



Section I--Violation Data

1. Date Mo Da Yr 07/24/2008	2. Time (24 Hr. Clock) 1200	3. Citation/ Order Number 7018222
4. Served To Gary Peacock	5. Operator GENWAL RESOURCES INC and UEI	
6. Mine CRANDALL CANYON MINE	7. Mine ID 42-01715 (Contractor)	
8. Condition or Practice		

8a. Written Notice (103g)

30 CFR 75.220(a)(1) requires that a mine operator develop and follow a roof control plan approved by the District Manager. The mine operator did not follow the approved roof control plan amendment dated June 15, 2007 addressing pillar recovery mining in the Main West South Barrier. The site specific approved plan does not permit mining in any of the barrier south of the No. 1 entry between crosscut 142 and crosscut 139. The barrier south of the No. 1 entry was mined in this restricted mining area. This mining worsened the stability of the barrier and pillars in this area and contributed to the fatal accident on August 6, 2007. This violation constitutes an unwarrantable failure to comply with a mandatory standard.

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 75.220(a)(1)
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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: 006

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

12. Type of Action 104(d)(2)

13. Type of Issuance (check one) Citation Order Safeguard

14. Initial Action

A. Citation <input type="checkbox"/>	B. Order <input checked="" type="checkbox"/>	C. Safeguard <input type="checkbox"/>	D. Written Notice <input type="checkbox"/>	E. Citation/ Order Number 7286500	F. Dated Mo Da Yr 12/29/2006
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15. Area or Equipment Main West South Barrier inby crosscut 107.

16. Termination Due	A. Date Mo Da Yr 07/24/2008	B. Time (24 Hr. Clock)
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Section III--Termination Action

17. Action to Terminate The mine has been abandoned.

18. Terminated	A. Date Mo Da Yr 07/24/2008	B. Time (24 Hr. Clock) 1205
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Section IV--Automated System Data

19. Type of Inspection (activity code) E06	20. Event Number 4476435	21. Primary or Mill
22. Signature Signature		23. AR Number 23709/23305

MSHA Form 7000-3, Mar 85 (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.