# 104(d) Unwarrantable Failure

# Being Contested by the Operator before the Federal Mine Safety and Health Commission

41 34	Carlotte Control of the	
Baino	Cabon bear	on/Order
CVIII I H	1 311-1110	MING TELEST





				Mine Safety and I	Health Administra	ation	(3)				
Section L-Viol	ACC NO. SEC. III	Ta a second		10 -000							
1. Date	Mo Da Yr 09/12/2005	2. Time (24 Hr. 17	Clock) 710		3. Citation/ Order Nu	umber 48905	34				
ed To	T			5. Operator ANKER WEST	VIRGINIA MIN	ING COMPAN	IV INC				
6. Mine SAGO M	TNIE			7 Mine ID							
8. Condition					,0,51		(Contractor)				
	The same of the sa	natoriale	in the few	of loose coal		8a. Written	Notice (103g)				
feet 1 drive accumu belt r dust i take-u is pow thick	ong by 12 rollers an lations ra oller just s allowed p rollers der dry to	inches to inches to ind the take inge from coutby the to accumuland the to	ke-up. The 32 inches e-up roller dry to damp e take-up f late on the ake-up roll h and measu	alate under and accumulations deep. The bott is are running to wet to the rame is gobbed at \$6 conveyor been bearing housed from 1/8 of to black in contents.	measured 5 om conveyo in the acc touch. The lout and seelt head dousings. The	feet wid r belt an umulation e bottom tuck. Flo rive fram e float c	e by 20 d the s. The conveyor at coal e and oal dust				
9. Violation	A. Health	B. Section		C. Part/Section of	See Cont	inuation Form (MSHA	Form 7000-3a) 🔽				
	Safety 7	of Act		Title 30 CFR	75.4	400					
B. Injury of sonable	or Illness (has) (is): or illness could rea- y be expected to be cant and Substantia	4.	days Lost W	Reasonably Likely  Vorkdays Or Restricted Duty	✓ Permanent	ly Disabling	Fatal _				
	ce (check one)	A None	No 🗔		A CONTRACTOR OF THE CONTRACTOR	Persons Affected:	001				
200		V.110.000180			High ☑ E.	Reckless Disrega	rd 🗀				
12. Type of A	104	d)(2)	13. Type of	Issuance (check one)	Citation	Order 🗹	Safeguard [				
14. Initial Act A. Citation	☐ B. Order 🗹	C. Safeguard	D. Written Notice	E. Citation/ Order Number	7097827	F. Dated	Mo Da Yr 05/20/2005				
approxi		The #6 cor block inby	nveyor belt / the #6 he	head drive an ad roller.	d take-up	which exte	ends				
16. Terminati	ion Due A. Date	Mo Da Yr	B. Time (24 Hr. Clo	ck)							
Section III-Ten	mination Action										
17. Action to up by s		Terminat and the ar	ed due to ea being r	the combustibl	e material:	s being cl	leaned				
8. Terminate	I A Date	Da Yr 2/2005 8. Tim	e (24 Hr. Clock	1810							
19. Type of In (activity o	rspection	20. Event Number	4054749	21. Primary or N	ASI	1000					
2. Signature	1 6	55	1		23. AR I	Number   6	1				

MSHA Form 7000-3, Max 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has esta-histened a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency ent actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the anti-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 St. W. 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.

Mine Citation/Order
Continuation





Section I-Subsequent Action/Continuation D	ata		Mine S	Safety and Health Administration	_ A	(9)
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/12/20	Yr 005	3. Citation/ Order Number 4890534		
red To Hamrick 6. Mine			5. Open ANKE	ator ER WEST VIRGINIA MINING CO	MPANY INC	T
SAGO MINE Section II – Justification for Action			7. Mine	46-08791	(Contractor)	

ation of 8. Condition or Practice

accumulations. The mine operator immediately removed the #6 conveyor belt from service. There have been 13 citations issued for violations of section of 75.400 at this mine since 04/18/2005.

B. Extended To Mo Da	v. I	
A. Date	Yr B. Time (24 Hr. Clock)	C. Vacated D. Terminated E. Modified
Section IV-Inspection Data		The state of the s
Type of Inspection E01	0. Event Number 4054740	
	4054749	
" "nature/ *	ADM T LAD D	
Canten 1	7 12. Date	Mo Da Yr 13. Time (24 Hr. Clock) 09/12/2005 1710

