Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/12/2005	0730		7097941

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY
6. Mine	**7. Mine ID**
SAGO MINE	46-08791

8. Condition or Practice (Contractor) 8a. Written Notice (103g) ☐

The mining methods that were used on the 2 left mains (003) MMU section expose the miners to hazards related to reduced pillar size. Proper sight lines or other methods of directional controls were ether not provided or followed. The #5 entry has been driven off sights to the point that in 60 feet of development the left pillar size has been reduced to a width of 10 feet and 8 inches. The #9 entry has been developed off sights to the point that it cut into the #8 entry after only 56 feet of development. The approved roof control plan provides that the pillar size be maintained at least 35 feet wide. The entry's are being developed on 55 feet centers which leaves the pillar block 35 feet wide. The failure of mine management to provide reasonable sight lines for the miners to follow demonstrates higher than normal neglect as sight lines are fundamental to the systematic

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.203(b)

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

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: 001

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

12. Type of Action	13. Type of Issuance (check one)		
104(d)(2)	Citation ☐	Order ☑	Safeguard ☐

14. Initial Action						
A. Citation ☐	B. Order ☑	C. Safeguard ☐	D. Written Notice ☐	E. Citation/ Order Number: 7097827	F. Dated (Mo Da Yr): 05/20/2005

15. Area or Equipment: #5 entry and #9 entry located on the 2-Left, 003 MMU working section.

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

Section III--Termination Action

17. Action to Terminate: Terminated due to the engineer's have set new spads in the #5 entry to be used as directional control and cribs will be set before the #5 entry is developed. The #9 entry has been stopped and will

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/12/2005	0800	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: C 6 7 23. AR Number: C 6 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 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.

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☐	☑	07/12/2005	7097941

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Continuation of 8. Condition or Practice

development of a section. This section is a set of mains that will be utilized for years. The small block sizes can not be completely replaced. The miners will be exposed to the danger done for several years to come.

Continuation of 17. Action to Terminate

not be developed beyond this point.

Section III--Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signatur	.R Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	07/12/2005	0730

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

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

7130 75.203(b)

2097941 S+S-yes

The mining methods that were used on the 2-left mains (003) mmu section expose the miners to hazards related to reduced pillar size. Proper sight lines or other methods of directional controls were ether not provided or followed. The #5 entry has been driven off sights to the point that in 60 feet of development the left

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 10

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

pillar size has been reduced to a width of 10 feet and 8 inches. The #9 entry has been developed off sights to the point that it cut into the #8 entry after only 56 feet of development. The approved roof control plan provides that the pillar size be maintained at least 35 feet wide. The entry's are being developed on 55 feet centers which leaves

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 11

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MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

The pillar block 35 feet wide. The failure of mine management to provide reasonable sight line for the miners to follow demonstrates higher than normal neglect as sight lines are fundamental to the systematic development of a section. This section is a set of mains that will be utilized for years. The small block sizes can not be completely replaced.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 12

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MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

The miners will be exposed to the danger done for several years To come.

The mine examiner should have known of this condition. This condition would be obvious to any prudent mine examiner.

Based on my mining experience this condition has existed for several shifts.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

One miner is exposed as he works or Travels in this area.

When a accident does occur from this Type of condition it will be of a serious nature from bruising, lacerations, braken bones, amputations.

It is Reasonably Likely this Type of condition will result in a accident. The mine roof is deteriorating and

Inspector's Initials [6]

Supervisor's Initials and Date

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MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

Sloughing from around the permanent roof supports (roof bolts), along the coal ribs. Some of these conditions could be due to the small pillar size. A miner was injured in the #4 entry directly accross from the small pillar when a brow along the #4 left crosscut fell from the mine roof striking the roof bolting machine's ATCs, striking the boom of

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 2-12-05

The continuous mining machine and also striking a miner forcing him to the mine floor. The brow that fell is approximately 14 feet long by 10 inches wide by 14 inches thick. The small pillar size could have propagated this type of condition exposing miners to hazards related to reduced pillar size.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 16

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MSHA Form 7000-10K, June 93 (revised)

Date 2-12-05

As the 2-left main (003) mmu section is developed miners will be exposed to hazards due to the #4 entry is the conveyor belt entry and the #5 entry is the track entry. This area of the mine is along the main line and miners will be working and traveling this area of the mine for years to come.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 17

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

26 JUL 2005

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/12/2005	0830		7097942

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY
6. Mine	7. Mine ID
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The #3 Fletcher roof bolting machine Model DDO-15, serial no. 82105/2004320, Approval no. 2G-3715A being operated on the 2-Left mains, 003 MMU working section is not maintained in a safe operating condition. A high pressure hydraulic hose to the right side bolter head rotation and both high pressure hydraulic hose's to the left side bolter head rotation have numerous broken steel wire's braids. These hose's are located within a few inches of the operators head and face during normal roof bolting activities. Mine management removed the machine from service immediately. The failure of any one of these weakened hydraulic hose's is reasonably likely to spray the operator with hot hydraulic oil under high pressure (2500 psi). Condition is obvious and should have been detected by a prudent pre-operational check. Both operators are exposed.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1725(a)

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: 002

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

12. Type of Action: 104(a) — 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 — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/12/2005	0930	

Section III--Termination Action

17. Action to Terminate: Terminated due to the hydraulic hose's being removed from the roof bolting machine and replaced with new hose's

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/12/2005	0930	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: L 6 J — 23. AR Number: L 6 J

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.

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

8:30 75.1725(a)

7097942 S&S-yes

The #3 Fletcher roof bolting machine Model DDO-15, Serial No. 82105/2004320, Approved No. 2G-3715A being operated on the 2-left mains, 003 MMU working section is NOT maintained in a safe operating condition. A high pressure hydraulic hose To the right side bolter head rotation and both

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

high pressure hydraulic hose's To The left side bolter head rotation have numerous broken steel wire braids. These hose's are located within a few inches of the [6] head and face during normal roof bolting activities. Mine management removed The machine from service immediately. The failure of any one of these weakened hydraulic hose's is reasonably likely To

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

spray the [6] with hot hydraulic oil under high pressure (2500 psi). Condition is obvious and should have been detected by a prudent pre-operational check. Both [6] are exposed.

The [6] [6] should have seen This Condition during The pre-operational Checks.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

IT would Take several shifts for The hydraulic oil hoses To wear and deteriorate To This extent.

Two miners are exposed as the roof bolting machine is being operated.

when a accident does occur from This Type of Condition it will be of a Serious nature from

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

being sprayed with hot hydraulic oil under high pressure. Causing burns, eyes and skin irritation.

It is Reasonably Likely That This Type of Condition will result in a accident. when one of These high pressure bolter head rotation burst it will spray on The operators.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

26 JUL 2005

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/12/2005	0950		7097943

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY

6. Mine	7. Mine ID
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The fire suppression system of the Joy 14CM15 Remote control continuous mining machine serial no.JM5574, Company #2 being operated on the 2-Left 003 MMU working section is not properly maintained. When the system was activated water would only spray from 1 of the 10 surface sprays provided. This machine uses combustible hydraulic oil. This is a remote controlled mining machine that is operated in extended cuts. The approved ventilation requires that this system be tested daily.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1107-16(b)

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: 001

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

12. Type of Action	13. Type of Issuance (check one)			
104(a)	Citation ☑	Order ☐	Safeguard ☐	

14. Initial Action A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐	E. Citation/ Order Number	F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/12/2005	1150	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature	23. AR Number
[6]	[6]

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.

Mine Citation/Order Continuation

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

26 JUL 2005

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	07/12/2005	7097943 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Terminated due to the fire suppression system being cleaned on the #2 mining machine and the system will now provide proper protection:

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number			
E01	4054749			
11. Signature		**AR Number**	**12. Date Mo Da Yr**	**13. Time (24 Hr. Clock)**
[signature]		7126	07/13/2005	0855

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

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

9:50 75.1107-16(b)

7097943 S&S - NO

The fire Suppression System of the Joy 14CM15 remote Controled Continuous mining Machine Serial No. JM5574, Company #2 being operated on the 2-left, 003 MMU working Section is NOT properly Maintained, When the System was activated water would only spray from 1 of the 10 Surface Sprays provided. This machine uses

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

Combustible hydraulic oil. This is a remote Controlled mining machine that is operated in extended cuts. The approved Ventilation plan requires that this System be Tested daily.

The [6] [6] should have known of this Condition.

Based on my mining experience this Condition.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

has existed for more than one shift.

One miner is exposed

when a accident does occur from this Type of Condition it will be of a serious nature from fire, burns, smoke Inhalation.

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 25

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

IT is unlikely that a accident will occur from this condition.

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 26

Mine Citation/Order

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

12 6 JUL 20

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/12/2005	0940		7097944

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY

6. Mine	7. Mine ID
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The fire suppression system of the Joy 14CM15 Remote control continuous mining machine serial no.JM5530, Company #1 being operated on the 2-Left 003 MMU working section is not properly maintained. When the system was activated water would only spray from 3 of the 10 surface sprays provided. This machine uses combustible hydraulic oil. This is a remote controlled mining machine that is operated in extended cuts. The approved ventilation requires that this system be tested daily.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1107-16(b)

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: 001

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

12. Type of Action: 104(a)

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

F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/12/2005	1140	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [illegible]

23. AR Number [illegible]

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.

Mine Citation/Order Continuation

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

26 JUL 2005

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	07/12/2005	7097944 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Terminated due to the fire suppression system being cleaned on the #1 continuous mining machine and the system will now provide proper protection.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[signature]	[illegible]	07/13/2005	0720

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

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

9:40 75.1107-16(b)

7099944 S&S-NO

The fire suppression system of the Joy 14 CM15 remote controled continuous mining machine serial no. JM 5530, Company #1 being operated on the 2-left, 003 MMU working section is not properly maintained. When the system was activated water would only spray from 3 of the 10 surface sprays provided. This machine uses combust-

Inspector's Initials [6] 27

Supervisor's Initials and Date _____ Page No. 28

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

ible hydraulic oil. This is a remote controled mining machine that is operated in extended cuts. The approved ventilation plan requires that this system be tested daily.

The [6] [6] should have known of this condition.

Inspector's Initials [6] 28

Supervisor's Initials and Date _____ Page No. 29

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

Based on my mining experience this condition has existed for more than one shift.

One miner is exposed

When a accident does occur from this condition it will be of a serious nature from fire, burn's, Smoke Inhalation.

Inspector's Initials [6] 29

Supervisor's Initials and Date _____ Page No. ~~30~~

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

IT is unlikely that a accident will occur from this condition.

Inspector's Initials [6] 30

Supervisor's Initials and Date _____ Page No. ~~31~~

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

26 JUL 2005

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/12/2005	0945		7097945

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY

6. Mine	7. Mine ID
SAGO MINE	46-08791

8. Condition or Practice (Contractor) — 8a. Written Notice (103g) ☐

The Joy 14CM15 continuous mining machine serial no. JM5530, Company #1 being operated on the 003 MMU working section is not maintained in a permissible condition. The following conditions were found (1) The right rear area light has an opening in excess of ,005 of an inch under the access lid. (2) The emergency stop button located on the operator's side of the mining machine will not de-energize the power source when the stop button is activated.

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	See Continuation Form (MSHA Form 7000-3a) ☐
			75.503	

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: 001

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

12. Type of Action	13. Type of Issuance (check one)	
104(a)	Citation ☑	Order ☐ Safeguard ☐

14. Initial Action: A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐ — E. Citation/ Order Number — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/12/2005	1145	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature — 23. AR Number: 6 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 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.

Mine Citation/Order Continuation

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

26 JUL 2005

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	07/12/2005	7097945 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Terminated due to the opening in the area light being closed and the emergency stop button being repaired, the emergency stop will now properly stop the machine.

Section III--Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signatur	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
L 6	L 6	07/13/2005	0725

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

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

9:45 75.503

7097945 S&S-NO

The Joy 14CM 15 Continuous Mining Machine Serial No. JM5530, Company #1 being operated on the 003 MMU working section is not maintained in a permissible condition. The following conditions were found (1) The right rear area light has an opening in excess of .005 of an inch under the access

Inspector's Initials [6] 31

Supervisor's Initials and Date _____ Page No. 32

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

Cover lid. (2) The emergency stop button located on the operator's side of the mining machine will not de-energize the power source when the stop button is activated.

The [6] should have known of this condition.

Based on my mining experience this condition

Inspector's Initials [6] 32

Supervisor's Initials and Date _____ Page No. 33

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-14-05

has existed for more than one shift.

When a accident does occur from this type of condition it will be of a serious nature from fire, burns, smoke inhalation.

It is unlikely that a accident will occur from this condition.

Inspector's Initials [6] 33

Supervisor's Initials and Date _____ Page No. 34

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

26 JUL 2005

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/12/2005	0835		7097946

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY
6. Mine	**7. Mine ID**
SAGO MINE	46-08791 (Contractor)
	8a. Written Notice (103g) ☐

8. Condition or Practice

The #6 power cable that provides 575 VAC to the #3 scoop battery charger is not hung to prevent the power cable from coming into contact with combustible material's. The power cable is laying on the mine floor for approximately 70 feet in length just outby SS3951 located in the #1 return entry.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.516

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: 001

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

12. Type of Action: 104(a)

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 F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/12/2005	0838	

Section III--Termination Action

17. Action to Terminate: Terminated due to the #3 scoop charger power cable being hung to where the cable does not contact combustible materials, roof, or ribs.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/12/2005	0840	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: [illegible] 6 [illegible] 7

23. AR Number: [illegible]63

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.

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

8:35 75.514

7097946 S&S-NO

The #6 AWG power Cable That provides 575 VAC To The #3 Scoop battery Charger is not hung To prevent The power Cable from Coming iNTO CONTACT WITH Combustible MaTerial's. The power Cable is laying on The mine floor for approximately 70 feet in length just outby SS 3951 located in The #1 return entry.

Inspector's Initials [6] 34

Supervisor's Initials and Date _____ Page No. ~~33~~

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

The mine examiner should have KNOWN of This CONDITION.

This CONDITION has exisTed for more THAN ONE SHIFT.

ONE MINER is exposed.

when a accident does occur from this TYPE of CONDITION iT will be of a Serious

Inspector's Initials [6] 35

Supervisor's Initials and Date _____ Page No. ~~36~~

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

NATURE from fire, burns, SMOKE INHALATION.

IT is UNLIKELY THAT a accident will occur from This CONDITION.

Inspector's Initials [6] 36

Supervisor's Initials and Date _____ Page No. ~~37~~

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

'2 6 JUL 20

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/12/2005	0837		7097947

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8a. Written Notice (103g) ☐

8. Condition or Practice

No evidence could be found to indicate that a pre-shift examination was conducted for the day shift on 07/12/2005 for the haulroad leading to the scoop battery chargers and also including the #4 and #3 scoop battery charger station. Miners normally travel or work in these area's.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.360(a)(1)

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: 001

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

12. Type of Action	13. Type of Issuance (check one)			
104(a)	Citation ☑	Order ☐	Safeguard ☐	

14. Initial Action (A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐)	E. Citation/ Order Number	F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/12/2005	0848	

Section III--Termination Action

17. Action to Terminate: Terminated due to the section foreman conducted an on-shift examination in the cited area.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/12/2005	0848	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [signature] 23. AR Number [illegible]

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.

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

8:37 75.360(a)(1)

7097947 S&S-NO

No evidence could be found to indicate that a pre-shift examination was conducted for the day shift on 07/12/2005 for the haulroad leading to the scoop battery chargers and also including the #4 and #3 scoop battery charger stations. Miners normally travel or work in these areas.

Inspector's Initials [6] 37

Supervisor's Initials and Date _____ Page No. 38

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

The mine examiner should have known of this condition.

This condition has existed for more than one shift.

One miner is exposed

when a accident does occur from this type of condition it will be of a serious

Inspector's Initials [6] 38

Supervisor's Initials and Date _____ Page No. 39

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

nature from unknown injuries.

IT is unlikely that a accident will occur from this condition.

Inspector's Initials [6] 39

Supervisor's Initials and Date _____ Page No. 40

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

27 JUL 2005

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/13/2005	0735		7097948

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The # 6 AWG trailing cable for the #10 Stanco water pump located on the 2-Left, 003 MMU working section is plugged into a circuit breaker that has the instantaneous setting range from 500 to 1000 amperes and the instantaneous setting is set on 750 amperes at the time of this inspection. The maximum allowable instantaneous setting for a #6 AWG trailing cable is 300 amperes. The mine operator immediately de-energized the trailing cable and disconnected the trailing cable from the circuit breaker.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.601-1

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: 001

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

12. Type of Action	13. Type of Issuance (check one)		
104(a)	Citation ☑	Order ☐	Safeguard ☐

14. Initial Action	E. Citation/ Order Number	F. Dated (Mo Da Yr)
A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐		

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/13/2005	0745	

Section III--Termination Action

17. Action to Terminate: Terminated due to the trailing cable being connected to a circuit breaker that has the instantaneous setting set on 300 amperes.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/13/2005	0745	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: [illegible] 6 [illegible] — 23. AR Number: [illegible] 6 3

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.

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

7135 75.601-1

7097948 SDS-NO

The #6 AWG Trailing cable for the #10 STANCO water pump located on the 2-left, (003) MMU working section is plugged into a circuit breaker that has the instantaneous setting range from 500 to 1000 amperes and the instantaneous is set on 750 amperes at the time of this inspection. The maximum

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

allowable instantaneous setting for a #6 AWG Trailing cable is 300 amperes. The mine operator immediately de-energized the Trailing cable and disconnected the Trailing cable from the circuit breaker.

The electrical examiner should have known

existed for more than one shift

[6]

Inspector's Initials

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

one miner exposed

IT is unlikely that this condition will result in a accident.

[6]

Inspector's Initials

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

7:37 75.512

7097949 S&S-NO

the #10 STANCO water pump located on the 2 Left, (003) MMU Section is NOT clearly marked for Identification To Correspond with the Circuit breaker that provides 575 VAC for This pump. The Circuit breaker that The #10 STANCO water pump is plugged inTo is marked #2 Shuttle Car. The mine

Inspector's Initials [6]

Supervisor's Initials and Date Page No. 13

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

operator immediately removed the water pump from service.

The electrical examiner should have known

has existed for more than one shift.

One miner exposed

IT is unlikely that This Condition will result in a accident

Inspector's Initials [6]

Supervisor's Initials and Date Page No. 14

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

8:50 75.503

7087950 S&S-NO

The #2, 14CM15 Joy Continuous Mining machine serial No. JM-5574 is not maintained in a permissible operating condition. The area light on the off side of the mining machine has an opening under the light access cover lid that is in excess of .005 of an inch. The mine operator

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

Immediately Tightened The lid.

The electrical examiner should have known has existed for more than one shift.

One miner is exposed

It is unlikely that this condition will result in a accident.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/13/2005	0737		7097949

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The #10 Stanco water pump located on the 2-Left, 003 MMU section is not clearly marked for identification to correspond with the circuit breaker that provides 575 VAC for this pump. The circuit breaker that the #10 Stanco water pump is plugged into is marked #2 shuttle car. The mine operator immediately removed the water pump from service.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.512

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: 001

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

12. Type of Action: 104(a) — 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 — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/13/2005	0747	

Section III--Termination Action

17. Action to Terminate: Terminated due to the #10 Stanco water pump located at on the 2-Left, 003 MMU section being clearly marked for identification to correspond with the circuit breaker that provides 575 VAC for this pump.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/13/2005	0747	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature — 23. AR Number

MSHA Form 7000-3, Mar 03 (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.

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

operator immediately removed the water pump from service.

The electrical examiner should have known has existed for more than one shift.

One miner exposed

It is unlikely that this condition will result in a accident

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 14

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

7:37 75.512

7097949 S&S - NO

the #10 Stanco water pump located on the 2 left, (003) XXXX section is not clearly marked for identification to correspond with the circuit breaker that provides 575 VAC for this pump. The circuit breaker that the #10 Stanco water pump is plugged into is marked #2 Shuttle Car. The mine

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 13

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I–Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/13/2005	0850		7097950

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY

6. Mine	7. Mine ID
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The #2, 14CM15 Joy continuous mining machine serial no.JM-5574 is not maintained in a permissible operating condition. The area light on the off side of the mining machine has an opening under the light access cover lid that is in excess of .005 of an inch. The mine operator immediately tightened the lid.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.503

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: 001

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

12. Type of Action	13. Type of Issuance (check one)		
104(a)	Citation ☑	Order ☐	Safeguard ☐

14. Initial Action — A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐ — E. Citation/ Order Number — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/13/2005	0900	

Section III–Termination Action

17. Action to Terminate: Terminated due to the area light access cover lid being tightened and the opening is now closed.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/13/2005	0900	

Section IV–Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
FN1	4054749		

22. Signature — 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 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.

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

Immediately Tightened The lid.

The electrical examiner should have known has existed for more than one shift.

One miner is exposed

IT is unlikely that this condition will result in a accident.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 16

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

8:50 75,503

7087950 S&S-N

The #2, 14 CMIS Joy Continuous Mining machine Serial No. JM-5574 is not maintained in a permissible operating Condition. The area light on the off side of the mining machine has an open under the light acces cover lid that is in excess of .005 of an inch. The mine operator

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. _

☆U.S. G.P.O.2005:74

27 JUL 2005

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/13/2005	0830		7097951

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The Joy 10SC32 shuttle car serial no. ET-16527, Approval no. 2G-3619A, Company #3 being operated on the 2-Left, 003 MMU is not maintained in a permissible condition. An opening in excess of .005 exist in the plane flange joint between the inspection cover and the operator's side tram motor.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.503

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: 001

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

12. Type of Action	13. Type of Issuance (check one)		
104(a)	Citation ☑	Order ☐	Safeguard ☐

14. Initial Action (A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐)	E. Citation/ Order Number	F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/13/2005	1130	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature E 6 7 — 23. AR Number C67

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.

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	07/13/2005	7097951 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY (Contractor)
6. Mine	**7. Mine ID**
SAGO MINE	46-08791

Section II--Justification for Action

Terminated due to the opening on the #3 shuttle car tram motor being closed.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	07/15/2005	0735

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

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

8:30 75.503

7097951 S&S-NO

The Joy 10SC32 Shuttle Car serial no. ET-16527, Approval No. 2G-3619A, Company #3 being operated on The 2-left, (003) mmu is NOT maintained in a permissible condition. An opening in excess of .005 of an inch exist in the plane flange joint between the inspection cover and the operator's side tram motor.

[6]

Inspector's Initials _____

Supervisor's Initials and Date _____ Page No. 17

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

The electrical examiner should have known has existed for more than one shift

one miner is exposed

It is unlikely that this condition will result in a accident.

[6]

Inspector's Initials _____

Supervisor's Initials and Date _____ Page No. 18

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/13/2005	0840		7097952

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8a. Written Notice (103g) ☐

8. Condition or Practice

The PMS 10SC shuttle car serial no. 2007, Approval no. 2G-3936-0, Company #6 being operated on the 2-Left mains (003) MMU is not maintained in a permissible condition. (1) The conveyor start switch will hang up in the start position and not center. (2) The main contactor box is not secured to the machine and has slid out about 5 inches and is starting to place strain on the cables. The box appears the have had a chain around it at one time as a effort to keep the box in place how ever the chain is loose and dragging under the car.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.503

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: 001

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

12. Type of Action	13. Type of Issuance (check one)		
104(a)	Citation ☑	Order ☐	Safeguard ☐

14. Initial Action (A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐)	E. Citation/ Order Number	F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/13/2005	1140	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature	23. AR Number
[6]	[6]

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.

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	07/13/2005	7097952 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY (Contractor)
6. Mine	**7. Mine ID**
SAGO MINE	46-08791

Section II–Justification for Action

Terminated due to the #6 shuttle car conveyor switch being repaired and the main contactor box being slid back in place and secured to the frame of the shuttle car.

See Continuation Form ☐

Section III–Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number	11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
E01	4054749	[illegible]	[illegible]	07/15/2005	0740

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

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

8:40 75.503

7097952 S+S-NO

The PMS 10SC shuttle car serial no. 2007, Approval No. 2G-3936-0, Company #6 being operated on the 2 Left mains (003) area is NOT maintained in a permissible condition. (1) The conveyor start switch will hang up in the start position and will NOT center. (2) The main contactor box is NOT secured

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

To the machine and has slid out about 5 inches and is starting to place strain on the cables. The box appears to have had a chain around it at one time as a effort to keep the box in place how ever the chain is loose and dragging under the car.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

The electrical examiner should have known has existed for more than one shift

One miner is exposed

It is unlikely that this condition will result in a accident.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

27 JUL 2005

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/13/2005	0845		7097953

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY
6. Mine	**7. Mine ID**
SAGO MINE	46-08791

8. Condition or Practice (Contractor)

8a. Written Notice (103g) ☐

The Joy 10SC32 shuttle car serial no. ET-16527, Approval no. 2G-3619A, Company #3 being operated on the 2-Left, (003) MMU section is not maintained in a permissible condition. An opening in excess of .005 of an inch exist in the plane flange joint between the main contactor box and the inspection cover lid of the main contactor box.

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	See Continuation Form (MSHA Form 7000-3a) ☐
			75.503	

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: 001

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

12. Type of Action: 104(a)

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:

F. Dated (Mo Da Yr):

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/13/2005	0845	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [illegible]

23. AR Number [illegible]

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.

Mine Citation/Order Continuation

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

27 JUL 2005

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	07/13/2005	7097953 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Change	From	To
8. Condition Or Practice		

Reason Change the first sentence in the body of the citation from (The Joy 10SC32 shuttle car serial no. ET-16527, Approval no. 2G-3619A, Company #3 being operated on the 2-Left, (003) MMU section is not maintained in a permissible condition.) Change to (The PMS 10SC shuttle car serial no. 2008, Approval no. 2G-3936-0, Company #5 being operated on the 2-Left, (003) MMU section is not maintained in a permissible condition.)

Issued using the identification numbers from the wrong shuttle car in error.

Section III--Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☑ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number			
E01	4054749			
11. Signature	**AR Number**	**12. Date Mo Da Yr**	**13. Time (24 Hr. Clock)**	
[illegible]	[illegible]	07/14/2005	1400	

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

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	07/13/2005	7097953 - 02

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Terminated due to the opening on the #5 shuttle car main contactor box being closed.

Section III–Subsequent Action Taken — See Continuation Form ☐

8. Extended To A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number			
E01	4054749			
11. Signature		**AR Number**	**12. Date** Mo Da Yr	**13. Time (24 Hr. Clock)**
[illegible] 6	3 IC 6		07/15/2005	0730

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

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

8:45 75.503

7097953 S&S-NO

The Joy 10SC32 Shuttle Car Serial No. ET-16527, Approval No. 2G-3619A, Company #5 being operated on the 2-Left, (003) MMU Section is not maintained in a permissible condition. An opening in excess of .005 of an inch exist in the plane flange joint between the main contactor box and the inspection

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

Cover lid of the main contactor box.

The electrician should have known of this condition when the inspection cover lid was installed.

Based on my mining experience this condition has existed for more than one shift.

One miner is exposed.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

When a accident does occur from this type of condition it will be of a serious nature from fire, burns, smoke inhalation.

It is unlikely that a accident will occur from this condition.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/13/2005	1015		7097954

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY

6. Mine	7. Mine ID
SAGO MINE	46-08791

8. Condition or Practice (Contractor) — 8a. Written Notice (103g) ☐

The Fairchild scoop model 35C-WH, serial no. T3390327, Approval no. 2G-3599-2, Company #2 is not maintained in a permissible condition due to the following: (1) Batteries are not provided with lid locks. (2) Cable connector's are not provided with locks. (3) Batteries are not maintained due to 1 inch of mud, water, dirt is allowed to accumulate on the top surface's of both batteries and 3 battery cap's are popped up. (4) The emergency stop switch located on the battery side of the operators deck has fallen off and is hanging loose by the power wire's.

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	See Continuation Form (MSHA Form 7000-3a) ☐
			75.503	

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: 001

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

12. Type of Action	13. Type of Issuance (check one)			
104(a)	Citation ☑	Order ☐	Safeguard ☐	

14. Initial Action: A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐ — E. Citation/ Order Number — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/13/2005	1215	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [illegible] 6] — 23. AR Number [illegible] 6]

MSHA Form 7000-3, Mar 85 (revised) [illegible] rovisions 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.

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	07/13/2005	7097954 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Terminated due to the #2 Fairchild scoop (1) Battery locks being replaced, (2) Cable locks being replaced. (3) Batteries being cleaned by washing with water. (4) The emergency stop switch being restored to a operational condition.

Section III–Subsequent Action Taken — See Continuation Form ☐

8. Extended To A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	07/15/2005	0800

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

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

10115 75.503

7097954 S+S-NO

The Fairchild Scoop model 35C-WH, Serial No. T339-327, Approval No. 2G-3599-2, Company #2 is NOT maintained in a permissible condition due to the following:

(1) Batteries are not provided with lid locks.

(2) Cable connector's are not provided with lock's.

(3) Batteries are not

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

maintained due to 1 inch of mud, water, dirt is allowed to accumulate on the top surface's of both batteries and 3 battery cap's are popped up.

(4) The emergency stop switch located on the battery side of the operator's deck has fallen off and is hanging loose by the power wire's.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

These conditions should have been seen during the pre-operational checks.

Based on my mining experience these conditions have existed for more than one shift.

One miner is exposed

when a accident does occur from these conditions it will be of a serious

Inspector's Initials [4]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

nature from fire, burns, smoke inhalation.

It is unlikely that a accident will occur from these conditions.

Inspector's Initials [4]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

29 ... 2005

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/15/2005	0710		7097956

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY

6. Mine	7. Mine ID
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The trailing cable for the #11, 575 VAC water pump located on the 2-Left, (003) MMU working section is not insulated adequately and fully protected. The inner insulated power leads are exposed through a cut in the outer jacket that measured 1/8 of an inch wide by 1 1/2 inches long. The insulation is also cut on the inner insulated power leads which expose the bare power leads. The mine floor is sloppy wet. The mine operator removed the #11 water pump from service immediately.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.517

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: 001

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

12. Type of Action: 104(a) — 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 — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/15/2005	0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [6] — 23. AR Number [6]

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.

Mine Citation/Order Continuation

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

20 JUL 2005

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	07/15/2005	7097956 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Terminated due to the trailing cable for the #11 water pump being insulated adequately and fully protected.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number			
E01	4054749			
11. Signature	**AR Number**	**12. Date Mo Da Yr**	**13. Time (24 Hr. Clock)**	
[illegible]	[illegible]	07/18/2005	0645	

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

MSHA Form 7000-10K, June 93 (revised)

Date 7-15-05

7:10 75,517

7097956 Sts -yes

The Trailing cable for the #11, 575 VAC water pump located on the 2-left, (003) mmu working section is NOT insulated adequately and fully protected. The inner insulated power leads are exposed through a cut in the outer jacket that measured 1/8 of an inch wide by 1 1/2 inches long. The insulation is

Inspector's Initials [6]

Supervisor's Initials and Date Page No. 4

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-15-05

also cut on the inner insulated power leads which expose the bare power leads. The mine floor is sloppy wet. The mine operator removed the #11 water pump from service immediately

The mine examiner should have known of this condition.

This condition has existed for more than one shift.

Inspector's Initials [6]

Supervisor's Initials and Date Page No. 5

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-15-05

Cables. This Trailing Cable has exposed bare power leads and The section is Sloppy WeT.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-15-05

One Miner is exposed as he works or Travels in this area.

When a accident does occur from this Type of Condition IT will be of a serious nature from electrical shock, burns.

IT is Reasonably likely That This Type of Condition will result IN a accident. The miners Normally handle The Trailing

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

'12 JUL

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/15/2005	0830		7097957

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY
6. Mine	**7. Mine ID**
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The 2-Left, (003) MMU working section is not provided with a up to date escapeway map that is readily accessible to the miners on this section.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.383(a)

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: 001

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

12. Type of Action: 104(a)

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:

F. Dated (Mo Da Yr):

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/16/2005	0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: [6]

23. AR Number: [6]

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.

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	07/15/2005	7097957 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Terminated due to an up to date escapeway map being provided for the 2-Left, (003) MMU section. The section foreman went over the escapeway map with the crew.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number			
E01	4054749			
11. Signature	**AR Number**	**12. Date** Mo Da Yr	**13. Time (24 Hr. Clock)**	
[illegible]	[illegible]	07/18/2005	0640	

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

MSHA Form 7000-10K, June 93 (revised)

Date 2-15-05

8170 75.383(a)

7097957 S&S-NO

The 2-Left, (003) MMU working section is NOT provided with a up To date escape-way map that is readily accessible To The miners on This section in The event of an emergency.

The section foreman should have known of this condition.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 8

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 2-15-05

This condition has existed for several shifts

one miner is exposed

IT is unlikely that this condition will result in a accident. The miners are required To Travel The escapeways every 90 day for a distance of 2000 feet outby the section loading point.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 9

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/15/2005	0900		7097958

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The approved roof control plan is not being complied with at the 2 - Right track switch shelter hole along the main line track haulage. The coal and rock rib has deteriorated way for approximately 14 feet in length which leaves 3 permanently installed roof bolts in excess 4 feet from the rib. These roof bolts range from 5 feet to 6 1/2 feet from the rib.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			~~75.220(a)(1)~~ 75.202a

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: 001

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

12. Type of Action	13. Type of Issuance (check one)			
104(a)	Citation ☑	Order ☐	Safeguard ☐	

14. Initial Action (A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐)	E. Citation/ Order Number	F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/15/2005	1100	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
F01	4054749		

22. Signature [illegible] — 23. AR Number [illegible]

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.

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	07/15/2005	7097958 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Terminated due to 7 metal jacks being set along the rib at the 2-Right track switch to reduce the distance from the rib to the permanent roof support.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[6]	[6]	07/18/2005	0620

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

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	07/15/2005	7097958 - 02

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Change	From	To
9. C. Part/Section	75.220(a)(1)	75.202(a)

Reason Issued under the section of the 30 CFR in error.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☑ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	07/18/2005	1430

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

MSHA Form 7000-10K, June 93 (revised)

Date 7-15-05

9:00 75.220(a)(1)

2097958 S+S-NO

The approved roof control plan is not being complied with at the 2-Right Track switch Shelter hole along the main line Track haulage. The Coal and rock rib has deteriorated away for approximately 14 feet in length which leaves 3 permanently installed roof bolts in excess of 4 feet from the rib. There

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-15-05

roof bolts range from 5 feet To 6½ feet from the rib. The approved roof control plan provides That the maximum allowable distance from The rib To a permanently installed roof bolt is 4 feet.

The mine examiner should have known of this condition

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-15-05

This condition has existed for more Than one shift.

One miner is exposed as he works or Travels in this area.

IT is unlikely That This condition will result in a accident. The roof control appears ok in this area.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

2 AUG 2005

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/18/2005	0735		7097959

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

Combustible materials in the form of wooden crib blocks, wooden pallets, card board boxes, old hydraulic oil cans and plastic wrapping off of supplies is allowed to accumulate in the intake entry's. These accumulations start at #54 block along #4 conveyor belt and extend inby to the 2-Left, 003 MMU section. There have been 10 citation's issued for violations of section 75.400 at this mine since 01/09/2005.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.400

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: 001

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

12. Type of Action	13. Type of Issuance (check one)		
104(a)	Citation ☑	Order ☐	Safeguard ☐

14. Initial Action (A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐)	E. Citation/ Order Number	F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/20/2005	0600	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature — 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 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.

Mine Citation/Order Continuation

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

2 AUG 2005

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	07/18/2005	7097959 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC (Contractor)
6. Mine	**7. Mine ID**
SAGO MINE	46-08791

Section II--Justification for Action

Terminated due to the combustible materials being cleaned from the cited area. The materials are being transported to the surface by track haulage.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	07/20/2005	1230

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

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

7:35 75.400

7097959 S&S-NO

Combustible materials in the form of wooden crib blocks, wooden pallets, cardboard boxes, old Hydraulic oil cans and plastic wrapping off of supplies is allowed to accumulate in the intake entry's. These accumulations start at #54 block along #4 conveyor belt and extends inby to the 2-left, 003 mmu section. There have

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

one miner is exposed

IT is unlikely that a accident will occur from this condition.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/18/2005	0745		7097960

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The primary escapeway is not separated from the conveyor belt and track haulage entry's for its entire length, to and including the first connecting crosscut outby each loading point on the 2-Left (003) MMU section. The permanent ventilation controls (stoppings) are not maintained to serve their intended purpose of maintaining separation between these entry's. A hole exist in the stopping located at SS#3981 that measured 14 inches high by 29 inches long and A hole exist in the stopping located at SS#3980 that measured 12 inches high by 10 inches wide. These permanent ventilation controls are located at the tail of #4 conveyor belt.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.380(g)

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: 001

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

12. Type of Action: 104(a) — 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 — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/18/2005	0900	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
F01	4054749		

22. Signature: E 6 J — 23. AR Number: E 6 J

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.

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	07/18/2005	7097960 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Terminated due to the holes in the permanent ventilation controls (stoppings) being closed and plastered.

Section III–Subsequent Action Taken

See Continuation Form ☐

8. Extended To A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	07/19/2005	1255

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

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

7:45 75.380(g)

7097460 S&S-NO

The primary escape-way is NOT seperated from the conveyor belt and Track haulage entry's for it's entire length, To and including the first connecting Crosscut out by each loading point on the 2-left (003) MMU section. The permanent ventilation control's (stoppings) are NOT maintained To serve their intended purpose

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

of maintaining seperation between these entry's. A hole exist in the stopping located at SS# 3981 that measured 14 inches high by 29 inches long and A hole exist in the stopping located at SS# 3980 that measured 12 inches high by 10 inches wide. These permanent ventilation controls are located at the Tail of #4 conveyor belt.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

The mine examiner should have known of this condition.

This condition has existed for more than one shift.

One miner is exposed

It is unlikely that a accident will occur from this condition.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

2 AUG 2005

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/18/2005	0825		7097961

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The #3 Stanco water pump located along the track haulage, along #4 conveyor belt is not clearly marked for identification to correspond with the circuit breaker that this pump receives 575 VAC is connected . The #3 Stanco water pump is energized.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.904

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: 001

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

12. Type of Action: 104(a) — 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 — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/18/2005	0840	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: [6] — 23. AR Number: [6]

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.

