Mine Citation/Order

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

Section I--Violation Data

| | | | |
|---|---|---|---|
| 1. Date Mo Da Yr 07/24/2008 | 2. Time (24 Hr. Clock) 1200 | | 3. Citation/ Order Number 7697002 |
| 4. Served To Gary Peacock, Superintendent | | 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) ☐

The operator did not immediately contact MSHA at once without delay and within 15 minutes at the toll-free number, 1-800-746-1553, once the operator knew that an accident in the Main West North Barrier section occurred on March 10, 2007. A coal outburst threw coal into the mine openings, disrupting regular mining activity for more than one hour. The accident was not reported to MSHA pursuant to this standard. The failure to report this accident denied MSHA an opportunity to investigate it and learn that the mining methods provided inadequate protections. This failure contributed to the August 6 fatal accident. This violation is an unwarrantable failure to comply with a mandatory standard.

See Continuation Form (MSHA Form 7000-3a) ☐

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|---|---|---|---|
| 9. Violation | A. Health ☐ Safety ☑ Other ☐ | B. Section of Act | C. Part/Section of Title 30 CFR 50.10 |

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 ☐ B. Order ☑ C. Safeguard ☐ D. Written Notice ☐ — E. Citation/ Order Number 7286500 — F. Dated Mo Da Yr 12/29/2006

15. Area or Equipment No area affected

| | | | |
|---|---|---|---|
| 16. Termination Due | A. Date Mo Da Yr | B. Time (24 Hr. Clock) | |

Section III--Termination Action

17. Action to Terminate No action required because the reporting requirements of 30 CFR, part 50.10 can only be satisfied within the established 15 minutes from the time that the operator knew or should have known of the accident.

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| 18. Terminated | A. Date Mo Da Yr 07/24/2008 | B. Time (24 Hr. Clock 1205 | |

Section IV--Automated System Data

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| 19. Type of Inspection (activity code) E06 | 20. Event Number 4476435 | 21. Primary or Mill | |
| 22. Signature Signature [redacted] | | 23. AR Number 23305 / 23809 | |

MSHA Form 7000-3, Mar 89 (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.