Mine	Citat	ion/Or	der
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	U.S. Department of Labor
Section IViolation Data	Mine Safety and Health Administration
Date Mo Da Yr 2. Time (24 Hr. Clock)	
. 09/12/2005 1835	3. Citation/ Order Number 4890535
Hamrick	5. Operator
6. Mine	ANKER WEST VIRGINIA MINING COMPANY INC
SAGO MINE	7. Mine ID 46-0879 I
8. Condition or Practice	(Contractor)
Combustible materials in the	form of loose coal, coal fines, coal dust and
feet long by 10 inches to 18 in drive rollers and the take-up reaccumulations range from dry to float coal dust is allowed to act frame and take-up rollers and the coal ribs. The float coal dust reddish brown to black in color accumulations. The mine operator service. There have been 14 cital service. There have been 14 cital service.  9 Violation A Health B. Section of Act Other Safety Cother Section II-Inspector's Evaluation	Torm of loose coal, coal fines, coal dust and commulate under and around the #5 conveyor belt The accumulations measured 5 feet wide by 17 ches deep. The bottom conveyor belt and the ollers are running in the accumulations. The damp to wet to the touch. A thick layer of cumulate on the #5 conveyor belt head drive take-up rollers bearing housings and the spowder dry to the touch and ranges from It took 5 miners 65 minutes to clean up the immediately removed the #5 conveyor belt from tions    C. Parl/Section of Title 30 CFR   75.400      C. Parl/Section of Title 30 CFR
sonably be expected to be: No Lost Workdays ignificant and Substantial:	Lost Workdays Or Restricted Duty 🗹 Permanently Disabling 🗌 Fatal 🗍
1 Nections (started)	D. Number of Persons Affected: 001
2 Type of Sail	C. Moderate D. High E. Reckless Disregard
4. Initial Action	Type of Issuance (check one) Citation ☐ Order 🗹 Safeguard ☐
A. Citation B. Order C. Safeguard D. Written N	05/00/2005
approximately 2 block inby the #  6. Termination Due	to the combustible materials being cleaned or rock dusted.
	4749 21. Primary or Mill
2. Signature L 6	23. AR Number

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 Oribudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency cent actions. The Oribudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the end actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Oribudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd the night to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

# Mine Citation/Order Continuation

# U.S. Department of Labor





1. Subsequent Action 1a. Continuation	2. Dated		_		V
	(Original Issue)	Mo Da 09/12/20	05	3. Citation/ Order Number 4890535	5
red To  Hamrick  Mine			5. Oper ANKI	ator ER WEST VIRGINIA MINI	NG COMPANY INC
SAGO MINE Section II—Justification for Action			7. Mine	46-08791	(Contractor)

Continuation of 8. Condition or Practice

issued for violations of section of 75.400 at this mine since 04/18/2005.

Section III—Subset 8. Extended To	Mo Da	Yr				
	A. Date	17.7%	B. Time (24 Hr. Clock)	C, Vacated	D. Terminated	☐ E. Modified
section IV-Inspec				1-20 10 10 10 10	Continue Spirit Mark	N=070S07ASMENSA
. Type of Inspe	ction E01	10. E	vent Number 4054749			
nature	6		AR Number 12. Date	Mo Da Yr	13. Time (24 Hr. Ck	ock)

Mine Cir	tation/	Orde	er
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Section I-Viola	ation Data	-			0.7 0.10 1100	ior / torrining it the	""	- "
1. Date	Mo Da Yr	2. Time (24 H				3. Citation/	489053	6
red To	09/12/2005		2045	F 0		Order Numb	er 402033	0
Ham				5. Operato ANKER		GINIA MININ	G COMPANY	INC
6. Mine				7. Mine ID	0. 18977 - manage	MARKET TO THE PARTY OF THE PART	G COM AN	TINC
SAGO MI	NE			1	46-087	91		(Contractor)
8. Condition	or Practice						8a. Written N	
rollers to 15 i running to the #4 conv bearing touch a immedia	coal dust s. The acc inches des g in the a touch. A veyor belt g housings and ranges ately remo	is allow cumulation of the baccumulat thick late head draw and belefrom reved the	in the for ed to accum ns measured ottom conve ions. The a yer of floa ive frame at structure ddish brown #4 conveyor lations of	ulate under to be to black belt from	er and a ide by 4 and the ons rang st is al o roller at coal in colo m servic	round the 0 feet lor take-up ro e from dry lowed to a and the dust is por feet. The mire. There h	#4 take- ng by 10 pllers ar to damp accumulat take-up bwder dry ne operat	up inches e to wet e on the rollers to the or
04/10/2	2005.					San Cantinu	dian Comp BACUA S	
9. Violation	A. Health Safety Other	B. Section of Act		C. Part/Section Title 30 CFR	of	75.400	rtion Form (MSHA F	om /000-3a)
Section II-Insp	ector's Evaluation	0.0	/ - 3 G S V		3 V			
B. Injury o sonably ignific	or Illness (has) (is): or illness could rea- y be expected to be cant and Substantia	No Lost W	orkdays _ Lost	Reasonabl Workdays Or Rest	y Likely 📝	Permanently D  D. Number of Pe	isabling	Fatal   001
<ol><li>Negligeno</li></ol>	ce (check one)	A. None	B. Low 🗌	C. Moderate	D. High	E. Re	ckless Disregard	
12. Type of A	action 104	(d)(2)	13. Type	of Issuance (check	one)	Citation  O	rder 🔽	Safeguard _
14. Initial Acti A. Citation		C. Safeguard	D. Written Notice	E. Citation/ Order No		7097827	F. Dated	Mo Da Yr 05/20/2005
15. Area or E	quipment	Around	and under t	he #4 con	veyor be	lt take-up	).	03/20/2003
16. Terminati	on Due A. Date	Mo Da Yr	B. Time (24 Hr. C	lock)				
Section III-Terr	mination Action							
17. Action to	al Vo	Da Yr						
	A. Date	8.1	ime (24 Hr. Clock					
	omated System Data	T			The Valence of	2322332		
19, Type of In (activity o		20. Event Nur	405474	49 21.1	Primary or Mill			
22. Signature	6					23. AR Nur	nber L6	7.
MSHA Form 70	00-3, Mar 85 (revised	In accordance	with the provisions of the	Small Business Regu	latory Enforcemen	t Fairness Act of 1996,	the Small Business	Administration has