Mine Citation/Order Continuation

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

2 AUG 2005

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	07/18/2005	7097961 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Terminated due to the circuit breaker providing 575 VAC for the #3 Stanco water pump being clearly marked for identification.

See Continuation Form ☐

Section III–Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	07/19/2005	1305

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

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

8:25 75.904

7097961 S&S-NO

The #3 STANCO water pump located along the track haulage along the #4 conveyor belt is not clearly marked for identification to correspond with the circuit breaker that this pump recieves 575 VAC is connected. The #3 STANCO water pump is energized.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

The electrical examiner should have known of this condition

This condition has existed for more than one shift.

One miner is exposed

It is unlikely that a accident will occur from this condition.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

2 AUG 2005

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/18/2005	0920		7097962

4. Served To: Carl Crumrine - Mine Foreman

5. Operator: ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine: SAGO MINE

7. Mine ID: 46-08791

8. Condition or Practice (Contractor)

8a. Written Notice (103g) ☐

The #10 trailing cable for the #6 Stanco water pump located along the track haulage at #25 block along no.4 conveyor belt is plugged into a circuit breaker that has the instantaneous setting range from 480 to 1500 amperes and the instantaneous setting is set on 900 amperes at the time of this inspection. The maximum allowable instantaneous setting for a #10 trailing cable is 150 amperes. The mine operator immediately de-energized the trailing cable and disconnected the trailing cable from the circuit breaker.

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	See Continuation Form (MSHA Form 7000-3a) ☐
			75.601-1	

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: 001

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

12. Type of Action: 104(a)

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:

F. Dated (Mo Da Yr):

15. Area or Equipment

Section III--Termination Action

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/18/2005	0935	

17. Action to Terminate: Terminated due to the #10 trailing cable for the #6 Stanco water pump being plugged into a circuit breaker that has the instantaneous setting set on 150 amperes.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/18/2005	0935	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: [illegible]

23. AR Number: [illegible]

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.

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MSHA Form 7000-10K, June 93 (revised)

Date 2-18-05

9:20 75-601-1

2097962 S+S - NO

The #10 Trailing Cable for The #6 Stanco water pump located along The track haulage at #25 block along No. 4 Conveyor belt is plugged into a circuit breaker That has The instantaneous setting range from 480 To 1500 amperes and The instantaneous setting is set on 900 amperes at The Time of this inspection.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 2-18-05

The maximum allowable instantaneous setting for a #10 Trailing Cable is 150 amperes. The mine operator immediately de-energized the Trailing cable and disconnected the Trailing Cable from The circuit breaker.

The electrical examiner should have known of this condition.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 2-18-05

This condition has existed for more than one shift

One miner is exposed

It is unlikely That a accident will occur from this condition.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

U.S. Department of Labor 2 AUG 2005
Mine Safety and Health Administration

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/19/2005	0700		7097963

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791

8. Condition or Practice (Contractor) 8a. Written Notice (103g) ☐

The 110 VAC power cable for the head light on the operators side of the Joy 14CM15 continuous mining machine serial no. JM-5574, Company no. 2 is not insulated adequately and fully protected. The outer jacket of the power cable is cut and the inner energized power leads are exposed through an opening that measured 1/2 of an inch wide by 1 inch long. There have been 9 citations issued for violations of section 75.517 at this mine since 05/24/2005.

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	See Continuation Form (MSHA Form 7000-3a) ☐
			~~75.517~~ 75.503	

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: 001

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

12. Type of Action: 104(a) 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 F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/19/2005	0715	

Section III--Termination Action

17. Action to Terminate: Terminated due to the head light power cable on the Joy 14CM15 continuous mining machine serial no. JM-5574 being insulated adequately and fully protected.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/19/2005	0715	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [6] 23. AR Number [6]

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.

upl 7/21

Mine Citation/Order Continuation

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

2 AUG 2005

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	07/19/2005	7097963 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	7. Mine ID (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Change	From	To
9. C. Part/Section	75.517	75.503

Reason Issued under the wrong section of the 30 CFR in error.

Section III–Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☑ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	07/21/2005	1017

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

[illegible] mtd upd 7/12

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

7:00 75.517

7097963 S&S-yes

The 110 VAC power cable for the head light on the operators side of the Joy 14CM 15 continuous mining machine serial no. JM-5574, Company no. 2 is not insulated adequately and fully protected. The outer jacket of the power cable is cut and the inner energized power leads are exposed through an opening.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

That measured 1/2 of an inch wide by 1 inch long. There have been 9 citations issued for violations of section 75.517 at this mine since 05/24/2005. This section is sloppy wet.

This condition should have been seen during the pre-operational checks.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

Based on my mining experience this condition has existed for several shifts

one miner is exposed

When a accident does occur from this type of condition it will be of a serious nature from being a ignition source in by the last line of open crosscuts. This is also exposes a hazard of electrical shock, burns.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

IT is Reasonably Likely that a accident will occur from this type of condition due To the Remote Controled continuous mining machine being operated in by the last line of open crosscuts in deep cuts. IT is also reasonably Likely That a accident will occur due To electrical shock, burns from The exposed bare powder cable leads. The mine floor is wet.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

2 AUG 2005

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/19/2005	0705		7098104

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The 995 VAC trailing cable for the Joy 14CM15 continuous mining machine serial no. JM-5574, Company no. 2 being operated on the 2-Left, (003) MMU working section is not insulated adequately and fully protected. The insulation has worn away from a previous splice leaving the inner energized power leads exposed through an opening that measured 1/2 of an inch wide by 2 inches long. This section is sloppy wet. There have been 10 citations issued for violations of section 75.517 at this mine since 05/24/2005.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.517

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: 001

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

12. Type of Action: 104(a) — 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 — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/19/2005	0730	

Section III--Termination Action

17. Action to Terminate: Terminated due to the trailing cable for the Joy 14CM15 continuous mining machine serial no. JM-5574, company no.2 being insulated adequately and fully protected.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/19/2005	0730	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [6] — 23. AR Number [6]

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 [illegible] you may call [illegible] (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.

wpd 7/21

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

7105 75.517

7098104 S+S-yes

The 995 vac Trailing Cable for The Joy 14CM15 Continuous Mining machine Serial No. JM-5574, Company No. 2 being operated on the 2-left, (003) MMU working section is NOT insulated adequately and fully protected. The insulation has worn away from a previous splice leaving the inner energized power leads exposed

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

Through an opening that measured 1/2 of an inch wide by 2 inches long. This section is sloppy wet. There have been 10 citation issued for violations of section 75.517 at this mine since 05/24/2005.

Should have been seen during the pre-operational check.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

This Condition has existed for more than one shift.

One miner is exposed

when a accident does occur from this Type of Condition it will be of a serious nature from electrical shock, burns.

It is Reasonably likely that this Condition will result in a accident. The 995 VAC

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

energized leads of the Trailing cable are exposed through an opening in the outer jacket of the Trailing cable. The mine floor is wet, The miners normally handle the Trailing cables.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

2 AUG 2005

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/19/2005	0805		7098105

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The 110 VAC power cable for the area light on the operators side of the Joy 14CM15 continuous mining machine serial no. JM-5530, Approval no. 2G-4159A-00, Company no. 1 is not insulated adequately and fully protected. The outer jacket of the power cable is cut and the bare inner energized power leads are exposed through an opening that measured 1/2 of an inch wide by 1 inch long. This mine is sloppy wet. There have been 9 citations issued for violations of section 75.517 at this mine since 05/24/2005.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.517

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: 001

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

12. Type of Action: 104(a) — 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 — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/19/2005	0830	

Section III--Termination Action

17. Action to Terminate: Terminated due to the area light power cable on the Joy 14CM15 continuous mining machine serial no. JM-5530 being insulated adequately and fully protected.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/19/2005	0830	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: [illegible] — 23. AR Number: [illegible]

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.

1/21

Mine Citation/Order Continuation

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

2 AUG 2005

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	07/19/2005	7098105 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Change	From	To
9. C. Part/Section	75.517	75.503

Reason Issued under the wrong section of the 30 CFR in error.

Section III–Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☑ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	07/21/2005	1021

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

mc up 1/2

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

8:05 75.517

7098105 S&S-yes

The 110 vac power cable for the area light on the operators side of the Joy 14CM15 Continuous Mining machine Serial No. JM-5530, Approval No. 2G-4159A-00, Company No. 1 is not insulated adequately and fully protected. The outer jacket of the power cable is cut and the bare

Inspector's Initials [6] 17

Supervisor's Initials and Date _____ Page No. 17

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

inner energized power leads are exposed through an opening that measured 1/2 of an inch wide by 1 inch long. This mine is sloppy wet. There have been 9 citations issued for violations of section 75.517 at this mine since 05/24/2005.

should have been seen during the pre-operational checks

Inspector's Initials [6] 18

Supervisor's Initials and Date _____ Page No. 18

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 2-19-05

This condition has existed for more than one shift.

One miner is exposed

when a accident does occur from this type of condition it will be of a serious nature from being a ignition source inby the last line of open crosscuts. This condition also exposes a hazard of electrical shock, burns.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 19

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 2-19-05

It is Reasonably Likely that a accident will occur from this type of condition due to the Remote Controled Mining machine being operated inby the last line of open crosscuts mining in deep cuts. It is also reasonably likely that a accident will occur due to electrical shock, burns from the exposed power cable leads. The mine floor is wet.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 20

U.S. G.P.O.2005:742-563

Mine Citation/Order

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

3 AUG 2005

Section I–Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/20/2005	0630		7098106

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The clearance space's along the track haulage at #52 block along #4 conveyor belt is obstructed in that four 6 inch diameter by 20 feet in length water lines are laying in the 24 inch clearance space (walkway) and three of the same size water lines are laying in the 12 inch clearance space. The track mounted mantrips are barely missing the water lines as they are used to transport miners in and out of the mine. The mine operator immediately removed the water lines from the clearance space.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1403

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: 001

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

12. Type of Action ~~314(b)~~ 104-a — 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 7097926 — F. Dated (Mo Da Yr) 6/14/05

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/20/2005	0635	

Section III–Termination Action

17. Action to Terminate: Terminated due to the 6 inch water line being removed from the clearance space's (walkway) at #52 block along the #4 conveyor belt.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/20/2005	0635	

Section IV–Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [6] — 23. AR Number [67]

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.

MC 8/02

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	07/20/2005	7098106 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Change	From	To
12. Type of Action1	314(b)	104(a)
Reason Entered 314(b) in this citation in error.		
13. Type of Issuance	Safeguard	Citation
Reason Entered safeguard in this citaton in error.		
14. Initial Action		Safeguard
Reason Missed entering safeguard in this citation in error.		
14. E. Citation/Order Number		7097926
Reason Missed entering the safeguard no. in this citation in error.		
14. F. Initial Action Dated		06/14/2005
Reason Missed entering the safeguard date in this citation in error.		

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☑ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	MAR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	07/28/2005	0600

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

MC 8/02

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	07/20/2005	7098106 - 02

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Change	From	To
10. A. Injury or Illness		Reasonably Likely
Reason Missed checking box for Reasonably Likely, Line 10-A.		
10. B. Injury Expected		Lost Workdays
Reason Missed checking box for lost workdays or restricted duty, line 10-B.		
10. C. Significant and Substantial	No Selected	Yes
Reason Missed checking box for Yes, line 10-C.		
10. D. Persons Affected	0	1
Reason Missed checking box for number of persons affected, Line 10-D.		
11. Negligence		Moderate
Reason Missed checking box C for Moderate on Line 11.		

Missed checking these items when I modified the type of action on this citation from 314(b) to 104(a) on 07/28/2005.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☑ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number			
E01	4054749			
11. Signature	**AR Number**	**12. Date Mo Da Yr**	**13. Time (24 Hr. Clock)**	
[illegible]	[illegible]	08/01/2005	1400	

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

MC 8/02

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

6:30 75.1403

7098104 Safeguard

The clearance spaces along the Track haulage at #52 block along #4 conveyor belt is obstructed in that four 6 inch diameter by 20 feet in length water lines are laying in the 24 inch clearance space (walkway) and three of the same size water lines are laying in the 12 inch clearance space. The Track mounted monitips

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 16

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

are barely missing the water lines as they are used to transport miners in and out of the mine. The mine operator immediately removed the water lines from the clearance spaces.

The mine examiner should have known of this condition

This condition has existed for more than one shift.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 17

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 2-20-05

ONE Miner is exposed

when a accident does occur from Type of Condition IT will be of a Serious Nature from bruising, lacerations broken bones, Slip Trip fall.

IT is Reasonably likely That a accident will occur from this Type of Condition, The Miners Can easily Slip Trip or fall from this Condition. Also

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 2-20-05

The water line Can Hook on the manTrips Causing derailment or Causing The water Line To enter the manTrip Causing injuries To The Miners

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

SAFEGUARD

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
06/14/2005	1145		7097926

4. Served To	5. Operator
Bill Currence Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

"The inspection of track haulage conducted between 5/10/05 and 6/02/05 revealed that the track haulage system is not being provided with clearance space along both sides to insure the safe passage of the haulage equipment being operated at normal speeds. The following hazardous conditions were observed:

5/10/05 --- The track haulage equipment was rubbing the coal rib along the tight side of the 2 right track switch. The tight side track clearance space was obstructed with rock and other loose extraneous material at No. 4 & No. 37 blocks along No. 4 conveyor belt to the point the haulage equipment was dragging as it passed. The wide side clearance space at No.24 Block along No. 4 conveyor belt was obstructed with 6 cross bars (6"by 8"

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1403

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:

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

12. Type of Action	13. Type of Issuance (check one)			
314(b)	Citation ☐	Order ☐	Safeguard ☑	

14. Initial Action	E. Citation/ Order Number	F. Dated (Mo Da Yr)
A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐		

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	06/15/2005	0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054745		

22. Signature E 6 J — 23. AR Number E 6 J

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.

upd 6/21

Mine Citation/Order Continuation

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

SAFEGUARD

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☐	☑	06/14/2005	7097926

4. Served To	5. Operator
Bill Currence Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Continuation of 8. Condition or Practice

by 16'). The haulage equipment was dragging on the bars as they passed. 5/19/05 --- Steel track rails were lying in the wide side clearance space at the No. 2 belt head switch. The haulage equipment was barely clearing the ends of the rails as they passed.
5/20/05 --- The clearance spaces along both sides of the track at No. 42 block along No. 4 conveyor belt were obstructed with mud and water to the point the frames of the haulage equipment were dragging as they traveled through the area. The area also has 15 fly boards, 6 concrete blocks, 2 hydraulic oil cans, rock and other extraneous material present that the haulage equipment were dragging on. There were 9 steel track rails laying in the wide side clearance space at No. 44 block along the No. 4 conveyor belt and the haulage equipment were rubbing them as they passed. There was rock present for 30' distance in the wide side clearance space at No. 45 block along the No. 4 conveyor belt and the haulage equipment was dragging on it as they passed. 6/02/05 --- There were 2 scoop tires present in the wide side clearance space at No. 54 block along the No. 4 conveyor belt and the haulage equipment barely cleared them. The miners had to climb over the tires to use the travel way to the working section located inby. The listed obstructions create derailment hazard as well as the hazard of the obstructions being caught between the mine floor, rib or track and the frame of track mounted equipment which could cause the material to enter track mounted equipment and strike the operator, passengers or pedestrians, which could easily result in serious injury. The track haulage system is used each shift to transport men and materials into and out of the mine. This is Notice to Provide Safeguard requiring the mine operator to maintain a continuous clearance of at least 24 inches on the wide side and a continuous clearance of at least 12 inches on the tight side from the furthest projection of normal traffic on all track haulage roads. The clearance space along all track haulage shall be maintained free of loose rock, supplies, rail components, conveyor belting, belt components, roof bolts, flyboards, and other extraneous materials which would contribute to a derailment or be struck by rail mounted equipment and injure passengers or pedestrians."

Section III--Subsequent Action Taken See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054745

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
E 6	JE67	06/14/2005	1145

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

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	06/14/2005	7097926 - 01

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Terminated due to all of the material's in the clearance space's being removed. The required clearance space is now provided along all of the track haulage in this mine.

Section III–Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054745

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	06/27/2005	0430

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

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	06/14/2005	7097926 - 02

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Change	From	To
2. Issue Time	11:45	16:30

Reason Entered the wrong time on the citation when issuing.

Section III–Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☑ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054745

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	06/29/2005	0820

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

6/30
6/30

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
07/20/2005	0655		7098107

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

Loose coal and coal fines mixed with rock is allowed to accumulated at the coal feeder located on the 2-Left, (003) MMU working section. The accumulations measured 26 feet in length by 6 to 9 feet wide by 6 to 18 inches deep and range from damp to wet. The accumulations have been generated from the conveyor chain on the Joy shuttle car dragging the material back as the shuttle car dump's on the coal feeder. There have been 11 citations issued for violations of section 75.400 at this mine since 01/09/2005.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.400

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: 001

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

12. Type of Action	13. Type of Issuance (check one)		
104(a)	Citation ☑	Order ☐	Safeguard ☐

14. Initial Action	E. Citation/ Order Number	F. Dated (Mo Da Yr)
A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐		

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/20/2005	0730	

Section III--Termination Action

17. Action to Terminate: Terminated due to the accumulations being cleaned up by scooping the area.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	07/20/2005	0730	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [6] — 23. AR Number [6]

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.

1/25

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

6155 75.400

7098107 S+S -NO

Loose coal and coal fines mixed with rock is allowed to accumulate a the coal feeder on the 2-left, (003) mmu working section. The accumulations measured 26 feet in length by 6 to 9 feet wide by 6 to 18 inches deep and range from damp to wet. The accumulations have been generated from the conveyor chain on the Joy

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 20

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

shuttle car dragging the material back as the shuttle car dumps on the coal feeder. There have been 11 citations issued for violations of section 75.400 at this mine since 01/09/2005.

The mine examiner should have known of this condition.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 21

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

This condition has existed for more than one shift.

One miner is exposed.

It is unlikely that this condition will result in a accident.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 22

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/01/2005	0340		7098123

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The #8 mantrip which is used to transport miners in and out of the mine is not maintained in a safe operating condition. The four sanding devices which are located on this mantrip will not provide sand to the wheels and track for traction purpose's. All four of the sanding device's storage container's are plugged up with wet sand. The sanding device's will not provide sand to the wheel's and track for traction purpose's. This mine has several grade's and the track ranges from wet to dry.

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	See Continuation Form (MSHA Form 7000-3a) ☐
			75.1403	

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: 001

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

12. Type of Action: 104(a) — 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: 7097925 — F. Dated (Mo Da Yr): 06/14/2005

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/01/2005	0350	

Section III--Termination Action

17. Action to Terminate: Terminated due to the wet sand being cleaned from the sand storage containers and the sand storage containers being filled with dry sand. The sanding device's will now function as required.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/01/2005	0350	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
F01	4054749		

22. Signature: [6] — 23. AR Number: [6]

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.

MC 8/02

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	08/01/2005	7098123 - 01

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Change	From	To
2. Issue Time	03:40	15:40

Reason Did not use the 24 hour clock when issuing.

16. B. Termination Due Time	03:50	15:50

Reason Did not use the 24 hour clock when issuing.

18. B. Terminated Time	03:50	15:50

Reason Did not use the 24 hour clock when issuing.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☑ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[6]	[6]	08/01/2005	2058

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

mc 8/02

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

3140 75.1403

7098123 S&S-yes

The #8 mantrip which is used to transport miners in and out of the mine is not maintained in a safe operating condition. The four sanding devices which are located on this mantrip will not provide sand to the wheels and track for traction purposes. All four of the sanding devices storage containers are plugged up with

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

wet sand. The sanding devices will not provide sand to the wheels and track for traction purposes. This mine has several grades and the track ranges from wet to dry.

The [6] should have known of this condition. This condition should have been seen during the pre-operational check's.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

Based on my mining experience This Condition has existed for more than one shift.

One miner is exposed.

when a accident does occur from this Type of Condition it will be of a Serious nature from bruising, lacerations, broken bones, amputations.

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 10

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

It is Reasonably likely that a accident will occur from this Type of Condition. the mine is on a grade and the track rails range from wet to dry.

Inspector's Initials [6]

Supervisor's Initials and Date

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☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

SAFEGUARD

Section I–Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
06/14/2005	1130		7097925

4. Served To	5. Operator
Bill Currence Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	7. Mine ID
SAGO MINE	46-08791 (Contractor)
8. Condition or Practice	8a. Written Notice (103g) ☐

It would be good to have the equipment numbers in enhance readability (The No. 1 personnel carrier struck the No. 3 personnel carrier …..). Otherwise, here is suggested wording.

"On 05/07/2005, a miner was injured in a collision when a personnel carrier slid on the supply track haulage rails and struck a separate personnel carrier which was stopped. The injured miner was sitting in the parked personnel carrier and struck his head against the canopy at the time of impact. The track mounted personnel carrier which slid was being operated without sanding devices being operational. This is a large, complex coal mine with numerous pieces of haulage equipment traveling on track haulage

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1403

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:

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

12. Type of Action: 314(b) 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 F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	06/18/2005	0800	

Section III–Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV–Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054745		

22. Signature [illegible] 23. AR Number [illegible]

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.

WPL 1.1

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☐	☑	06/14/2005	7097925

4. Served To	5. Operator
Bill Currence Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Continuation of 8. Condition or Practice

that has numerous switches, derails, and turns. The track is subject to frequent changes in elevation. The track rails are subject to moisture due to water and condensation from temperature changes. Failure to provide and maintain properly operational sanding devices could easily contribute to run away haulage equipment, a collision between two pieces of track mounted equipment resulting in a serious accident, or a miner traveling on foot being struck by the vehicle. This is a Notice to Provide Safeguard requiring personnel carriers that are designed to transport in excess of five miners and locomotives be provided with properly installed and well-maintained sanding devices at each wheel that will deposit sand on the track rails in both directions of travel. When sanding devices are required, sand reservoirs shall be checked and filled with sand as necessary before a vehicle is used to transport persons, and sand shall be maintained in the sand reservoirs of each track-mounted vehicle while persons are being transported in the mine."

Section III–Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054745

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	3 [illegible]	06/14/2005	1130

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

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action ☑	1a. Continuation ☐	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
		06/14/2005	7097925 - 01

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Terminated due to the safety director training the miners on what is required during the pre-operational check's on the following dates: 06/21/2005, 06/22/2005 and 06/23/2005.

Section III–Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054745

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	06/27/2005	0400

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

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	06/14/2005	7097925 - 02

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Change	From	To
2. Issue Time	11:30	16:00

Reason Entered the wrong time on the citation when issuing.

Section III--Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☑ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054745

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	06/29/2005	0814

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

Mine Citation/Order

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

19 AUG 2005

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/01/2005	1645		7098124

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The Firechild scoop model 35C-WH, Serial no. T339-346, Approval no. 2G - 3599-2, company #6 is not maintained in a safe operating condition, in that the following condition was found. [1] The batteries were not provided with lid locks.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.503

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: 001

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

12. Type of Action	13. Type of Issuance (check one)			
104(a)	Citation ☑	Order ☐	Safeguard ☐	

14. Initial Action (A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐)	E. Citation/ Order Number	F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/01/2005	1650	

Section III--Termination Action

17. Action to Terminate: The batteries lids were chained, and they are now secure.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/01/2005	1650	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [6] — 23. AR Number [6]

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.

wpl 8/03

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

Time 16:45

e.t 7098124

Sands-NO 75-503

The Fairchild Scoop Model 35 E-WH Serial No. + 339-346, approval No. 2G-3599-2 Company # 6 is not maintained in permissible condition, in That The following condition was found.
(1) The batteries were not provided with Lid locks.

Inspector's Initials [6][6]

Supervisor's Initials and Date _____ Page No. 12

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-01-05

(4) The [6]

(5) at least one Shift

(6) one person exposed

(7) lost workdays or restricted duty - Lid could fall off Scoop and injury someone or become grounded causing electrical arc.
(8) Unlikely - because The Lids flange over The batteries.

Inspector's Initials [6][6]

Supervisor's Initials and Date _____ Page No. 13

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-01-05

Term. 16:50
The battery Lids were chained, and They are now secure.

Inspector's Initials [6][6]

Supervisor's Initials and Date _____ Page No. 14

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

11.

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/01/2005	1707		7098125

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The Fairchild scoop model 35C-WH, serial no. T339-324, Approval no. 2G-3599-2, Company #1 is not maintained in a permissible condition in that the following conditions were found: (1) The batteries are not provided with lid locks. (2) The emergency stop switch (panic bar) located on the battery side of the operators deck has fallen off and is hanging loose by the power wire's. There have been 16 citation issued for violation's of section 75.503 at this mine since 02/17/2004.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.503

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: 001

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

12. Type of Action	13. Type of Issuance (check one)		
104(a)	Citation ☑	Order ☐	Safeguard ☐

14. Initial Action (A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐)	E. Citation/ Order Number	F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/01/2005	1725	

Section III--Termination Action

17. Action to Terminate: Terminated due to the #1 scoop battery lids being chained, and they are now secured. The emergency stop switch (panic bar) being put back in it's holding bracket.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/01/2005	1725	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: [illegible] — 23. AR Number: [illegible]

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.

8/05

Mine Citation/Order Continuation

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

77.

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	08/01/2005	7098125 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Change **From** **To**

8. Condition Or Practice

Reason Remove the following from the body of the condition and practice of this citation. The emergency stop switch (panic bar) located on the battery side of the operator's deck has fallen off and is hanging loose by the power wire's.

Entered the statement about the emergency stop switch (panic bar) in this permissibility violation in error. Citation no. 7098129 has been issued for the condition of the of the emergency stop switch (panic bar) on the #1 Fairchild scoop.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☑ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	08/03/2005	1235

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

8/2

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

12107 75.503

7098125 S&S-NO

The Fairchild scoop Model 35C-WH, Serial No. T339-324, Approval No. 20-3599-2, Company #1 is NOT maintained in a permissible condition in that the following conditions were found: (1) The batteries are NOT provided with lid locks. (2) The emergency stop switch (panic bar) located on the battery side of the [6] deck has fallen off

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

and is banging loose by the power wires. There have been 16 citations issued for violations of Section 75.503 at this mine since 02/17/2004.

The [6] should have seen this condition during the pre-operational checks.

This condition has existed for more than ONE shift.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

ONE miner is exposed

IT is unlikely that a accident will occur from this condition. This scoop is equiped with 2 emergency stop switches (panic bar) ONE on each side of the operators deck. where the [6] can easily reach the emergency stops if needed.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

X7

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/02/2005	1445		7098126

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791

8. Condition or Practice (Contractor) 8a. Written Notice (103g) ☐

The #CO1 mantrip which is used to transport miners in and out of the mine is not maintained in a safe operating condition. Three of the four sanding devices which are located on this mantrip will not provide sand to the wheels and track for traction purpose's. The tube's that direct the location of the sand from the sanding device to the track rail is plugged up with wet sand. This mine has several grade's and the track ranges from wet to dry.

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	See Continuation Form (MSHA Form 7000-3a) ☐
			75.1403	

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: 001

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

12. Type of Action	13. Type of Issuance (check one)			
104(a)	Citation ☑	Order ☐	Safeguard ☐	

14. Initial Action: A. Citation ☐ B. Order ☐ C. Safeguard ☑ D. Written Notice ☐

E. Citation/ Order Number	F. Dated (Mo Da Yr)
7097925	06/14/2005

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/02/2005	1945	

Section III--Termination Action

17. Action to Terminate: Terminated due to the wet sand being cleaned from the tube's that provide sand to the track rail's. The sanding device's will now function as required.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/02/2005	1945	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [6] 23. AR Number [6]

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.

8/05

MSHA Form 7000-10K, June 93 (revised)

Date 08-02-05

Serious injuries have occured when mantrips have lost Control due to wet track. Person have sufferad broken bones, bruses, do to mantrips derailing or colliding with anther track equipment.
(8) This mines has steep grades and is wet to damp in nature, causing the rail to be slick.

Term 08-02-2005 time 1945
~~The~~ Terminated due to the wet sand being cleaned

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 12

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 08-02-05

from the tube's that provide sand to the track rail's. the sanding devices will now function as required

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 13

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

SAFEGUARD

Section I–Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
06/14/2005	1130		7097925

4. Served To	5. Operator
Bill Currence Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

It would be good to have the equipment numbers in enhance readability (The No. 1 personnel carrier struck the No. 3 personnel carrier …..). Otherwise, here is suggested wording.

"On 05/07/2005, a miner was injured in a collision when a personnel carrier slid on the supply track haulage rails and struck a separate personnel carrier which was stopped. The injured miner was sitting in the parked personnel carrier and struck his head against the canopy at the time of impact. The track mounted personnel carrier which slid was being operated without sanding devices being operational. This is a large, complex coal mine with numerous pieces of haulage equipment traveling on track haulage

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1403

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:

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

12. Type of Action: 314(b) — 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 — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	06/18/2005	0800	

Section III–Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV–Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054745		

22. Signature [illegible] 6] — 23. AR Number [6]

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.

1 of

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☐	☑	06/14/2005	7097925

4. Served To	5. Operator
Bill Currence Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	7. Mine ID (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Continuation of 8. Condition or Practice

that has numerous switches, derails, and turns. The track is subject to frequent changes in elevation. The track rails are subject to moisture due to water and condensation from temperature changes. Failure to provide and maintain properly operational sanding devices could easily contribute to run away haulage equipment, a collision between two pieces of track mounted equipment resulting in a serious accident, or a miner traveling on foot being struck by the vehicle. This is a Notice to Provide Safeguard requiring personnel carriers that are designed to transport in excess of five miners and locomotives be provided with properly installed and well-maintained sanding devices at each wheel that will deposit sand on the track rails in both directions of travel. When sanding devices are required, sand reservoirs shall be checked and filled with sand as necessary before a vehicle is used to transport persons, and sand shall be maintained in the sand reservoirs of each track-mounted vehicle while persons are being transported in the mine."

Section III--Subsequent Action Taken — See Continuation Form ☐

3. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054745

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
E 6	E6	06/14/2005	1130

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

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	06/14/2005	7097925 - 01

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Terminated due to the safety director training the miners on what is required during the pre-operational check's on the following dates: 06/21/2005, 06/22/2005 and 06/23/2005.

Section III--Subsequent Action Taken See Continuation Form

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054745

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	06/27/2005	0400

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

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	06/14/2005	7097925 - 02

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Change	From	To
2. Issue Time	11:30	16:00

Reason Entered the wrong time on the citation when issuing.

Section III–Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☑ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number	11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
E01	4054745	[illegible]	[illegible]	06/29/2005	0814

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

Mine Citation/Order

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

KT.

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/02/2005	1622		7098127

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The track haulage along the #6 conveyor belt is not maintained in a safe condition in that the following condition was found. Water is allowed to accumulate in a dip in the track haulage entry 1 block inby the #6 conveyor belt head drive. The water measured 8 inches to 14 1/2 inches deep from rib to rib for approximately 25 feet in length and ranges from 2 inches to 3 inches deep over the ball of the track rail's.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1403

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: 001

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

12. Type of Action	13. Type of Issuance (check one)			
104(a)	Citation ☑	Order ☐	Safeguard ☐	

14. Initial Action (A. Citation ☐ B. Order ☐ C. Safeguard ☑ D. Written Notice ☐)	E. Citation/ Order Number	F. Dated (Mo Da Yr)
	7097927	06/14/2005

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/02/2005	2200	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [6] — 23. AR Number [6]

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.

WPL 8/05

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	08/02/2005	7098127 - 01

4. Served To	5. Operator
Brad Hamrick	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Terminated due to the water being pumped from the track haulage entry in the cited area along the #6 conveyor belt.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	08/03/2005	1730

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

lwp 8/03

MSHA Form 7000-10K, June 93 (revised)

Date 08-02-05

Time 1622

cit 7098127

Stan 75.1403

The track haulage along the #6 conveyor belt is not maintained in a safe condition in that the following condition was found. Water is allowed to accumulate in a dip in the track haulage entry 1 block inby the #6 conveyor belt head drive. The water measured 8 inches to 14½ inches deep from the rib to rib for approximately 25 feet in length and ranges from

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 08-02-05

2 inches to 3 inches deep over the bell of the track rail's.

(4) The pre-shift examiner.

(5) at least one shift

(6) one person exposed

7 lost workdays or restricted duty. track equipment that loses control due to wet rail sometime results in broken bones, bruses, or serious injuries

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 08-02-05

(8) This mine is wet by nature and has several steep grades located in the track entry.

Term due 08-02-05

Time 2200

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

SAFEGUARD

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
06/14/2005	1210		7097927

4. Served To	5. Operator
Bill Currence _ Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

"An inspection of track haulage between 4/07/05 and 6/02/05 revealed that the track haulage system was not being properly maintained in good condition to insure the safe passage of the haulage equipment being operated at normal speeds. The following hazardous conditions were observed:

On 4/7/05, a mantrip transporting miners into the mine derailed at block No. 34, along No. 4 conveyor belt, because of a severe dip in the rails. The rails were installed 24" above the mine floor and loosely blocked with wood. No additional ballast had been added to secure the blocking. The wood blocking had fallen out from under the rails and ties; on 04/13/05, a mantrip derailed in the switch at No. 2 belt head because the switch was

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1403

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:

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

12. Type of Action	13. Type of Issuance (check one)		
314(b)	Citation ☐	Order ☐	Safeguard ☑

14. Initial Action	E. Citation/ Order Number	F. Dated (Mo Da Yr)
A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐		

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	06/23/2005	0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054745		

22. Signature [6] — 23. AR Number [6]

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.

WP 6/1

SAFEGUARD

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☐	☑	06/14/2005	7097927

4. Served To	5. Operator
Bill Currence Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Continuation of 8. Condition or Practice

not properly maintained. The wheels of the mantrip picked the switch points; on 4/19/05, the main line track was not properly supported at several locations allowing the rails to slide sideways. Severe kinks were created that cause the haulage equipment to change directions abruptly. Numerous loose or missing rail joint bolts increased the severity of the kinks; on 4/29/05, a flat car transporting mine supplies into the mine derailed in the 1-right track switch because the switch was not properly installed and adjusted; on 5/4/05, a mantrip transporting miners into the mine derailed at the No. 2 belt head switch. The switch had loose bolts, was misaligned; on 5/10/05, a flat car derailed 2 blocks outby the No. 2 right track switch because of loose rail joints and a severe dip in the rails; on 5/19/05, the No. 2 track switch had loose bolts, missing bolts, a broken rail and the switch would not tighten when thrown for the turn. Tracks on the mine floor indicated recent derailments at the switch; on 5/20/05, water had been allowed to accumulate in the roadbed at No. 38, along No.4 conveyor belt, block in a depth that covered the rails. The rail joints of the area were loose and pumped up and down as the haulage equipment passed. The wheels of the haulage equipment were tracking the water down the rails for several feet in both directions leaving them slick. This water also acted to stop up the sanders of the haulage equipment. On 5/20/05, a similar water accumulation was present at No. 42 block, however, the mine floor was soft and the ties and rails were being pushed into the bottom. The frame of the haulage equipment was dragging in the slop and mud as it passed. Water was 3" to 8" over the rails; on 6/02/05, the road bed at No. 53 block was not being properly maintained. Water had been allowed to accumulate and the wood blocking had floated out from under the rails. The rail joints were pumping under the weight of the haulage equipment and water was being tracked for several feet in both directions, leaving the rails slick. The above specified conditions present a derailment hazard of track mounted equipment, which can result in serious injury to miners. The track haulage system is used each shift to transport men and materials into and out of the mine. This is a Notice to Provide Safeguard requiring that the mine operator maintain the rails of the track haulage system free of defects, such as, but not limited to, loose or displaced rail ends at joints, missing bolts at joints, damaged, distorted, or missing components of directional track

See Continuation Form ☑

Section III–Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054745

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	06/14/2005	1210

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

SAFE GUARD

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☐	☑	06/14/2005	7097927

4. Served To	5. Operator
Bill Currence Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

switches, damaged, distorted, or missing components of track frogs or derails, broken or distorted track rails, rails with broken or missing flanges, loose track ties, or any other defects in the components of the track haulage system that may cause derailment of track-mounted vehicles or rolling stock. Additionally, water shall not be allowed to accumulate over the ball of the rail along the track haulage and the roadbed shall be maintained reasonably free of water. All components of the track shall be properly aligned, leveled, blocked and ballasted to prevent pumping, kinks, dips, slewing of the track, and damage to the rails"

Section III–Subsequent Action Taken See Continuation Form ☐

8. Extended To A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054745

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	06/14/2005	1210

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

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	06/14/2005	7097927 - 01

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Extended due to the mine operator has made a diligent effort to correct these conditions. These conditions are approximately 80% finished at this time.

Section III--Subsequent Action Taken

See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	E. Modified
	07/05/2005	0600	☐	☐	☐

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054745

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
C 6	3 E 6 3	06/27/2005	0530

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

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	06/14/2005	7097927 - 02

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Change	From	To
2. Issue Time	12:10	17:30

Reason Entered the wrong time on the citation when issuing.

Section III–Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☑ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number				
E01	4054745				
11. Signature		**AR Number**	**12. Date** Mo Da Yr	**13. Time (24 Hr. Clock)**	
[illegible]		[illegible]	06/29/2005	0825	

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

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	06/14/2005	7097927 - 03

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Terminated due to all of the condition's at the location's listed in safeguard no.7097927 being corrected.

See Continuation Form ☐

Section III–Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number			
E01	4054749			
11. Signature	**AR Number**	**12. Date Mo Da Yr**	**13. Time (24 Hr. Clock)**	
E 6	E 6	07/13/2005	1045	

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

Mine Citation/Order

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

19 AUG 2005

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/02/2005	0610		7098128

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791

8. Condition or Practice (Contractor) 8a. Written Notice (103g) ☐

The approved roof control plan is not being complied with on the 2-Left, 003 MMU working section in that the following conditions were found: (1) The #6 entry was mined from 21 feet to 21.75 wide for a distance of 24 feet in length starting at SS4065. (2) Six permanently installed roof bolts along the left rib in the #6 entry range from 51 inches to 66 inches from the rib. (3) The corner of the #6 to #7 crosscut at SS4065 in the #6 entry has rolled off leaving the permanently installed roof bolt at this corner 6 feet from the rib. (4) The #2 entry was mined from 20.75 wide to 22 feet wide for distance of 17 feet in length just inby SS4077. Five permanently installed roof bolts in a row in this area measured from 4.9 inches wide to 5.5 feet wide from bolt to bolt. (5) The #4 entry was mined from 20.75 feet wide to 23.5 feet wide for a distance of 17 feet in length

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.202(a)

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: 001

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

12. Type of Action	13. Type of Issuance (check one)	
104(a)	Citation ☑	Order ☐ Safeguard ☐

14. Initial Action A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐ E. Citation/ Order Number F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/02/2005	1100	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [6] 23. AR Number [6]

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.

wpl 8/10

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☐	☑	08/02/2005	7098128

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Continuation of 8. Condition or Practice

just outby SS4091. A cutter has run along the right rib for approximately 50 feet in length. The cutter ranges from 2 inches to 10 inches deep by 12 inches to 48 inches wide by approximately 50 feet in length. This is the same area in the #4 entry where the entry was mined over the maximum 20 feet entry width provided in the approved roof control plan.

