12:05 p.m. on October 13, 2006. A joint investigation with the Mine Safety and Health Administration (MSHA) was started immediately. The West Virginia State Police also responded during the initial phase of the investigation.

Frasure Creek Mining, LLC, Mine No. 4, began production in 2004 and currently employs 52 people on two shifts.

DESCRIPTION

Jerry Ray May, deliveryman for Bonnie's Restaurant, entered the mine haul road to deliver lunches to the mine at approximately 11:15 a.m. on October 13, 2006. Mark Cantrell, employee of Austin Powder Company, was leaving the mine, having finished his work for the shift. As Mr. May drove into curve No. 6, his vehicle made no attempt to turn and drove straight into the vehicle driven by Mark Cantrell. Mr. May was dead at the scene. Mr. Cantrell was transported to Logan Regional Medical Center with a knee injury, possible broken leg and lacerations to the head.

FINDINGS OF FACT

1. The weather was clear and the road was dry.
2. The haul road was thirty-six feet wide in curve No. 6.
3. The haul road was well maintained.
4. The curves were all numbered for call points for traffic.
5. Curve No. 6 was a moderate curve, not sharp.

CONCLUSION

From all indications and from questioning Matthew Cantrell, driver of the second vehicle, Mr. May made no apparent attempt to steer his vehicle away from Mr. Cantrell's vehicle.

RECOMMENDATIONS

Lunch deliveries or any vendors having no physical need to travel to the working area of the mine site shall conduct all activities at the guard shack.

ACKNOWLEDGMENT

The West Virginia Office of Miners' Health, Safety and Training acknowledges the cooperation of Frasure Creek Mining, LLC and the Mine Safety and Health Administration during this investigation.

Respectfully submitted:

Terry Farley, Administrator of Enforcement

Date

Fred B. Stinson, Inspector-at-Large

Date

Eddie Miller, Surface Inspector, #110

Date

Bobby J. Thornsbury, Electrical Inspector, #25

Date

APPENDIX

- Mine Data Sheets
- Victim Data Sheets
- List of Persons Providing Information/or Present During the Investigation

CONTRACTOR INFORMATION

CONTRACTOR Austin Powder Company

MINE NAME Frasure Creek Mining, Mine No. 4

WV PERMIT S-5022-01A MSHA PERMIT NO. _____

ADDRESS 300 North Pax Avenue, Mount Hope, WV 25880

COUNTY Fayette PHONE NUMBER 304-877-2301

DATE PERMIT ISSUED Blasting and Drilling

WORKING STATUS Blasting and Drilling

LOCATION Frasure Creek Mining, Mine No. 4, Wharncliffe, WV

UNION _____ NON-UNION X

DAILY PRODUCTION _____

ANNUAL PRODUCTION TO DATE _____

TOTAL EMPLOYEES Nine (9)

NUMBER OF SHIFTS Two (2) Shifts

NAME OF COAL BED _____

SEAM THICKNESS _____

ACCIDENT INCIDENT RATE _____ LOST TIME ACCIDENTS _____

TYPE OF HAULAGE Bulk ANFO

WVOMHST INSPECTOR Eddie Miller

DATE OF LAST INSPECTION Regular Inspector - June 2006

NOTIFIED BY _____

TIME OF NOTIFICATION _____

CMSP – ANNIVERSARY DATE _____

CMSP – CONTACT PERSON _____

MINE INFORMATION

COMPANY NAME Frasure Creek Mining, LLC

MINE NAME Mine No. 4

MAILING ADDRESS 1051 Main Street, Suite 100, Milton, WV 25541

MINE TELEPHONE NO 304-664-3885

MSHA ID NO 46-09002

STATE PERMIT NO S-5022-01A

MINE OFFICIAL LISTED ON STATE PERMIT JEFF HOOPS

MINE NAME LISTED ON STAT PERMIT FRASURE CREEK MINING, LLC

PRESIDENT N/A LLC MEMBER JEFFREY HOOPS

SUPERINTENDENT OF MINE CHARLES SPARKS

MINE FOREMAN CHARLES SPARKS

SAFETY DIRECTOR DANNY ADAMS

HEALTH AND SAFETY OFFICER DANNY ADAMS

CHAIRMAN OF MINE SAFETY COMMITTEE N/A

CMSP ANNIVERSARY DATE NOVEMBER 2006

CMSP CONTACT PERSON _____

WORKING STATUS ACTIVE

MINE LOCATION WHARNCLIFFE

UNION _____ NON-UNION X

UNION LOCAL _____ DISTRICT _____

MINERS' REPRESENTATAIVE DAY SHIFT _____ EVENING _____

OWL SHIFT _____ (ALTERNATES) _____

DAILY PRODUCTION APPROX. 3,500 TONS

ANNUAL PRODUCTION TO DATE 600,000 TONS

TOTAL NUMBER OF EMPLOYEES 52

NO. DAY SHIFT EMPLOYEES (UG) NONE (SURFACE) 26

NO. EVENING SHIFT EMPLOYEES (UG) NONE (SURFACE) 26

NO. OWL SHIFT EMPLOYEES (UG) NONE (SURFACE) NONE

NO. OF PRODUCTION SHIFTS 2

NO. OF MAINTENANCE SHIFTS NONE

NAME OF COALBED UCG, LCG, AND ALMA

SEAM THICKNESS 4 FT., 4 FT., AND 4 FT.

NO. OF DRIFTS NONE NO. OF SHAFTS NONE NO. OF SLOPES NONE

NO. OF DAYS WORKED EACH WEEK SIX (6)

ACCIDENT INCIDENCE RATE _____ LOST-TIME ACCIDENTS _____

MSHA INSPECTOR ASSIGNED TO MINE TYRONE STEPP

LAST INSPECTION DATE (MSHA) JUNE 2006

STATE INSPECTOR ASSIGNED TO MINE EDDIE MILLER

LAST INSPECTION DATE (STATE) JUNE 2006

MSHA NOTIFIED BY JOE HALL DATE 10/13/06 TIME 12:00 PM APPROX.

STATE NOTIFIED BY JOE HALL DATE 10/13/06 TIME 12:05 PM APPROX.

DATE OF ACCIDENT 10/13/06 TIME OF ACCIDENT 11:20 AM

NUMBER OF PERSONS IN MINE AT TIME OF ACCIDENT N/A (SURFACE MINE)

NUMBER OF PERSONS UNACCOUNTED FOR NONE

NUMBER OF NONFATAL INJURIES ONE (1)

NUMBER OF FATALITIES ONE (1)

INVESTIGATION

The following persons were present during the on-site investigation conducted on October 13, 2006.

FRASURE CREEK MINING, LLC

Danny Adams ----- Superintendent
Charles Sparks----- Mine Foreman

RASNAKE TRUCKING

Stevie Rasnake ----- Truck Driver

T & C TRUCKING

Larry Ray Wolford----- Truck Driver

MINE SAFETY AND HEALTH ADMINISTRATION

Dennis Holbrook----- Inspector/Investigator
Clark Blackburn----- Supervisor
Dave Thompson----- Inspector

WEST VIRGINIA OFFICE OF MINERS HEALTH, SAFETY, AND TRAINING

Terry Farley----- Administrator of Enforcement
Eddie Miller ----- Surface Inspector
Bobby J. Thornsby ----- Electrical Inspector