estable of the Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small business about federal agency nent actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the nent 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 Small Business Administration, 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.



Mine Citation/Order Continuation			U.S. I	Department of Labor Safety and Health Administrati	W	//
Section I-Subsequent Action/Continuation Data		-		odicty and riealth Administrati	on []	
Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/12/2	1100	3. Citation/ Order Number 4890536	- 01	
Crumrine - Mine Foreman			5. Oper ANKI	ator ER WEST VIRGINIA MININ	G COMPANY INC	
SAGO MINE			7. Mine	46-08791	(Contractor)	

Terminated due to the combustible materials being cleaned up by shoveling and the area being rock dusted.

B. Extended To	quent Action Take	-				
	A. Date	Da Yr	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	☐ E. Modified
Section IV-Inspec	tion Data					
9. Type of Inspe	ection E01		vent Number 4054749			
11. Signature	r	/ · · · · · ·	AR Number 12. Date	Mo Da Yr	112 T- 10111 6	
	1 4	2	1 r / 7	09/13/2005	13. Time (24 Hr. Ck	ock)

well

### Mine Citation/Order

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



Section I-Viola	ation Data			Mine Safety and	Health Administra	ation	
1. Date	Mo Da Yr	2. Time (24 Hr.	Clock)		3. Citation/		
_	09/12/2005		840		Order Nu	mber 4890537	
ved To				5. Operator	100000000000000000000000000000000000000	MEMINI, AWAD JEWADAN	
Ham	rick			ANKER WEST	VIRGINIA MINI	NG COMPANY I	NC
6. Mine				79 9.01 - 100			.,,,
SAGO MI				40-	08791		(Contractor)
8. Condition				Alberta de la composición del composición de la		8a. Written Notic	
this in walkway is appriled inch walkway is appriled inch walkway mud and travel  9. Violation  Section II—Inspired A Injury of the walkway is appriled inch walkway mud and travel  9. Violation	nspector.  ys along hes deep.  ys along hes deep.  ys along hes deep.  ys along hes deep.	(1) slopp both sides (2) slopp both sides (2) slopp both sides (3) slopp both sides anges from areas.  B. Section of Act		ter is allow onveyor belt The mud and ter is allow onveyor belt The mud and ter is allow	conditions ed to accum head drive water range ed to accum head drive water range ed to accum head drive ed to accum head drive eep. Miners  500 Cont	were observed and take-up and take-up and take-up and take-up from 6 includate in the and take-up normally work to the take-up normally work take-up normally work to the take-up normally work take-up normally normally work take-up norma	ved by e o which ches to e o which ches to e o. The ork and
sonably	be expected to be ant and Substantia	No Lost Worl	No 🗀 Lost Wor	kdays Or Restricted Dut	the state of the state of	Domone Affordada	otal 001
1 +egligeno	ce (check one)	A. None	Service Servic	Moderate D.	High ☑ E.	Reckless Disregard	5000
12. Type of A	ction 104	(d)(2)	13. Type of Iss	suance (check one)	Citation :	Order 🔽 S	Safeguard 🗀
14. Initial Acti A. Citation	☐ B. Order 😿	C. Safeguard	D. Written Notice	E. Citation/ Order Number	7097827	F. Dated N	Mo Da Yr 05/20/2005
15. Area or Ed system: and tak 16. Termination	#6 conve	syot perr l	ways along be nead drive and or belt head	id take-up.	5 conveyor	or convoyer	bolt
TO. Terriniaux	A. Date	MO Da Tr	B. Time (24 Hr. Clock)				TITLE
Section III-Term	nination Action						
17. Action to 1	A Date Mo	Da Yr B. Tim	e (24 Hr. Clock				
(activity co			4054749	21. Primary or	Mill 23, AR N	lumber [	7

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 ment actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the ent 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 W 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 last to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Extend Place

upl

M	ine Citation/Order
0	ontinuation

9	2	1
(	I	/
	1	



Section I-Subsequent Action/Continua	ition Data	wine :	safety and Health Administra	ation (*)
Subsequent Action 1a, Continu	Jation 2. Dated M	o Da Yr 09/12/2005	3. Citation/ Order Number 4890537	7 - 01
ed To Crumrine - Mine Foreman 6. Mine SAGO MINE			5. Operator ANKER WEST VIRGINIA MINING COMPANY INC 7. Mine ID	
Section II—Justification for Action			46-08791	(asimodor)
Change	From		T.	
15. Area or Equipment			То	