Section III--Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	08/02/2005	0610

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

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	08/02/2005	7098128 - 01

4. Served To	5. Operator
Brad Hamrick	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Terminated due to the entry's on the 2-Left,003-0 MMU being narrowed down to 20 feet wide by installing Heintzmann alternative crib support's along the rib's in the cited areas on this section. Also roof bolt's were installed in the cited areas where the permanent roof bolt spacing's are beyond the maximum allowable distance provided in the approved roof control plan.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signatur	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	08/03/2005	1830

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

Upd 8/05

MSHA Form 7000-10K, June 93 (revised)

Date 8-2-05

6:10 75.20?(a)

7098128 SDS-yes

The approved roof control plan is not being complied with on the 2-left, (003) MMU working section in that the following conditions were found: (1) The #6 entry was mined from 21 feet to 21.75 feet wide for a distance of 24 feet in length starting at SS 4065. (2) Six permanently installed roof bolts along the left rib

Inspector's Initials [6]

Supervisor's Initials and Date

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☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-2-05

in the #6 entry range from 51 inches to 66 inches from the rib. (3) The corner of the #6 to #7 crosscut at SS 4065 in the #6 entry has rolled off leaving the permanently installed roof bolt at this corner 6 feet from the rib. (4) The #2 entry was mined from 20.75 feet wide to 22 feet wide for a distance of 17 feet in length, just inby

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 18

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-2-05

SS 4077. Five permanently installed roof bolts in a row in this area measured from 4.9 feet wide to 5.5 feet wide from bolt to bolt. (5) The #4 entry was mined from 20.75 feet wide to 23.5 feet wide for a distance of 17 feet in length, just outby SS 4091. A cutter has run along the right rib for approximately 50 feet in length.

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 19

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-2-05

The cutter ranges from 2 inches to 10 inches deep by 12 inches to 48 inches wide by approximately 50 feet in length. This is the same area in the #4 entry where the entry was mined over the maximum 20 feet entry width provided in the approved roof control plan.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-2-05

The mine examiners should have known of these condition these conditions would be obvious to any prudent person.

Based on my mining experience this condition has existed for more than one shift.

One miner is exposed when a accident does occur from this type of condition

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-2-05

IT will be of a serious nature from bruising, lacerations, broken bones, Amputations due To the failure of The mine roof and ribs.

IT is Reasonably likely That a accident will occur aT This mine from this Type of Condition. The mine roof in this mine has several cutter's along The ribs and between The roof

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 22

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-2-05

bolT Spacing. Several mine roof fall' have occured aT This mine in The past year.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 23

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

19 AUG 2005

Section I—Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/01/2005	1710		7098129

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The Fairchild scoop model 35C-WH, serial no. T339-324, approval no. 2G-3599-2, company #1 is not maintained in a safe operating condition. The emergency stop switch (panic bar) located on the battery side of the operators deck has fallen off and is hanging loose by the power wire's.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.523

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: 001

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

12. Type of Action	13. Type of Issuance (check one)		
104(a)	Citation ☑	Order ☐	Safeguard ☐

14. Initial Action	E. Citation/ Order Number	F. Dated (Mo Da Yr)
A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐		

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/01/2005	1730	

Section III—Termination Action

17. Action to Terminate: Terminated due to the emergency stop switch (panic bar) being put back in it's holding bracket on the #1 Fairchild scoop. The panic bar will now function properly when tested.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/01/2005	1723	

Section IV—Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [6] — 23. AR Number [6]

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.

8/05

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

1710 75,523

7098129 SHS-NO

The Fairchild scoop model 35C-WH, serial no. T339-324, approval no. 2G-3599-2, Company #1 is not maintained in a safe operating condition. The emergency stop switch (panic bar) located on the battery side of the operators deck has fallen off and is having loose by the power wires.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

The [6] should have seen this condition during the pre-operational checks.

Based on my mining experience this condition has existed for more than one shift.

One miner is exposed

It is unlikely that a accident will occur from this condition.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/03/2005	1620		7098130

4. Served To	5. Operator
Brad Hamrick	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The #CO2 mantrip which is used to transport miners in and out of the mine is not maintained in a safe operating condition. Three of the four sanding device's located on this mantrip will not provide sand to the wheels and track for traction purpose's. Three of the sanding device's storage containers are empty of sand. This mantrip was inspected just inby the portal after the mantrip operator received clearance from the dispatcher to travel under ground. The track haulage of this mine has several grade's and the track rail's range from wet to dry. The have been 8 citations issued for violation of section 75.1403 a this mine since 05/03/2005.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1403

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: 001

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

12. Type of Action	13. Type of Issuance (check one)			
104(a)	Citation ☑	Order ☐	Safeguard ☐	

14. Initial Action	E. Citation/ Order Number	F. Dated (Mo Da Yr)
A. Citation ☐ B. Order ☐ C. Safeguard ☑ D. Written Notice ☐	7097925	06/14/2005

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/03/2005	1630	

Section III--Termination Action

17. Action to Terminate: Terminated due to all four of the sand storage containers being filled with dry sand. The sanding device's will now provide sand to the wheels and track for traction purpose's.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/03/2005	1630	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: [6] — 23. AR Number: [6]

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.

WPL 8/05

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

1620 75.1403

7098130 S&S-yes

The #COZ mantrip which is used to transport miners in and out of the mine is NOT maintained in a safe operating condition. Three of the four sanding devices located on this mantrip will NOT provide sand to the wheels and track for traction purposes. Three of the sanding devices storage containers

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date

are empty of sand. This mantrip was inspected just inby the portal after the [6] received clearance from the dispatcher to travel underground. The track haulage of this mine has several grades and the track rails range from wet to dry. There have been 8 citations issued for violations of section 75.1403 at this mine since

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

05-03-2005

The [G] should have Known of This Condition.

Based on my mining experience This Condition has existed for more Than one shift.

one miner is exposed

when a accident does occur from this Type of Condition IT will be of a Serious

Inspector's Initials _____

Supervisor's Initials and Date _____ Page No. 33

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

nature from bruising lacerations, broken bones, amputations. caused from derailment of a mantrip.

IT is Reasonably likely That a accident will occur from this Type of Condition. This mine has several grades and the Track rail's range from wet To dry.

Inspector's Initials _____

Supervisor's Initials and Date _____ Page No. 34

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

SAFEGUARD

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
06/14/2005	1130		7097925

4. Served To	5. Operator
Bill Currence _ Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791

8. Condition or Practice (Contractor)

8a. Written Notice (103g) ☐

It would be good to have the equipment numbers in enhance readability (The No. 1 personnel carrier struck the No. 3 personnel carrier …..). Otherwise, here is suggested wording.

"On 05/07/2005, a miner was injured in a collision when a personnel carrier slid on the supply track haulage rails and struck a separate personnel carrier which was stopped. The injured miner was sitting in the parked personnel carrier and struck his head against the canopy at the time of impact. The track mounted personnel carrier which slid was being operated without sanding devices being operational. This is a large, complex coal mine with numerous pieces of haulage equipment traveling on track haulage

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1403

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:

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

12. Type of Action: 314(b)

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: F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	06/18/2005	0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054745		

22. Signature [illegible] 6]

23. AR Number [illegible] 6]

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1,1

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☐	☑	06/14/2005	7097925

4. Served To	5. Operator
Bill Currence Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Continuation of 8. Condition or Practice

that has numerous switches, derails, and turns. The track is subject to frequent changes in elevation. The track rails are subject to moisture due to water and condensation from temperature changes. Failure to provide and maintain properly operational sanding devices could easily contribute to run away haulage equipment, a collision between two pieces of track mounted equipment resulting in a serious accident, or a miner traveling on foot being struck by the vehicle. This is a Notice to Provide Safeguard requiring personnel carriers that are designed to transport in excess of five miners and locomotives be provided with properly installed and well-maintained sanding devices at each wheel that will deposit sand on the track rails in both directions of travel. When sanding devices are required, sand reservoirs shall be checked and filled with sand as necessary before a vehicle is used to transport persons, and sand shall be maintained in the sand reservoirs of each track-mounted vehicle while persons are being transported in the mine."

Section III–Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054745

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[6]	[6]	06/14/2005	1130

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

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	06/14/2005	7097925 - 01

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Terminated due to the safety director training the miners on what is required during the pre-operational check's on the following dates: 06/21/2005, 06/22/2005 and 06/23/2005.

Section III–Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054745

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	06/27/2005	0400

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

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	06/14/2005	7097925 - 02

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Change	From	To
2. Issue Time	11:30	16:00

Reason Entered the wrong time on the citation when issuing.

Section III–Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☑ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054745

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	06/29/2005	0814

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

18 AUG 2005

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/03/2005	1915		7098131

4. Served To	5. Operator
Brad Hamrick	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The approved ventilation plan is not being complied with on the 1-Left, 006-0 MMU working section in that the air quantity in the last open crosscut is not being maintained to at least 9000 cubic feet per minute. When this inspector attempted to take a air reading in the last open crosscut between the #2 & #3 entry's the wheel on the approved and calibrated anemometer would not even turn.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.~~370(a)(1)~~ 3256

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: 002

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

12. Type of Action	13. Type of Issuance (check one)			
104(a)	Citation ☑	Order ☐	Safeguard ☐	

14. Initial Action (A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐)	E. Citation/ Order Number	F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/03/2005	1935	

Section III--Termination Action

17. Action to Terminate: Terminated due to the check curtains and run through curtains being tighten. The ventilation was rechecked and the air quantity in the last line of open crosscuts is now 16,758 CFM.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/03/2005	1935	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: [6] — 23. AR Number: [6]

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.

8/05

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	08/03/2005	7098131 - 01

4. Served To	5. Operator
Brad Hamrick	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Change	From	To
9. C. Part/Section	75.370(a)(1)	75.325(b)

Reason Issued under the wrong section of the 30 CFR in error.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☑ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	08/04/2005	1230

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

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

1915 75.370(a)(1)

7098131 S&S-NO

The approved ventilation plan is NOT being complied with ON The 1-Left, 006-0 MMU working section in that The air quantity in the last open crosscut is NOT being maintained To at least 9000 cubic feet per minute. When this inspector attempted To Take a air reading in The last open

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

The face of The #2 entry without an adequate supply of air movement.

when a accident does occur from this type of Condition it will be of a Serious nature from Methane accumulating causing fire, burns, smoke inhalation injuries and also injuries To miners from breathing respirable dust.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

Crosscut between the #2 & #3 entry's The wheel on The approved and Calibrated anemometer would NOT even Turn.

The mine examiner should have Known of this Condition

This Condition occured this shift.

2 miners exposed as The bolted in

Inspector's Initials [6]

Supervisor's Initials and Date

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☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

It is unlikely That a accident will occur from this condition. Air mouvment was detected in The last open Crosscut. The minimum requirement of 9000 CFM was NOT provided in The last open Crosscut.

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 40

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/08/2005	0605		7098132

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The #CO1 mantrip which is used to transport miners in and out of the mine is not maintained in a safe operating condition. All of the four sanding devices which are located on this mantrip will not provide sand to the wheels and track for traction purpose's. Two of the sand storage containers are empty of sand and two of the sand storage containers are plugged up with wet sand. This mine has several grade's and the track ranges from wet to dry. There have been 9 citations issued for violations of section of 75.1403 at this mine since 05/03/2005.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1403

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: 001

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

12. Type of Action: 104(a) — 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: 7097925 — F. Dated (Mo Da Yr): 06/14/2005

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/08/2005	0620	

Section III--Termination Action

17. Action to Terminate: Terminated due to the wet sand being cleaned from the sand storage containers and all four of the sand storage containers being filled with dry sand. The sanding device's will now function as required.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/08/2005	0620	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: [illegible] — 23. AR Number: [illegible]

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.

8/08

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

6:05 75.1403

7098132 S+S-yes

The #101 mantrip which is used to transport miners in and out of the mine is not maintained in a safe operating condition. All of the four sanding devices which are located on this mantrip will not provide sand to the wheels and track for traction purposes. Two of the sand storage containers

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 10

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

are empty of sand and two of the sand storage containers are plugged up with wet sand. This mine has several grade's and the track ranges from wet to dry. There have been 9 citations issued for violations of section of 75.1403 at this mine since 05/03/2005.

The [6] should have seen this condition during

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 11

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

The pre-operational check's,

Based on my mining experience this condition has existed for more than one shift.

One miner is exposed

when a accident does occur from this type of condition it will be of a serious nature from bruising, lacerations, broken bones, amputations

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

related to injuries caused from derailment of a mantrip.

It is Reasonably Likely that a accident will occur from this type of condition. The track haulage in this mine has several grade's and the track rail's range from wet to dry.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

SAFEGUARD

Section I–Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
06/14/2005	1130		7097925

4. Served To	5. Operator
Bill Currence _ Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

It would be good to have the equipment numbers in enhance readability (The No. 1 personnel carrier struck the No. 3 personnel carrier …..). Otherwise, here is suggested wording.

"On 05/07/2005, a miner was injured in a collision when a personnel carrier slid on the supply track haulage rails and struck a separate personnel carrier which was stopped. The injured miner was sitting in the parked personnel carrier and struck his head against the canopy at the time of impact. The track mounted personnel carrier which slid was being operated without sanding devices being operational. This is a large, complex coal mine with numerous pieces of haulage equipment traveling on track haulage

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1403

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:

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

12. Type of Action	13. Type of Issuance (check one)		
314(b)	Citation ☐	Order ☐	Safeguard ☑

14. Initial Action	E. Citation/ Order Number	F. Dated (Mo Da Yr)
A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐		

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	06/18/2005	0800	

Section III–Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV–Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
F01	4054745		

22. Signature [6] — 23. AR Number [6]

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.

1,1

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☐	☑	06/14/2005	7097925

4. Served To	5. Operator
Bill Currence Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Continuation of 8. Condition or Practice

that has numerous switches, derails, and turns. The track is subject to frequent changes in elevation. The track rails are subject to moisture due to water and condensation from temperature changes. Failure to provide and maintain properly operational sanding devices could easily contribute to run away haulage equipment, a collision between two pieces of track mounted equipment resulting in a serious accident, or a miner traveling on foot being struck by the vehicle. This is a Notice to Provide Safeguard requiring personnel carriers that are designed to transport in excess of five miners and locomotives be provided with properly installed and well-maintained sanding devices at each wheel that will deposit sand on the track rails in both directions of travel. When sanding devices are required, sand reservoirs shall be checked and filled with sand as necessary before a vehicle is used to transport persons, and sand shall be maintained in the sand reservoirs of each track-mounted vehicle while persons are being transported in the mine."

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054745

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	06/14/2005	1130

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

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	06/14/2005	7097925 - 01

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Terminated due to the safety director training the miners on what is required during the pre-operational check's on the following dates: 06/21/2005, 06/22/2005 and 06/23/2005.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054745

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	06/27/2005	0400

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

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	06/14/2005	7097925 - 02

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Change	From	To
2. Issue Time	11:30	16:00

Reason Entered the wrong time on the citation when issuing.

See Continuation Form ☐

Section III–Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☑ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number			
E01	4054745			
11. Signature		**AR Number**	**12. Date** Mo Da Yr	**13. Time (24 Hr. Clock)**
[illegible]		[illegible]	06/29/2005	0814

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

Mine Citation/Order

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

24 AUG 2005

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/08/2005	0725		7098133

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The approved ventilation plan is not being complied with on the 2-Left, 003-0 MMU working section in that the air quantity in the last open crosscut is not being maintained to at least 9000 cubic feet per minute. When this inspector attempted to take a air reading in the last open crosscut between the #2 & #3 entry's located one block inby SS4092, the wheel on the approved and calibrated anemometer would not even turn.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			~~75.370(a)(1)~~ 75.325a

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: 002

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

12. Type of Action: 104(a) — 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 — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/08/2005	0740	

Section III--Termination Action

17. Action to Terminate: Terminated due to the check curtains and run through curtains being tighten. The ventilation was rechecked and the air quantity in the last line of open crosscuts is now 15,029 CFM.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/08/2005	0740	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: [illegible] — 23. AR Number: [illegible]

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.

8/10

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	08/08/2005	7098133 - 01

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Change	From	To
9. C. Part/Section	75.370(a)(1)	75.325(a)

Reason Issued under the wrong section of the 30 CFR in error.

Section III--Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☑ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	08/09/2005	0434

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

MC 8/10

MSHA Form 7000-1OK, June 93 (revised)

Date 8-8-05

7:25 75.370(a)(1)

7098133 S&S-NO

The approved VENTILATION plan is NOT being complied with on the 2- left, 003-0 MMU working Section in That the air Quantity in The last open Crosscut is NOT being maintained To at least 9000 Cubic feet per minute. when This inspector attempted to Take an air reading in the last open

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-1OK, June 93 (revised)

Date 8-8-05

Crosscut between the #2 & #3 entry's located one block in by SS4092, The wheel on the approved and calibrated anemometer would not even Turn.

The mine examiner Should have known of this Condition.

Based on my mining experience this Condition has existed for at least one Shift.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

One miner is exposed when a accident does occur from this Type of Condition it will be of a Serious Nature from the quantity of air not being maintained to sweep methane and respirable dust from the face areas of this Section. It is unlike a accident will occur in that a small amount of air movement

Inspector's Initials [6]

Supervisor's Initials and Date

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

was detected and also no methane was detected. The area of the last open crosscut is 19 feet wide by 7 feet high which equals 133 square feet.

Inspector's Initials [6]

Supervisor's Initials and Date

U.S. G.P.O.2005:742-563

SAFEGUARD

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/08/2005	1045		7098134

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

On August 08,2005 the coal feeder which is equipped with a crusher was observed in operation on the 1-Left, 006-0 MMU section at Sago #3 mine. The load end of the feeder is approximately 14 inches above the mine floor and a miner could easily step or fall onto the moving conveyor chain and be transported into and through the crusher. Such an incident would result in fatal injuries to the miner. Becoming entangled in feeder conveyors and being pulled into the crusher has fatally injured several miners.

This is a Notice to Provide Safeguards requiring that an emergency stop device, which is properly designed, be maintained between the load end and the crusher of all such feeders at this mine. The device shall be designed and located so that a miner entangled in the conveyor chain can stop the feeder before he reaches the crusher.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1403

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:

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

12. Type of Action	13. Type of Issuance (check one)	
314(b)	Citation ☐ Order ☐	Safeguard ☑

14. Initial Action — A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐ — E. Citation/ Order Number — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/08/2005	1115	

Section III--Termination Action

17. Action to Terminate: Terminated due to the emergency stop switch on the Stamler coal feeder being relocated on the coal feeder. The emergency stop switch will now de-energize the power from the coal feeder when the

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/08/2005	1115	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: E 6 7 — 23. AR Number: E 6 3

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.

upd 8/10

SAFEGUARD

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☐	☑	08/08/2005	7098134

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Continuation of 17. Action to Terminate

emergency stop switch pull cord is pulled.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	08/08/2005	1045

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

Date 8-8-05

10:45 75.1403

7098134 Safeguard

On August 08, 2005 The coal feeder which is equiped with a crusher was observed in operation on the 1-left, 006-0 mmu Section at Sago #3 Mine. The load end of the feeder is approximately 14 inches above the mine floor and a miner could easily step or fall onto the moving conveyor chain and

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be transported into and through the crusher. Such an incident would result in fatal injuries to the miner. Becoming entangled in feeder conveyors and being pulled into the crusher has fatally injured several miners.

This is a notice to provide safeguards requiring that an emergency stop device, which is properly designed,

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be maintained between the load end and the crusher of all such feeders at this mine. The device shall be designed and located so that a miner entangled in the conveyor chain can stop the feeder before he reaches the crusher.

The mine examiner should have known of this condition.

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MSHA Form 7000-10K, June 93 (revised)

Date 8-9-05

Based on my mining experience this condition has existed for several shifts.

One miner is exposed when a accident does occur from this type of condition it will be of a serious nature. A miner can be fatally injured by becoming entangled in feeder conveyors and being

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pulled into a turning crusher.

It is reasonably likely that a miner will can easily step or fall into a moving conveyor chain when it is located approximately 14 inches above the mine floor. The mine floor on this section is sloppy wet and slippery.

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Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/09/2005	0745		7098135

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791

8. Condition or Practice (Contractor) — 8a. Written Notice (103g) ☐

The fire suppression system of the Joy 14CM15 remote controlled continuous mining machine serial no. JM5581, company #4 being operated on the 1-Left, 006-0 MMU working section is not properly maintained. When the system was activated three of the 10 sprays located on the top surface of the continuous mining machine would not provide water to the top surfaces of the continuous mining machine for fire protection purposes. This machine uses combustible hydraulic oil. This is a remote controlled mining machine that is operated in extended cuts. The approved ventilation plan requires that this system be tested daily. There have been 11 citations issued for violations of section 75.1107-16(b) at this mine since 02/17/2005.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1107-16(b)

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: 001

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

12. Type of Action: 104(a) — 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 — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/09/2005	0805	

Section III--Termination Action

17. Action to Terminate: Terminated due to the sprays being cleaned for the fire suppression system of the #2 Joy continuous mining machine.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/09/2005	0805	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: E 6 3 — 23. AR Number: E 6 3

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.

MSHA Form 7000-10K, June 93 (revised)

Date 8-9-05

7:45 75.1107-16(b)

2098135 S&S-NO

The fire Suppression System of the Joy 14CM15 remote Controlled Continuous mining machine Serial no. JM5581, Company #4 being operated on the 1-Left, 004-0 mmu working section is NOT properly maintained. When the System was activated Three of the 10 Sprays located on the Top surface of the Continuous mining machine for fire protection

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MSHA Form 7000-10K, June 93 (revised)

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purposes. This machine uses Combustible hydraulic oil. This is a remote Controlled mining machine that is operated in extended cuts. The approved ventilation plan requires that this system be tested daily. There have been 11 citations issued for violations of Section 75.1107-16(b) at this mine since 02/17/2005.

Inspector's Initials [6]

Supervisor's Initials and Date

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MSHA Form 7000-10K, June 93 (revised)

Date 8-9-05

The [6]: [6] should have seen this condition during the pre-operational checks.

Based on my mining experience this condition has existed for more than one shift.

One miner is exposed

when a accident does occur from this type of condition it will be of a serious

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Supervisor's Initials and Date

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MSHA Form 7000-10K, June 93 (revised)

Date 8-9-05

Nature from Fire, burns, Smoke Inhalation.

It is unlikely that a accident will occur from this type of condition. The mine is sloppy wet.

Inspector's Initials [6]

Supervisor's Initials and Date

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Mine Citation/Order

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

Section I–Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/09/2005	0910		7098136

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791

8. Condition or Practice (Contractor) 8a. Written Notice (103g) ☐

The trailing cable for the #7 PMS 10SC shuttle car serial no. 2009, Approval no. 2G-3936-0 being operated on the 1-Left, 006-0 MMU working section is not adequately insulated and fully protected. The outer jacket of the trailing cable has a cut through the outer insulating jacket that measured 1/8 of an inch wide by 3/4 of an inch long, which expose the inner insulated power leads. A inner insulated power lead also has the insulation cut for approximately 1/8 of an inch wide by 1/4 of an inch long which exposes the bare energized power leads that provide 575 VAC to this shuttle car. The mine floor is sloppy wet and the miners normally handle the trailing cables. There have been 10 citations issued for violations of section 75.517 at this mine since 05/24/2004.

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	See Continuation Form (MSHA Form 7000-3a) ☐
			75.517	

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: 001

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

12. Type of Action: 104(a)

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 F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/09/2005	0945	

Section III–Termination Action

17. Action to Terminate: Terminated due to the #7 shuttle car trailing cable being adequately insulated and fully protected.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/09/2005	0945	

Section IV–Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [6] 23. AR Number [6]

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.

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MSHA Form 7000-10K, June 93 (revised)

Date 8-9-05

9:10 75.517

2098134 S+S-yes

The Trailing cable for the #7 PMS 10SC shuttle car Serial no. 2009, Approval no. 2A-3936-0 being operated on the 1-Left, 006-0 MMU working section is NOT adequately insulated and fully protected. The outer jacket of the Trailing cable has a cut through the outer insulating jacket that measured 1/8 of an

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Supervisor's Initials and Date

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MSHA Form 7000-10K, June 93 (revised)

Date 8-9-05

inch wide by 3/4 of an inch long, which expose the inner insulated power leads. A inner insulated power lead also has the insulation cut for approximately 1/8 of an inch wide by 1/4 of an inch long which exposes the bare energized power leads that provide 575 VAC To this shuttle car. The mine floor is sloppy wet and the miners

Inspector's Initials [6]

Supervisor's Initials and Date

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Date 8-9-05

normally handle the Trailing cables. There have been 10 citations issued for violations of section 75.517 at this mine since 05/24/2005.

The [6] [6] should have seen this condition during the pre-operational checks.

Based on my mining experience this condition has existed for more

Inspector's Initials [6]

Supervisor's Initials and Date

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MSHA Form 7000-10K, June 93 (revised)

Date 8-9-05

than one shift.

one miner is exposed

when a accident does occur from this Type of Condition it will be of a serious nature from electrical shock, burns.

IT is Reasonably Likely That a accident will occur from this Type of Condition, the bare energized power leads are exposed

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Supervisor's Initials and Date

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and the mine floor is sloppy wet. The miners normally handle the trailing cables

Inspector's Initials [6]

Supervisor's Initials and Date

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Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/09/2005	1000		7098137

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

An adequate supply of potable drinking water is not provided on the 1-Left, 006-0 MMU working section for drinking purposes. All such drinking water shall be carried, stored, and otherwise protected in sanitary containers.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1718

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: 001

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

12. Type of Action: 104(a) — 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 — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/09/2005	1500	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature — 23. AR Number: 607

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.

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Mine Citation/Order Continuation

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

07 SEP 2005 K1

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	08/09/2005	7098137 - 01

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Terminated due to an adequate supply of drinking water being supplied on the (006-0) MMU working section.

Section III–Subsequent Action Taken

See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	E. Modified
			☐	☑	☐

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signatur	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	08/30/2005	0900

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

MC 9/07

MSHA Form 7000-10K, June 93 (revised)

Date 8-9-05

10100 75.1718

7098137 S&S-NO

An adequate supply of potable drinking water is not provided on the 1-left, 006-0 MMU working section for drinking purposes. All such drinking water shall be carried, stored, and otherwise protected in sanitary containers.

The section foreman should have known of this condition.

Inspector's Initials [6]

Supervisor's Initials and Date

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MSHA Form 7000-10K, June 93 (revised)

Date 8-9-05

This condition has existed for more than one shift.

One miner is exposed

It is unlikely that a accident will occur from this condition.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/16/2005	1055		7098153

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The mine roof of the 003-0 MMU is not adequately supported or controlled as follow: (1) # 7 entry beginning at spad # 4090. The mine roof between the left rib and the outside row of bolts for 36' distance is broken with pieces of loose hanging rock from 1" to 5" thick by 10" to 14" wide by 2' to 3' long. (2) The right rib is loose hanging from just inby the last open crosscut inby for 28' distance. Rib is 10 to 14" thick with the top brow being 8' long and 12" to 14" thick. Rib is 8' high. (3) The outby corner of the last open crosscut of #7 entry is loose and gapping out by 1" loose rib is 4' wide by 9' high and 12" thick. (4) The mine roof along the left rib to the outside row of bolts, of the last open crosscut from 7 to 6 is broken and has numerous pieces of loose hanging rock up to 4" thick that looks as if they will fall without warning. (5) The right inby corner of

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.202(a)

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: 001

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

12. Type of Action	13. Type of Issuance (check one)		
104(d)(2)	Citation ☐	Order ☑	Safeguard ☐

14. Initial Action: A. Citation ☐ B. Order ☑ C. Safeguard ☐ D. Written Notice ☐

E. Citation/ Order Number	F. Dated (Mo Da Yr)
7097827	05/20/2005

15. Area or Equipment: The #5 through #7 entries of the 003-0 mmu.

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

Section III--Termination Action

17. Action to Terminate: The loose material was taken down and the requirements were discussed with mine management.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/16/2005	1145	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: [6] — 23. AR Number: [6]

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.

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Mine Citation/Order Continuation

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

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Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☐	☑	08/16/2005	7098153

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

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.

Section III–Subsequent Action Taken — See Continuation Form ☐

8. Extended To A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number			
E01	4054749			
11. Signature	**AR Number**	**12. Date Mo Da Yr**	**13. Time (24 Hr. Clock)**	
[6]	[6]	08/16/2005	1055	

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

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

10:55 75.202(a)

7098153 S+S - yes

The mine roof of the 003-0 MMU is NOT adequately supported or controled as follow: (1) #7 entry beginning at spad #4090. The mine roof between the left rib and the outside row of bolts for 36' distance is broken with pieces of loose hanging rock from 1" To 5" thick by 10" To 14" wide by 2' To 3' long. (2) The right

Inspector's Initials [6]

Supervisor's Initials and Date Page No. 8

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MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

rib is loose hanging from just inby the last open crosscut inby for 28' distance. Rib is 10" To 14" thick with the top brow being 8' long and 12" To 14" thick. Rib is 8' high. (3) The outby corner of the last open crosscut of #7 entry is loose and gapping out by 1" loose rib is 4' wide by 9' high and 12" thick. (4) The mine roof along the left rib To the out-

Inspector's Initials [6]

Supervisor's Initials and Date Page No. 9

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MSHA Form 7000-10K, June 93 (revised)

Date

side row of bolts, of the last open crosscut from 7 To 6 is broken and has numerous pieces warning. (5) The right inby corner of 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

Inspector's Initials [6]

Supervisor's Initials and Date Page No. 10

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MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

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

Inspector's Initials [6]

Supervisor's Initials and Date

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MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

struck by roof rock causing a broken back injury. There was also a serious fall of rock accident that occured 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.

Inspector's Initials [6]

Supervisor's Initials and Date

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MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

The mine examiner should have known of this condition, The miners should have also seen ~~of~~ this condition during the pre-operational checks.

Based on my mining experience this condition has existed for several shifts.

One miner is exposed

Inspector's Initials [6]

Supervisor's Initials and Date

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MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

When a accident does occur from this Type of Condition it will be of a serious nature from bruising, lacerations, broken bones, Amputations.

IT is Reasonably likely That a accident will occur from this Type of Condition. The Miners are exposed To loose rock and Coal hanging from The mine roof & Ribs which appears That

Inspector's Initials [6]

Supervisor's Initials and Date

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

it could fall at any Time without warning.

Two miners have been injuried on this section from rock falling from The mine roof since 7-11-05.

The listed Conditions were obvious and should have been detected and corrected.

Inspector's Initials [6]

Supervisor's Initials and Date

U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/16/2005	1430		7098154

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID
SAGO MINE	46-08791

(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The primary escapeway for the (003) & (006) MMU is not being maintained in a safe condition to always assure safe passage of anyone, including disabled persons. The following conditions were observed by this inspector. (1) The mine roof has deteriorated away leaving the crossbars which were installed to control the mine roof. The crossbars are ranging roof 5 to 25 inches from the mine roof for approximately 50 feet in length. The mine roof has also deteriorated away just inby the tunnel liner arches in the intake entry just outby #5 block. (2) The travelway is obstructed in several locations that create a slip, trip and fall hazard. (3) The escapeway travel way is obstructed by concrete blocks and rock from the mine roof at Spad #5100. (4) Loose rock is hanging in several location along the #1 and #2 conveyor belts from the mine roof deteriorating.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.380(d)(1)

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: 001

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: 7097827 — F. Dated (Mo Da Yr): 05/20/2005

15. Area or Equipment: The primary escapeway from the drift to the #3 conveyor belt head drive.

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

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: [illegible] — 23. AR Number: [illegible]

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.

8/19

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	08/16/2005	7098154 - 01

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

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.

See Continuation Form ☐

Section III–Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number			
E01	4054749			
11. Signature	**AR Number**	**12. Date Mo Da Yr**	**13. Time (24 Hr. Clock)**	
[illegible]	[illegible]	08/17/2005	1620	

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

8/19

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

14:30 75.380(d)(1)

7098154 S&S-yes

104-d-2 order

The primary escape-way for the (003) & (006) MMU is NOT being main-tained in a safe condition To always assure safe passage of any one, including disabled persons. The following conditions were observed by this inspector. (1) The mine roof has deteriorated away leaving the Cross bars which were installed

Inspector's Initials [6]

Supervisor's Initials and Date

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

To control the mine roof. The cross bars are ranging from 5 To 25 inches from the mine roof for approx-imately 50 feet in length. The mine roof has also deter-iorated away just inby the Tunnel liner arches in the intake entry just outby #5 block. (2) The Travelway is obstructed in several locations that create a slip, Trip and fall hazard. (3) the escape-

Inspector's Initials [6]

Supervisor's Initials and Date

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

way Travelway is obstructed by concrete blocks and rock from the mine roof at Spad #5100. (4) Loose rock is hanging in several locations along the #1 and #2 Conveyor belts from the mine roof deteriorating.

Inspector's Initials [6]

Supervisor's Initials and Date

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

The mine examiner Should have Known of These Condition. Theee Conditions would be obvious To any prudent person.

Based on my mining experience Theie conditions have exsTed for an extended period of Time.

ONE miner is exposed

when a accident does occur from This Type

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O 2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

of Condition it will be of a serious nature from miners being exposed to numerous hazardous condition.

IT is Reasonably likely That a accident will occur from this Type of Condition. Loose Rock hanging from the mine roof which appears That it could fall at any Time without notice. Slip, Trip, and fall hazards exist throughout The entire

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O 2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

length of the primary escapeway in that loose rock, concrete block's from previous stoppings, mud & water ranging from 6" To 28" deep is allowed To accumulate in several areas of the primary escapeway. The primary escapeway is NOT maintained in a condition To where Miners, including disabled miners can safely Travel from the working sections

Inspector's Initials [6]

Supervisor's Initials and Date

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

To the surface in an emergency.

Inspector's Initials [6]

Supervisor's Initials and Date

U.S. G.P.O.2005:742-563

Mine Citation/Order

09 SEP 2005

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/16/2005	1145		7098155

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

A bar of an adequate length is not provided for taking down loose material on the (003) MMU working section. The bars that are provided on this section are not of a length and design that will allow the removal of loose material from a position that will not expose the person performing this work to injury from falling material. The mining height measured from 7 feet to 10 feet high on this section.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.211(d)

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: 001

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

12. Type of Action	13. Type of Issuance (check one)			
104(a)	Citation ☑	Order ☐	Safeguard ☐	

14. Initial Action	E. Citation/ Order Number	F. Dated (Mo Da Yr)
A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐		

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/17/2005	0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [illegible] — 23. AR Number [illegible]

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.

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Mine Citation/Order Continuation

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

X1

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	08/16/2005	7098155 - 01

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Terminated due to a bar of the proper length and design being provided on the 2-Left, (003) MMU section for the purpose of taking down loose material.

See Continuation Form ☐

Section III–Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number			
E01	4054749			
11. Signature	**AR Number**	**12. Date Mo Da Yr**	**13. Time (24 Hr. Clock)**	
[illegible]	[illegible]	08/30/2005	1310	

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

MC 9/07

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

11:45 75.211(d)

7098155 SDS-yes

A bar of an adequate length is not provided for taking down loose material on the (003) mmu working section. The bars that are provided on this section are not of a length and design that will allow the removal of loose material from a position that will not expose the person performing this work to injury from falling

Inspector's Initials [6]

Supervisor's Initials and Date

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MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

material. The mining height measured from 7 feet to 10 feet high on this section.

The section foreman should have known of this condition.

Based on my mining experience this condition has existed for several shifts.

One miner is exposed

Inspector's Initials [6]

Supervisor's Initials and Date

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Date 8-16-05

when a accident does occur from this Type of Condition it will be of a serious nature from bruising, lacerations broken bones, Amputations

IT is Reasonably likely That a accident will occur from this Type of Condition at This mine. The mining height ranges from 7' To 10' high on This section. When a bar is used To Scale loose rock

Inspector's Initials [67]

Supervisor's Initials and Date

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Date 8-16-05

from the mine roof That is NOT of an adequate length and design The miner is exposed To falling material. Rock can fall and strike a miner causing serious injuries when The proper Tools are NOT provided To scale The mine roof.

Inspector's Initials [67]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/16/2005	0815		7098156

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The primary escapeway for the (003) & (006) MMU sections is not being maintained in a safe condition to always assure safe passage of anyone, including disabled persons. The following conditions were observed by this inspector in the primary esacpeway starting at the #3 conveyor belt and extends inby to where the mine roof screened area starts at Trubie Run. (1) The walkway is obstructed by concrete blocks, rock that has deteriorated and fallen from the mine roof which ranges from 6" to 15 inches deep. (2) The mine roof has deteriorated away from around the permanently installed fully grouted roof bolts at #9 block along the #3 conveyor belt, some roof bolt plates now range from 8" to 12" from the mine roof. (3) The walkway leading to the personnel door located at #16 block along the #3 conveyor belt is obstructed with rock, concrete blocks and wooden pallets. (4) The

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.380(d)(1)

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: 001

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

12. Type of Action	13. Type of Issuance (check one)	
104(a)	Citation ☑	Order ☐ Safeguard ☐

14. Initial Action	E. Citation/ Order Number	F. Dated (Mo Da Yr)
A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐		

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/01/2005	0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [6] — 23. AR Number [6]

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.

8/19

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☐	☑	08/16/2005	7098156

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Continuation of 8. Condition or Practice

walkway at the outby end of the tunnel liner located at #32 block is obstructed with mud and water that ranges from 10" to 18" deep. (5) loose rock is hanging from the mine roof in several locations of the travelway starting at the #3 conveyor belt head and extends inby to where the screening starts at Trubie Run.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number			
E01	4054749			
11. Signatur	**AR Number**	**12. Date Mo Da Yr**	**13. Time (24 Hr. Clock)**	
[illegible]	[illegible]	08/16/2005	0815	

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

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	08/16/2005	7098156 - 01

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Additional time is granted to correct the listed conditions. It took longer to get the additional equipment to the mine site then expected. When the equipment was received at the mine site mechanical work had to be conducted on the equipment before it could be transported underground to start the project. The screening and cleaning of the primary escapeway is in process at this time. Citation is extended until 09/22/2005 and the amount of progress accomplished at that time will determine any further extensions.

Section III–Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified
	09/22/2005	0600			

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	08/31/2005	1430

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

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑ ☐	08/16/2005	7098156 - 02

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Extended due to 29 blocks out of 39 block of the mine roof has been screened in the primary escapeway. Approximately one to two blocks of screening is the average distance that the screening is being installed on the mine roof in the primary escapeway per day.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated ☐ D. Terminated ☐ E. Modified
	10/21/2005	0600	

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[signature]	[illegible]	09/28/2005	0625

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

upl 10/04

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑ ☐	08/16/2005	7098156 - 03

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Change	From	To
17. Action To Terminate		

Reason Entered the wrong block numbers in the extension of this citation.

Modify extension of citation no.70989156-02 to read as 55 blocks out of 65 blocks.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	E. Modified
			☐	☐	☑

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	09/28/2005	0628

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

10/10/04

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-2005

0815 75.380(d)(1)(i)

7098156 S+S-yes

The primary escapeway for the (003) & (006) mine sections is not being maintained in a safe condition to always assure safe passage of anyone, including disable persons. The following conditions were observed by this inspector in the primary escapeway starting at the #3 conveyor belt and extends inby to where the mine roof screened area starts at Trubie Run. (1) The walkway is obstructed by concrete blocks, rock that has deteriorated and fallen

Inspector's Initials [6]

Supervisor's Initials and Date

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Date 8-16-2005

7098156

from the mine roof which ranges from 6" to 15 inches deep. (2) The mine roof has deteriorated away from around the permanently installed full grouted roof bolts at #4 block along the #3 conveyor belt, some roof bolt plates now range from 8" to 12" from the mine roof. (3) The walkway leading to the personal door located at #16 block along the #3 conveyor belt is obstructed with rock, concrete blocks and wooden pallets. (4) The walkway at the entry

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-2005

7098156

end of the tunnel liner located #32 block is obstructed with mud and water that ranges from 10" to 18" deep. (5) Loose rock is hanging from the mine roof in several locations of the travelway starting at the #3 conveyor belt head end and extends inby to where the screening starts at Trubie Run.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

The mine examiner should have known of this condition. This condition would be obvious to any prudent mine examiner

Based on my mining experience this condition has existed for several shifts.

One miner is exposed

when a accident does occur from this type of condition it will

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

be of a serious nature from bruising, lacerations, broken bones, amputations

It is reasonably likely that a accident will occur from this type of condition. The miners being exposed to numerous hazards will result in injuries to miners. The miners can be injuried when attempting to exit the mine traveling the primary escapeway

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

in an emergency. when a safe 6 feet wide Travelway is not provided for the miners to travel from the section to the surface in the primary escapeway, miners can be seriously injuried.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I–Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/16/2005	1000		7098157

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The primary escapeway for the (003) & (006) MMU sections is not being maintained in a safe condition to always assure safe passage of anyone, including disabled persons. The following conditions were observed by this inspector in the primary escapeway starting at the tunnel liner located at Trubie Run. (1) Mud and water in the walkway for distance of 2 blocks starting at #37 block along the #3 conveyor belt which ranges from 8" to 26 " deep. (2) Loose rock is hanging in several locations of the walkway starting at Trubie Run and extends inby to the (006) section. (3) The ramps that are provided for the miners to travel across the overcast in the escapeway located at the old 2-Right section are made of lumber which is wet, slick, obstructed with rock that has fallen from the mine roof and these ramps were installed on a step slope which makes it difficult for

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.380(d)(1)

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: 001

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

12. Type of Action: 104(a) — 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 — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/01/2005	0800	

Section III–Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV–Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [6] — 23. AR Number [6]

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.

8/19

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☐	☑	08/16/2005	7098157

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Continuation of 8. Condition or Practice

miners that are not disabled to cross.(4) The travelway to the personnel door located at #14 block being obstructed with 18" to 30" of mud and rock. (5) A permanently installed roof bolt has the plate and bolt head broken off over the walkway located at #14 block along #4 conveyor belt. (6) The escapeway is not maintained travelable from just outby #18 block to just inby #19 block along the #4 conveyor belt due to excessive mud and water. (7) Loose rock is hanging just inby #26 block along the #4 conveyor belt that ranges from 3" thick by 5' long by 3" to 14" wide. (8) An excessive amount of mud and water that ranges from 10 " to 24'" deep has been allowed to accumulate in the travelway starting from #22 block along #4 conveyor belt and extends inby approximately 3 blocks inby the #6 conveyor belt which is the (006) MMU section conveyor belt. (9) Loose rocks hanging from the mine roof just inby #37 block that measured (1) 12" wide by 20" long by 4" thick, (2) measured 3' by 4' by 5" to 12" thick, (3) measured 5' by 3' by 3" to 12" thick. (10) The ramps that are provided for the miners to travel across the overcast located at the mouth of the (003) MMU section which are located at #51 block along #4 conveyor belt are made of lumber which is wet, slick, these ramps were installed on a step slope which makes it difficult for miners that are not disabled to cross.

See Continuation Form ☐

Section III–Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number			
E01	4054749			
11. Signature	**AR Number**	**12. Date Mo Da Yr**	**13. Time (24 Hr. Clock)**	
[illegible]	[illegible]	08/16/2005	1000	

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

Mine Citation/Order Continuation

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

08 SEP 2005

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	08/16/2005	7098157 - 01

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Additional time is granted to correct the listed conditions. It took longer to get additional equipment to the mine site then expected. When the equipment was received at the mine site mechanical work had to be conducted on the equipment before it could be transported underground to start the project. The screening and cleaning of the primary escapeway is in process at this time. Citation is extended until 09/22/2005 and the amount of progress accomplished a that time will determine any further extensions.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified
	09/22/2005	0600			

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
E 6 J	E 6J	08/31/2005	1435

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

9/07

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	08/16/2005	7098157 - 02

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Extended due to 29 blocks of the mine roof has been screened in the primary escapeway. Approximately 1/2 to one block of screening is the average distance that the screening is being installed on the mine roof in the primary escapeway per day.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	E. Modified
	10/21/2005	0600	☐	☐	☐

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	09/28/2005	0630

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

upt 10/04

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-2005

1000 75.380 (d) (1)

7098157

The plimary escapeway for the (003) & (006) MMU section is not being maintained in a safe condition to always assure safe passage of anyone, including disabled persons. The following conditions were observed by this inspector in the plimary escapeway starting at the tunnel liner located at Tubie Run. (1) Mud and water in the ~~travel~~ walkway for distance of 2 blocks starting at #37 block along the #3 conveyor belt which ranges from 8"

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-2005

7098157

to 26" deep. (2) Loose rock is hanging in several locations of the walkway starting at Tubie Run and extends inby to the (006) section. (3) The ramps that are provided for the miners to travel across the overcast in the escapeway located at the old 2 Right section are made of lumber which is wet, slick, obstructed with rock that has fallen from the mine roof and these ramps were installed on a step slope which makes it difficult for miners that

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-2005

7098157

Are not disabled to cross. (4) The Travelway to the personnel door located at #14 block being obstructed with 18" to 30" of mud and rock. (5) A permanently installed roof bolt has the plate and bolt head broken off over the walkway located at #14 block along #4 conveyor belt (6) The escapeway is not maintained travelable from just outby #18 block to just inby #19 block along the #4 conveyor belt due to excessive mud and water. (7) loose rock

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Date 8-16-2005

7048157

Is hanging just inby # 26 block along the # 4 conveyor belt that ranges from 3" thick by 5" long by 3" to 14" wide. (8) An excessive amount of mud and water that ranges from 10" to 24" deep has been allowed to accumulate in the travelway starting from # 22 block along # 4 conveyor belt and extends inby to the approximately 3 blocks inby the # 6 conveyor belt which is the (006) MMU section conveyor belt. (9) loose rocks hanging from the mine roof just inby # 22

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Date 8-16-2005

7048157

block that measured. (1) 12" wide by 20" long by 4" thick, (2) measured 3" by 4' by 5" to 12" thick, (3) Measured 5" by 3' by 3" to 12" thick. (10) The ramps that are provided for miners to travel across the overcast located at the mouth of the (003) MMU section which are located at # 51 block along # 4 conveyor belt are made of lumber which is wet, slick, these ramps were installed on a slope which makes it difficult for

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Date 8-16-2005

7048157

miners that are not disabled to cross

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

The mine examiner should have KNOWN of this condition. This CONDITION would be obvious TO ANY prudent mine examiner

Based on my mining experience this CONDITION has existed for several SHIFTS.

ONE miner is exposed

when a accident does occur from this type of CONDITION IT will

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

be of a serious nature from bruising, lacerations, broken bones, AMPUTATIONS

IT is REASONABLY LIKELY that a accident will occur from this type of CONDITION. The miners being exposed TO NUMEROUS hazards will result IN INJURIES TO MINERS. The miners CAN be injuried when attempting TO EXIT the mine Traveling the primary escapeway

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

IN AN EMERGENCY, WHEN A SAFE 6 FEET WIDE TRAVELWAY IS NOT PROVIDED FOR THE MINERS TO TRAVEL FROM THE SECTION TO THE SURFACE IN THE PRIMARY ESCAPEWAY, MINERS CAN BE SERIOUSLY INJURIED.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/16/2005	1300		7098158

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791

8. Condition or Practice (Contractor) 8a. Written Notice (103g) ☐

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.

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	See Continuation Form (MSHA Form 7000-3a) ☐
			75.364(b)(1)	

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: 001

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

12. Type of Action	13. Type of Issuance (check one)			
104(d)(2)	Citation ☐	Order ☑	Safeguard ☐	

14. Initial Action						
A. Citation ☐	B. Order ☑	C. Safeguard ☐	D. Written Notice ☐	E. Citation/ Order Number	7097827	F. Dated (Mo Da Yr) 05/20/2005

15. Area or Equipment The primary escapeway from the surface to the (006) MMU working section.

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

Section III--Termination Action

17. Action to Terminate An examination of the primary escapeway was conducted on 08/17/2005 and the hazardous conditions were recorded in the examination record keeping book.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/17/2005	1630	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [illegible] 23. AR Number [illegible]

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.

lwp 8/19

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-2005

1300 75.364 (b) (1)

7098158

The weekly examination for hazardous conditions that was conducted on 08-10-2005 for the intake (plinary escapeway) for the (003) & (006) MMU section 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

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-2005

7098158

were not recorded in the record keeping book or no corrective action has been taken.

The mine examiner should have KNOWN of this CONDITION. These CONDITION would be obvious to any prudent person.

Based on my mining experience these conditions have existed for several shifts

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

One miner is exposed

when a accident does occur it will be of a serious nature from bruising, lacerations, broken bones, Amputations

IT is Reasonably likely that a accident will occur from this Type of Condition. Mine examinations are the first line of defence To detect and correct hazardous conditions at their earliest possible

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

STages To reduce miner' being exposed To hazardous conditions

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/16/2005	1000		7098159

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID
SAGO MINE	46-08791

8. Condition or Practice (Contractor) 8a. Written Notice (103g) ☐

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	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	See Continuation Form (MSHA Form 7000-3a) ☐
			75.340(a)(1)(i)	

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: 001

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: 7097827 F. Dated (Mo Da Yr): 05/20/2005

15. Area or Equipment: The #5 scoop charger located in the intake entry at #49 block along the #4 conveyor belt.

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

Section III--Termination Action

17. Action to Terminate: The mine operator immediately removed the #5 scoop charger from service by de-energizing and locking and tagging out of service.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/16/2005	1005	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	22. Signature	23. AR Number
E01	4054749		E 6 7	E67

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.

8/19

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-2005

1000 75.370(a)(1)(i)

7098154

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 clear 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

Inspector's Initials _____ [6]

Supervisor's Initials and Date _____ Page No. 46

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-2005

7098154

Sections which is used for ventilating working places. This condition is an existing violation at this mine due to the following citations / orders have been issued previously: (1) #7097102, (2) #7097123 (3) #7097835 This mines has a blowing ventilation system

The mine examiner should have known of this condition.

Inspector's Initials _____ [6]

Supervisor's Initials and Date _____ Page No. 47

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

Based on my mining experience this Condition has existed for several shifts

one miner is exposed

when a accident does occur from this type of condition it will be of a serious nature from fire, burns, smoke inhalation

Inspector's Initials _____ [6]

Supervisor's Initials and Date _____ Page No. 48

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

IT is Reasonably likely that a accident will occur from this type of Condition. the gasses that generates from the charging scoop batteries will be carried by the mine intake Ventilation directly to the (003) & (006) mmu sections where miners are extracting coal from it's Natural bed. when the energized battery Charger or scoop batteries Malfunction and generates

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-16-05

smoke it will be Carried directly To the (003) & (006) mmu Sections by the intake air current. Miners will be exposed To hazardous Conditions.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/22/2005	1115		7149367

4. Served To	5. Operator
BRAD PHIIPS	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8a. Written Notice (103g) ☐

8. Condition or Practice

The current approved roof control plan for the 2 left working section, 003 mmu was not being complied with in that four of the eight entries was not cut less than 18 feet in width. These entries measured from 19 feet 1 inch to 20 feet in width and another measured 18 feet 11 inches.

Since August 8, 2005 this section has had two roof falls and a fall of roof which result in injury to a worker. On August 12, 2005 a change to the roof control plan for this section was submitted and approved to limit the widths to 18 feet.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.220(a)

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: 001

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

12. Type of Action: 104(a) 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 F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/23/2005	0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [6] 8/22/05 23. AR Number [6]

MSHA Form 7000-3

Pursuant to 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.

9/07

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑ ☐	08/22/2005	7149367 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	7. Mine ID (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Terminated due to the entry's being narrowed to within 18 feet wide in the areas listed in the citation by setting timbers.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number			
E01	4054749			
11. Signature	**AR Number**	**12. Date Mo Da Yr**	**13. Time (24 Hr. Clock)**	
C 6]	C 6]	09/20/2005	0735	

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

9/20

MSHA Form 7000-10K, June 93 (revised)

Date 8/22/05

Cit # 7149367

75.2202 11:15

The App. R C Plan was not being complied with -

The ~~Plan~~ Plans - outlined on the 2-left Section 003 MMU was not mined < 18' wide.

4 of 8 was More the 19'

1-19'5" / 219'1"

5-19'5" 6-20'

And No. 4 At 18'11" wide

Inspector's Ini [6] 2

Supervisor's Initials and Date _____ Page No. _____

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8/22/05

Since 8/8/05 2 Dept FALL has Occured And A fall of roof inj. A Work on this Section / - A Ch. was Sub - And Appr. to reduce the cutting width on Section to < 18' wide

Could not det. that Any of the two or Cond - existed Since Wed of last wk 8/24/05

Inspector's Initials [6] 3

Supervisor's Initials and Date _____ Page No. _____

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8/22/05

Occ. is Reasonably Likely to occ. from the wire with. - (As Stated Above) to 1 Person And would result in At least lost workday injuries

Inspector's Initials [6] 4

Supervisor's Initials and Date _____ Page No. _____

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/22/2005	1205		7149368

4. Served To	5. Operator
BRAD PHIIPS	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The left side roof bolter (Fletcher dual boom) on the 2-left working section, 003 mmu was not being maintained in a safe working condition. The hydraulic hoses, one hose on each drill head had broken brads. These pressure on these hoses are set at 2000 psi and the machine operator must be in close proximity the hoses went operation the machine.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1725(a)

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: 001

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

12. Type of Action: 104(a) — 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 — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/22/2005	1300	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [illegible] 8/22/05 — 23. AR Number [illegible]

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.

9/07

Mine Citation/Order Continuation

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

29 SEP 2005

11.

Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑ ☐	08/22/2005	7149368 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Terminated due to the damaged high pressure hydraulic hoses on both drill heads on the left side (Fletcher dual boom) roof bolter being replaced with new hoses.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[6]	[6]	09/20/2005	0800

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

9/21

MSHA Form 7000-10K, June 93 (revised)

Date 8/22/05

Cit No. 7149368
12.05 / 75.1725(a)

The left side double head RB on the 2-left Section was not being MAINTAINED in safe working cond.

Mixd. hoses on each head had broken braids

No one even of Cond - existed for Abt 1 wk

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 5

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-22-05

Reasonably likely for A lost workday injury to 1 person

PSI / in the hose. Are set At 2000 lbs.

Workers must be Next to hoses during belt Operations.

The Operator removed the Machine from Service.

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 6

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/29/2005	0645		7098172

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The no.1 coal conveyor belt is not being maintained in a safe operating condition. The bottom coal conveyor belt is allowed to run out of alignment, causing it to rub the carriage for the coal conveyor take-up .The metal on the carriage is hot to the touch and the coal conveyor belt is smoking. This take-up is located in the pit mouth and the area is damp, also the air is flowing to the surface.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1725(a)

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: 001

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

12. Type of Action: 104(a) — 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 — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/29/2005	0710	

Section III--Termination Action

17. Action to Terminate: The no. 1 coal conveyor belt was realigned to correct the condition. The belt is now running correctly and not rubbing in the coal conveyor toke-up.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/29/2005	0710	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [6] — 23. AR Number [6]

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.

mc 9/08

Mine Citation/Order Continuation

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

2 8 SEP 2005

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	08/29/2005	7098172 - 01

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Change	From	To
8. Condition Or Practice		

Reason Add the following to the body of the citation. The mine operator immediately removed the #1 coal conveyor belt from service.

10. A. Injury or Illness	Unlikely	Reasonably Likely

Reason Coal can become dried out in a short period of time and become ignited easily.

10. C. Significant and Substantial	No	Yes

Reason Missed checking this box when the citation was issued.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☑ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number			
E01	4054749			
11. Signature	**AR Number**	**12. Date Mo Da Yr**	**13. Time (24 Hr. Clock)**	
[illegible]	[illegible]	08/29/2005	1430	

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

MC 9/08

MSHA Form 7000-10K, June 93 (revised)

Date 8-29-05

Time 0645

Cit 7098172

Stan. 75.1725(a)

S and S yes

The no.1 coal conveyor belt is not being maintained in a safe operating condition. The bottom coal conveyor belt is allowed to run out of alignment causing it to rub the carriage for the coal conveyor belt take-up. The metal on the carriage is hot to the touch and the coal conveyor belt is smoking. This take-up is located in the pit mouth-

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 22

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-29-05

and the area is damp, also the air is flowing to the surface.

(4.) The belt examiner

(5) a least one shift based on the wear to the metal on the belt take-up carriage.

(6) one person exposed.

(7) When an accident of this nature does occur it usually results in a serious accident.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 23

☆U.S. G.P.O.2005:742-563

Date 8-29-05

Such as burns to
the skin, or smoke
inhalation

& This type of mining
practise is Reasonably
likely to cause serious
injuries at this mine
Simular mining practises
at other mines simular
in size and mining —
conditions have resulted
in serious accident
occuring.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 24

☆U.S. G.P.O.2005:742-563

Date 8-29-05

Term - Date 8-29-05
Time - 0740

The no. 1 coal conveyor
belt was realigned to
correct the condition.
The belt is now running
~~correctely~~ correctly
and not rubbing in the
coal conveyor take-up.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 25

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/29/2005	0745		7098173

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The #2 conveyor belt head roller is not adequately guarded in that the guarding is missing along both sides of the head roller. The exposed area on the off side measured 6 feet long by 2 feet high and the exposed area on the walkway side measured 4 feet by 2 feet. A miner can easily slip and become caught between the belt and the conveyor belt head roller while the conveyor belt is in motion.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1722(b)

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: 001

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

12. Type of Action: 104(a) — 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 — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/29/2005	0815	

Section III--Termination Action

17. Action to Terminate: Terminated due to guarding material being installed over the effected area of the #2 conveyor belt head roller to prevent persons from becoming caught between the belt and the head roller.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/29/2005	0815	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: [illegible] — 23. AR Number: [illegible]

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.

mc 9/08

MSHA Form 7000-10K, June 93 (revised)

Date 8-29-05

7:45 75.1722(6)

7098173 S&S-yes

The #2 Conveyor belt head roller is NOT adequately guarded in that the guarding is missing along both side of the head roller. The exposed area on the off side measured 6 feet long by 2 feet high and the exposed area on the walkway side measured 4 feet by 2 feet. A miner can easily slip and become

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-29-05

Caught between the belt and the Conveyor belt head roller while the Conveyor belt is in motion.

The mine examiner should have known of this condition.

Based on my mining experience this condition has exist for several.

one miner is exposed.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-29-05

When a accident does occur from this Type of condition it will be of a serious nature from bruising, lacerations, broken bones, Amputations.

It is Reasonably likely that a accident will occur from this Type of Condition. Miners work in this area each shift. The mine floor is wet & slick and

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 13

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-29-05

a miner can easily slip and become caught between the the conveyor belt and the belt head roller.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 14

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/29/2005	0850		7098174

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791 (Contractor)

8a. Written Notice (103g) ☐

8. Condition or Practice

The trailing cable for the Thromor water pump is not insulated adequately and fully protected. The outer protective jacket of the trailing cable is cut and the inner insulated, energized power leads are exposed through an opening that measured 2 inches long by 3/4 of an inch wide. There have been 11 citations issued for violations of section 75.517 at this mine since 04/07/2005.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.517

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: 001

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

12. Type of Action	13. Type of Issuance (check one)			
104(a)	Citation ☑	Order ☐	Safeguard ☐	

14. Initial Action (A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐)	E. Citation/ Order Number	F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/29/2005	0910	

Section III--Termination Action

17. Action to Terminate: Terminated due to the trailing cable for the #4 Thromor water pump being insulated adequately and fully protected.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/29/2005	0910	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [illegible] 23. AR Number [illegible]

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.

MC 9108

MSHA Form 7000-10K, June 93 (revised)

Date 8-29-05

Time 0850

Cit 7098174

Stan. 75.517

Sands yes

The trailing cable for The Thromor water pump is not insulated adequately and fully protected. The outer protective jacket of the trailing cable is cut and the inner insulated, energized power ~~lines~~ leads are exposed through an opening that measured 2 inches long by 3/4 of an inch wide. There have been 11 citations issued for violations of Section.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 15

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-25-05

75.517 cit This mine since 04/07/2005.

(4) The pumper or electrician

(5) More than one shift

(6.) one person exposed

(7) lost workdays or restricted duty - electrical shock, or burns to the body.

(8) Reasonably Likely - people who come in contact

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 16

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-29-05

with bare electrical wire are seriously injured burned or fatality injuried when this type of mining practise is not corrected.

Term. Date 08/29/05

Time 09:10

Terminated due to the Trailing cable for the #4 Thromor water pump being insulated adequately and fully protected.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 17

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I–Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/29/2005	1000		7098175

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8a. Written Notice (103g) ☐

8. Condition or Practice

Combustible materials in the form of loose coal, coal fines mixed with rock is allowed to accumulate under the take-up for the #4 conveyor belt. A bottom conveyor belt roller is stuck from the accumulations being packed in around the belt roller. The accumulations measured 6 feet long by 50 inches wide by 8 to 12 inches deep and range from damp to wet to the touch. There have been 12 citations issued for violations of section 75.400 at this mine since 01/10/2005.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.400

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: 001

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

12. Type of Action	13. Type of Issuance (check one)		
104(a)	Citation ☑	Order ☐	Safeguard ☐

14. Initial Action (A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐)	E. Citation/ Order Number	F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/29/2005	1030	

Section III–Termination Action

17. Action to Terminate: Terminated due to the combustible materials being cleaned from the area of the take-up for the #4 conveyor belt and the bottom belt roller unstuck.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/29/2005	1030	

Section IV–Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: [6] 23. AR Number: [6]

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.

mc 9/08

MSHA Form 7000-10K, June 93 (revised)

Date 8-29-05

10:00 75.400

7098175 S&S - NO

Combustible materials in the form of loose Coal, Coal fines mixed with rock is allowed to accumulate under the Take-up for the #4 Conveyor belt. A bottom Conveyor belt roller is stuck from the accumulation being packed in around the belt roller. the accumulations measured 6 feet long by 50 inches wide by 8 To 12 inches

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-29-05

deep and range from damp To wet To the Touch, There have been 12 citations issued for violations of section 75.400 at this mine since 01/10/2005.

The mine examiner should have known of this condition.

IT would Take more Than one shift for this material To accumulate.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-29-05

ONe MINer is exposed

when a accident does occur from this Type of CondiTion iT will be of a serious nature from fire, burns, Smoke Inhalation.

IT is UNlikely That This Condition will result in a accident. The accumulations are packed in around a bottom belT roller That The CONVeyor

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 20

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-29-05

belT barely Touches while in moTion.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 21

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

23 SEP 2005

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/30/2005	0720		7098176

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The trailing cable for the #3, 110 VAC water pump is not insulated adequately and fully protected. The trailing cable has been damaged in an area that measured 1 1/2 inches long by 3/4 of an inch wide. The inner insulated, energized power leads are exposed through an opening that measured 1/8 of an inch wide by 1/8 of an inch long. The mine operator immediately removed the #3 water pump from service. There have been 12 citations issued for violations of section of 75.517 at this mine since 04/07/2005.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.517

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: 001

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

12. Type of Action	13. Type of Issuance (check one)			
104(a)	Citation ☑	Order ☐	Safeguard ☐	

14. Initial Action (A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐)	E. Citation/ Order Number	F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/30/2005	0840	

Section III--Termination Action

17. Action to Terminate: Terminated due to the trailing cable for the #3, 110 VAC water pump being insulated adequately and fully protected.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/30/2005	0840	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: [illegible] — 23. AR Number: [illegible]

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.

9/08

MSHA Form 7000-10K, June 93 (revised)

Date 8-30-05

Time 0720

Cit 7098176

Stan. 75-517

Sand S - yes

The Trailing cable for the #3, 110 VAC water pump is not insulated adequately and fully protected. The trailing cable has been damaged in an area that measured 1½ inches long by ¾ of an inch wide. The inner insulated, energized power leads are exposed through an opening that measured ⅛ of an inch wide by ½ of an inch long. The mine operator immediately-

Inspector's Initials [6]

Supervisor's Initials and Date

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☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date

removed the #3 water pump from service. There have been 12 citations issued for violations of Section of 75.517 at this mine since 04/07/2005.

(4) The examiner of electrical equipment Should have Known

(5) More than one shift

(6) one person exposed.

7 lost workdays or restricted duty - burns to the body or electrical shock Hazards.

Inspector's Initials [6]

Supervisor's Initials and Date

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☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-30-05

(8) Reasonably likely that if this practise continues worker will suffer electrical shock Hazards, burns to the skin or smoke inhalation. The mine floor ranges from damp to wet and worker must handle the trailing cables by hand.

Term. - 8/30/05

Time 0840

Terminated due to the trailing cable for the #3, 110 VAC water pump being insulated adequately and fully protected.

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 35

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

X1

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/30/2005	1215		7098177

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The #2 Stamler coal feeder serial no. 13781 being operated on the 1-Left, (006) MUM working section is not maintained in a safe operating condition. This coal feeder is equipped with a crusher and when tested the emergency stop pull cord will not de-energize the power from the crusher in the event of an emergency. The load end of the feeder is approximately 14 inches above the mine floor and a miner could easily step or fall onto the moving conveyor chain and be transported into and through the moving crusher. The mine operator immediately removed the #2 Stamler coal feeder from service.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1403

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: 001

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

12. Type of Action: 104(a) — 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: 7098134 — F. Dated (Mo Da Yr): 08/08/2005

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/30/2005	1228	

Section III--Termination Action

17. Action to Terminate: Terminated due to the emergency stop pull cord being adjusted and the power will now de-energize from the crusher when the emergency stop pull cord is tested.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/30/2005	1228	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill
E01	4054749	

22. Signature [6] — 23. AR Number [6]

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.

mc 9/08

MSHA Form 7000-10K, June 93 (revised)

Date 8-30-05

Time 1315

Cit 7098177

Stan 76-12403

S and S

The #2 Stamler coal feeder Serial no. 13781 being ~~operating~~ operated on The L-left 006-mmu Section is not maintained in a Safe operating Condition. This coal feeder is equipped with a crusher and when tested the emergency stop pull cord will not de-energize The power from The crusher in the event of an emergency.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 36

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-30-05

The load end of the feeder is approximately 14 inches above The mine floor and a miner could easily step or fall onto The moving conveyor chain and be transported into and through The moving crushers. The mine operator immediately removed The #2 Stamler coal feeder from service

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 37

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-30-05

The mine examiner Should have known of this Condition.

Based on my mining experience this Condition has existed for more Than one shift.

One miner is exposed.

When a accident occurs from this Type of Condition it will be of a serious Nature from bruising, lacerations, broken bones,

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 38

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-30-05

amputations, The loss of life.

IT is Reasonably likely a accident will occur from this Type of Condition. Several miner have been fatality injured in The past from miners becoming caught by The moving conveyor chain and being Transported Through The moving Crusher. Emergency stop Switch' To de-energize

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-30-05

The Crusher in The event of an emergency is required To help prevent this Type of accidents.

[6]

Inspector's Initials

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/08/2005	1045		7098134

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

On August 08,2005 the coal feeder which is equipped with a crusher was observed in operation on the 1-Left, 006-0 MMU section at Sago #3 mine. The load end of the feeder is approximately 14 inches above the mine floor and a miner could easily step or fall onto the moving conveyor chain and be transported into and through the crusher. Such an incident would result in fatal injuries to the miner. Becoming entangled in feeder conveyors and being pulled into the crusher has fatally injured several miners.

This is a Notice to Provide Safeguards requiring that an emergency stop device, which is properly designed, be maintained between the load end and the crusher of all such feeders at this mine. The device shall be designed and located so that a miner entangled in the conveyor chain can stop the feeder before he reaches the crusher.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1403

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:

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

12. Type of Action	13. Type of Issuance (check one)		
314(b)	Citation ☐	Order ☐	Safeguard ☑

14. Initial Action (A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐)	E. Citation/ Order Number	F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/08/2005	1115	

Section III--Termination Action

17. Action to Terminate: Terminated due to the emergency stop switch on the Stamler coal feeder being relocated on the coal feeder. The emergency stop switch will now de-energize the power from the coal feeder when the

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/08/2005	1115	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [6] — 23. AR Number [6]

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.

upl

SAFEGUARD

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☐	☑	08/08/2005	7098134

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Continuation of 17. Action to Terminate

emergency stop switch pull cord is pulled.

Section III--Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number			
E01	4054749			
11. Signature		**AR Number**	**12. Date Mo Da Yr**	**13. Time (24 Hr. Clock)**
[illegible]		[illegible]	08/08/2005	1045

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

Mine Citation/Order

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

X1.

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/30/2005	1400		7098178

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The mine operator failed to submit a valid respirable dust sample from the (001) section feeder for the Bi-monthly sampling cycle June-July on the 001-0 mechanized mining unit section. The designated area sampling point I.D. (501-0) designated sampling area as identified in advisory no.0030 dated June 08, 2005. No sample was received for the sampling area.

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

9. Violation	A. Health ☑ Safety ☐ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	70.208

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: 001

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

12. Type of Action	104(a)	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 — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	08/30/2005	B. Time (24 Hr. Clock)	1405

Section III--Termination Action

17. Action to Terminate: Terminated due to no action required by the operator as the sampling cycle can only be satisfied during the established sampling cycle.

18. Terminated	A. Date (Mo Da Yr)	08/30/2005	B. Time (24 Hr. Clock)	1405

Section IV--Automated System Data

19. Type of Inspection (activity code)	E01	20. Event Number	4054749	21. Primary or Mill	

22. Signature [6] — 23. AR Number [6]

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MC 9/08

Mine Citation/Order Continuation

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

23 SEP 2005

X1

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	08/30/2005	7098178 - 01

4. Served To	5. Operator
Brad Phillips	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Change	From	To
10. B. Injury Expected	Lost Workdays	No Lost Workdays

Reason Checked the wrong box in error when issuing the citation.

Section III--Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☑ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number			
E01	4054749			
11. Signature	**ID Number**	**12. Date Mo Da Yr**	**13. Time (24 Hr. Clock)**	
[illegible]	[illegible]	09/06/2005	0450	

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

MC 9/07

MSHA Form 7000-10K, June 93 (revised)

Date 8-30-05

Time

Cit. 7098178

Stat: 70.208

Said S - no

The mine operator failed To Submit a valid respirable dust sample from The (001) section feeder for The Bi-monthly sampling cycle June-July on the 001-0 mechanized mining unit Section. The designated area sampling point I.D. (501-0) designated sampling area as identified in advisory no. 0030 dated June 08, 2005. NO sample was received for the sampling area

Inspector's Init [6]

Supervisor's Initials and Date _____ Page No. 41

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-30-05

~~area~~

(4) Management Should have Knowen

(5) More than one Shift

(6) one

Unlikely an accident will occur - This is a paper violation

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 42

☆U.S. G.P.O.2005:742-563

**0303-004

---ADVISORY OF NONCOMPLIANCE, FAILURE TO SUBMIT---
(DESIGNATED AREA SAMPLING POINT)
ADVISORY NO 0030

JUN 08, 2005

501-0

ANKER WEST VIRGINIA MINING COMPANY
SAGO MINE

MINE I.D.46-08791
DESIGNATED AREA SAMPLING POINT I.D. 501.0
COI SECTION FEEDER

CURRENT BIMONTHLY SAMPLING CYCLE JUN-JUL 2005

ACCORDING TO MSHA RECORDS A VALID RESPIRABLE DUST SAMPLE, RELATIVE TO THE DESIGNATED AREA SAMPLING POINT IDENTIFIED ABOVE, WAS NOT RECEIVED AS REQUIRED BY 30 CFR 70 FOR THE BIMONTHLY SAMPLING CYCLE OF APR-MAY 2005.

CASSETTE NO.	DATE	SAMPLING START TIME (24-HR CLOCK)	MSE EQUIV CONCENTRATION

- *0303---007---46-08791---E ---A
ANKER WEST VIRGINIA MINING COMPANY
SAGO MINE
ATTN: JOHNNY STEMPLE
P.O. BOX 307
BUCKHANNON WV 26301

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/31/2005	0742		7098179

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	7. Mine ID
SAGO MINE	46-08791

8. Condition or Practice (Contractor) 8a. Written Notice (103g) ☐

The trailing cable on the #41 Fletcher roof bolting machine serial no. 92073, approval no. 25B-439, model no. RR II-15 being operated in the intake (Primary escapeway) 3 blocks outby the overcast at the 1-right track switch is not insulated adequately and fully protected in that the following conditions were observed: Six previously insulated splices have the insulation worn away exposing the inner insulated power leads, which are energized with 575 VAC. (1) power leads are exposed through an opening that measured 1/2 of an inch wide all of the way around the trailing cable. (2) power leads are exposed through an opening that measured 3/4 of an inch wide all of the way around the trailing cable. (3) power leads are exposed through an opening that measured 1/2 of an inch wide all of the way around the trailing cable. (4) power leads are exposed through an opening that

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.517

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: 001

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

12. Type of Action: 104(a) 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 F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/31/2005	1050	

Section III--Termination Action

17. Action to Terminate: Terminated due to the old trailing cable on the #41 Fletcher roof bolting machine being replaced with a new trailing cable.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/31/2005	1050	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [6] 23. AR Number [6]

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.

MC 9/08

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☐	☑	08/31/2005	7098179

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Continuation of 8. Condition or Practice

measured 1 1/4 inches wide all of the way around the trailing cable. (5) power leads are exposed through an opening that measured 2 inches long by 1 1/2 inches wide. (6) power leads are exposed through an opening that measured 1/4 of an inch wide by 1 1/4 of an inch long. The mine floor in this area of the mine is wet. The mine operator immediately removed the #41 roof bolting machine from service. There have been 13 citations issued for violations of section 75.517 at this mine since 04/07/2005.

Section III–Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	08/31/2005	0742

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

MSHA Form 7000-10K, June 93 (revised)

Date 8-31-05

7:42 75.517

7098179 S+S-yes

The Trailing cable on the #41 Fletcher roof bolting machine serial No. 92073, approval no. 25B-439, model no. RR II-15 being operated in the intake (Primary escapeway) 3 blocks outby the overcast at the 1-right Track switch is not insulated adequately and fully protected in that the following conditions were observed: Six

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 6

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-31-05

previously insulated splices have the insulation worn away exposing the inner insulated power leads, which are energized with 575 VAC. (1) power lead is exposed through an opening that measured 1/2 of an inch wide all of the way around the Trailing cable. (2) power leads are exposed through an opening that measured 3/4 of an inch wide all of the

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 7

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-31-05

way around the Trailing cable. (3) power leads are exposed through an opening that measured 1/2 of an inch wide all of the way around the Trailing Cable. (4) power leads are exposed through an opening that measured 1 1/4 inches wide all of the way around the Trailing cable. (5) power leads are exposed through an opening that measured 2 inches long by

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 8

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-31-05

by 1½ inches wide. (6) power leads are exposed through an opening that measured 1/4 of an inch wide by 1½ of an inch long. The mine floor in this area of the mine is wet. The mine operator immediately removed the #41 roof bolting machine from service. There have been 13 citations issued for violations of section 75.517 at this mine since. 04/07/2005. [6]

Inspector's Initials

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-31-05

The [6], should have known of this condition. This condition should have been seen during the pre-operational checks.

Based on my mining experience this condition has existed for several shifts.

one miner is exposed

when a accident does occur from this type

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-31-05

of condition it will be of a serious nature from electrical shock, burns.