Modified the area effected to allow the mine operator to put the #4 conveyor belt and the #6 conveyor belt back into service Reason due to the sloppy mud & water being cleaned from the walkways around these head drives and take-ups. The cited areas of the walkways along the #4 and #6 conveyor belts and take-ups have been terminated. The #5 conveyor belt will remain out of service until the sloppy mud and water is cleaned from the walkways around this conveyor belt head drive and take-up. Miners are cleaning on the sloppy mud and water in the cited areas around the #5 conveyor belt.

Section III—Subsection III—III III—III III III III III III II			v. T					Parties of the Partie
- Calcingou 10	A. Date	Da	At E	Time (24 Hr. Clock)		C. Vacated	D. Terminated	☑ E. Modified
ection IVInspec				And the second	Series Series			
Type of Inspe	ection E01	1	0. Eve	nt Number 4054749				
	<u> </u>	, L		4034145				
1 Gignature	1			AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Ck	ock)
-	3 - 3	9		1161		09/13/2005	0950	7/1
D . F 3000	3a, Mar 85 (revise				75.			

Extend by Help Rock

# Mine Citation/Order

~1	200	
W	2	110
1		(A)
-		-

Continuation			Mine Safety and Health Administration			
Section I-Subsequent Action/Continuation Data				diety and Health Administration		
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/12/20	Yr 005	3. Citation/ Order Number 4890537 - (	02	
red To  Crumrine - Mine Foreman  6. Mine			5. Oper ANKE	ator R WEST VIRGINIA MINING	COMPANY INC	
SAGO MINE			7. Mine	46-08791	(Contractor)	
Section II—Justification for Action			-			

Terminated due to the sloppy mud and water being cleaned from the walkways along the #5 conveyor belt head drive and take-up and the areas rock dusted.

8. Extended To A. Date Mo	Da Yr	B. Time (24 Hr. Clock)	C. Vacated	▼ D. Terminated
Section IV-Inspection Data	0-1-1			
9. Type of Inspection E01		AR Number 12: Date	Mo Da Yr 09/13/2005	13. Time (24 Hr. Clock) 1055
Ms rorm 7000-3a, Mar 85 (revised)	)	1661	09/13/2005	Entered by Besk

Mine Citation/Order
Continuation

11.
CCX33
11///

	Mine S	Mine Safety and Health Administration			
2. Dated Mc		3. Citation/ Order Number 4890537			
	1.200 CT 1.000		NG COMPANY INC		
	7. Mine	46-08791	(Contractor)		
	104-1-11-1	2. Dated Mo Da Yr (Original Issue) 09/12/2005 5. Opera ANKE	2. Dated Mo Da Yr 3. Citation/ Order Number 4890537    5. Operator   ANKER WEST VIRGINIA MINISTRATED		

Continuation of 8. Condition or Practice

There have been 15 citations issued for violations of section 75.1403 at this mine since 05/03/2005.

	quent Action Taken					See Continuation Fo
Extended To	A. Date Mo Da	Yr	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	☐ E. Modified
Section IV-Inspec	tion Data				A STATE OF THE STA	A STATE OF THE PARTY OF THE PAR
Type of Inspe	ection E01	10. E	vent Number 4054749			
d B:	-	1				
' signature	1		7 AR Number 12. Date	Mo Da Yr	13. Time (24 Hr. Ck	ock)
				09/12/2005		

Mine	Citation	Order
TAILLISE	Gilduoi	norue!



Section I- /	iolation Data				7
1. Date	Mo Da Yr -09/13/2005	2. Time (24 Hr. Clock) -2200 2 Z 1.5		3. Citation/ Order Number 4890	539
ed Brad Ha	To 9/12/05 mrick		5. Operator ANKER WEST VIRO	GINIA MINING COMPA	ANY INC
6. Mine SAGO N	The state of the s		7. Mine ID 46-0879		(Contractor)
8. Conditio	n or Practice			8a. Writt	en Notice (103g)

The pre-shift examination for hazardous conditions that was conducted on 09/12/2005 for the #6,#5 and #4 conveyor belts is inadequate in that numerous, obvious hazardous conditions were found by this inspector. The conditions are listed in the following citations and orders. Refer to these conditions and orders for a description of the conditions: (1) #4890534, (2) #4890535, (3) #4890536, (4) #4890537, and (5) #4890538. These conditions were obvious and would have been seen by any prudent person.