It is reasonably likely that a accident will occur from this type of condition. The mine floor is wet and miners normally handle the trailing cables. This trailing cable has several places where the inner leads are exposed.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I–Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/31/2005	0822		7098180

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	7. Mine ID
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The #16 S&S scoop [serial no. 488-1791 approval no. 2G 2831-5 being operated in the intake (primary escapeway) 3 blocks outby the overcast at 1-right track switch is not being operated in a safe operating condition. When the panic bar is activated the circuit breaker will not de-energized. The scoop pump motor will shut down when the emergency stop switch (panic bar) is held in and when the emergency stop switch (panic bar) is released the scoop pump motor immediately starts running again. The scoop was removed from service immediately by mine management. There have been 18 citations issued for violations of section 75.1725(a) at this mine since 04/11/2005.

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	See Continuation Form (MSHA Form 7000-3a) ☐
			75.1725(a)	

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: 001

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

12. Type of Action	13. Type of Issuance (check one)	
104(a)	Citation ☑ Order ☐ Safeguard ☐	

14. Initial Action A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐ — E. Citation/ Order Number — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	08/31/2005	1500	

Section III–Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV–Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [6] — 23. AR Number [6]

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.

MC 9/08

Mine Citation/Order Continuation

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

SEP 2005

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	08/31/2005	7098180 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Terminated due to the circuit breaker being replaced on the #16 scoop and now when the panic bar is activated the tram motors are de-energize.

Section III--Subsequent Action Taken

See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[signature]	[illegible]	09/07/2005	0650

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

9/13

MSHA Form 7000-10K, June 93 (revised)

Date 8-31-05

8:22 75.1725(a)

7098180 S&S-yes

The #16 S&S Scoop Serial No. 488-1791, approval No. 2G-2831-5 being operated in the intake (Primary escapeway) 3 blocks outby the overcast at the 1- Right Track switch is NOT being maintained in a safe operating condition. When the panic bar is activated the circuit breaker will NOT de-energize.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-31-05

The Scoop pump motor will shut down when the emergency STOP switch (panic bar) is held in and when the emergency STOP switch (panic bar) is released the Scoop pump motor immediately starts running again. The Scoop was removed from service immediately by mine management. There have been 18 citations issued for violations of section 75.1725(a) at this

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Date 8-31-05

mine since 04/11/2005.

The [6.] should have detected this condition during the pre-operational checks.

Based on my mining experience this condition has existed for several shifts.

One miner is exposed

when a accident does occur from this type of condition it will

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-31-05

be of a serious nature from bruising, lacerations, broken bones, amputations.

IT is Reasonably likely that a accident will occur from this type of condition. This scoop is being operated without an operational emergency stop to de-energize the tramming motors. This scoop is not provided with a canopy or inclosed cab.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

23 SEP 2005

Section I–Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
09/07/2005	0840		4890527

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID
SAGO MINE	46-08791

8. Condition or Practice (Contractor) — 8a. Written Notice (103g) ☐

The approved ventilation plan is not being complied with on the 2-Left, 006-0 MMU working section in that the air quantity in the last open crosscut is not being maintained to at least 9000 cubic feet per minute. When this inspector attempted to take an air reading in the last open crosscut between #2 & #3 entry's the wheel on the approved and calibrated anemometer would not even turn. A smoke tube air reading was taken an it took the smoke 18 seconds to travel 10 feet which equals 4,200 cfm in an area of 140 square feet. The mine operator immediately starting the miners tightening up the curtains.

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	See Continuation Form (MSHA Form 7000-3a) ☐
			75.325(b)	

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: 001

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

12. Type of Action	13. Type of Issuance (check one)	
104(a)	Citation ☑	Order ☐ Safeguard ☐

14. Initial Action	E. Citation/ Order Number	F. Dated (Mo Da Yr)
A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐		

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/07/2005	0920	

Section III–Termination Action

17. Action to Terminate: Terminated due to the check curtains and the run through curtains being tightened up and the last open crosscut air reading is now Q-13,020 cfm.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/07/2005	0920	

Section IV–Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill
E01	4054749	

22. Signature: [6]

23. AR Number: [6]

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.

WDP 9/13

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

0840 75.325(b)

4890527

The approved ventilation plan is not being complied with on the 2-left, 006-0 mmu working Section in that the air quantity in the last open crosscut is not being maintained to at least 9000 cubic feet per minute. When this inspector attempted to take an air reading in the last open crosscut between #2 + #3 entry's the wheel on the appved and calibrated anemometer would not even turn.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 16

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

A smoke tube air reading was taken an it took the smoke 18 seconds to travel 10 feet which equals 4,200 CFM in an area of 140 square feet. The mine operator immediately starting the miners tightening up the curtains.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 17

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

The preshift examiner and the section foreman should have been aware of this condition.

Based on my mining experience this condition has existed at least one shift.

At least one person will be affected from an accident due to this condition.

lung desease and lung problems will Result from an accident due to this condition

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 18

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

When normal mining practices are allowed to continue it is unlikely that an accident will occur. There is no Methane and they were not mining coal.

9-7-05 0920

Terminated due to check curtains and the Run through curtains being tightened up and the last open crosscut air reading is now @ - 13,020 CFM

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 19

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
09/07/2005	0825		4890528

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The #1 Stamler coal feeder serial no. 13717 being operated on the 2-Left, 006-0 MMU working section is not maintained in a safe operating condition. This coal feeder is equipped with a crusher and when tested the emergency pull cord will not de-energize the power from the crusher in the event of an emergency. The load end of the feeder is approximately 14 inches above the mine floor and a miner could easily step or fall onto the moving conveyor chain and be transported into and through the moving crusher. The mine operator immediately removed the #1 Stamler coal feeder from service.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1403

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: 001

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

12. Type of Action	13. Type of Issuance (check one)		
104(a)	Citation ☑	Order ☐	Safeguard ☐

14. Initial Action	E. Citation/ Order Number	F. Dated (Mo Da Yr)
A. Citation ☐ B. Order ☐ C. Safeguard ☑ D. Written Notice ☐	7098134	08/08/2005

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/07/2005	1000	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [6] — 23. AR Number [6]

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.

upl 9/13

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	09/07/2005	4890528 - 01

4. Served To	5. Operator
Brad Hamrick	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Terminated due to the emergency stop being securely anchored to the frame of the #1 Stamler coal feeder. Also the pull cord was relocated and the emergency stop will now de-energize the crusher when the pull cord is tested.

See Continuation Form ☐

Section III–Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number	11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
E01	4054749	E6	E63	09/12/2005	1650

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

9/21

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

0825 75.1403

4890528

The #1 Stamler coal feeder Serial No. 13717 being operated on the 2-left, 006-0 MMU Work Section is NOT maintained in a safe operating condition. This coal feeder is equipped with a crusher and when tested the emergency pull cord will not de-energize the power from the crusher in the event of an emergency. The load end of the feeder is

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 20

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

approximately 14 inches above the mine floor and a miner could easily step or fall onto the moving conveyor chain and be transported into and through the moving crusher. The mine operator immediately removed the #1 Stamler coal feeder from service.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 21

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

The weekly electrical examiner and the Section foreman should have been aware of this condition.

Based on my mining experience this condition has existed at least one shift.

At least one person will be affected from an accident due to this condition.

FRACTURE, BRUISES, Contusion type injuries will Result from an accident due to this condition

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 22

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

When normal mining practices are allowed to continue it is reasonably likely that an accident will occur. A miner could easily slip, trip or fall into load end of feeder with no way of shutting feeder down once in the conveyor chain.

9-7-05 1000

Inspector's Initials EGJ

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date	2. Time (24 Hr. Clock)		3. Citation/ Order Number
08/08/2005	1045		7098134

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

On August 08,2005 the coal feeder which is equipped with a crusher was observed in operation on the 1-Left, 006-0 MMU section at Sago #3 mine. The load end of the feeder is approximately 14 inches above the mine floor and a miner could easily step or fall onto the moving conveyor chain and be transported into and through the crusher. Such an incident would result in fatal injuries to the miner. Becoming entangled in feeder conveyors and being pulled into the crusher has fatally injured several miners.

This is a Notice to Provide Safeguards requiring that an emergency stop device, which is properly designed, be maintained between the load end and the crusher of all such feeders at this mine. The device shall be designed and located so that a miner entangled in the conveyor chain can stop the feeder before he reaches the crusher.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1403

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:

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

12. Type of Action	13. Type of Issuance (check one)		
314(b)	Citation ☐	Order ☐	Safeguard ☑

14. Initial Action A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐

E. Citation/ Order Number	F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	
	08/08/2005	1115	

Section III--Termination Action

17. Action to Terminate: Terminated due to the emergency stop switch on the Stamler coal feeder being relocated on the coal feeder. The emergency stop switch will now de-energize the power from the coal feeder when the

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	
	08/08/2005	1115	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [illegible] 6 7 — 23. AR Number [illegible] 6 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 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.

SAFEGUARD

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☐	☑	08/08/2005	7098134

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Continuation of 17. Action to Terminate

emergency stop switch pull cord is pulled.

See Continuation Form ☐

Section III–Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number	11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
E01	4054749	[illegible]	[illegible]	08/08/2005	1045

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

Mine Citation/Order

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

X1.

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
09/07/2005	1015		4890529

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The approved ventilation plan is not being complied with on the 1-Left, 003 MMU working section. The #2 entry face has been driven approximately 32 feet inby the inby corner of the #2 right crosscut and the continuous mining machine is setting in this crosscut attempting to cut the #2 to #1 crosscut head on. The line curtain is rolled up across the #2 to #3 crosscut and the #2 entry face is not ventilated. The mine operator immediately hung a curtain from the #3 entry to ventilate the face of the #2 entry.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.370(a)(1)

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: 001

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

12. Type of Action: 104(a) — 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 — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/07/2005	1028	

Section III--Termination Action

17. Action to Terminate: Terminated due to a line curtain being hung from the #3 entry through the left crosscut into #2 entry to ventilate the face of #2 entry while the #2 left crosscut is being cut. The face of #2 entry is now

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/07/2005	1028	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: [6] — 23. AR Number: [6]

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WP 9/13

Mine Citation/Order
Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☐	☑	09/07/2005	4890529

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Continuation of 17. Action to Terminate

ventilated.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	09/07/2005	1015

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

Mine Citation/Order Continuation

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

23 SEP 2005

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	09/07/2005	4890529 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Change **From** **To**

8. Condition Or Practice

Reason Add the following to the body of the citation. The line curtain is not maintained to within 10 feet of the fully bolted face in the #2 entry while the 2 left crosscut is being cut. Page 6 of the approved roof control plan provided that the line curtains are to be maintained to within 10 feet of a fully supported face.

Missed entering this statement in the body of the citation when the citation was issued.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☑ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	09/07/2005	1630

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

wpl 9/13

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

10:15 75.370(a)(1)

4890529 S&S - NO

The approved ventilation plan is NOT being complied with on the 1-Left, 003 mmu working section. The #2 entry face has been driven approximately 32 feet inby the inby corner of the #2 right crosscut and the continuous mining machine is setting in this crosscut attempting to cut the #2 to #1 crosscut head on. The line curtain is rolled up across the #2 to #3 crosscut and the #2 entry face is NOT ventilated. The mine operator immediately hung a curtain from the #3 entry to ventilate the face of the #2 entry.

Based on my mining experience this condition has existed at least one shift.

At least one person will be affected from an accident due to this condition

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. _____

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. _____

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. _____

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

Lung descase and lung problem type injuries will Result from an accident due to this condition

When normal mining practices are allowed to continue it is unlikely that an accident will occur. there is no methane detected and they were not running coal. The line curtain is NOT maintained To within 10 feet of the #2 entry working face.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

16.3c

Add the following to the body of the citation, The line curtain is NOT maintained To within 10 feet of the fully bolted face in the #2 entry while the 2 left cross cut is being cut. Page 6 of the approved roof control plan provided that the line curtains are To be maintained To within 10 feet of a fully supported face.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

X1.

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
09/07/2005	0630		4890530

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The track haulage is not being maintained in a safe condition in that a continuous clearance space of at least 12 inches from the furthest projection of normal traffic is not being maintained on the tight side at 16 block track switch along #1 belt. There is 4 inches of clearance from the mantrip to the solid coal rib approximately 50 feet inby the switch going into the motor barn track.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1403

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: 001

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

12. Type of Action	13. Type of Issuance (check one)			
104(a)	Citation ☑	Order ☐	Safeguard ☐	

14. Initial Action (A. Citation ☐ B. Order ☐ C. Safeguard ☑ D. Written Notice ☐)	E. Citation/ Order Number	F. Dated (Mo Da Yr)
	7097926	06/14/2005

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/08/2005	1600	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [illegible] — 23. AR Number [illegible]

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.

9/13

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	09/07/2005	4890530 - 01

4. Served To	5. Operator
Brad Hamrick	ANKER WEST VIRGINIA MINING COMPANY INC (Contractor)
6. Mine	**7. Mine ID**
SAGO MINE	46-08791

Section II--Justification for Action

Terminated due to the rib roll being cleaned from the offside walkway along the #4 conveyor belt at #36 block.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[signature]	[illegible]	09/12/2005	1600

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

9/12/1

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑ ☐	09/07/2005	4890530 - 02

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	7. Mine ID (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Change **From** **To**

17. Action To Terminate

Reason Wrote the wrong termination for this citation in error.

Change the body of the termination no. 4890530-01: Change from terminated due to the rib roll being cleaned up from the offside walkway along the #4 conveyor belt at #36 block.

Change to terminated due to the haulage track being slid over and blocked and the corner of the rib being chipped off to provide adequate clearance along the offside rib located in the motor barn.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated ☐ D. Terminated ☑ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[6]	[6]	09/12/2005	1300

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

9/21

7097926
6-14-05

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

0630 75.1403

4890530

A continuos clearance space of at least 12 inches from the furthest projection of normal traffic is not being maintained on the right side at 16 block track switch along #1 Belt. There is 4 inches of clearance from the mantrip to the solid coal Rib approximately 50 feet inby the switch going into the motor Barn TRACK.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 28

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

Mine Management and the pre shift mine examiner should have been aware of this condition.

Based on my mining experience this condition has existed at least one shift.

At least one person will be affected from an accident due to this condition.

FRACTURE, Bruise, and Contusion type injuries will Result from an accident due to this condition

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 29

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

When normal mining practices are allowed to continue it is unlikely that an accident will occur. It is on the right side of the track and miners dont normally travel that side.

9-8-05 1600

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 30

☆U.S. G.P.O.2005:742-563

SAFEGUARD

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
06/14/2005	1145		7097926

4. Served To	5. Operator
Bill Currence _ Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791 (Contractor)

8a. Written Notice (103g) ☐

8. Condition or Practice

"The inspection of track haulage conducted between 5/10/05 and 6/02/05 revealed that the track haulage system is not being provided with clearance space along both sides to insure the safe passage of the haulage equipment being operated at normal speeds. The following hazardous conditions were observed:

5/10/05 --- The track haulage equipment was rubbing the coal rib along the tight side of the 2 right track switch. The tight side track clearance space was obstructed with rock and other loose extraneous material at No. 4 & No. 37 blocks along No. 4 conveyor belt to the point the haulage equipment was dragging as it passed. The wide side clearance space at No.24 Block along No. 4 conveyor belt was obstructed with 6 cross bars (6"by 8"

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1403

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:

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

12. Type of Action: 314(b) 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 F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)
	06/15/2005	0800

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill
E01	4054745	

22. Signature [6] 23. AR Number [6]

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 3120, 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.

upd 6/21

SAFEGUARD

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☐	☑	06/14/2005	7097926

4. Served To	5. Operator
Bill Currence Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Continuation of 8. Condition or Practice

by 16'). The haulage equipment was dragging on the bars as they passed. 5/19/05 --- Steel track rails were lying in the wide side clearance space at the No. 2 belt head switch. The haulage equipment was barely clearing the ends of the rails as they passed.
5/20/05 --- The clearance spaces along both sides of the track at No. 42 block along No. 4 conveyor belt were obstructed with mud and water to the point the frames of the haulage equipment were dragging as they traveled through the area. The area also has 15 fly boards, 6 concrete blocks, 2 hydraulic oil cans, rock and other extraneous material present that the haulage equipment were dragging on. There were 9 steel track rails laying in the wide side clearance space at No. 44 block along the No. 4 conveyor belt and the haulage equipment were rubbing them as they passed. There was rock present for 30' distance in the wide side clearance space at No. 45 block along the No. 4 conveyor belt and the haulage equipment was dragging on it as they passed. 6/02/05 --- There were 2 scoop tires present in the wide side clearance space at No. 54 block along the No. 4 conveyor belt and the haulage equipment barely cleared them. The miners had to climb over the tires to use the travel way to the working section located inby. The listed obstructions create derailment hazard as well as the hazard of the obstructions being caught between the mine floor, rib or track and the frame of track mounted equipment which could cause the material to enter track mounted equipment and strike the operator, passengers or pedestrians, which could easily result in serious injury. The track haulage system is used each shift to transport men and materials into and out of the mine. This is Notice to Provide Safeguard requiring the mine operator to maintain a continuous clearance of at least 24 inches on the wide side and a continuous clearance of at least 12 inches on the tight side from the furthest projection of normal traffic on all track haulage roads. The clearance space along all track haulage shall be maintained free of loose rock, supplies, rail components, conveyor belting, belt components, roof bolts, flyboards, and other extraneous materials which would contribute to a derailment or be struck by rail mounted equipment and injure passengers or pedestrians."

See Continuation Form ☐

Section III–Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number			
E01	4054745			
11. Signature	**R Number**	**12. Date Mo Da Yr**	**13. Time (24 Hr. Clock)**	
[illegible]	[illegible]	06/14/2005	1145	

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

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	06/14/2005	7097926 - 01

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC (Contractor)
6. Mine	**7. Mine ID**
SAGO MINE	46-08791

Section II–Justification for Action

Terminated due to all of the material's in the clearance space's being removed. The required clearance space is now provided along all of the track haulage in this mine.

See Continuation Form ☐

Section III–Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054745

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	06/27/2005	0430

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

6/30

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	06/14/2005	7097926 - 02

4. Served To	5. Operator
Lonnie Short	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Change	From	To
2. Issue Time	11:45	16:30

Reason Entered the wrong time on the citation when issuing.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☑ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054745

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	06/29/2005	0820

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

upd 6/30
mc 6/30

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
09/07/2005	0830		4890531

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	7. Mine ID
SAGO MINE	46-08791 (Contractor)
	8a. Written Notice (103g) ☐

8. Condition or Practice

The return air that has ventilated the no. 7, 6, 5, and 4 faces of the MMU 006-0 2 Left section is being coursed outby through the check curtain of the no. 5 entry and is being used to ventilate the non-permissible power connections of the section power center, section feeder and other non-permissible equipment. When chemical smoke is released at the check curtains in the #5 entry and the #4 entry outby the last line of open crosscuts it can be observed traveling outby over the non-permissible equipment.The check curtain in #5 entry had 2 holes measuring 3 feet wide by 9 feet high each. The check curtain in #4 entry had 3 holes in it.(1) 10 inches high by 18 feet wide on the bottom.(2) 1 foot wide by 9 feet high on one end.(3) 3 feet wide by 9 feet high on the other end.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.507

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: 001

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

12. Type of Action	13. Type of Issuance (check one)			
104(a)	Citation ☑	Order ☐	Safeguard ☐	

14. Initial Action (A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐)	E. Citation/ Order Number	F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/07/2005	0925	

Section III--Termination Action

17. Action to Terminate: The check curtains were repaired and the backup check curtains were tightened.The return air is traveling the proper direction.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/07/2005	0925	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature	23. AR Number
[illegible]	[illegible]

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.

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

0830 75.507

4890531

The Return air that has ventilated the no. 7, 6, 5, & 4 faces of the (006-0) MMU is being coursed outby through the check curtain of the no. 5 entry and is being used to ventilate the nonpermissible power connections of the section power center, section feeder and other non-permissible equipment. When chemical smoke is Released at the check curtains in the #5 entry and the #4 entry outby the last line of open crosscuts

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

it can be observed traveling outby over the non-permissible equipment. The check curtain in # 5 entry had 2 holes measuring 3 feet by 9 feet each. The check curtain in # 4 entry had 3 holes in it. (1) 10" by 18 feet on the bottom (2) 1 foot by 9 feet on one end (3) 3 feet by 9 feet on the other end.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

The preshift examiner and Section foreman should have been aware of this condition.

Based on my mining experience this condition has existed at least one shift.

At least one person will be affected from an accident due to this condition.

Lung desease and lung problems will Result from an accident due to this condition.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

When normal mining practices are allowed to continue it is unlikely that an accident will occur. There is no methane and they had not started mining coal

9-7-05 0925

The check curtains were Repaired and the back up check curtains were tightened. The Return air is travely the proper direct.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

23 SEP 2005 K7

Section I–Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
09/07/2005	1055		4890532

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)
		8a. Written Notice (103g) ☐

8. Condition or Practice

A clear unobstructed travelway of at least 24 inches wide is not being maintained on the offside of the #4 coal conveyor belt located just inby 36 block. A rib roll has obstructed the walkway measuring 10 feet long, 2 feet wide and 6 inches to 18 inches high.The weekly examiner has to come out of the impassible return entries at #43 block and travel along #4 belt to #36 block where he re-enters the return.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1403

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: 001

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

12. Type of Action	13. Type of Issuance (check one)		
104(a)	Citation ☑	Order ☐	Safeguard ☐

14. Initial Action	E. Citation/ Order Number	F. Dated (Mo Da Yr)
A. Citation ☐ B. Order ☐ C. Safeguard ☑ D. Written Notice ☐	7096483	05/03/2005

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/07/2005	2000	

Section III–Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV–Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signatur[illegible] [illegible] 6 [illegible] 23. AR Number [illegible] 6 [illegible]

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.

9/13

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	09/07/2005	4890532 - 01

4. Served To	5. Operator
Brad Hamrick	ANKER WEST VIRGINIA MINING COMPANY INC (Contractor)
6. Mine	**7. Mine ID**
SAGO MINE	46-08791

Section II--Justification for Action

Terminated due to the rib roll being cleaned up from the offside walkway along the #4 conveyor belt at #36 block.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	MSHA ID Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	09/12/2005	2015

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

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

10:55 75.1403

4890532 S+S-yes

A clear unobstructed travel way of at least 24 inches wide is not being maintained on the off side of the #4 coal conveyor belt located just inby #36 block. A rib roll has obstructed the walkway measuring 10 feet long, 2 feet wide and 6 inches to 18 inches high. The weekly examiner has to come out of

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

The impassible return entries at #43 block and travel along #4 belt to #36 block where he re-enters the return.

The mine examiner should have known of this condition

Based on my mining experience this condition has existed for more than one shift.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

One miner is exposed

when an accident does occur from this Type of Condition it will be of a serious nature from bruising, lacerations, broken bones, amputation

It is Reasonably likely That a miner will slip, Trip, fall and become Caught in The moving coal Conveyor belt. Miners Regularly work and Travel Through

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 37

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-8-05

This area while cleaning and rock dusting The Conveyor belt line. Also The weekly mine examiner Come's out of The return entry at #43 block and Travels Through The cited area To re-enter into The return at #36 block. The return entrys are blocked at #40 block due To roof falls.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 38

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
05/03/2005	1300		7096483

4. Served To	5. Operator
Bill Currence _ Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8a. Written Notice (103g) ☐

8. Condition or Practice

This is a notice to provide a safeguard requiring: (1) A clear unobstructed travelway of at least 24 inches wide be provided along both sides of all conveyor belts including the head, tail, and take-up units. (2) The areas around the tail, head, drive and take-up units shall be maintained free of water, slop, mud of other obstructions that create slip, trip and fall hazards to the miners who routinely travel through the areas for examination and belt maintenance. (3) The water lines along side the conveyor belt drives, take-ups or head units shall not be positioned in such a manner that they will interfere with travel, examination of the required cleaning and other maintenance requirements.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1403

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:

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

12. Type of Action	13. Type of Issuance (check one)		
314(b)	Citation ☐	Order ☐	Safeguard ☑

14. Initial Action (A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐)	E. Citation/ Order Number	F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	05/06/2005	1800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054745		

22. Signature [signature] 23. AR Number [illegible]

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.

SAFEGUARD H

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	05/03/2005	7096483 - 01

4. Served To	5. Operator
Bill Currence Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC (Contractor)
6. Mine	**7. Mine ID**
SAGO MINE	46-08791

Section II–Justification for Action

Change **From** **To**

8. Condition Or Practice

Reason Add to the body of the condition and practice: (4) Obstructions including but not limited to the following items: excessive water, mud, rock, coal, wood, belting, rollers, mine supplies, water line and extraneous materials that will create slip, trip and fall hazards.

Did not include the following information in the body of the citation in error.

See Continuation Form ☐

Section III–Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☑ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number				
E01	4054745				
11. Signature		**AR Number**	**12. Date Mo Da Yr**	**13. Time (24 Hr. Clock)**	
[illegible]		[illegible]	05/05/2005	1115	

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

5/01

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	05/03/2005	7096483 - 02

4. Served To	5. Operator
Bill Currence Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

The mine operator has made a diligent effort to correct these conditions. Approximately 60% of the work has been finished. The mine operator has miners working on these conditions on every shift during each day.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	E. Modified
	05/16/2005	0600	☐	☐	☐

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054745

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
6	6	05/10/2005	1010

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

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	05/03/2005	7096483 - 03

4. Served To	5. Operator
Bill Currence Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC (Contractor)
6. Mine	**7. Mine ID**
SAGO MINE	46-08791

Section II–Justification for Action

Extended due to the operator making a diligent effort to correct these conditions. It is taking longer to correct these conditions due to the conditions being worse and taking longer to correct then what was initially expected. These conditions are approximately 90% finished. More time is granted for the operator to correct these conditions.

See Continuation Form ☐

Section III–Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	E. Modified
	05/26/2005	0600	☐	☐	☐

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054745

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	05/20/2005	0330

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

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	05/03/2005	7096483 - 04

4. Served To	5. Operator
Brad Hamrick	ANKER WEST VIRGINIA MINING COMPANY INC (Contractor)
6. Mine	**7. Mine ID**
SAGO MINE	46-08791

Section II–Justification for Action

Terminated due to all of the requirements of the safeguard being complied with on the coal conveyor belt of this mine at the time of this inspection. The mine operator is required to maintain the conveyor belts of this mine in the conditions required by this safeguard.

See Continuation Form ☐

Section III–Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054745

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	05/31/2005	0800

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

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
09/07/2005	1230		4890533

4. Served To: Carl Crumrine - Mine Foreman

5. Operator: ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine: SAGO MINE

7. Mine ID: 46-08791

8. Condition or Practice (Contractor)

8a. Written Notice (103g) ☐

The return air course can not be traveled in it's entirety in that the following conditions were observed: (1) water is allowed to accumulate over 12 inches deep for 2 blocks in the return entry travel way at #58 block in both #1 and #2 entry's along the #4 conveyor belt. (2) water is allowed to accumulate in the return air course in #1 and #2 entry's along the #5 conveyor belt starting at SS4096 and extends inby for 2 blocks, the water is over 15 inches deep. (3) roof fall's have occurred in the #1 and #2 return entry's at #40 block and the mine examiner leaves the return air course at #43 block and travels outby along the #4 conveyor belt to #36 block where he re-enters the return entry's to get around the roof fall's.

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	See Continuation Form (MSHA Form 7000-3a) ☐
			75.364(b)(2)	

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: 001

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

12. Type of Action: 104(a)

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:

F. Dated (Mo Da Yr):

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/12/2005	0600	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: C 6 J

23. AR Number: [illegible] 6 J

MSHA Form 7000-3, Mar 05 (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.

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑ ☐	09/07/2005	4890533 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Terminated due to the water being pumped from the cited area along #4 conveyor belt at #58 block in the return, the water being pumped from the cited area in the 1-left return and the stopping line has been set over to provide additional return entries at #40 block along the #4 conveyor belt. Seven stoppings have been built to provide these additional return entries. The return entry can now be traveled in it's entirety.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	E. Modified
			☐	☑	☐

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	MAR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
E G	J E6 J	09/13/2005	1025

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

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

12:30 75.364(b)(2)

4890533 S&S-NO

The return air Course can not be Traveled in it's entirety in that the following conditions were observed; (1) water is allowed To accumulate over 12 inches deep for 2 blocks in the return entry Travelway at #55 block in both #1 and #2 entry's along the #4 Conveyor belt. (2) water is allowed To

Inspector's Initials [6]

Supervisor's Initials and Date Page No. 39

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

accumulate in the return air Course in #1 and #2 entry's along the #5 Conveyor belt starting at 55 4096 and extends inby for 2 blocks, The water is over 15 inches deep. (3) roof fall's have occured in the #1 and #2 return entry's at #40 block and the mine examiner leaves the return air Course at #43 block and Travels outby along the #4 Conveyor

Inspector's Initials [6]

Supervisor's Initials and Date Page No. 40

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

belt To #36 block where he re-enters the return entry's To get around the roof fall's.

The mine examiner should have known of this condition.

Based on my mining experience this condition has existed for several shifts.

Inspector's Initials [6]

Supervisor's Initials and Date Page No. 41

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-7-05

One miner is exposed when an accident does occur from this type of condition it will be of a serious nature from Slip, Trip, falling related injuries

It is unlikely that an accident will occur from this condition, The mine examiner Travels around the cited areas.

[6]

Inspector's Initials

Supervisor's Initials and Date

Page No. 42

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
09/12/2005	1710		4890534

4. Served To	5. Operator
Brad Hamrick	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791

8. Condition or Practice (Contractor)

8a. Written Notice (103g) ☐

Combustible materials in the form of loose coal, coal fines, coal dust and float coal dust is allowed to accumulate under and around the #6 conveyor belt head drive rollers and take-up. The accumulations measured 5 feet wide by 20 feet long by 12 inches to 32 inches deep. The bottom conveyor belt and the drive rollers and the take-up rollers are running in the accumulations. The accumulations range from dry to damp to wet to the touch. The bottom conveyor belt roller just outby the take-up frame is gobbed out and stuck. Float coal dust is allowed to accumulate on the #6 conveyor belt head drive frame and take-up rollers and the take-up rollers bearing housings. The float coal dust is powder dry to the touch and measured from 1/8 of an inch to 1/2 of an inch thick and ranges from reddish brown to black in color. It took 4 miners 1 hour to clean up the

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	See Continuation Form (MSHA Form 7000-3a) ☑
			75.400	

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: 001

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: 7097827

F. Dated (Mo Da Yr): 05/20/2005

15. Area or Equipment: The #6 conveyor belt head drive and take-up which extends approximately 2 block inby the #6 head roller.

ASMTS 10/06/05 A 12:1

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

Section III--Termination Action

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

18. Terminated: A. Date (Mo Da Yr) 09/12/2005 B. Time (24 Hr. Clock) 1810

Section IV--Automated System Data

19. Type of Inspection (activity code): E01

20. Event Number: 4054749

21. Primary or Mill:

22. Signature: [illegible]

23. AR Number: [illegible]

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.

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☐ ☑	09/12/2005	4890534

4. Served To	5. Operator
Brad Hamrick	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Continuation 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.

Section III--Subsequent Action Taken — See Continuation Form ☐

8. Extended To A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated ☐ D. Terminated ☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[6]	[6]	09/12/2005	1710

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

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

17:10 75.400

4890534 104-d-2

Combustible materials in the form of loose coal, coal fines, coal dust and float coal dust is allowed to accumulate under and around the #6 conveyor belt head drive rollers and take-up. The accumulations measured 5 feet wide by 20 feet long by 12 inches to 32 inches deep. The bottom conveyor belt and the drive rollers

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

and the take-up rollers are running in the accumulations. The accumulations range from dry to damp to wet to the touch. The bottom conveyor belt roller just outby the take-up frame is gobbed out and stuck. Float coal dust is allowed to accumulate on the #6 conveyor belt head drive frame and take-up rollers and the take-up coller bearing housings. The float coal dust

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

is powder dry to the touch and measured from 1/8 of an inch to 1/2 of an inch thick and ranges from reddish brown to black in color. IT took 4 miners 1 hour to clean up the accumulations. The mine operator immediately removed the #6 conveyor belt from service. There have been 13 citations issued for violations of section 75.400 at this mine since 04-18-2005.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

The mine examiner should have known of this condition

Based on my mining experience this condition has existed for several shifts.

one miner is exposed

when an accident does occur from this type of condition it will be of a serious nature from fire, burns, smoke inhalation.

Inspector's Initials EGJ

Supervisor's Initials and Date _____ Page No. 18

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

It is reasonably likely that an accident will occur from this type of condition. The heat generated from the conveyor belts and head drive & take-up rollers running in the combustible material is drying out the combustible material. Float coal dust that measured up to 1/2 of an inch thick, is covering the take-up roller bearing housings and frame. The

Inspector's Initials EGJ

Supervisor's Initials and Date _____ Page No. 19

☆U.S. G.P.O.2005:742-563

Date 9-12-05

float coal dust it's powder dry and can be suspended into the by blowing on the float coal dust. The take-up roller bearings are warm to the touch. IT would take several shifts for float coal dust To accumulate To this extent. The accumulations of float coal dust and the accumulation of loose coal, Coal fine, Coal dust that are allowed To accumulate

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

are extensive and would be obvious To any prudent mine examiner. Based on my mining experience it would Take several shifts for this condition to accumulate to this extent. The mine operator was previously put on notice on the importance of making Thorough mine examinations To detect and correct hazardous conditions at their earliest possible stages,

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
09/12/2005	1835		4890535

4. Served To	5. Operator
Brad Hamrick	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

Combustible materials in the form of loose coal, coal fines, coal dust and float coal dust is allowed to accumulate under and around the #5 conveyor belt head drive rollers and take-up. The accumulations measured 5 feet wide by 17 feet long by 10 inches to 18 inches deep. The bottom conveyor belt and the drive rollers and the take-up rollers are running in the accumulations. The accumulations range from dry to damp to wet to the touch. A thick layer of float coal dust is allowed to accumulate on the #5 conveyor belt head drive frame and take-up rollers and the take-up rollers bearing housings and the coal ribs. The float coal dust is powder dry to the touch and ranges from reddish brown to black in color. It took 5 miners 65 minutes to clean up the accumulations. The mine operator immediately removed the #5 conveyor belt from service. There have been 14 citations

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.400

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: 001

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

12. Type of Action	13. Type of Issuance (check one)			
104(d)(2)	Citation ☐	Order ☑	Safeguard ☐	

14. Initial Action	E. Citation/ Order Number	F. Dated (Mo Da Yr)
A. Citation ☐ B. Order ☑ C. Safeguard ☐ D. Written Notice ☐	7097827	05/20/2005

15. Area or Equipment: The #5 conveyor belt head drive and take-up and extends approximately 2 block inby the #5 conveyor belt head roller.

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

Section III--Termination Action

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

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/12/2005	1940	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [illegible] — 23. AR Number [illegible]

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.

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☐ ☑	09/12/2005	4890535

4. Served To	5. Operator
Brad Hamrick	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Continuation of 8. Condition or Practice

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

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated ☐ D. Terminated ☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	09/12/2005	1835

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

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

18:35 75.400

4890535 104-d-2

Combustible materials in the form of loose coal, coal fines, coal dust and float coal dust is allowed to accumulate under and around the #5 conveyor belt head drive rollers and take-up. The accumulations measured 5 feet wide by 17 feet long by 10 inches to 18 inches deep. The bottom conveyor belt and the drive rollers and take-

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

up rollers are running in the accumulations. The accumulations range from dry to damp to wet to the touch. A thick layer of float coal dust is allowed to accumulate on the #5 conveyor belt head drive frame and take-up rollers and the take-up roller bearing housings and the coal ribs. The float coal dust is powder dry to the touch and ranges from reddish brown to black in color.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9.12.05

IT took 5 miners 65 minutes to clean up the accumulations. The mine operator immediately removed the #5 conveyor belt from service. There have been 14 citations issued for violations of section 75.400 at this mine since 04-18-2005.

IT is reasonably likely that an accident will occur from this type of condition.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

The heat generated from the conveyor belt's and head drive rollers & Take-up rollers running in combustible material is drying out the combustible material. A Thick heavy layer of float coal dust which is allowed To accumulate is powder dry To the Touch and ranges from reddish brown To black in Color and the float Coal dust can be Suspended into The

Inspector's Initials EGJ

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

air by blowing on the float Coal dust. The accumulations of loose coal, Coal fines, Coal dust and float Coal dust are extensive and would be obvious To any prudent mine examiner. Based on my mining experience it would Take several shifts for this Condition To accumulate To this extent. The mine operator was previously put on notice on the importance of making

Inspector's Initials EGJ

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

Thorough mine examinations To detect hazardous conditions at their earliest possible stages.

The mine examiner should have known of this condition

Based on my mining experience it would take several shifts for this condition To accumulate to this extent,

one miner is exposed

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

when an accident does occur from this Type of condition it will be of a serious nature from fire, burns, smoke inhalation.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
09/12/2005	2045		4890536

4. Served To	5. Operator
Brad Hamrick	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

Combustible materials in the form of loose coal, coal fines, coal dust and float coal dust is allowed to accumulate under and around the #4 take-up rollers. The accumulations measured 5 feet wide by 40 feet long by 10 inches to 15 inches deep. The bottom conveyor belt and the take-up rollers are running in the accumulations. The accumulations range from dry to damp to wet to the touch. A thick layer of float coal dust is allowed to accumulate on the #4 conveyor belt head drive frame and take-up rollers and the take-up rollers bearing housings and belt structure. The float coal dust is powder dry to the touch and ranges from reddish brown to black in color. The mine operator immediately removed the #4 conveyor belt from service. There have been 15 citations issued for violations of section of 75.400 at this mine since 04/18/2005.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.400

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: 001

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

12. Type of Action	13. Type of Issuance (check one)			
104(d)(2)	Citation ☐	Order ☑	Safeguard ☐	

14. Initial Action	E. Citation/ Order Number	F. Dated (Mo Da Yr)
A. Citation ☐ B. Order ☑ C. Safeguard ☐ D. Written Notice ☐	7097827	05/20/2005

15. Area or Equipment: Around and under the #4 conveyor belt take-up.

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

Section III--Termination Action

17. Action to Terminate

ASMTS 10/05/05 [illegible]

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [illegible] 6] — 23. AR Number [illegible] 6]

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, includir 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 I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	09/12/2005	4890536 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

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

Section III–Subsequent Action Taken — See Continuation Form ☐

8. Extended To A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[signature]	J-[illegible]67	09/13/2005	0805

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

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

20:45 75.400

4890536 104-d-2

Combustible materials in the form of loose Coal, Coal fines, Coal dust and float coal dust is allowed to accumulate under and around the #4 Conveyor belt Take-up rollers. The accumulations measured 5 feet wide by 40 feet long by 10 inches to 15 inches deep. The bottom Conveyor belt and Take-up rollers are running in the [6]

Inspector's Initials _____

Supervisor's Initials and Date _____ Page No. 29

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

accumulations. The accumulations range from dry to damp to wet to the touch. A thick layer of float Coal dust is allowed to accumulate on the #4 Conveyor belt head drive frame and Take-up rollers and Take-up rollers bearing housings and belt structures. The float Coal dust is powder dry to the touch and ranges from reddish brown to black in Color. The mine operator [6]

Inspector's Initials _____

Supervisor's Initials and Date _____ Page No. 30

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

immediately removed the #4 Conveyor belt from service. There have been 15 citations issued for violations of Section 75.400 at this mine since 04/18/2005.

The mine examiner should have known of this condition.

Based on my mining experience it would take several shifts for this condition to accumulate to this extent. [6]

Inspector's Initials _____

Supervisor's Initials and Date _____ Page No. 31

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

One miner is exposed

when an accident does occur from this Type of Condition it will be of a serious nature from fire, burns, smoke inhalation.

It is Reasonably likely that an accident will occur from this Type of Conditions. The heat generated from the Conveyor belts and head drive & Take-up rollers running

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

in the combustible materials is drying out the combustible materials. A thick layer of float coal dust which is allowed To accumulate is powder dry To the Touch and ranges from reddish brown To black in color. The float coal dust can be suspended in To the air by blowing on the float Coal dust. The accumulations of loose coal, coal fines,

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

Coal dust and float Coal dust are extensive and would be obvious To any prudent mine examiner. Based on my mining experience it would Take several shifts for this Condition To accumulate To this extent. The mine operator was previously put on notice on the importance of making Thorough mine examinations To detect hazardous and correct them at their earliest possible stages [6]

Inspector's Initials

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
09/12/2005	1840		4890537

4. Served To	5. Operator
Brad Hamrick	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID**
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The walkways along the following conveyor belt system is not maintained in a safe travelable condition in that the following conditions were observed by this inspector. (1) sloppy mud and water is allowed to accumulate in the walkways along both sides of the #6 conveyor belt head drive and take-up which is approximately 2 blocks in length. The mud and water ranges from 5 inches to 12 inches deep. (2) sloppy mud and water is allowed to accumulate in the walkways along both sides of the #5 conveyor belt head drive and take-up which is approximately 2 blocks in length. The mud and water ranges from 6 inches to 15 inches deep. (3) sloppy mud and water is allowed to accumulate in the walkways along both sides of the #4 conveyor belt head drive and take-up. The mud and water ranges from 4 inches to 10 inches deep. Miners normally work and travel in these areas.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1403

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: 001

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

12. Type of Action	13. Type of Issuance (check one)			
104(d)(2)	Citation ☐	Order ☑	Safeguard ☐	

14. Initial Action	E. Citation/ Order Number	F. Dated (Mo Da Yr)
A. Citation ☐ B. Order ☑ C. Safeguard ☐ D. Written Notice ☐	7097827	05/20/2005

15. Area or Equipment: The walkways along both side of the following conveyor belt system: #6 conveyor belt head drive and take-up, #5 conveyor belt head drive and take-up and #4 conveyor belt head drive and take-up.

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

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [illegible] — 23. AR Number [illegible]

MSHA Form 7000-3, Mar 85 (revised) In accordance with the pro[illegible]ons 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.

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☐ ☑	09/12/2005	4890537

4. Served To	5. Operator
Brad Hamrick	ANKER WEST VIRGINIA MINING COMPANY INC (Contractor)
6. Mine	7. Mine ID
SAGO MINE	46-08791

Section II--Justification for Action

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.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated ☐ D. Terminated ☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	09/12/2005	1840

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

0 4 OCT

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	09/12/2005	4890537 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Change **From** **To**

15. Area or Equipment

Reason Modified the area effected to allow the mine operator to put the #4 conveyor belt and the #6 conveyor belt back into service 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.

ASMTS 10/06/05 AM11:11

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	E. Modified
			☐	☐	☑

Section IV--Inspection Data

9. Type of Inspection	10. Event Number			
E01	4054749			
11. Signatur	**AR Number**	**12. Date Mo Da Yr**	**13. Time (24 Hr. Clock)**	
[illegible]	[illegible]	09/13/2005	0950	

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

Mine Citation/Order Continuation

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

4 OCT 2005

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	09/12/2005	4890537 - 02

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

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.

ASMIS 10/06/05 AM11:11

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signatur	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	09/13/2005	1055

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

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

18:40 75.1403

4890537 104-d-2

The walkways along the following conveyor belt system is not maintained in a safe travelable condition in that the following conditions were observed by this inspector. (1) Sloppy mud and water is allowed to accumulate in the walkways along both sides of the #6 Conveyor belt head drive and take-up which is approximately

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

2 blocks in length. The mud and water ranges from 5 inches to 12 inches deep. (2) Sloppy mud and water is allowed to accumulate in the walkways along both sides of the #5 Conveyor belt head drive and take-up which is approximately 2 blocks in length. The mud and water ranges from 6 inches to 15 inches deep. (3) Sloppy mud and water is allowed

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

To accumulate in the walkways along both sides of the #4 Conveyor belt head drive and take-up. The mud and water ranges from 4 inches to 10 inches deep. Miners normally work and travel in these areas. There have 15 citations issued for violations of section 75.1403 at this mine since 05-03-2005.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

The mine examiner should have KNOWN of This Condition.

Based on my mining experience IT would Take several shifts for this condition To accumulate to this extent.

ONE miner is exposed

when an accident does occur from this Type of condition IT will be of a serious nature

Inspector's Initials [5]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

from Slip, Trip and fall related accidents Causing bruising, sprains, strains, lacerations, broken bones.

IT is Reasonably likely That an accident will occur from this Type of Condition. The mine floor is slick from the sloppy mud and water and the miners can not see what Type of slipping and tripping hazards exist in the mud and

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

water. The miners are exposed To hazards due To when Miners attempt To Travel Through The mud in The walkways in that when a miner steps in The mud it is hard To Take another step due To The mud forms a vacume around The miners boot making it very difficult To Take another step. This Type of Condition expses The miners To numerous Types of

[6]

Inspector's Initials

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

possible injurites To Them Selves such as broken bones, Knee and ankle injuries which are all related To miners walking Through this Type of mud.

[6]

Inspector's Initials

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

29 SEP 2005

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
09/12/2005	1845		4890538

4. Served To	5. Operator
Brad Hamrick	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The guarding along the #4 conveyor belt take-up roller which is along the walkway on the off side of the conveyor belt is missing. The 24 inch diameter take-up roller is exposed the an area that measured 38 inches wide by 48 inches high. The top of the exposed take-up roller is 32 inches above the walkway floor and a miner can easily slip, trip or fall into moving conveyor belt take-up roller and become caught between the roller and the conveyor belt. The mine floor is sloppy wet and slick.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1722

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: 001

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

12. Type of Action: 104(a) — 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 — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/12/2005	2045	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [illegible] — 23. AR Number [illegible]

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.

Mine Citation/Order Continuation

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

29 SEP 2005

Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑ ☐	09/12/2005	4890538 - 01

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Terminated due to the #4 take-up roller being guarded with wire screen.

Section III--Subsequent Action Taken

See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	09/13/2005	0800

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

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

18:45 75.1722(b)

4890538 S&S - yes

The guarding along the #4 Conveyor belt Take-up roller which is along the walkway on the off side of the conveyor belt is missing. The 24 inch diameter Take-up roller is exposed through an area that measured 38 inches wide by 48 inches high. The Top of the exposed Take-up roller is 32 inches above the

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 42

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

walkway floor and a miner can easily slip, trip or fall into the moving conveyor belt Take-up roller and become caught between the roller and the conveyor belt. The mine floor is sloppy wet and slick.

The mine examiner should have known of this condition.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 43

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

Based on my mining experience this condition has existed for several shifts.

One miner is exposed.

When an accident does occur from this Type of Condition it will be of a serious nature from bruising, lacerations, braken bones, Amputations or fatality

It is Reasonably likely that an accident will occur from this Type

Inspector's Initials [6] 43

Supervisor's Initials and Date _____ Page No. 43

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

of Condition. The walkway floor is sloppy wet and muddy & slick. The Top of the 24 inch Conveyor belt Take-up roller is 32 inches above the walkway which a Miner Can become Caugh between the Conveyor belt and the Take-up roller. The #4 Conveyor belt was running when this Conditon was observed by this inspector.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 44

U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
~~09/13/2005~~	~~2200~~ 2215		4890539

4. Served To	5. Operator
Brad Hamrick 9/12/05	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine: SAGO MINE	7. Mine ID: 46-08791 (Contractor)

8. Condition or Practice — 8a. Written 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.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.364(b)(1)

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: 001

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

12. Type of Action	13. Type of Issuance (check one)			
104(d)(2)	Citation ☐	Order ☑	Safeguard ☐	

14. Initial Action (A. Citation ☐ B. Order ☑ C. Safeguard ☐ D. Written Notice ☐)	E. Citation/ Order Number	F. Dated (Mo Da Yr)
	7097827	05/20/2005

15. Area or Equipment: The conveyor belt head drives and take-up and walkways along the following conveyor belts. #6 conveyor belt, #5 conveyor belt and the #4 conveyor belt.

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

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [illegible] — 23. AR Number [illegible]

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.

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	3. Citation/ Order Number
☑ ☐	Mo 9/12 Da 05 Yr ~~09/13/2005~~	4890539 - 01

4. Served To	5. Operator
Brad Hamrick	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Change	From	To
1. Issue Date	09/13/2005	09/12/2005

Reason Entered the wrong date on citation when issuing.

2. Issue Time	22:00	22:15

Reason Entered the wrong time on the citation when issuing.

17. Action To Terminate

Reason Terminate citation no 4890539 due to a supplemental examination being conducted in the cited locations and the conditions that were found being recorded in the examination record book.

See Continuation Form ☐

Section III–Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☑ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	MSHA Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[signature]	[illegible]	09/13/2005	2200

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

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	09/12/2005	4890539 - 02

4. Served To	5. Operator
Brad Hamrick	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Change	From	To
9. C. Part/Section	75.364(b)(1)	75.360

Reason Issued under the wrong section of the 30 CFR in error.

Issued under the wrong section of the 30 CFR in error.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☑ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number			
E01	4054749			
11. Signature	**AR Number**	**12. Date Mo Da Yr**	**13. Time (24 Hr. Clock)**	
[illegible]	[illegible]	10/04/2005	1630	

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

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)	3. Citation/Order Number
☑	☐	~~10/05/05~~ Mo 09 Da 28 Yr 05	4890539-03

4. Served 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

Entered the wrong event number on modification #4890539-~~03~~ 02.

This condition should have been under event number 4054434

See Continuation Form ☐

Section III–Subsequent Action Taken

8. Extended To	A. Date	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	E. Modified
	Mo Da Yr		☐	☐	☑

Section IV–Inspection Data

9. Type of Inspection	10. Event Number	11.	AR Number	12. Date	13. Time (24 Hr. Clock)
E01	4054434	C 6	E 6	Mo 10 Da 05 Yr 05	0650

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

★ U.S. GOVERNMENT PRINTING OFFICE: 1996-709-504

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

22:00 75.364(b)(1)

4890539 104-d-2

The pre-shift examination for hazardous conditions that was conducted on 09-12-2005 for the #6, #5 and #4 conveyor belt 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

[6]

Inspector's Initials

Supervisor's Initials and Date Page No. 45

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

for a discription 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.

The mine examiner should have known of these conditions.

Based on my mining experience these conditions have existed for several shifts.

[6]

Inspector's Initials

Supervisor's Initials and Date Page No. 46

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

One miner is exposed

when an accident does occur from these Type of conditions it will be of a serious nature from bruising, lacerations, broken bones, amputations fire, burns, smoke Inhalation.

It is Reasonably likely that when normal mining continues an accident will occur from these Type of

[6]

Inspector's Initials

Supervisor's Initials and Date Page No. 47

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

Conditions. Miners are working in areas of the mine where hazardous condition exist due to an inadequate pre-shift examination being conducted. A pre-shift examination is the first line of defence to detect and correct hazardous conditions at their earliest possible stages. On 9-12-05 Several hazardous Conditions went un-detected which exposes

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

Miners to unnessary and unknown hazards which will effect their health and safety

when this Inspector was Traveling outby about midway along the #4 Conveyor belt he meet the Conveyor belt examinor and discussed the conditions that were found at the #4 and #5 Conveyor belt head drives and Take-ups. The belt examiner told this inspector that the

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-12-05

#4 Conveyor belt is in good shape and he did not see any thing wrong.

when this inspector examined the #4 Conveyor belt he found the conditions that are listed in the following citations and orders (1) #4890536, (2) #4890537, (3) #4896538 These conditions are obvious and extensive and should have been seen by any prudent mine examiner

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

0 4 OCT 2005

Section I–Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
09/20/2005	0740		7093329

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The #10 Stanco water pump located in the sump which is in the #1 return entry on the 2-left, 003-0 MMU section is not clearly marked for identification to correspond with the circuit breaker that provides 575 VAC to this water pump. The circuit breaker is marked #10 pump and the water pump is not clearly marked for identification.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.512

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: 001

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

12. Type of Action	13. Type of Issuance (check one)			
104(a)	Citation ☑	Order ☐	Safeguard ☐	

14. Initial Action (A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐)	E. Citation/ Order Number	F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/20/2005	0747	

Section III–Termination Action

17. Action to Terminate: Terminated due to the #10 Stanco water pump being clearly marked for identification.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock	
	09/20/2005	0747	

Section IV–Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [6] — 23. AR Number [6]

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.

MSHA Form 7000-10K, June 93 (revised)

Date 9-20-05

7:40 75.512

7093329 S&S -NO

The #10 STANCO water pump located in the sump which is in the #1 return entry on the 2-left, 003-0 mmu section is not clearly marked for identification to correspond with the circuit breaker that provides 575 VAC to this water pump. The circuit breaker is marked #10 pump and the water pump is not clearly marked for identification.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-20-05

The electrical examiner should have known of this condition.

This water pump has been in service at this location for more than one shift

one miner is exposed.

when an accident does occur from this type of condition it will be of a serious nature from electrical shock, burns.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-20-05

IT is unlikely that an accident will occur from this condition. The on & off switch, trailing cable cat head and circuit breaker are clearly marked #10 water pump. The water pump that receives 575 VAC from this circuit breaker is not clearly marked for identification to correspond with this circuit breaker.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

2005

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
09/20/2005	0830		7093330

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The #6 AWG trailing cable for the #10 water pump located in the sump which is in the #1 return entry on the 2-left, 003-0 MMU section is plugged into a circuit breaker that has an instantaneous setting range from 300 to 700 amperes and the instantaneous setting is set on 700 amperes at the time of this inspection. The maximum allowable instantaneous setting for a #6 trailing cable is 300 amperes. The mine operator immediately adjusted the circuit breakers instantaneous setting.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.601-1

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: 001

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

12. Type of Action	13. Type of Issuance (check one)			
104(a)	Citation ☑	Order ☐	Safeguard ☐	

14. Initial Action A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐	E. Citation/ Order Number	F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/20/2005	0835	

Section III--Termination Action

17. Action to Terminate: Terminated due to the instantaneous setting on the circuit breaker that provides 575 VAC to the #10 Stanco water pump being set back to 300 amperes which is the maximum allowable instantaneous setting for a

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/20/2005	0835	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [Ce] — 23. AR Number [6]

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.

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☐ ☑	09/20/2005	7093330

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Continuation of 17. Action to Terminate

#6 AWG trailing cable.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated ☐ D. Terminated ☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	ID Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	09/20/2005	0830

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

MSHA Form 7000-10K, June 93 (revised)

Date 9-20-05

8:30 75.601-1

7093330 S&S-NO

The #6 AWG Trailing Cable for the #10 water pump located in the sump which is in the #1 return entry on the 2-left, 003-0 MMU section is plugged into a circuit breaker that has an instantaneous setting range from 300 to 700 amperes and the instantaneous setting is set on 700 Amperes at the Time of this

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 20

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MSHA Form 7000-10K, June 93 (revised)

Date 9-20-05

inspection. The maximum allowable instantaneous setting for a #6 AWG Trailing Cable is 300 amperes. The mine operator immediately adjusted the circuit breakers instantaneous setting.

The electrical examiner should have known of this condition.

This condition has existed for more than one shift.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 21

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MSHA Form 7000-10K, June 93 (revised)

Date 9-20-05

One miner is exposed

when an accident does occur it will be of a serious nature from electrical shock, burns.

It is unlikely that an accident will occur from this condition.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 22

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

0 4 OCT 2005

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
09/20/2005	0720		7093331

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The approved ventilation plan is not being complied with on the 2-left, 003-0 MMU section. The inby end of the line curtain in the #2 face entry is not maintained to the next to the last row of permanently installed roof support. The line curtain is located on the eighth full row of roof support outby which is approximately 28 feet in length. This face is unsupported for approximately 20 feet past the last full row of roof support. The total distance the line curtain is from the face is approximately 48 feet. There have been 19 citations issued for violations of section 75.370(a)(1) at this mine since 02/17/2005.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.370(a)(1)

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: 001

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

12. Type of Action	13. Type of Issuance (check one)		
104(a)	Citation ☑	Order ☐	Safeguard ☐

14. Initial Action (A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐)	E. Citation/ Order Number	F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/20/2005	0730	

Section III--Termination Action

17. Action to Terminate: Terminated due to the line curtain being extended to the next to the last row of permanently installed roof support (roof bolts).

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/20/2005	0730	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [illegible] — 23. AR Number [illegible]

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.

MSHA Form 7000-10K, June 93 (revised)

Date 9-20-05

7:20 75.370(a)(1)

7093331 S&S - NO

The approved ventilation plan is not being Complied with on the 2. Left, 003-0 MMU section. The inby end of the line curtain in the #2 face entry is not maintained to the next to the last row of permanently installed roof support. The line curtain is located on the eighth full row of roof support outby which is approximately 28 feet in

Inspector's Initials [6]

Supervisor's Initials and Date Page No. 13

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-20-05

length. This face is unsupported for approximately 20 feet past the last full row of roof support. The total distance the line curtain is from the face is approximately 48 feet. There have been 19 citations issued for violations of section 75.370(a)(1) at this mine since 02-17-2005.

Inspector's Initials [6]

Supervisor's Initials and Date Page No. 14

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-20-05

The mine examiner should have known of this condition.

Based on my mining experience this condition has existed for more than one shift.

One miner is exposed

ET is unlikely that an accident will occur from this condition. This entry has good air movement and

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-20-05

NO CH_4 was detected and the O^2 is 20.8%. NO line curtain is present to indicate that the line curtain has previously been hung.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
09/20/2005	1020		7093332

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID	
SAGO MINE	46-08791	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The John Deere 675B Skid Steer serial no. M0675BB010106 is not maintained in a safe operating condition in that the steering lever's are sticking and do not self center. This condition allows the Skid Steer to continue tramimg when the steering lever's are released. The mine operator immediately removed the Skid Steer form service by tagging it out of service.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			77.404(a)

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: 001

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

12. Type of Action: 104(a) — 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 — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/20/2005	1300	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [illegible] — 23. AR Number [illegible]

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.

Mine Citation/Order Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑ ☐	09/20/2005	7093332 - 01

4. Served To	5. Operator
Al Schonnover	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II–Justification for Action

Extended due to parts being ordered for this Skid Steer. Additional time is granted to receive the parts and to repair this Skid Steer.

See Continuation Form ☐

Section III–Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified
	09/27/2005	0450			

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[illegible]	[illegible]	09/23/2005	0430

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

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑ ☐	09/20/2005	7093332 - 02

4. Served To	5. Operator
Carl Crumrine - Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Extended due to the parts have not been received. This Skid Steer will remain out of service until the condition is corrected.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	E. Modified
	10/07/2005	0600	☐	☐	☐

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054749

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[signature]	7 E 6 7	09/28/2005	1229

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

MSHA Form 7000-10K, June 93 (revised)

Date 9-20-05

10:20 77.404(a)

7093332 S&S-yes

The John Deere 675B Skid Steer serial no. M0675BB010106 is not maintained in a safe operating condition in that the steering lever's are sticking and do not self center. This condition allows the Skid Steer to continue traming when the steering lever's are released. The mine operator immediately removed

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 23

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-20-05

when an accident occurs from this type of condition it will be of a serious nature from from bruising, lacerations, broken bones, amputations

IT is Reasonably likely that an accident will occur from this type of Condition. This Skid Steer is designed in a manner that when the steering control handles are released they are

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 25

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-20-05

To self center and the Skid Steer will stop traming. The steering control handles on this skid steer will not self center due to the steering control lever handle's are sticking which results in the Skid Steer continue's to tram. A miner can easily become injured due to this type of condition.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 26

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
09/20/2005	1045		7093333

4. Served To	5. Operator
Charles Lucas	HWM TRUCK LINES, INC.

6. Mine	7. Mine ID		
SAGO MINE	46-08791	E467	(Contractor)

8a. Written Notice (103g) ☐

8. Condition or Practice

The 1999 Mack truck serial no.1M2AA14YOXW101582 company #131 being operated on mine property to transport coal from the mine site to the cleaning plant is not maintained in a safe operating condition in that the following conditions were observed by this inspector. (1) The air valve for the truck braking system has a excessive air leak when the braking system was tested by applying foot pressure to the brake pedal. (2) The brake lights and the signal lights located on the back of this truck will not burn when tested. The operator immediately removed the truck from service.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			77.404(a)

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: 001

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

12. Type of Action	13. Type of Issuance (check one)			
104(a)	Citation ☑	Order ☐	Safeguard ☐	

14. Initial Action	E. Citation/ Order Number	F. Dated (Mo Da Yr)
A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐		

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/20/2005	1245	

Section III--Termination Action

17. Action to Terminate: Terminated due to the brake lights and signal lights being replaced and the leaking air valve for the truck braking system being replaced with a new valve.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/20/2005	1245	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [illegible]

23. AR Number [illegible]

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.

MSHA Form 7000-10K, June 93 (revised)

Date 9-20-05

10:45 77.404(a)

7093333 S&S - yes

The 1999 Mack Truck serial NO. 1M2AA14Y0XW101582, Company #131 being operated on mine property To Transport Coal from The mine site To The cleaning plant is NOT maintained in a safe operating Condition in That The following conditions were observed by this inspector. (1) The air valve for The Truck

Inspector's Initials [illegible]

Supervisor's Initials and Date _____ Page No. 27

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-20-05

braking system has a excessive air leak when The braking system was Tested by applying foot pressure To The brake pedal. (2) The brake lights and The signal lights located on The back of this Truck will NOT burn when Tested. The operator immediately removed The Truck from service.

Inspector's Initials [illegible]

Supervisor's Initials and Date _____ Page No. 28

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-20-05

The operator should have detected These Conditions during The pre-operational checks.

Based on my mining experience These Conditions have existed for more Than one shift.

One person is exposed.

When an accident does occur from This Condition, it will be of a serious Nature from bruising, lacerations, broken bones.

Inspector's Initials [illegible]

Supervisor's Initials and Date _____ Page No. 29

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-20-05

These injuries would be related to the driver losing control of the Truck and causing an accident.

IT is Reasonably likely That an accident will occur from this condition The [6] can lose control of the Truck due to low air pressure which will cause brake failure and resulting in an accident. This Truck is used to

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 30

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-20-05

Transport Coal from the mine site To the preperation plant on the day shift and on the night shift.

The brake lights, signal lights on the back of this Truck will not function when Tested and this type of condition can also result in an accident.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 31

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
09/23/2005	0200		7093337

4. Served To	5. Operator
Al Schoonover	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID
SAGO MINE	46-08791

8. Condition or Practice (Contractor) 8a. Written Notice (103g) ☐

The right return air course can not be traveled in it's entirety in that the following conditions were observed by this inspector: (1) The mine roof has fallen in the #7 return entry at SS#3746 the fall is rib to rib by approximately 8 feet high. (2) The mine roof has fallen in the #7 return entry at SS#3744 the fall is rib to rib by approximately 8 feet high. (3) The mine roof has fallen in the #7 return entry at #24 block, the fall is rib to rib by approximately 8 feet high. This #7 return entry can not be traveled through the areas listed.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.364(b)(2)

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: 001

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

12. Type of Action: 104(a) 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 F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/30/2005	0600	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature 6 23. AR Number 6

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.

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑ ☐	09/23/2005	7093337 - 01

4. Served To	5. Operator
Jeff Toler	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

submitted a plan to MSHA and West Virginia State on 9-30-2005 to make ventilation change from return airway to common with the intake airway

Section III--Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified
	10/21/2005	1600			

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054434

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[signature]	[illegible]	10/04/2005	1155

MSHA Form 7C ... (revised)

MSHA Form 7000-10K, June 93 (revised)

Date 9-23-05

02:00 75.364(b)(2)

2093337 SDS-NO

The right return air course can not be Traveled in it's entirety in That the following conditions were observed by this inspector: (1) The mine roof has fallen in The #7 return entry at SS#3746 The fall is rib To rib by approximately 8 feet high. (2) The mine roof has fallen in The #7 return

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-23-05

entry at SS#3744 The fall is rib To rib by approximately 8 feet high. (3) The mine roof has fallen in The #7 return entry at #24 block, The fall is rib To rib by approximately 8 feet high. This #7 return entry can not be Traveled Through The areas listed.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-23-05

The mine examiner should have known of these conditions

Based on my mining experience these condition have existed for several shifts

one miner is exposed.

when an accident occurs from this type of condition it will be of a serious nature from unknown hazards due to the right

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 10

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-23-05

return air course not being traveled in it's entirety.

It is unlikely that an accident will occur from this condition. This #7 return entry is not a return entry from a working section.

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 11

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
09/23/2005	0300		7093338

4. Served To	5. Operator
Al Schoonover	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID
SAGO MINE	46-08791

8. Condition or Practice (Contractor) 8a. Written Notice (103g) ☐

The conveyor belt system in this mine is not maintained in a safe condition in that the wire screen being used for guarding on the #3, #4, #5, and #6 conveyor belt head drive's, take-up's, head roller's and tailpiece's are inadequate due to the holes in the screen are 4 inches by 4 inches. A miner can stick his hand through a hole of this size.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.1722(b)

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: 001

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

12. Type of Action: 104(a) 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 F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/30/2005	0600	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature [illegible] 23. AR Number [illegible]

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.

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	09/23/2005	7093338 - 01

4. Served To	5. Operator
Jeff Toler	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	**7. Mine ID** (Contractor)
SAGO MINE	46-08791

Section II--Justification for Action

Purchase order records show fencing was ordered on 9-26-2005 and has not been received as of today's date 10-04-2005, additional time is being granted for materials to arrive.

Section III--Subsequent Action Taken — See Continuation Form ☐

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	E. Modified
	10/21/2005	0800	☐	☐	☐

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4054434

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[signature]	[illegible]	10/04/2005	1158

MSHA Form 7000-[illegible], Mar 88 (Revised)

MSHA Form 7000-10K, June 93 (revised)

Date 9-23-05

03:00 75.1722(b)

7093338 S+S-NO

The conveyor belt system in this mine is not maintained in a safe condition in that the wire screen being used for guarding on the #3, #4, #5 and #6 conveyor belt head drive's, Take-up's, head roller's and Tailpiece's are in-adequate due to the holes in the wire screen are 4

Inspector's Initials [6]

Supervisor's Initials and Date

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-23-05

inches by 4 inches. A miner can stick his hand through a hole of this size.

The mine examiner should have known of this condition.

Based on my mining experience this condition has existed for several shift's.

One miner is exposed

Inspector's Initials [6]

Supervisor's Initials and Date

U.S. G.P.O.2005:742-563

Date 9-23-05

When an accident does occur from this Type of Condition it will be of a serious nature from a miner becoming caught between the Conveyor belt and the pulley. Causing injuries related To bruising, lacerations, broken bones, amputations.

It is unlikely that an accident will occur from this condition. The Conveyor belt System is guarded.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-23-05

The holes in the wire screening being used are large enough for a miner to stick his hand through the screening and become caught between the Conveyor belt and the pulley's (Cover sized rollers).

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
09/30/2005	1000		7098384

4. Served To	5. Operator
Al Schoonover	ANKER WEST VIRGINIA MINING COMPANY INC

6. Mine	7. Mine ID
SAGO MINE	46-08791 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The roof and rib on the 2-Left Mains section are not being supported or otherwise controlled to protect persons against the hazards associated with falls of roof and rib at the following locations:

1.) Fifty feet inby spad #4060 in the track entry, loose hanging rib, 10" thick, extending inby to the corner. 2.) Loose hanging brow measuring 3' x 5' x 2' thick on the inby left corner. 3.) Thirty feet inby spad #4060 on left rib, large (2' x 3' x 8") pieces extend 6' into the track entry. 4.) Cross-cut from track to belt at 9 Room, loose hanging roof 8-10 inches thick. 5.) Belt Entry: 20' outby 9 Room Intersection, Inby feeder left and right ribs, loose hanging brow measuring up to 10" thick.

The roof and rib conditions in these areas are loose and appear as if they will fall without warning.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.202(a)

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: 001

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

12. Type of Action: 104(a) — 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 — F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/30/2005	1030	

Section III--Termination Action

17. Action to Terminate: The listed hazardous conditions were scaled down.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/30/2005	1030	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature: [illegible] — 23. AR Number: [illegible]

MSHA Form 7000-3, Mar 85 (revised) In accordance ... ions 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.

MSHA Form 7000-10K, June 93 (revised)

Date 9-30-05

1000

75.202(a) 2078384

THE ROOF AND RIBS ARE NOT BEING SUPPORTED OR OTHERWISE CONTROLLED TO PREVENT PERSONS FROM BEING INJURED BY FALLING ROOF OR RIBS ON THE 2-LEFT MAINS SECTION, AS EVIDENCED BY:

★ 50' INBY SPAD# 4060 IN THE TRACK ENTRY, LOOSE HANGING RIB ON THE LEFT SIDE EXTENDING INBY TO THE CORNER. 10" THICK

★ LOOSE HANGING BROW 3'x5'x2' ON THE INBY, LEFT CORNER

★ 30' INBY SPAD #4060 ON LEFT RIB LARGE (2'x3'x8") PIECES EXTENDED INTO WALK WAY

Inspector's Initials [G]

Supervisor's Initials and Date _____ Page No. _____

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-30-05

BELT ENTRY:

★ OUTBY 9RH INTERSECTION

★ CROSS CUT FROM TRACK TO BELT

★ INBY FEEDER LEFT AND RIGHT RIB - HANGING BROW 10' FROM MINE FLOOR

Inspector's Initials [G]

Supervisor's Initials and Date _____ Page No. _____

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-30-05

4.) PRE-SHIFT EXAMINER KNEW CONDITION EXISTED

5.) CONDITION HAS EXISTED SEVERAL SHIFTS

6.) ONE PERSON WOULD BE AFFECTED

7.) AN ACCIDENT BECAUSE OF THIS HAZARD WOULD CAUSE A CRUSHING BLOW TO THE BODY CAUSING SERIOUS INJURY

8.) THIS TYPE OF ACCIDENT WOULD BE REASONABLY LIKELY TO OCCUR DUE TO ROOF & RIB CONDITIONS AT THE MINE

Inspector's Initials [G]

Supervisor's Initials and Date _____ Page No. _____

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-30-05

EXAMINED ROOF AND RIBS!
2 LEFT MAINS SECTION
★ SPAD # 4060 → ZERO POINT
TRACK ENTRY 50' INBY, LEFT RIB
1) LOOSE HANGING RIB
a.) 9' x 8-10" THICK x 10' WIDE
2.) LOOSE HANGING BROW: INBY CORNER
a.) 3' x 5' x 1'
b.) 6' OFF GROUND
3.) 20' OUTBY HANGING BROW
a.) RIBS FALLEN OR SCALED
b.) EXTENDS INTO WALKWAY 6'
c.) 20' LONG
d.) PIECES MEASURE UP TO 8-10" x 2' x 3'

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. _____

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-30-05

BELT ENTRY.
1.) 20' HIGH INBY 9 X-CUT
a.) LOOSE HEAD COAL HANGING
b.) 2' x 3' x 6-8" THICK
2.) AT CRUSHER/FEEDER
a.) INBY RT CORNER
b.) 18" x 12" x 8" THICK
c.) LOOSE BROW HANGING
d.) FROM STRAP EXTENSION
3.) AT CRUSHER/FEEDER
a.) INBY LEFT RIB 20'
b.) LOOSE HANGING BROW
c.) 4' LONG x 18" WIDE x 6-8" THICK
d.) 10' ABOVE MINE FLOOR

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. _____

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-30-05

9RM CROSS-CUT TRACK TO BELT
1.) LOOSE HANGING ROOF
BETWEEN BOLTS

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. _____

☆U.S. G.P.O.2005:742-563

Mine Citation/Order

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

14 OCT 2005

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
09/30/2005	1015		7098385

4. Served To	5. Operator
Al Schoonover	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	7. Mine ID
SAGO MINE	46-08791 (Contractor)
	8a. Written Notice (103g) ☐

8. Condition or Practice

It's obvious the pre-shift examination conducted for the day shift 9/30/2005 on the 2 Left Mains Section was not adequate. The hazardous conditions listed on citation #7098384 issued on 9/30/2005 were extensive and obvious, and should have been detected by a prudent examiner. The hazards were not posted with a conspicous danger sign or corrected.

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

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR
			75.360(a)(1)

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: 001

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

12. Type of Action	13. Type of Issuance (check one)			
104(a)	Citation ☑	Order ☐	Safeguard ☐	

14. Initial Action (A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐)	E. Citation/ Order Number	F. Dated (Mo Da Yr)

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/30/2005	1100	

Section III--Termination Action

17. Action to Terminate: An examination was conducted and the examination requirements were discussed with mine management.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	09/30/2005	1100	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4054749		

22. Signature	23. AR Number
[redacted]	[redacted]

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.

MSHA Form 7000-10K, June 93 (revised)

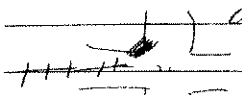
Date 9-30-05 /

10:15 AM

2ND Left MAINS Sections

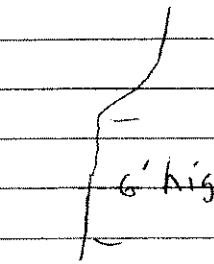
- track entry 9B1K -

at spad # 4060



3'X5'X12" CORNER BROW

SEPARATED at the top 1/2" to 3/4"



Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 1B

U.S. GPO: 2005-752-00928

MSHA Form 7000-10K, June 93 (revised)

Date 9-30-05 10:15 A.M.

at SPAD 4060 50' Inby

~~Section of~~ Rib

- left Rib, SLAB of Rib

approx. 6" to 10" thick

9' high and 10' down (lows)

the entry SEPARATED

1/2" to 3/4" SEPARATED

- Some of the Rib outby

this location had been

SCALED down, and

Rocks 6" thick

Inspector's Initials [6]

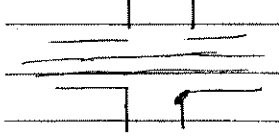
Supervisor's Initials and Date _____ Page No. 2

U.S. GPO: 2005-752-00928

MSHA Form 7000-10K, June 93 (revised)

Date 9-30-05

Belt Entry at the Crusher Feeder



- Inby Right corner of the Intersection. A Rock 18"X12"X8" thick HANGING loose on Short Brow STRAP.

- Rock 4' long x 18" wide. X6" thick, HANGING from left CORNER BROW appr. 10' high in UPPER CORNER OF Entry. Its located In the Center 20'

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 3

U.S. GPO: 2005-752-00928

Notes from citation # 7098384

MSHA Form 7000-10K, June 93 (revised)

Date 9-30-05

1000

75.202(a) 7098384

THE ROOF AND RIBS ARE NOT BEING SUPPORTED OR OTHERWISE CONTROLLED TO PREVENT PERSONS FROM BEING INJURED BY FALLING ROOF OR RIBS ON THE 2-LEFT MAINS SECTION, AS EVIDENCED BY:

* 50' INBY SPAD # 4060 IN THE TRACK ENTRY, LOOSE HANGING RIB ON THE LEFT SIDE EXTENDING INBY TO THE CORNER 10" THICK
* LOOSE HANGING BROW 3'x5'x2' ON THE INBY, LEFT CORNER
* 30' INBY SPAD #4060 ON LEFT RIB LARGE (2'x3'x8") PIECES EXTENDED INTO WALK WAY

Inspector's Initials [ ]

Supervisor's Initials and Date _____ Page No. _____

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-30-05

BELT ENTRY:

* ENTRY 9TH INTERSECTION
* CROSS CUT FROM TRACK TO BELT
* INBY FEEDER LEFT AND RIGHT RIB. - HANGING BROW 10' FROM MINE FLOOR

Inspector's Initials [ ]

Supervisor's Initials and Date _____ Page No. _____

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-30-05

4.) PRE-SHIFT EXAMINER KNEW CONDITION EXISTED

5.) CONDITION HAS EXISTED SEVERAL SHIFTS

6.) ONE PERSON WOULD BE AFFECTED

7.) AN ACCIDENT BECAUSE OF THIS HAZARD WOULD CAUSE A CRUSHING BLOW TO THE BODY CAUSING SERIOUS INJURY

8.) THIS TYPE OF ACCIDENT WOULD BE REASONABLY LIKELY TO OCCUR DUE TO ROOF + RIB CONDITIONS AT THE MINE

Inspector's Initial [ ]

Supervisor's Initials and Date _____ Page No. _____

☆U.S. G.P.O.2005:742-563

Notes from citation #7098384

MSHA Form 7000-10K, June 93 (revised)

Date 9-30-05

EXAMINED ROOF AND RIBS!
2 LEFT MAINS SECTION
★ 9PAD # 4060 → ZERO POINT
TRACK ENTRY 50' INBY, LEFT RIB
1) LOOSE HANGING RIB
a.) 9' x 8-10" THICK x 10' LONG
2.) LOOSE HANGING BROW: INBY CORNER
a.) 3' x 5' x 1'
b.) 6' OFF GROUND 6'
3.) 20' OUTBY HANGING BROW
a.) RIBS FALLEN OR SCALED
b.) EXTENDS INTO WALKWAY 6'
c.) 20' LONG
d.) PIECES MEASURE UP TO 8"x2'x3'

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. _____

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 9-30-05

BELT ENTRY:
1.) 20' HIGH OUTBY 9 X-CUT
a.) LOOSE HEAD COAL HANGING
b.) 2' x 3' x 6-8" THICK
2.) AT CRUSHER/FEEDER
a.) INBY RT CORNER
b.) 18" x 12" x 8" THICK
c.) LOOSE BROW HANGING
d.) FROM STRAP EXTENSION
3.) AT CRUSHER/FEEDER
a.) INBY LEFT RIB 20'
b.) LOOSE HANGING BROW
c.) 4' LONG x 18" WIDE x 6-8" THICK
d.) 10' ABOVE MINE FLOOR

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. _____

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MSHA Form 7000-10K, June 93 (revised)

Date 9-30-05

9RM CROSS-CUT TRACK TO BELT
1.) LOOSE HANGING ROOF
BETWEEN BOLTS

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. _____

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10H, June 93 (revised)

GENERAL INFORMATION COVER SHEET

Inspection Code E01 Event No. 4054749

Company Name Anker West Virginia Mining Co.