Q 00000							See Cor	ntinuation Fo	orm (MSHA	Form 7000-3a)
9. Violation	A. Health Safety Othe	of Act		C	Part/Section of Title 30 CFR			4(b)(1)		
Section II-Insp	ector's Evalu	ation			- 2.00 m			-		
10. Gravity:							2011			
A. Injury o	r Illness (h	as) (is): No Likelii	iood 🗌 U	nlikely	Reasonably Likely	7	Highly Likely	D.	Occum	ed 🗍
	r illness co be expect		st Workdays 🗌	Lost Worl	kdays Or Restricted D	outy 🔽	Permanen	tly Disabli	ng 🗍	Fatal _
∍ignific	ant and Su	bstantial: Ye	s. ✓ No 🗔				D. Number o	f Persons	Affected:	100
11. Negligen	ce (check o	ne) A. None	B. Low	☐ c.	Moderate [	D. High	Ž E	. Reckless	s Disregar	rd 🗀
12. Type of A	ction	104(d)(2)	777	13. Type of Iss	uance (check one)	Cit	ation 🗀	Order 5		Safeguard 🗀
14. Initial Act A. Citation	200.00	der 🔽 C. Safegu	ard D. Writte	en Notice	E. Citation/ Order Number	70	97827	F. (	Dated	Mo Da Yr 05/20/2005
conveyo	or bel	g conveyor		#6 conve	eyor belt,	#5 cor	nveyor	belt	and t	the #4
TO: TO: MINELED	OII DOC	A. Date	B. Time	(24 Hr. Clock)						
Section III-Terr	nination Actio	on						1	0 - 2 -	THE R. P. LEWIS CO., LANSING, MICH.
17. Action to	Terminate									
18. Terminate	A. Date	Mo Da Yr	B. Time (24 Hr.	Clock						
Section IV-Auto	omated Syste	em Data				-				
19. Type of In (activity o		E01 20. Ever	t Number	1054749	21. Primary	or Mill				
22. Signature	L	6		1			23. AR	Number	4	

MS\*\*\* 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 ed a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency ent actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enem 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.

Mine Citation/Order Continuation		U.S. Department of Labor Mine Safety and Health Administration	
Section ISubsequent Action/Co	ontinuation Data	and Ficalar Administration	9//
1. Subsequent Action 1a. C	ontinuation 2. Dated Mo q (Original Issue) 099	13/2005   3. Citation/ Order Number 4890539 - 01	
ved To Brad Hamrick		5. Operator ANKER WEST VIRGINIA MINING COMPANY INC	
6. Mine SAGO MINE		7. Mine ID 46-08791 (Contractor)	
Section II-Justification for Action			_
Change	From	To	_
1. Issue Date	09/13/2005	09/12/2005	
Reason Entered the w	rong date on citation when issuing.	W// 10/EVU/	
2. Issue Time	22:00	22:15	

Terminate citation no 4890539 due to a supplemental examination being conducted in the cited locations and the conditions

Entered the wrong time on the citation when issuing.

that were found being recorded in the examination record book.

17. Action To Terminate

Reason

	quent Action Taker	n				
B. Extended To	A. Date Mo	Da Yr	B. Time (24 Hr. Clock)	C. Vacated	☑ D. Terminated	▼ E. Modified
Section IV-Inspec	ction Data					
9. Type of Inspe	ection E01	10. E	vent Number 4054749			
vature	T 1	107	AR Number 12. Da	ite Mo Da Yr	13. Time (24 Hr. Ck	ock)

MSHA Form 7000-3a, Mar 85 (revised)

Mine	CHAI	liant	non-
IVIII IES	Lalie	1163617	CHORD





Section I-V	olation Data		mine early and rice	atti Administration	"//		
1. Date	Mo Da Yr 08/16/2005	2. Time (24 Hr. Clock) 1000		3. Citation/ Order Number 709815	9		
ed brad Phi			5. Operator ANKER WEST VIRGINIA MINING COMPANY INC				
6. Mine SAGO MINE		7. Mine ID 46-08791					
8. Condition	n or Practice			8a Written N	(Contractor)		

The #5 scoop battery charging station located at #49 block along the #4 conveyor belt in the intake entry. The scoop charging is energized, this charger is used to charge the batteries on the scoop being used in the intake to clean the travelway. Chemical smoke was released at the scoop battery charger and the smoke would swirl around, around and then the intake air current carried the smoke towards the (003) & (006) MUM working sections which is used for ventilating working places. This condition is an existing problem at this mine due to the following citations / orders have been issued previously: (1) #7097102, (2) #7097123, (3) #7097835. This mine has a blowing ventilation system.