Mine Name Sa Bo Mine

Mine I.D. Number 46-08791

Date(s) of Mine File Review 7-7-05

D Status D-1 Citation/Order No. 7697827 Date 5-20-05

Dates of Inspection: began 7-7-05 completed 9-30-05

Pre-Inspection Conference Date 7-12-05

Company Representative(s) Johnny STemple & Carl Crumrine

Miners Representative(s) NONE

Post-Inspection Conference Date 9-28-05

Company Representative(s) Jeff Toler & Al Schoonover

Miners Representative(s) NONE

Comments:

Inspector's Init [6] Supervisor's Initials and [6]

*U.S. Government Printing Office: 1997 - 508-470

MSHA Form 7000-10I, June 93 (revised)

DAILY COVER SHEET

Date 7-7-05 Event No. 4054749

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked _____

Accompanied By: Company Representative _____

Miners Representative _____

AREAS OF INSPECTION ACTIVITY:

Reviewed uniform mine files opened EVENT.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 1

*U.S. Government Printing Office: 1997 - 508-470

MSHA Form 7000-10I, June 93 (revised)

DAILY COVER SHEET

Date 7-12-05 Event No. 4054749

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked Presh: PT + On Shift Belt's & Track - 003

Accompanied By: Company Representative Carl Crumrine

Miners Representative NONE

AREAS OF INSPECTION ACTIVITY:

Pre-Inspection Conference Safety Talk with 32 miners Complied with 103-f Traveled in mine with Crew Traveled with mine examiner Imminent Danger Run Mine Map Issued 1 104-d-2 order Issued 6 cita.

Inspector's Initials [6]

Supervisor's Initials and Date [6] Page No. 1

*U.S. Government Printing Off[illegible]-470

MSHA Form 7000-10K, June 93 (revised)

Date 2-12-05

Traveled To the mine site accompanied by [6] and Talked with Johnny Steuple and Carl Crumrine.

Pre-Inspection Conference with the mine operator and the miner's

Reviewed mine map -OK

Inspector's Initials [6]

Supervisor's Initials and Date

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Date 2-12-05

Traveled in the mine with the crew

Held a safety talk with 32 miner's, discussed the red zone area's, Accident's & fatalities and also discussed the Slam risk the Smart way - C-crew

Inspector's Initials [6]

Supervisor's Initials and Date

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Date 2-12-05

Complied with 103-f of the act. NO - Comment

Traveled with the mine examiner during the onshift examination

Bulletin board postings -OK

Communication from 003-0 mmu To the surface. -OK

Inspector's Initials [6]

Supervisor's Initials and Date

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MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

Imminent Danger
Run ON 003 MMU
Section, entry's #1 Thru
#9
Roof Control fair
Ventilation - OK
Clean-up - fair
Rock dusting - fair
Mine floor ranges from
wet To Sloppy wet
DTI's indicates
That examinations
are being Conducted
CH4- 0.0%, O2- 20.8%

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 5

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MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

L.O.C.C #1 To #2
entry's

19'-W 108-V
6.75-A +30-C
128.25 138-V

138
128.25
Q-17,698 cfm

CH4- 0.0%
O2- 20.8%

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 6

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MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

Immediate Return Air
Reading 45 feet inby
SS #3976 in #1 Return
entry.

20.25-W 115-V
6-A +31-C
121.5-A 146-V

146-V
121.5-A
Q-12,739 cfm

CH4 - 0.0%
O2 - 20.8%

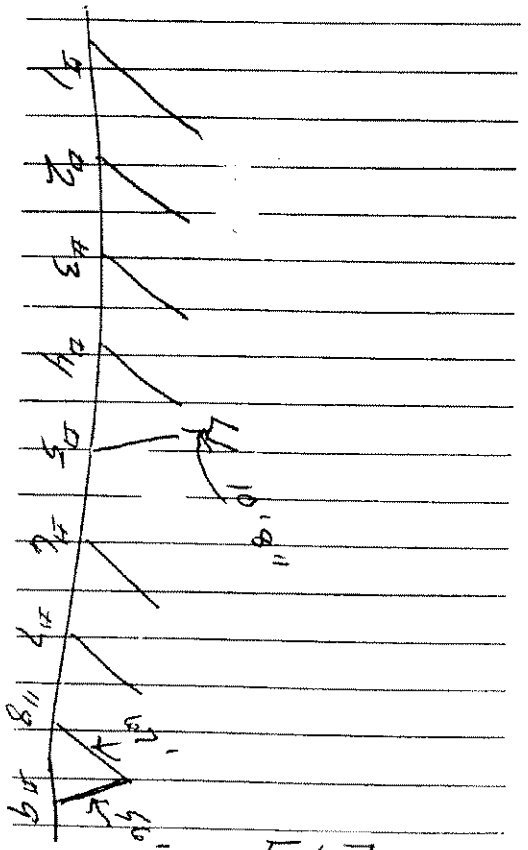
Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 7

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MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05



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Supervisor's Initials and Date

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MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

#3 Scoop charger
003-0 mmu
Issued 1 citn.

#4 scoop charger
003-0 mmu
Issued 1 citation
on Pre-shift exam,
for #3 & #4 Scoop
batter charging station.

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 8-A

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

#1 Roof bolting machine
Fletcher RRII-15
85004/2002328
2G-3715A -OK

#3 R.B. machine
Fletcher DDO-15
Ser. # 82105/2004320
APP. # 2G3715A
CITA. 0845

Joy 14-15 C.M.
Serial # JM. 5574
Co. # 2
Cita

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 9

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MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

This mine is advance mining with 2 MMU sections, with sweep ventilation using line curtains in the face areas, Mining is being Conducted under a deep cut plan. Scrubber are being use on the Continuous mining machines.

Ventilation plan is being Complied with

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Supervisor's Initials and Date Page No. 9-A

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MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

7:30 75.203(b)

2097941 S+S-yes

The mining methods that were used on The 2-left Main (003) MMU section expose The miners To hazards related To reduced pillar size. Proper sight lines or other methods of directional controls were ether not provided or followed. The #5 entry has been driven off sights To the point that in 60 feet of development The left

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Supervisor's Initials and Date Page No. 10

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Date 7-12-05

pillar size has been reduced To a width of 10 feet and 8 inches. The #9 entry has been developed off sights To the point that it cut into The #8 entry after only 56 feet of development. The approved roof control plan provides That the pillar size be maintained at least 35 feet wide. The entry's are being developed on 55 feet Centers which leaves

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Supervisor's Initials and Date Page No. 11

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Date 7-12-05

The pillar block 35 feet wide. The failure of mine management To provide reasonable sight line for the miners To follow demonstrates higher than normal neglect as sight lines are fundamental To the systematic development of a section. This section is a set of mains That will be utilized for years. The small block sizes can not be completely replaced.

Inspector's Initials [ ]

Supervisor's Initials and Date

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The miners will be exposed To the danger done for several years To come.

The mine examiner should have known of This condition. This condition would be obvious to any prudent mine examiner.

Based on my mining experience this condition has existed for several shifts.

Inspector's Initials [ ]

Supervisor's Initials and Date

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One miner is exposed as he works or Travels in This area.

When a accident does occur from this Type of condition it will be of a serious nature from bruising, lacerations, broken bones, amputations.

It is Reasonably Likely this Type of condition will result in a accident. The mine roof is deteriorating and

Inspector's Initials [ ]

Supervisor's Initials and Date

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Date 2-12-05

Sloughing from around the permanent roof supports (roof bolts), along the coal ribs. Some of these conditions could be due to the small pillar size. A miner was injured in the #4 entry directly accross from the small pillar when a brow along the #4 left crosscut fell from the mine roof striking the roof bolting machine's ATCS, striking the boom of

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the continuous mining machine and also striking a miner forcing him to the mine floor. The brow that fell is approximately 14 feet long by 10 inches wide by 14 inches thick. The small pillar size could have propagated this type of condition exposing miners to hazards related to reduced pillar size.

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As the 2-left main (003) mmu section is developed miners will be exposed to hazards due to the #4 entry is the conveyor belt entry and the #5 entry is the track entry. This area of the mine is along the main line and miner's will be working and traveling this area of the mine for years to come.

Inspector's Initials [6]

Supervisor's Initials and Date

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MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

8:30 75.1725(a)

7097942 S&S-yes

The #3 Fletcher roof bolting machine model DDO-15, serial No. 82105/2004320, Approved No. 2G-3715A being operated on the 2-left mains, 003 MMU working section is not maintained in a safe operating condition. A high pressure hydraulic hose To the right side bolter head rotation and both

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high pressure hydraulic hose's To The left side bolter head rotation have numerous broken steel wire braids. These hose's are located within a few inches of the operators head and face during normal roof bolting activities. Mine management removed The machine from service immediately. The failure of any one of these weakened hydraulic hose's is reasonably likely To

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spray The operator with hot hydraulic oil under high pressure (2500 psi). Condition is obvious and should have been detected by a prudent pre-operational check. Both operators are exposed.

The [6] [6.] should have seen this condition during The pre-operational checks.

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IT would Take several shifts for The hydraulic oil hoses To wear and deteriorate To this extent.

Two miners are exposed as the roof bolting machine is being operated.

when a accident does occur from This Type of Condition it will be of a Serious nature from

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Supervisor's Initials and Date

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being sprayed with hot hydraulic oil under high pressure. Causing burns, eyes and skin irritation.

IT is Reasonably Likely That This Type of Condition will result in a accident. When one of These high pressure bolter head rotation burst it will spray on The operator.

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Supervisor's Initials and Date

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Date 7-12-05

9:50 75.1107-1(b)(6)

7097943 S&S - NO

The fire Suppression System of The Joy 14CM15 remote Controled Continuous mining Machine Serial No. JM5574, Company #2 being operated on the 2-left, 003 MMU working Section is not properly Maintained. When The System was activated water would only spray from 1 of The 10 Surface Sprays provided. This machine uses

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Combustible hydraulic oil. This is a remote controlled mining machine that is operated in extended cuts. The approved ventilation plan requires that this system be tested daily.

The [6] [6] should have known of this condition.

Based on my mining experience this condition

Inspector's Initials [6]

Supervisor's Initials and Date

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has existed for more than one shift.

One miner is exposed

when a accident does occur from this type of condition it will be of a serious nature from fire, burns, smoke inhalation.

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Supervisor's Initials and Date

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Date 7-12-05

IT is unlikely that a accident will occur from this condition.

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Date 7-12-05

9:40 75.1107-1G(6)

7099944 S&S-NO

The fire suppression system of the Joy 14 CM15 remote controled continuous mining machine Serial No. JM 5530, Company #1 being operated on the 2-left, 003 MMU working section is not properly maintained. When the system was activated water would only spray from 3 of the 10 surface sprays provided. This machine uses combust-

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ible hydraulic oil. This is a remote controled mining machine that is operated in extended cuts. The approved ventilation plan requires that this system be tested daily.

The [6] [6] should have known of this condition.

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Date 7-12-05

Based on my mining experience this condition has existed for more than one shift.

One miner is exposed

when a accident does occur from this condition it will be of a serious nature from fire, burn's, smoke inhalation.

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Date 7-12-05

IT is unlikely That a accident will occur from This Condition.

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Supervisor's Initials and Date _____ Page No. 31

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Date 7-12-05

9:45 75.503

7097945 S&S-NO

The Joy 14CM 15 Continuous Mining machine Serial No. JM5530, Company #1 being operated on The 003 mmu working Section is not maintained in a permissible condition. The following conditions were found (1) The right rear area light has an opening in excess of .005 of an inch under the access

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Supervisor's Initials and Date _____ Page No. 32

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Date 7-12-05

Cover lid. (2) The emergency stop button located on The operator's side of The mining machine will not de-energize The power source when the stop button is activated.

The [6] [6] should have known of this Condition.

Based on my mining experience this Condition

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Supervisor's Initials and Date _____ Page No. 33

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Date 7-12-05

has existed for more than one shift.

When a accident does occur from this type of condition it will be of a serious nature from fire, burns, smoke inhalation.

IT is unlikely that a accident will occur from this condition.

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Supervisor's Initials and Date _____ Page No. 33

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MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

8:35 75.516

7097946 S&S-NO

The #6 AWG power cable that provides 575 VAC to the #3 scoop battery charger is not hung to prevent the power cable from coming into contact with combustible materials. The power cable is laying on the mine floor for approximately 20 feet in length just outby SS 3951 located in the #1 return entry.

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Supervisor's Initials and Date _____ Page No. 34

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Date 7-12-05

The mine examiner should have known of this condition.

This condition has existed for more than one shift.

One miner is exposed.

When a accident does occur from this type of condition it will be of a serious

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Supervisor's Initials and Date _____ Page No. 35

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Nature from fire, burns, smoke Inhalation.

IT is unlikely That a accident will occur from This condition.

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MSHA Form 7000-10K, June 93 (revised)

Date 7-12-05

8:37 75.360(a)(1)

7097947 S&S-NO

No evidence could be found to indicate That a pre-shift examination was Conducted for The day shift on 07/12/2005 for The haulroad leading To The Scoop battery Chargers and also including The #4 and #3 Scoop battery Charger stations. Miners normally Travel or work in These areas.

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Supervisor's Initials and Date _____ Page No. 38

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The mine examiner should have Known of this Condition.

This Condition has existed for more Than one shift.

One miner is exposed

when a accident does occur from This Type of Condition it will be of a serious

Inspector's Initials [6] 38

Supervisor's Initials and Date _____ Page No. 39

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Date 7-12-05

Nature from unknown injuries.

IT is unlikely that a accident will occur from this condition.

Inspector's Initials EGT 39

Supervisor's Initials and Date _____ Page No. 40

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MSHA Form 7000-10I, June 93 (revised)

DAILY COVER SHEET

Date 7-13-05 Event No 4054749

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked Preshift Onshift

003-0

Accompanied By: Company Representative

Carl Crumrice

Miners Representative

NONE

AREAS OF INSPECTION ACTIVITY:

Imminent Danger Run
held Safety Talk with
36 Miners
Equipment
section power center
Sanitary Toilet
potable Drinking water
Term 4 cita.
Issued 7 cita.

Inspector's Initials [6]

Supervisor's Initials and Dat[6] Page No. 1

*U.S. Government Printing Office: 1997 - 508-476

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Date 7-13-05

Traveled To the
mine site accompanied
by [6]
[6]
and Talked with
and Carl Crumrice

Traveled in the
mine with the
Crew

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 2

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Date 7-13-05

Held a safety
Talk with the A
Crew. 36 miners

Complied with 103-
f of the mine Act,
No - Comment

High wall's
- OK

pit areas
- OK

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 3

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MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

Eminent Danger Run
#0 Thru #8

Ventilation - OK
Roof Control - OK
Rock dusting - OK
Clean-up - OK
DTI's Indicates
That examinations
are being Conducted
Mine floor is wet
To Sloppy wet.
Ch4 - 0.0%
O2 - 20.8%

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 4

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MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

L.O.C.C #1 To #2
entry at SS 4031

18-W 69-V
7.25-h +34-C
130.5-A 103-V

103-V
130.5-A
Q-13,441 cfm

Ch4 - 0.0%
O2 - 20.8%

Inspector's Initials [6]

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Date 7-13-05

Immediate Return
#1 entry, 003 mmg

20.25 82-V
6 +33-C
121.5 115-V

115-V
121.5-A
Q-13,972 cfm

Ch4 - 0.0%
O2 - 20.8%

Bottle # H 9918

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 6

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MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

PMS 10SC shuttle Car
Serial # 2007
Approval # 2G-3936-0
Company # 6

Joy 10SC32 S.C.
Serial # ET 16527
App. # 2G-3619A
Co. # 3
cit.

Pressure pump - off

PMS 10SC shuttle Car
Serial # 2008
App. # 2G-3936-0
Co. # 5

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

Section power center
Issued 2 citations

Portable Toilet facilities
- OK

Potable Drinking
water - OK

First-Aid Supplies
- OK

supplemental support materials
- OK

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

Joy Shuttle Car
10SC32
Serial # ET-15220
Approval # 2G-3191A-0
Company # 2
-OK

High pressure water
pump
-OK

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

7:35 75.601-1

7097948 SS-NO

The #6 AWG Trailing cable for the #10 STANCO water pump located on the 2-left, (003) NMU working Section is plugged into a circuit breaker that has the instantaneous setting range from 500 to 1000 amperes and the instantaneous is set on 750 amperes at the time of this inspection. The maximum

[6]

Inspector's Initials _____

Supervisor's Initials and Date _____ Page No. 10

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Date 7-13-05

allowable instantaneous setting for a #6 AWG Trailing cable is 300 amperes. The mine operator immediately de-energized the Trailing cable and disconnected the Trailing cable from the circuit breaker.

The electrical examiner should have known

existed for more than one shift

[6]

Inspector's Initials _____

Supervisor's Initials and Date _____ Page No. 11

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Date 7-13-05

One miner exposed

IT is unlikely that this condition will result in a accident.

[6]

Inspector's Initials _____

Supervisor's Initials and Date _____ Page No. 12

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MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

7:37 75.512

7097949 S+S-NO

The #10 STANCO water pump located on the 2 Left, (003) MMU Section is NOT clearly marked for Identification To Correspond with the circuit breaker that provides 575 VAC for This pump. The Circuit breaker that The #10 STANCO water pump is plugged into is marked #2 Shuttle Car. The mine

[6]

Inspector's Initials

Supervisor's Initials and Date

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Date 7-13-05

operator immediately removed the water pump from service.

The electrical examiner should have known has existed for more than one shift.

One miner exposed

It is unlikely that This Condition will result in a accident.

[6]

Inspector's Initials

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

8:50 75.503

7097950 S+S-NO

The #2, 14 CM15 Joy Continuous Mining machine Serial No. JM-5574 is not maintained in a permissible operating Condition. The area light on the off side of the mining machine has an opening under The light access cover lid that is in excess of .005 of an inch. The mine operator

[6]

Inspector's Initials

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

Immediately Tightened The Lid.

The electrical examiner Should have Known has existed for more Than one shift.

One miner is exposed

IT is unlikely that this Condition will result in a accident.

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 16

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

8:30 75.503

7097951 S&S-NO

The Joy 10SC32 Shuttle Car Serial No. ET-16527, Approval No. 2G-3619A, Company #3 being operated on The 2-left, (003) mmu is NOT maintained in a permissible Condition. An opening in excess of .005 of an inch exist in the plane flange joint between The inspection Cover and The operator's side Tram motor.

Inspector's Initials [6]

Supervisor's Initials and Date

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MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

The electrical examiner Should have Known has existed for more Than one shift

One miner is exposed

IT is unlikely That this Condition will result in a accident.

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 18

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

8:40 75.503

7097952 S+S-NO

The PMS 10SC shuttle car serial no. 2007, Approval no. 2G-3936-0, Company #6 being operated on the 2 left mains (003) MMU is NOT maintained in a permissible condition. (1) The conveyor start switch will hang up in the start position and will NOT center. (2) The main contactor box is NOT secured

Inspector's Initials [6]

Supervisor's Initials and Date Page No. 19

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MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

To the machine and has slid out about 5 inches and is starting to place strain on the cables. The box appears to have had a chain around it at one time as a effort to keep the box in place how ever the chain is loose and dragging under the car.

Inspector's Initials [6]

Supervisor's Initials and Date Page No. 20

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

The electrical examiner should have known has existed for more than one shift

one miner is exposed

IT is unlikely that this condition will result in a accident.

Inspector's Initials [6]

Supervisor's Initials and Date Page No. 21

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

8:45 75.503

7097953 S&S-NO

The Joy 10SC32 Shuttle Car Serial No. ET-16527, Approval No. 2G-3619A, Company #5 being operated ON The 2-left, (003) MMU Section is NOT maintained in a permissible condition. AN opening in excess of .005 of an inch exist in The plane flange joint between The main contactor box and The inspection

[6]

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MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

Cover lid of The main contactor box.

The electrician should have KNOWN of This condition when The inspection Cover lid was installed.

Based ON my mining experience This condition has existed for more Than one shift.

ONE miner is exposed.

[6]

Inspector's Initials _____

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MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

When a accident does occur from this Type of condition IT will be of a serious nature from fire, burns, SMOKE Inhalation.

IT is unlikely That a accident will occur from This condition.

[6]

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Supervisor's Initials and Date _____ Page No. 24

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

10115 75.503

2097954 S&S-NO

The Fairchild Scoop model 35C-WH, Serial No. T339-327, Approval NO. 2G-3599-2, Company #2 is NOT maintained in a permissible condition due to the following:

(1) Batteries are not provided with lid locks

(2) Cable connector's are not provided with lock's.

(3) Batteries are not

Inspector's Initials [6]

Supervisor's Initials and Date

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MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

maintained due to 1 inch of mud, water, dirt is allowed to accumulate on the top surface's of both batteries and 3 battery cap's are popped up.

(4) The emergency stop switch located on the battery side of the operator's deck has fallen off and is hanging loose by the power wire's.

Inspector's Initials [6]

Supervisor's Initials and Date

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These conditions should have been seen during the pre-operational checks.

Based on my mining experience these conditions have existed for more than one shift.

One miner is exposed

when a accident does occur from these conditions it will be of a serious

Inspector's Initials [6]

Supervisor's Initials and Date

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MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

Nature from fire, burns, smoke Inhalation.

It is unlikely that a accident will occur from These Conditions.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05
7:20

Terminated citation No. 7097944 due to the fire suppression system being cleaned on the #1 continuous mining machine and the system will now provide proper protection.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05
7:25

Terminated citation No. 7097945 due to the opening in the area light being closed and the emergency stop button being repaired, the emergency stop will now properly stop the machine.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

8:55

Terminated citation No. 7097943 due To the fire Suppression System being cleaned on The #2 mining machine and the System will now provide proper protection.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-13-05

10:45

Terminated citation No. 7097927 due to all of the condition's at the location's listed in safeguard No. 7097927 being corrected.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10I, June 93 (revised)

DAILY COVER SHEET

Date 7-14-05 Event No 4054749

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked _____

Accompanied By: Company Representative _____

Miners Representative _____

AREAS OF INSPECTION ACTIVITY:

Modified Citation Inspection preperation and report writing

Inspector's Initials [6]

Supervisor's Initials and Date [6] Page No. 1

*U.S. Government Printing Office: 1997 - 508-470

MSHA Form 7000-10K, June 93 (revised)

Date 7-14-05

14:00

Modified Citation No. 7097953 due To Changing the first Sentence in the body of the citation from (The Joy 10SC32 Shuttle Car serial no. ET-16527, Approval no. 2B-3619A, Company #3 being operated on the 2-Left, (003) MMU Section is NOT maintained in a permissible condition) Change To (The PMS 10 SC shuttle car Serial No. 2008, Approval

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 2

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-14-05

No. 2B-3936-C, Company #5 being operated on the 2-Left, (003) MMU Section is NOT maintained in a permissible condition.)

Issued using the identification numbers from the wrong Shuttle Car in Error.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 3

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10I, June 93 (revised)

DAILY COVER SHEET

Date 7-15-05 Event No. 4054749

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked Preshift & Onshift

003-0

Accompanied By: Company Representative

Jeff Snyder

Miners Representative

NONE

AREAS OF INSPECTION ACTIVITY:

Equipment

observed the operation

of manTrips

Traveled in mine with

Crew

Term. 4 citq

Issued 3 citq

Inspector's Initials [6]

Supervisor's Initials and Date [6] 7 Page No. 1

*U.S. Government Printing Office. 1997 - 508-470

MSHA Form 7000-10K, June 93 (revised)

Date 7-15-05

Stamler Coal feeder

Model BE-14A-37-103C

Serial # 13717

Section Power Center

Model 2250 KVA PC

Serial # R3226

#3 Fairchild Scoop

Serial # T339-328

Approval # 2G-3599-2

Model 35C-HWH

-OK

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 2

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-15-05

Traveled To the

mine site, Talked

with [6],

[6]

Traveled in the

mine with the

Crew.

observed the operation

of the manTrips

Miners Cap lamps

-OK

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 3

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-15-05

7:10 75,517

7097956 S+S -yes

The Trailing cable for the #11, 575 VAC water pump located on the 2-left, (003) mmu working section is NOT insulated adequately and fully protected. The inner insulated power leads are exposed through a cut in the outer jacket that measured 1/8 of an inch wide by 1 1/2 inches long. The insulation is

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 4

☆U.S. G.P.O.2005:742-563

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Date 7-15-05

also cut on the inner insulated power leads which expose the bare power leads. The mine floor is sloppy wet. The mine operator removed the #11 water pump from service immediately

The mine examiner should have known of this condition.

This condition has existed for more than one shift.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 5

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-15-05

Cables. The Trailing cable has exposed bare power leads and the section is sloppy wet.

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Date 7-15-05

ONE MINER IS EXPOSED AS HE WORKS OR TRAVELS IN THIS AREA.

WHEN A ACCIDENT DOES OCCUR FROM THIS TYPE OF CONDITION IT WILL BE OF A SERIOUS NATURE FROM ELECTRICAL SHOCK, BURNS.

IT IS REASONABLY LIKELY THAT THIS TYPE OF CONDITION WILL RESULT IN A ACCIDENT. THE MINERS NORMALLY HANDLE THE TRAILING

Inspector's Initials [6]

Supervisor's Initials and Date Page No. 2

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-15-05

8;70 75.383(a)

7097957 S&S-NO

THE 2-LEFT, (003) MMU WORKING SECTION IS NOT PROVIDED WITH A UP TO DATE ESCAPE-WAY MAP THAT IS READILY ACCESSIBLE TO THE MINERS ON THIS SECTION IN THE EVENT OF AN EMERGENCY.

THE SECTION FOREMAN SHOULD HAVE KNOWN OF THIS CONDITION.

Inspector's Initials [6]

Supervisor's Initials and Date Page No. 8

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-15-05

THIS CONDITION HAS EXISTED FOR SEVERAL SHIFTS

ONE MINER IS EXPOSED

IT IS UNLIKELY THAT THIS CONDITION WILL RESULT IN A ACCIDENT. THE MINERS ARE REQUIRED TO TRAVEL THE ESCAPEWAYS EVERY 90 DAY FOR A DISTANCE OF 2000 FEET OUTBY THE SECTION LOADING POINT.

Inspector's Initials [6]

Supervisor's Initials and Date Page No. 9

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-15-05

9:00 75.220(a)(1)

2097958 S+S-NO

The approved roof control plan is not being complied with at the 2- Right Track switch Shelter hole along the main line Track haulage. The coal and rock rib has deteriorated away for approximately 14 feet in length which leaves 3 permanently installed roof bolts in excess of 4 feet from the rib. These

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 10

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-15-05

roof bolts range from 5 feet To 6½ feet from the rib. The approved roof control plan provides that the maximum allowable distance from The rib To a permanently installed roof bolt is 4 feet.

The mine examiner should have known of this condition

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 11

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-15-05

This condition has existed for more than one shift.

One miner is exposed as he works or Travels in this area.

It is unlikely That This Condition will result in a accident. The roof control appears ok in this area.

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 12

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-15-05

7:35

Terminated Citation No. 7097951 due To the opening on the #3 shuttle car Tram motor being closed.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 13

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-15-05

7:40

Terminated Citation No. 7097952 due To The #6 shuttle car conveyor switch being repaired and the main contactor box being slid back in placed and secured to the frame of the shuttle car.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 14

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-15-05

7:30

Terminated Citation No. 7097953 due To the opening on the #5 shuttle car main contactor box being closed.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 14

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-15-05

8:00

Terminated citation No. 5097954 due to the #2 Fairchild Scoop (1) Battery locks being Replaced. (2). Cable locks being replaced. (3) Batteries being Cleaned by Washing with water. (4) The emergency Stop switch being restored To a operational Condition.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10I, June 93 (revised)

DAILY COVER SHEET 003

Date 7-18-05 Event No. 4054749

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked Preshift & Onshift Belt & Track, weekly 003

Accompanied By: Company Representative

Carl Crumrine

Miners Representative

NONE

AREAS OF INSPECTION ACTIVITY:

Imminent Danger Run
Emergency materials
Supplemental support materials
Electrical Installations
Roof Control plan
#7 mantrip battery charger
modify 2 citations
Term 3 citations
Issued 4 citations

Inspector's Initials [6]

Supervisor's Initials and Date [6] 07/17/05 Page No. 1

*U.S. Government Printing Office: 1997 - 508-470

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

Traveled to the mine site, Talked with Johnny Stemple

Traveled in the mine with the Crew.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 2

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

Imminent Danger Run entry's #0 thru #8

Ventilation - OK
Rock dusting - OK
Clean-up - OK
Roof Control - OK
D.T.E's indicates that examinations are being conducted
Section is sloppy wet.
CH4 - 0.0%
O2 - 20.8%

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 3

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

500 KVA PC
Serial # R3302
Located at #48 block
Issued 1 citation

480 VAC Power
Center located at
#25 block along
#4 Conveyor belt
Issued 1 citation

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 4

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

Supplemental support
materials
- OK

Emergency materials
located at #44 block
along #4 conveyor
belt.
- OK

Roof control is being
complied with.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 5

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MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

Traveled the track
haulage from the
2-left, (003) MMU
section outby to
the 1-left track
switch.
This is the secondary
escapeway entry.
Ventilation - OK
Roof control - OK
Rock dusting fair
air moving in the proper
direction.
CH_4 - 0.0%, O^2 - 20.8%
Track rails, switches - OK
walkways - OK

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 6

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

#4 Stamco pump located #25 block along #4 belt
Issued 1 citation.

#2 Locomotive
-OK

#3 Stamco pump
Issued 1 citation.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 6-A

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

Traveled the 1-Left Track haulage from the 1-left Track switch Traveling inby To #8 block on 1-left,

Ventilation	-OK
Rock dusting	-OK
Roof Control	-ok
D.T.I's	-OK
walkways	-OK

Mine floor is wet
Air moving in the proper direction
The Track is blocked and ballasted.
Ch4 - 0.0%, O2 - 20.8%

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 6-A

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

Main Return in #1 entry, 50 feet inby Portal.

16-W	862-V
6-4	+ 4-S
96-A	866-V

866-V
96-A
Q-83,136 cfm

Ch4 - 0.1%
O2 - 20.8%

Bottle H-9917

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 7

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

7:35 75.400

7097959 S&S-NO

Combustible materials in the form of wooden crib blocks, wooden pallets, cardboard boxes, old Hydraulic oil cans and plastic wrapping off of supplies is allowed to accumulate in the intake entry's. These accumulations start at #54 block along #4 conveyer belt and extends inby to the 2-left, 003 mmu section. There have

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 8

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

been 10 citations issued for violations of section 75.400 at this mine since 01-05-2005.

The mine examiner should have known of this condition

This condition has existed for more than one shift.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 9

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

One miner is exposed

It is unlikely that a accident will occur from this condition.

#7 mantrip charger at #66 block along #4 belt

-OK

#3 stanco water pump

Issued 1 citation

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 10

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

7:45 75.380 (g)

7097960 S&S - NO

The primary escape-way is NOT Seperated from The conveyor belT and Track haulage entry's for iT's entire length, To and including The first connecting Crosscut out by each loading point on The 2- left (003) MMU Section. The permanent VENTILATION CONTROL'S (STOPPINGS) are NOT MAINTAINED To serve Their inTended purpose

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 11

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MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

of maintaining seperation between These entry's. A hole exist in The STopping located at SS# 3981 That measured 14 inches high by 29 inches long and A hole exist in The STopping located at SS# 3980 That measured 12 inches high by 10 inches wide. These PERMANENT VENTILATION CONTROLS are located at The Tail of #4 Conveyor belT.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 12

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

The MINE EXAMINER Should have KNOWN of This CONDITION.

This CONDITION has existed for more Than ONE SHIFT.

ONE MINER is exposed

IT is UNLIKELY That a accident will occur from this CONDITION.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 13

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

8:25 75,904

7097961 S&S-NO

The #3 STANCO water pump located along the track haulage along the #4 conveyor belt is not clearly marked for identification to correspond with the circuit breaker that this pump recieves 575 VAC is connected. The #3 STANCO water pump is energized.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 14

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

The electrical examiner should have known of this condition

This condition has existed for more than one shift.

One miner is exposed

It is unlikely that a accident will occur from this condition.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 15

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

9:20 75-601-1

7097962 S&S-NO

The #10 Trailing Cable for the #6 STANCO water pump located along the track haulage at #25 block along No. 4 conveyor belt is plugged into a circuit breaker that has the instantaneous setting range from 480 to 1500 amperes and the instantaneous setting is set on 900 amperes at the time of this inspection.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 16

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MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

The maximum allowable instantaneous setting for a #10 Trailing Cable is 150 amperes. The mine operator immediately de-energized the Trailing cable and disconnected the Trailing Cable from the circuit breaker.

The electrical examiner should have known of this condition.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 17

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

This condition has existed for more than one shift

One miner is exposed

It is unlikely that a accident will occur from this condition.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 18

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

6:45

Terminated citation No. 7097456 due to the Trailing cable for the #11 water pump being insulated adequately and fully protected.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 19

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

6:40

Terminated citation No. 7097957 due to an up to date escape way map being provided for the 2-left, (003) mmu section. The section foreman went over the escapeway map with the crew.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 20

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

6:20

Terminated citation No. 7097958 due to 2 metal jacks being set along the rib at the 2-Right Track switch to reduce the distance from the rib to the permanent roof support.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 21

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

14:30

Modified citation No. 7097958 due to changing line 9-c from 75.220(a)(1) to 75.202(a).

Issued under the wrong section of the 30 CFR in error.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 23

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-18-05

14:33

Modified CITATION NO. 7097955 due To Changing Line 9-C from 75.220(a)(1) To 75.203(e).

Issued under The Wrong Section of The 30 CFR in error.

Inspector's Initials EGJ

Supervisor's Initials and Date _____ Page No. 22

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10I, June 93 (revised)

DAILY COVER SHEET

Date 7-19-05 Mine No. 4854749

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked Prshift & Onshift

003

Accompanied By: Company Representative

Jeff Snyder

Miners Representative

None

AREAS OF INSPECTION ACTIVITY:

Imminent Danger Run
Respirable dust
Traveled in mine with crew
mac. 8 mantrip

Term 2 cita

Issued 3 cita

Inspector's Initials [6]

Supervisor's Initials and Date [6] 10/11/05 Page No. 1

*U.S. Government Printing Office: 1997 - 508-470

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

Check respirable dust pumps before leaving the field office.

Traveled To the mine site, Talked with Johnny STemple

Put respirable dust pumps on the miners at the portal.

Traveled in the mine with the crew.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 2

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

L.O.C.C #1 To #2
entry

20-W 51-V
7-h +38-C
146-A 89-V

89
140
Q-12,460 c-fm

CH4 - 0.0%
O2 - 20.8%

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 3

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

Imminent Danger Run

Ventilation -OK
Clean-up -OK
Roof Control -OK
Rock dusting -OK
D.T.I" Indicates that examinations are being Conducted.
Permanent Ventilation Controls are in place.
Haulroads are wet.
CH4- 0.0%
O2- 20.8%

Inspector's Initials [illegible]

Supervisor's Initials and Date _____ Page No. 4

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

Last 30 production shifts average is 487 Tons

Production this shift is 0 Tons. Due To both The #1 and #2 Mining machines being down.

Inspector's Initials [illegible]

Supervisor's Initials and Date _____ Page No. 5

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

RESPIRABLE DUST

Date: 7-19-05 Location: 2-Left, 003 MMU

PUMP	CASSETTE	CODE	OCCUPATION	TIME ON	2nd	4th	TIME OFF	WT
172681	507261	034	Miner	6:00	✓	✓	1400	
161553	507246	012	Intake Roof Bolter	6:00	✓	✓	1400	
6355	507281	073	Off Shift Shuttle Car	6:00	✓	✓	1400	
161780	507279	014	Return Roof Bolter	6:00	✓	✓	1400	
6459	507250		Belt	6:00	✓	✓	1400	
6352	507283		Intake 3rd Shuttle Car	6:00	✓	✓	1400	
6470	507248	050		6:00	✓	✓	1400	

5.16
5.11
5.2
5.15
5.3
5.17
5.14

Inspector's Initials RP Supervisor's Initials and Date _____ Page No. 6

*U.S. Government Printing Office: 1995— 609-287

MSHA Form 7000-10N, June 93 (revised)

Date: 7-19-05 RESPIRABLE DUST Location: 2-Left, 003 MMU

PUMP	CASSETTE	CODE	OCCUPATION	TIME ON	2nd	4th	TIME OFF	WT
	502267		Control					

Inspector's Initials [illegible] Supervisor's Initials and Date _____ Page No. 7

*U.S. Government Printing Office: 1995— 609-287

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

Mac 8 MaxTrip
Serial #380
-OK

Inspector's Initials [6] Supervisor's Initials and Date _____ Page No. 8

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

7:00 75.517
7097963 SIS-yes

The 110 VAC power cable for the head light on the operators side of the Joy 14CM 15 continuous mining machine serial no. JM-5574, Company no. 2 is not insulated adequately and fully protected. The outer jacket of the power cable is cut and the inner energized power leads are exposed through an opening

Inspector's Initials [6] Supervisor's Initials and Date _____ Page No. 9

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

That measured 1/2 of an inch wide by 1 inch long. There have been 9 citations issued for violations of Section 75.517 at this mine since 05/24/2005. This section is sloppy wet.