9. Violation						See Continual	ion Form (MSH	A Form 7000,351
o. Foodior	A. Health Safety V	B. Section of Act		C. Part/Section of Title 30 CFR		75.340(a)(		Trum ruosa)
Section II-Insp	ector's Evaluation	DICEOUS TO SEE			000			
10. Gravity:	The section	200						
A. Injury o	r Illness (has) (is):	No Likelihood	Unlikely [	Reasonably Lik	ely 🗸	Highly Likely	Occur	red 🗍
	r illness could rea- be expected to be		days Lost \	Workdays Or Restricted	d Duty	Permanently D	CONTRACT PAGE	Fatal 🗌
ignific	ant and Substantia	Yes 🗹	No 🗌			D. Number of Pers	ons Affected:	001
11. Negligen	ce (check one)	A. None	B. Low 🗌	C. Moderate	D. High	E. Re	ckless Disrega	ard [
12. Type of A	ction 104	(d)(2)	13. Type of	fssuance (check one)	(	Citation Or	der 🗸	Safeguard
14. Initial Acti A. Citation	The state of the s	C. Safeguard	D. Written Notice	E. Citation/ Order Number	. 7	7097827	F. Dated	Mo Da Yr 05/20/2005
at to the transfer of the		#4 conveyo	L Dere.					
16, Terminati	on Due A. Dat	e Mo Da Yr	B. Tirne (24 Hr. Cloc	k)	1			
L. PE-SEZOCIONICOS	on Due A. Dat	e Mo Da Yr	B. Time (24 Hr. Cloc	k)				
Section III—Ter	A. Dat mination Action Terminate	The mine	operator	immediately	remov	ved the #5 g out of s	scoop ervice.	charger
Section III—Ter	A. Date	The mine de-energiz	operator	immediately	remov	ved the #5 g out of s	scoop ervice.	charger
Section III—Ter 17. Action to from Se 18. Terminate	A. Date	The mine de-energiz	e operator zing and lo	immediately cking and t	remov	ved the #5 g out of s	scoop ervice.	charger
Section III—Ter 17. Action to from Se 18. Terminate	A. Date mination Action Terminate EXVICE by  A. Date M 08, consisted System Data	The mine de-energiz	operator zing and lo	immediately cking and t	aggin	ved the #5 g out of s	scoop ervice.	charger

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 enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the next 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 of, 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 obtains and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.



M. W.	Company of the	All Control of the	0.00020.000
Mine	Cita	tion/C	mer





Section I-V	iolation Data			The state of the s	
1. Date	Mo Da Yr 08/16/2005	2. Time (24 Hr. Clock) 1300		3. Citation/ Order Number 7098158	
red To		5. Operator ANKER WEST VIRGINIA MINING COMPANY INC			
6. Mine SAGO MINE		7. Mine ID 46-08791			
8. Conditio	n or Practice			(Contractor)	

The weekly examination for hazardous conditions that was conducted on 08/10/2005 for the intake (primary escapeway) for the (003) & (006) MMU sections is inadequate in that numerous, obvious hazardous conditions were found by this inspector. The conditions are listed in the following citations / orders. Refer to these citations / orders for a description of the conditions: (1) #7098154, (2) #7098156, (3) #7098157. These conditions listed in the citations / orders were not recorded in the record keeping book and no corrective action has been taken.

								See Continuati	on Form (MSI	(A Form 7000-3a)
9. Violation	A. Health Safet Othe	y S	B. Section of Act			t/Section of 30 CFR		75.364(b)(		
Section II-Insp	ector's Evale	untion								
10. Gravity:										
A. Injury o	r Illness (ha	≥s) (is):	No Likelihood	I Unitio	ely 🗌	Reasonably Likely 5	7 Highly	Likely	Occu	med [
	r iliness con be expecte		No Lost V	Workdays 🗌	Lost Workda	ys Or Restricted Duty	Per	rmanently Dis		Fatal 🗌
Signific	cant and Su	bstantial:	Yes 5	No []			D. Nur	mber of Pers	ons Affected	CARLET ALVAN
1 wegligeno	ce (check or	ne)	A. None	B. Low	C. Mod	ierate D.	High 🗹	E.Rec	ddess Disreg	pard 🗌
12. Type of A	ction	104(d	0(2)	13.	Type of Issuanc	e (check one)	Citation [	Orc	ler 🗹	Safeguard
14. Initial Acti A. Citation		rder 🔽	C. Safeguard	D. Written	Commence of the Commence of th	. Citation/ Order Number	709782	7	F. Dated	Mo Da Yr 05/20/2005
16. Terminati	on Due	A. Date	Mo Da Yr	B. Time (24	Hr. Clock)			-		
Section itt-Ter	mination Act	tion								
17. Action to 08/17/2 record	Terminate 2005 a	and th	ie hazai	amination rdous con	of the ditions	primary es	scapeway ded in	y was o	conduct	ted on
18. Terminate	A. Date	F 777953	7/2005 B.	Time (24 Hr. Cloc	*) 16	30				
Section IV-Aut	comated Syst				8.5.8	The state of the s	7, 1 4 2	SE	-	
19. Type of Ir (activity or		E01	20. Event Nu	mber 40.	54749	21. Primary or J	Mill		- Salatine	
22. Signatum	C	6		1			1	23. AR Numi	er	67
MSHA Form 70	00-3 Mar 84	5 (reviews	la acceptan	a with the same fall						

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 appears enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the nent 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 x, 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, at the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Sefety and Health Review Commission.



SE SERVICE CO.	Secretary, and the second	12020-1-120-12
Mine	Citation	νOrder





6a. Written Notice (006) MMU is not being maintal assage of anyone, including were observed by this inspect ying the crossbars which were asbars are ranging roof 5 to 50 feet in length. The mine anel liner arches in the intal y is obstructed in several hazard. (3) The escapeway trees	(Contractor) (103g) [ ined or. 25 roof ke avel
Order Number 7098154  Tor R WEST VIRGINIA MINING COMPANY IN  46-08791  Ea. Written Notice (006) MMU is not being maintal assage of anyone, including were observed by this inspect ving the crossbars which were asbars are ranging roof 5 to 50 feet in length. The mine and liner arches in the intal v is obstructed in several hazard. (3) The escapeway trans-	(Contractor) (103g) [ ined or. 25 roof ke avel
R WEST VIRGINIA MINING COMPANY IN  46-08791  6a. Written Notice (006) MMU is not being maintal assage of anyone, including were observed by this inspect ving the crossbars which were asbars are ranging roof 5 to 50 feet in length. The mine and liner arches in the intal v is obstructed in several hazard. (3) The escapeway tree	(Contractor) (103g) [ ined or. 25 roof ke avel
8a. Written Notice (006) MMU is not being maintal assage of anyone, including were observed by this inspect ying the crossbars which were assbars are ranging roof 5 to 50 feet in length. The mine anel liner arches in the intal y is obstructed in several hazard. (3) The escapeway trees	(Contractor) (103g) [ ined or. 25 roof ke avel
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resease of anyone, including were observed by this inspect ring the crossbars which were asbars are ranging roof 5 to 50 feet in length. The mine and liner arches in the intary is obstructed in several hazard. (3) The escapeway transfer in the interpretation of the secapeway transfer in the secapeway tr	or, 25 roof ke avel
75.380(d)(1)	
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stricted Duty Permanently Disabling Fat	al
D. Number of Decrees Affects to	
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one) Citation Order 🗸 Sa	afeguard [
7097827 F. Dated Mk	o Da Yr
he drift to the #3 conveyor h	5/20/2005 pelt
	_
Primary or Mill	-
23. AR Number	
	-
TO THE REAL PROPERTY AND THE PROPERTY AN	See Continuation Form (MSHA Form of R 75.380(d)(1)  ably Ukely  Highly Likely  Occurred  stricted Duty  Permanently Disabling  Fat D. Number of Persons Affected:  O D. High  E. Reckless Disregard  Cone)  Citation  Order  Strumber  7097827  F. Dated  Mr. Number  7097827  F. Dated  Mr. Number  Cone  Citation  Cone  Cone  Citation  Con

re-selectrised a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small business Administration prival enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small flustriesses about federal and sustained of EDPA, you may will 1 833 REG FAIR (1 883 754 8247), an order like Ombudsman of Small Business to small flustriess. If you will 1 633 REG FAIR (1 883 754 8247), an order like Ombudsman of Small Business Administration. Office of the Makingd Ombudsman, 100 1, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman of an utilities and represent programmed and the Makingd Ombudsman, 100 1, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman or in utilities and programmed programmed and the Makingd Ombudsman, 100 1, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman or in utilities and programmed and the Makingd Ombudsman, 100 1, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman or in utilities and programmed and the Makingd Ombudsman, 100 1, SW MC 2120, Washington, DC 20416. Please note in the Makingd Ombudsman of the Makingd Ombudsman, 100 1, SW MC 2120, Washington, DC 20416. Please note in the Makingd Ombudsman of the Makingd Ombudsman of the Makingd Ombudsman, 100 1, SW MC 2120, Washington, DC 20416. Please note in the Makingd Ombudsman of the Makingd Ombudsman o



Mine	Citation/Order
Conti	nuntion

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7



Section I—Subsequent Action/Continuation Data  Mine Safety and Health Adminis			th Administration	7 6	<b>》</b>	
Subsequent Action 1a. Continuation	Dated (Original Issue)	Mo Da Yr 08/16/2005	3. Citation/ Order Number	7098154 - 01	V	
ved Toad Phillips 6. Mine		5. Oper ANKI	ER WEST VIRG	INIA MINING COM	PANY INC	
SAGO MINE Section II—Justification for Action		7. Mine	46-0879		(Contractor)	

Terminated order no. 7098154 due to the loose rock being scaled from the mine roof in the cited area of the primary escapeway, 84 tunnel liner arches being installed starting at the existing arches an extends outby to the canopy of the mine fan. Roof support made of 5" by 9" by 16' wooden headers were installed side by side supported up by cribs over the travelway starting at the inby end of the existing arches and extends inby for a distance of 20 feet in length. A 6 feet travelway is now provided for the miners from the #3 conveyor belt head to the surface by cleaning some areas of the travelway and by re-routing the travelway in other areas. The primary escapeway is now safe for miners to travel from the #3 conveyor belt head to the surface.

1-		
C. Vacated	D. Terminated	☐ E. Modified
Mo Do W	T42 T	
		27.5
	Mo Da Yr 08/17/2005	Mo Da Yr 13. Time (24 Hr. Ck



Mino	CHA	Sant	Order
wille:	Cita	HOIV	Order



1. Date	tion Data					-		n		1//
ac working	Mo Da Yr	2. Time (	24 Hr. Clock)				3. Citation/	70981	53	
'd To	08/16/2005		1055				Order Numbe	70701	33	
?hilli	ne				Operator	CT MINO	NII A FINIDA			
6. Mine	pa					SI VIRGI	NIA MININO	COMPA	NY INC	
SAGO MI	NE			1/.1	Wine ID 4	6-08791			-	
8. Condition of	The state of the s							-		itractor)
The mir	e roof o	the C	003-0 MMU is	not ada	mishel	ADEL COLLEGE		8a. Writter	Notice (10	3g)
follow:	(1) # 7	entry	heginning s	t spad #	duarer	y suppo	rted or	control	led a	S
rib and	the out	side ro	beginning a	for act	4090.	The mi	ne roof	betweer	the	left
loose b	anging r	ock fro	ow of bolts	101 30.	distan	ce is i	roken wi	th piec	es of	
(2) The	right r	b is 1	om 1" to 5"	thick by	10 [	O 14" W	ide by 2	' to 3'	long	
for 28!	dietano	D 1 P	oose hangin	ig irom ]	ust in	by the	last ope	n cross	cut i	nby
12" +0	14" thick	. RID	is 10 to 14	" thick	with t	he top	brow bei	ng 8' 1	ong a	nd
12 (0	14 (IIIC)	. KID	is 8' high.	(3) The	outby	corner	of the	last op	en	
CLOSSCU	IL OI #/ (	entry 1	s loose and	gapping	out b	y 1" lc	ose rib	is 4' w	ride b	y 91
HILGH an	IU IZ LII.	CK. (4	Ine mine	roof alo	ng the	left y	ih to th	o outer	da	
DOTES!	OT THE TO	ist ope	n crosscut	from / t	0 6 15	broken	and hae	DIIMARA	me mi	
OT TOOS	e nanging	LOCK	up to 4" th	lick that	looks	as if	they wil	l fall	witho	ut
warning	(5) The	right	inby corne	rof						
0.15-1-6							See Continuat	ion Form (MSH	A Form 7000	)-3a) 🗸
9. Violation	A. Health Safety	B. Section of Act		C. Part/S			22 - 12 - 12 - 12 - 12 - 12 - 12 - 12 -	99		471-0
	Other	oi nu		Title 30	TCFR		75.202(a	1)		
Section #-Inspe	ctor's Evaluation				-					
10. Gravity:						-		-		
A. Injury or	Iliness (has) (is):	No Likelih	ood Unlikely	y 🗍 Re	asonably Like	W W	Highly Likely	Occum	red [	
B Initiary or	illness could rea-			3.5.						
sonably I	be expected to be:	No Los	st Workdays	Lost Workdays				7257		7
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has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small business Administration 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 ', 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, the right to contest citations and proposed penalties and obtain a heering before the Federal Mine Safety and Health Review Commission.



Mine	Citation/Order
Conti	nuation

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1. Subsequent Action 1a. Continuation	2. Dated	14. 0				5 1
	(Original Issue)	Mo Da 08/16/2	Samuel Samuel	<ol> <li>Citation/ Order Number</li> </ol>	7098153	
ved To Phillips 6. Mine		- V	5. Operati	R WEST VIRG	GINIA MINING COMPAN	TY INC
SAGO MINE			7. Mine ID	46-0879	10	stractor)

Continuation of 8. Condition or Practice

the # 6 entry in the last open crosscut is loose and gapping away from the rib. Rib is 7' high and loose corner is 14" by 8'. (6) Outby corner of the same intersection is loose 4' by 4' by 4".(7) The right rib just outby the section power center is loose with hanging pieces of rock 6" thick by 2' long and wide for 15' distance. (8) The left outby corner of the last open crosscut of #5 entry is loose and gapping out. Rib is 7" high loose corner is 10" thick by 8' long.

This section experienced a serious fall of roof accident on 8/10/05 in which a miner was struck by roof rock causing a broken back injury. There was also a serious fall of rock accident that occurred on 7/11/05 in which a miner suffered a serious lost time injury. Mine management should have been on a heightened state of alert for the listed conditions. The listed conditions were obvious and should have been detected and corrected.

8. Extended To	quent Action Taken  Mo Da	Yr				
	A. Date	11	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	☐ E. Modified
Section IV-Inspec	ction Data				The Court of American Court of the Court of	
. Type of Inspe	ction E01	10, E	vent Number 4054749			
11. Signature	1	1 -	AR Number 12 Date	Mo Da Yr	Lia To main at	
L	6	d .	12. Date	Mo Da Yr 08/16/2005	13. Time (24 Hr. Clo 1055	ck)