This condition should have been seen during the pre-operational checks

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 10

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

Based on my mining experience this condition has existed for several shifts

one miner is exposed

When a accident does occur from this Type of condition it will be of a serious nature from being a ignition source inby the last line of open crosscuts. This is also exposes a hazard of electrical shock, burns.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 11

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

IT is Reasonably Likely that a accident will occur from this Type of condition due To the Remote Controled continuous mining machine being operated inby The last line of open Crosscuts in deep cuts. IT is also reasonably Likely That a accident will occur due To electrical shock, burns from The exposed bare powder cable leads. The mine floor is wet.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 12

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

7105 75.517

7098104 S+S-yes

The 995 vac Trailing Cable for the Joy 14CM15 Continuous mining machine Serial No. JM-5574, Company No. 2 being operated on the 2-left, (003) MMU working section is NOT insulated adequately and fully protected. The insulation has worn away from a previous splice leaving the inner energized power leads exposed

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 13

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

Through an opening that measured 1/2 of an inch wide by 2 inches long. This section is sloppy wet. There have been 10 citation issued for violations of section 75.517 at this mine since 05/24/2005.

Should have been seen during the pre-operational check.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 14

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

This condition has existed for more than one shift.

One miner is exposed

when a accident does occur from this type of condition it will be of a serious nature from electrical shock, burns.

It is Reasonably likely that this condition will result in a accident. the 995 VAC

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 15

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

energized leads of the Trailing cable are exposed through an opening in the outer jacket of the Trailing cable. The mine floor is wet, The miners normally handle the Trailing cables.

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 16

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

8:05 75.517

7098105 S&S-yes

The 110 vac power cable for the area light on the operators side of the Joy 14CM15 Continuous Mining machine Serial No. JM-5530, Approval No. 2G-4159A-00, Company No. 1 is not insulated adequately and fully protected. The outer jacket of the power cable is cut and the bare

Inspector's Initials [6] 17

Supervisor's Initials and Date

Page No. 17

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

inner energized power leads are exposed Through an opening that measured 1/2 of an inch wide by 1 inch long. This mine is sloppy wet. There have been 9 citations issued for violations of section 75.517 at this mine since 05/24/2005.

should have been seen during the pre-operational Checks

Inspector's Initials [6] 18

Supervisor's Initials and Date

Page No. 18

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

This condition has existed for more than one shift.

One miner is exposed

when a accident does occur from this type of condition it will be of a serious nature from being a ignition source inby the last line of open crosscuts. This condition also exposes a hazard of electrical shock, burns.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

It is Reasonably Likely that a accident will occur from this type of condition due to the Remote controled mining machine being operated inby the last line of open crosscuts mining in deep cuts. It is also reasonably likely that a accident will occur due to electrical shock, burns from the exposed power cable leads. The mine floor is wet.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

1305

Terminated citation No. 7097961 due to the circuit breaker providing 575 VAC for the #3 STANCO water pump being clearly marked for identification.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-19-05

1255

Terminated citation NO. 7097960 due to the holes in the permanent ventilation controls (stoppings) being closed and plastered.

Inspector's Initials EGJ

Supervisor's Initials and Date _____ Page No. 22

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10I, June 93 (revised)

DAILY COVER SHEET

Date 7-20-05 Event No. 4054749

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked Preshift & Onshift
Belts & Track 003

Accompanied By: Company Representative
Jeff Snyder

Miners Representative
NONE

AREAS OF INSPECTION ACTIVITY:

Respirable Dust
Imminent Danger Run
observed a complete mining
cycle
Miners are working
safe
Traveled with mine examiner
Term. 1 cita.
Issued 2 cita.

Inspector's Initials [6]

Supervisor's Initials and Date [6] 10/17/05 Page No. 1

*U.S. Government Printing Office: 1997 - 508-470

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

Checked respirable dust
pumps before leaving
the field office.

Traveled To The
mine site, Talked
with Johnny Stemple

Put respirable dust
pumps on the miners
at the portal.

Traveled in the
mine with the
crew.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 2

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

#9 mantrip
-OK

#8 mantrip
-OK

#1 Locomotive
-OK

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 2-A

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

Imminent Danger Run

Ventilation -OK
Clean-up -OK
Rock dusting -OK
Roof Control -OK
Mine roof has minor sloughing
D.T.I's indicates that examinations are being conducted.
Haulroads are wet

CH4 - 0.0%
O2 - 20.8%

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 3

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

L.O.C.C Air Reading
#1 To #2 entry

19.5-W 75-V
7-h +34-C
136.5-A 109-V

109-V
136.5-A
Q - 14,878 cfm

CH4 - 0.0%
O2 - 20.8%

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 4

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

Scrubber Reading #2 miner

	A	B	C
1	1.8	1.8	1.2
	1.34	1.34	1.09
			3.77
2	2.2	1.9	1.37
	1.48	1.41	4.24
3	2.0	2.2	1.34
	1.41	1.48	4.23
4	2.5	1.0	2.70
	2.79	1	
	1.0	1.0	
5	.5	.7	2.23
	1.20	.83	1.20
		.5	
			4.43

17,19.7 × 1.5 = 4,405 × .9 = 4,044 × .033 = 1,115 cfm

4,115 × 4,044 × 2.18 = 17,19

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 5

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

Scrubber Readings #1 miner

	A	B	C
1	1,3 / 1,14	1,6 / 1,24	1,17 / 1,39
2	1,0 / 1	1,5 / 1,22	1,9 / 1,37
3	2,0 / 1,41	2,2 / 1,48	2,2 / 1,48
4	1,6 / 1,26	1,7 / 1,30	1,6 / 1,26
5	1,4 / 1,17	.7 / .83	1,5 / 1,20

17,24 ÷ 15 = 1,18 X 4253 = 4726 X 1,9 = 9271 + 4253 = 13,524 ÷ 5 = 2704,8 X 4 = 10,819,2 ÷ 4726 = 2,28 X 4253 = 9701,84 ÷ 4726 = 2,05 X 9271 = 19,005,55 ÷ 17,24 = 1102,4

Q = 19,005 cfm

[6]

Inspector's Initials

Supervisor's Initials and Date

Page No. 6

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

Air Reading for the #2 miner in #2 entry

7-h 113-V
11-w
77-A

113-V
77-A
Q-8,701 cfm

CH4 - 0.0%
O2 - 20.8%

[6]

Inspector's Initials

Supervisor's Initials and Date

Page No. 7

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

Air Reading for #1 Miner

4,5-w 224-V
8,75-h + 4-C
39-A 228-V

228-V
39-A
Q-8,892 cfm

CH4 - 0.0%
O2 - 20.8%

[6]

Inspector's Initials

Supervisor's Initials and Date

Page No. 8

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

Air Reading for #1
roof Bolter

11.5-'W 115-V
7-'h +26-C
80.5-'A 141-V

141-V
80.5-A
Q-11,350 cfm

CH4- 0.0%
O2- 20.8%

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 9

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

Air Reading for #2
roof bolter

7.5-'h 270-V
4-'W
30-'A

270-V
30-A
Q-8,100 cfm

CH4 - 0.0%
O2 - 20.8%

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 10

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

observed a Complete
Mining Cycle

Miners are working
Safe

Traveled with mine
examiner

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 11

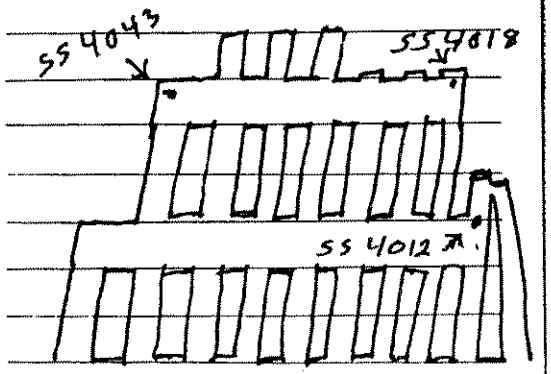
☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

003-0 MMU

2-Left Section



Inspector's Initials CGJ

Supervisor's Initials and Date _____ Page No. 12

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

12:30

Terminated citation No. 7097959 due to the combustible materials being cleaned from the cited area. The materials are being transported to the surface by track haulage.

Inspector's Initials CGJ

Supervisor's Initials and Date _____ Page No. 13

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10N June 93 (revised)

RESPIRABLE DUST

Date: 7-20-05 Location: 2-Left, 003 MMU

PUMP	CASSETTE	CODE	OCCUPATION	TIME ON	2nd	4th	TIME OFF	WT
4498	5499811		Belt	6:00	✓	✓	1559	
4462	5499837		Intake	6:00	✓	✓	1601	
4354	5499790	036	Continuous Miner	6:00	✓	✓	1603	
4441	5499808	014	Return Belter	6:00	✓	✓	1600	
4448	5499864	050	Std Shuttle Car	6:00	✓	✓	1602	
4463	5499841	012	Intake Belter	6:00	✓	✓	1601	
4470	5499819	073	Off Std Shuttle Car	6:00	✓	✓	1600	

Inspector's Initials RP Supervisor's Initials and Date _____ Page No. 14

*U.S. Government Printing Office: 1995— 609-287

MSHA Form 7000-10N, June 93 (revised)

Date: 7-20-05

RESPIRABLE DUST

Location: 2-left 003 Mmu

PUMP	CASSETTE	CODE	OCCUPATION	TIME ON	2nd	4th	TIME OFF	WT
	5780ic		Control					

Inspector's Initials RP Supervisor's Initials and Date

Page No. 15

*U.S. Government Printing Office: 1995— 609-287

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

Last 30 production shifts average is 487 TONS

Production this shift is 0 TONS

No Production due To both miners be down down, could NOT remove plugs in scrubber ductwork. for scrubber air Reading. I has low water pressure.

Inspector's Initials [6]

Supervisor's Initials and Date Page No. 15-A

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

6:30 75.1403

7098104 Safeguard1

The clearance spaces along the Track haulage at F52 block along #4 conveyor belt is obstructed in that four 6 inch diameter by 20 feet in length water lines are laying in the 24 inch clearance space (walkway) and three of the same size water lines are laying in the 12 inch clearance space. The Track mounted mantrips

Inspector's Initials [6]

Supervisor's Initials and Date Page No. 16

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

are barely missing the water lines as they are used To Transport miners in and out of The mine. The mine operator immediately removed the water lines from the clearance spaces.

The mine examiner should have known of This condition

This condition has existed for more than one shift.

[6]

Inspector's Initials

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

One miner is exposed

when a accident does occur from Type of Condition it will be of a serious nature from bruising, lacerations broken bones, slip trip fall.

IT is Reasonably likely That a accident will occur from this Type of Condition. The miners can easily slip Trip or fall from This Condition. Also

[6]

Inspector's Initials

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

The water line can hook on the mantrips causing derailment or causing The water line To enter the mantrip causing injuries To the miners

[6]

Inspector's Initials

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

6155 75.400

7098107 S+S -NO

Loose coal and coal fines mixed with rock is allowed to accumulate a the coal feeder on the 2-left, (003) mmu working section. The accumulations measured 26 feet in length by 6 to 9 feet wide by 6 to 18 inches deep and range from damp to wet. The accumulations have been generated from the conveyor chain on the Joy

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 20

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

shuttle car dragging the material back as the shuttle car dumps on the coal feeder. There have been 11 citations issued for violations of section 75.400 at this mine since 01/09/2005.

The mine examiner should have known of this condition.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 21

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-20-05

This condition has existed for more than one shift.

One miner is exposed.

It is unlikely that this condition will result in a accident.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 22

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10I, June 93 (revised)

DAILY COVER SHEET

Date 7-21-05 Event No. 4054749

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked _____

Accompanied By: Company Representative _____

Miners Representative _____

AREAS OF INSPECTION ACTIVITY:

office

Inspection preperation and report writing

modified 2 citat

Inspector's Initials [6]

Supervisor's Initials and Date [6] 10/17/05 Page No. 1

*U.S. Government Printing Office:1997 - 508-470

MSHA Form 7000-10K, June 93 (revised)

Date 7-21-05

10:21

Modified citation NO. 7098105 due To Changing line 9-c from 75.517 To 75.503.

Issued under the wrong section of the 30 CFR in error.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 2

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 7-21-05

10:17

Modified citation NO. 7097963 due To Changing line 9-c from 75.517 To 75.503.

Issued under the wrong section of the 30 CFR in error.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 3

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10I, June 93 (revised)

DAILY COVER SHEET

Date 7-28-05 Event No. 4054749

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked _____

Accompanied By: Company Representative _____

Miners Representative _____

AREAS OF INSPECTION ACTIVITY:

Modified citation.

Inspector's Initials [6]

Supervisor's Initials and Date [6] 10/17/05 Page No. 1

*U.S. Government Printing Office: 1997 - 508-470

MSHA Form 7000-10K, June 93 (revised)

Date 7-28-05

0600 7098106

MODIFY 314(b) to

104a

REASON:

Entered 314(b) in this citation in error

MODIFY Safeguard to citation

REASON: Entered safeguard in this citation in error

7097926 REASON

Missed entering the safeguard No. in this citation in error

06/14/2005

Missed entering the date for safeguard [6]

Inspector's Initials _____

Supervisor's Initials and Date _____ Page No. 2

☆U.S. G.P.O.2005:742-563

AFT

MSHA Form 7000-10I, June 93 (revised)

DAILY COVER SHEET

Date 8-1-05 Event No. 4054749

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked Fresh: PTD ONSH: A

Smoker's Articles 006

Accompanied By: Company Representative

Buck Thorn

Miners Representative

NONE

AREAS OF INSPECTION ACTIVITY:

Imminent Danger Run

Equipment

Immediate Return Bottle M-9984

Samples M-9915

Inspector's Initials [6]

Supervisor's Initials and Date [6] 8/17/05 Page No. 1

*U.S. Government Printing Office: 1997 - 508-470

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

Traveled to the mine site accompanied by [6]

[6] Talked with Johnny Stemple, Carl Crumrine, Jeff Toler

Traveled in the mine accompanied by [6]

[6] and Lonnie Short mine foreman

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 2

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

Imminent Danger Run

1-Left, 006-0 MMU

Ventilation - OK

Rock dusting - OK

Roof Control - OK

Clean-up - OK

D.I.'s Indicates that examinations are being conducted.

Mine floor is wet

CH4 - 0.0%

O2. 20.8%

Permanent ventilation controls are in place

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 3

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-01-05

1 Left Section

LoB

78 FPM 18 W

144 Acrg 8 H

11,232 CFM 144 Acrg

CH4 O2

0.05% 20.8%

Inspector's Initials [G]

Supervisor's Initials and Date _____ Page No. 3-A

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-01-05

1 left Section

#1 Entry - Root Rotter

186 FPM 7.5 H

23 Acrg 3 W

4,278 CFM 22.5 Acrg

CH4 O2

0.05 20.8

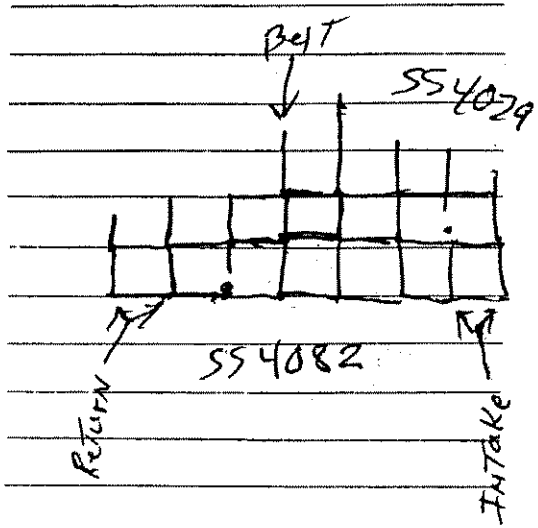
Inspector's Initials [G]

Supervisor's Initials and Date _____ Page No. 3-B

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05



1-left 006-omnu

Section.

Inspector's Initials [G]

Supervisor's Initials and Date _____ Page No. 4

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

immediate Return
#1 entry Spad # 4083
40 ft out-by

93 FPM 18w
144 Acry 8H
13,392 CFM 144

CH4 O2
0.00% 20.8

Bottle # H9915

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 4-A

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

#1 left section
Immediate Return
#2 entry

276 FPM 2.75w
22 Acry 8H
6072 2200

CH4 0.0%
0.0%

Bottle # H9984

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 4-B

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

Fairchild Scoop
35C-WH
Serial # T339-346
Company # 6
Approval # 2G-3599-2
Issued 1 citn.

Fairchild Scoop
35C-WH
Serial # T339-324
App. # 2G-3599-2
Company # 1
Issued 1 citn.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 5

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

Joy Mining machine
Model 14CM15
Serial # JM-5703-F
Approval #
Company # 5
-OK

#1 Scoop battery/
Charger
-OK

#2 Scoop battery
Charger
-OK

Arcon welder -OK
[6]

Inspector's Initials

Supervisor's Initials and Date

Page No. 6

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

8:58 7098123-01
Modification
Changed line no. 2
issue time from 03:40
to 15.40 changed line
16-B from 03.50 to
15:50 on termination
due time and changed
18.B from 03.50 to 15.50
Terminated time.
reason for changes did
not use the 24 hour
clock when issuing the
citation.

[6]

Inspector's Initials

Supervisor's Initials and Date

Page No. 7

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

14:00

Modified citation
No. 7098106 due to
Changing line 10-A
To Reasonably Likely.

Missed checking these
items when I modified
the Type of action on
this citation from 314(b)
To 104-(A) on

[6]

Inspector's Initials

Supervisor's Initials and Date

Page No. 7-A

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

3140 75.1403

7098123 S&S-yes

The #8 mantrip which is used to transport miners in and out of the mine is not maintained in a safe operating condition. The four sanding devices which are located on this mantrip will not provide sand to the wheels and track for traction purposes. All four of the sanding devices storage containers are plugged up with

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 8

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

wet sand. The sanding devices will not provide sand to the wheels and track for traction purposes. This mine has several grades and the track ranges from wet to dry.

The [6] should have known of this condition. This condition should have been seen during the pre-operational checks.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 9

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

Based on my mining experience this condition has existed for more than one shift.

One miner is exposed

when a accident does occur from this type of condition it will be of a serious nature from bruising, lacerations, broken bones, amputations.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 10

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

IT is Reasonably likely that a accident will occur from this Type of Condition. The Mine is on a grade and the Track rails range from wet To dry.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

Time 16:45

e.i# 7098124

Sec/S-no 75-503

The Fairchild Scoop Model 35 C-WH Serial no. + 339-346, approval no. 2G-3599-2 Company #6 is not maintained in permissible condition in that the following condition was found.

(1) The batteries were not provided with Lid locks.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-01-05

(4) The [6]

(5) at least one Shift

(6) one person exposed

(7) lost workdays or restricted duty - Lid could fall off Scoop and injury someone or became grounded causing electrical arc.

(8) Unlikely - because The Lids Flange over The batteries.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-01-05

Term. 16:50
The battery lids were chained, and they are now secure.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 14

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

12107 75.503
7098125 S&S-NO

The Fairchild Scoop Model 35C-WH, Serial No. T339-324, Approval No. 20-3599-2, Company #1 is NOT maintained in a permissible condition in that the following conditions were found: (1) The batteries are NOT provided with lid locks. (2) The emergency stop switch (panic bar) located on the battery side of the operator's deck has fallen off

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 15

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

and is hanging loose by the power wires. There have been 16 citations issued for violations of Section 75.503 at this mine since 02/17/2004.

The [6] should have seen this condition during the pre-operational checks.

This condition has existed for more than ONE shift.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 16

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-1-05

one miner is exposed

It is unlikely that a accident will occur from this condition. This scoop is equiped with 2 emergeny stop switches (panic bars) one on each side of the operators deck. where the operator can easily reach the emergency stops if needed.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10I, June 93 (revised) Aft

DAILY COVER SHEET

Date 8-2-05 Event No. 4054744

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked Preshift & Onshift belt & Track 003+006

Accompanied By: Company Representative _____

Jonnie Short

Miners Representative _____

AREAS OF INSPECTION ACTIVITY:

Imminent Danger Run Inspected fall on The 2-Left, 003 mmu

Issued 3 citg.

[6]

Inspector's Initials _____

Supervisor's Initials and Date [6] 10/17/05 Page No. 1

*U.S. Government Printing Office: 1998 - 508-470

MSHA Form 7000-10K, June 93 (revised)

Date 8-2-05

Traveled To The mine site accompanied by [6 6] Talked with Jeff Toler, Carl Crumrine, Jonnie Short.

I was informed that a roof fall has occured on The 2-Left, 003-0 mmu working section.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 2

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-2-05

Traveled in the mine accompanied by [6 6], State mine inspector John Collins and mine foreman Jonnie Short.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 3

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-2-05

Imminent Danger Run

Roof Control - Poor due to a fall has occured in the #5 entry just outby the face.

Ventilation -OK

Rock dusting -OK

Clean-up -OK

D.I.I's indicates that examinations are being conducted.

Ch4- 0.0%

O2- 20.8%

Mine floor is sloppy wet.

Inspector's Initials [6]

Supervisor's Initials and Date

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-2-05

2 left main

last open crosscut air measurement

101 FPM	19.6
146 Area	7.5
14,746	146.26

CH4	O2
0.0%	20.8%

Inspector's Initials [6]

Supervisor's Initials and Date

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-2-05

The roof fall is located in the #5 power & Track haulage entry of the 2-Left, 003-0 mmu section.

The roof fall starts approximately 20 feet outby the face of the number 5 entry near the center line of a 4 way intersection and extends outby for approximately 50 feet in length from rib to rib in width

Inspector's Initials [6]

Supervisor's Initials and Date

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-2-05

by approximately 7 feet deep.

The permanently installed 6 foot fully grouted roof bolts being used on the 2 left, 003-0 mmu section has failed to control the mine roof.

The mine roof appears to have a fault line in this area which is crossing the section on an angle.

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 7

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-2-05

The day shift section foreman Jeff Snyder told me the mine roof fall occured at approximately 14:40 on 08-02-2005. The mine roof has fallen above the anchorage of the 6 foot fully grouted roof bolts that are being used on this section for permanent roof support, 17" by 17" pie pan and 6R/screen is used in this entry

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 8

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MSHA Form 7000-10K, June 93 (revised)

Date 8-2-05

The [illegible] operators are drilling into water at 10 feet this is the depth when the sandstone starts. 10 & 14 foot cable bolts are being installed in all approaches to the roof fall.

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 9

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 08-02-05

Time 1445

Cit 7098126

Stan. 75.1403

Sands yes

The #COL mantrip which is used to transport miners in and out of the mine is not maintained in a safe operating condition. Three of the four sanding devices which are located on this mantrip will not provide sand to the wheels and track for traction purposes. The tube's that direct the location of the sand

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 10

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MSHA Form 7000-10K, June 93 (revised)

Date 08-02-05

from the sanding device to the track rail is plugged up with wet sand. This mine has several grades and the track ranges from wet to dry.

(4) The [6] Should have known.

3 at least one shift.

(6) one person exposed

(7) lost workdays or restricted duty because

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 11

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 08-02-05

Serious injuries have occured when mantraps have lost control due to wet track. Person have suffered broken bones, bruses, do to mantraps derailing or colliding with anther track equipment.

(8) This mines has steep grades and is wet to damp in nature, causing the rail to be slick.

Term 08-02-2005 time 1945 ~~The~~ Terminated due to the wet sand being cleaned

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 12

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 08-02-05

from The tube's That provide sand to The track rail's. The sanding devices will now function as required

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 13

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 08-02-05

Time 1622

Cit 7098127

Stan 75.1403

The track haulage alowy The #6 conveyor belt is not maintained in a safe condition in That The following condition was found. Water is allowed to accumulate in a dip in The track haulage entry 1 block inby The #6 conveyor belt head drive. The water measured 8 inches to 14½ inches deep from The rib to rib for approximately 25 feet in length and ranges from

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 14

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 08-02-05

2 inches to 3 inches deep over The bell of The track rail's.

(4) The pre-shift examiner.

(5) at least one shift

(6a) one person exposed

7 lost workdays or restricted duty. track equipment That loses control due to wet rail sometime results in broken bones, bruises, or serious injuries

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 15

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 08-02-05

(8) This mine is wet by nature and has several steep grades located in the track entry.

Term due 08-02-05
Time 2200

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-2-05

6:10 75.202(a)
7098128 SDS-yes

The approved roof control plan is not being complied with on the 2-left, (003) mmu working section in that the following conditions were found: (1) The #6 entry was mined from 21 feet to 21.75 feet wide for a distance of 24 feet in length starting at SS 4065. (2) Six permanently installed roof bolts along the left rib

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-2-05

in the #6 entry range from 51 inches to 66 inches from the rib. (3) The corner of the #6 to #7 crosscut at SS 4065 in the #6 entry has rolled off leaving the permanently installed roof bolt at this corner 6 feet from the rib. (4) The #2 entry was mined from 20.75 feet wide to 22 feet wide for a distance of 17 feet in length just inby

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-2-05

SS 4077. Five permanently installed roof bolts in a row in this area measured from 4.9 feet wide to 5.5 feet wide from bolt to bolt. (5) The #4 entry was mined from 20.75 feet wide To 23.5 feet wide for a distance of 17 feet in length just outby SS 4091. A cutter has run along the right rib for approximately 50 feet in length.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-2-05

The cutter ranges from 2 inches to 10 inches deep by 12 inches to 48 inches wide by approximately 50 feet in length. This is the same area in the #4 entry where the entry was mined over the maximum 20 feet entry width provided in the approved roof control plan.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-2-05

The mine examiners should have known of these condition these conditions would be obvious To any prudent person.

Based on my mining experience this condition has existed for more than one shift.

One miner is exposed

when a accident does occur from this Type of condition

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-2-05

IT will be of a Serious nature from bruising, lacerations, broken bones, Amputations due to the failure of the mine roof and ribs.

IT is Reasonably likely That a accident will occur at This mine from this Type of Condition. The mine roof in this mine has several cutters along The ribs and between The roof

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 22

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-2-05

bolt spacing. Several mine roof fall's have occured at This mine in The past year.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 23

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10I, June 93 (revised)

4pt

DAILY COVER SHEET

Date 8-3-05 Event No. 4054749

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked Preshift Onshift

006

Accompanied By: Company Representative

Brad Hamrick

Miners Representative

NONE

AREAS OF INSPECTION ACTIVITY:

Imminent Danger Run
2-Left, 003-0 mmu
Imminent Danger Run
1-Left, 006-0 mmu
Respirable dust - 006-0
Traveled with mine examine
Communications
Term 2 Citq
Issued 3 Citq.
mod. 1 Citq

Inspector's Initials [6]

Supervisor's Initials and Date [6] 8/17/05 Page No. 1

*U.S. Government Printing Office: 199[illegible] 506-470

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

1235

Modified citation NO. 7098125 due To Removing the following from the body of The condition and practice of this citation. The emergency stop switch (panic bar) located on the battery side of the operators deck has fallen off and is hanging loose by the power wires.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 2

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

Reason

Entered The state-ment about the emergency stop switch (panic bar) in this permissibility violation in error. Citation NO. 7098129 has been issued for the condition of the emergency stop switch (panic bar) on the #1 Fairchild scoop.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 3

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

Traveled to the mine site accompanied by [6], talked with Jeff Toler and Brad Hamrick.

Traveled in the mine accompanied by Brad Hamrick Shift foreman To the 2-Left, 003-0 MMU Section

Terminated citation's then Traveled To 1-Left 006-0 MMU. [6]

Inspector's Initials

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

Imminent Danger Run

Ventilation -ok
Rock dusting -ok
Clean-up -ok
Roof Control -ok
except for the area that has fallen in from the fault in the mine roof.
D.T.I's -ok
Ch4. 0.0%
O2. 20.8%

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

All approach's leading To the mine roof fall in the #5 entry on the 2-Left, 003-0 MMU section have been cable bolted with 10 foot and 14 foot cable bolts. The continuous mining machine is in the process of ramping up on the fall To provide access for the roof bolting machine.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

Time 1830

Terminated citation No. 7098128-01 due to the entry's on the 2-left, 003-0 mmu being narrowed down to 20 feet wide by installing Heintzmann alternative crib support's along the rib's in the cited areas on this section. Also roof bolt's were installed in the cited areas where permanent roof bolt spacing's are beyond the maximum allowable distance provided in the approved roof

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 7

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

control plan.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 7-A

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

CO2 Track mounted mantrip
-OK

1 Track mounted Locomotive
-OK

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 8

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

1730

Terminated Citation No. 7098127 due To the water being pumped from the Track haulage entry in the Cited area along the #6 Conveyor belt.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

[redacted]

Last 30 shift production average 763 Tons

Production this Shift 840 Tons

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

Co Monitor for the #6 Conveyor belt

-OK

Communications on the 1-Left, 006.0 mmu

-OK

Supplemental support materials

-OK

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

Started early at the Bridgeport field office prepaired 7 respirable dust pump to run res. dust at the Sago mine, I left 006-0 mmu Section.

arrived at mine informed mine management that I would be conduction respirable dust servey on the 0060 mmu section.
Rick Howard - Section foreman

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 12

*U.S.GPO: 2004 - 642 - 912

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

Started res. dust pump and placed them on the 006-0 mmu Section crew that were to be sampled.

Traveled to the Section with crew, upon arrival conducted imminent danger inspection of the Section

Checked vent control they were in place

Roof and Rib appeared adequately supported

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 13

*U.S.GPO: 2004 - 642 - 912

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

Clean up and rockdusting appeared adequate

air moving in proper direction

Stoppings were built up to 2 crosscut of face.

Roadways Haulways are dump to wet

air measurements were taken at roof-bolter, cut miners and last open crosscut.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 14

*U.S.GPO: 2004 - 642 - 912

MSHA Form 7000-10K, June 93 (revised)

Date 08-03-05

Methane checks
0.0% detected. 20.8
O^2 detected in the
working faces and return

Roof and Rib appeared
adequately supported

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 15

*U.S.GPO: 2004 - 642 - 912

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

4 entry left crosscut
1 left section, Right side
Roof Bolter, behind line
curtain air reading.

245 FPM	7'H
21 Area	3'W
5,166 CFM	21

CH_4	O^2
0.0%	20.8%

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 16

*U.S.GPO: 2004 - 642 - 912

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

1 left Section 006-0 mmg
last open crosscut air
reading

77 FPM	18W
114 area	8H
11,088 CFM	114 Area

CH_4	O^2
0.0%	20.8%

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 17

*U.S.GPO: 2004 - 642 - 912

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

3 entry 006-0 mmu
left side Roof Bolter
behind line curtain
air reading

155 FPM 7H
25 Area 3.5W
3,875 CFM 24.5 area

CH4 O2
0.0% 20.8%

Inspector's Initial [6]

Supervisor's Initials and Date _____ Page No. 18

*U.S.GPO: 2004 - 642 - 912

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

last open Roll air
reading 1 left Section

114 FPM 19W
147 Area 7.75H
16,758 CFM 147 Area

CH4 0.0% O2 20.8%

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 19

*U.S.GPO: 2004 - 642 - 912

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

Air Reading for The
Continuous Mining
machine.

7.5-H 290-V
3.5-W + 4-C
26-A 294-V

294-V
26-A
0-7,644 cfm

CH4- 0.0%
O2- 20.8%

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 20

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

#2 entry left Bolter
behind line curtain

198 FPM 4'H
21 Area 8 H
4,158 CFM 21 A

CH4 O2
0.0% 20.8%

Inspector's Initials [6]
Supervisor's Initials and Date _____ Page No. 21

*U.S.GPO: 2004 - 642 - 912

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

1 left Section 006-0 main
Intake air reading

120 FPM 18'W
144 Area 8 H
17,280 CFM 144 Area

CH4 O2
0.0% 20.8%

Inspector's Initials [6]
Supervisor's Initials and Date _____ Page No. 22

*U.S.GPO: 2004 - 642 - 912

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

#5 miner
left miner water
PSI R 115 L 125
37 of 41 Sprays
working

#4 miner
Right miner water PSI
R 105 L 120
37 of 41 sprays working.

Inspector's Initials [6]
Supervisor's Initials and Date _____ Page No. 23

*U.S.GPO: 2004 - 642 - 912

MSHA Form 7000-10K, June 93 (revised)

Date 08-03-05

Scrubber meg air reading
Right miner

✓	✓	✓	✓	✓
A	B	C	D	E
1.04	1.18	1.48	1.14	0.94
1.14	1	1.44	1.44	0.70
1	0.89	0.94	.63	0.54

3.18 + 3.07 + 3.86 + 3.21 + 2.18 =

1.03
15 | 15.5

Average pressure 1.03

237 X 2.3 Area

X 4005 236.9

9,492 X .9 =

8,543 CFM

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 24

*U.S.GPO: 2004 - 642 - 912

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

5 miner left side meg
air reading

✓	✓	✓	✓	✓
A	B	C	D	F
1.22	1.14	1.44	1.09	0.77
1.22	0.94	1.48	0.83	0.94
1.41	0.83	1	0.63	0.63

3.854 + 2.91 + 3.92 + 2.55 + 2.34 =

1.038
15 | 15.57

Total Average pressure 1.04

1.04 FPM

X 2.3 Area

2.392 X 4005 =

9579.96 X .9 = 8,622

8,622 CFM

0.0% CH4 20.89% O2

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 25

*U.S.GPO: 2004 - 642 - 912

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

left miner 4 to 3
crosscut behind line
curtain air reading # 5
miner

290 FPM 7H

21 Area 3W

6,090 CFM 21 Area

CH4 O2

0.0% 20.89%

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 26

*U.S.GPO: 2004 - 642 - 912

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

checked respirable dust pumps as required.

issued 1 Cit. for not maintaining 9000 CFM in last open crosscut air going down ventral instead of return.

observed complete mining cycle crew observed using good work practices.

talked to Right Side [illegible] about the Slam program.

Inspector's Initials [illegible]

Supervisor's Initials and Date _____ Page No. 27

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

at end of shift collected respirable dust sampling pumps and traveled to portal.

Conducted close out of inspection with mine management.

Traveled with mine examiner on the intrasecure dangers run

Inspector's Initials [illegible]

Supervisor's Initials and Date _____ Page No. 28

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10N, June 93 (revised)

S.02
S.10
S.01
S.03
S.12
S.11
S.22

RESPIRABLE DUST

Date: 8-3-2005 Location: Sago mine 1 left 006 mun section

PUMP	CASSETTE	CODE	OCCUPATION	TIME ON	2nd	4th	TIME OFF	WT
6439	SG 549831		Belt	14:30	✓	✓	22:30	
6461	549795	14	Return Belter	14:30	✓	✓	22:30	
6449	549838	36	miner intake Belter	14:30	✓	✓	22:30	
6480	549791	12		14:30	✓	✓	22:30	
16152	549823		intake off side SE	14:30	✓	✓	22:30	
16153	549825	73	return Belter	14:30	✓	✓	22:30	
16154	549885	14		14:30	✓	✓	22:30	

Inspector's Initials RP Supervisor's Initials and Date _____ Page No. 29

*U.S. Government Printing Office: 1995— 609-287

MSHA Form 7000-10N, June 93 (revised)

Date: 8-3-05

RESPIRABLE DUST Sago mine

Location: 1 left 006-0 MMU Section

PUMP	CASSETTE	CODE	OCCUPATION	TIME ON	2nd	4th	TIME OFF	WT
	549817		Control					

Inspector's Initials [6]

Supervisor's Initials and Date RW RP

Page No. 30

*U.S. Government Printing Office: 1995— 609-287

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

1620 75.1403

7098130 SLS-yes

The #CO2 mantrip which is used to transport miners in and out of the mine is not maintained in a safe operating condition. Three of the four sanding devices located on this mantrip will not provide sand to the wheels and track for traction purposes. Three of the sanding devices storage containers are empty of sand. This mantrip was inspected just inby the portal after the mantrip operator received clearance from the dispatcher to travel underground. The track haulage of this mine has several grades and the track rails range from wet to dry. There have been 8 citations issued for violations of section 75.1403 at this mine since

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 31

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 32

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

05-03-2005.

The [6] should have known of this condition.

Based on my mining experience this condition has existed for more than one shift.

one miner is exposed when a accident does occur from this type of condition, it will be of a serious

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

nature from bruising, lacerations, broken bones, amputations caused from derailment of a mantrip.

IT is reasonably likely that a accident will occur from this type of condition. this mine has several grades and the track rail's range from wet to dry.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

1710 75,523

7098129 S+S-NO

The Fairchild scoop model 35C-WH, serial no. T339-324, approval no. 2G-3599-2, company #1 is not maintained in a safe operating condition. the emergency stop switch (panic bar) located on the battery side of the operators deck has fallen off and is hanging loose by the power wires.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

The [6] should have seen this condition during the pre-operational checks.

Based on my mining experience this condition has existed for more than one shift.

ONE miner is exposed

IT is unlikely that a accident will occur from this condition.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 36

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

1915 75.370(a)(1)

2098131 S&S-NO

The approved VENTILATION plan is NOT being complied with ON the 1-Left, 006-0 MMU WORKING SECTION in THAT the air QUANTITY in the last open CROSSCUT is NOT being MAINTAINED TO AT least 9000 cubic feet per minute. When this inspector attempted To Take a air reading in the last open

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 37

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

The face of the #2 entry without an adequate supply of air movement.

When a accident does occur from this Type of Condition it will be of a Serious Nature from methane accumulating causing fire, burns, smoke inhalation injuries and also injuries to miners from breathing respirable dust.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 38

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

Crosscut between the #2 & #3 entry's The wheel on The approved and Calibrated anemometer would NOT even Turn.

The mine examiner should have Known of this Condition

This Condition occured this shift.

2 miners exposed as The bolted in

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-3-05

It is unlikely That a accident will occur from this condition. Air movement was detected in The last open Crosscut. The minimum requirement of 9000 cfm was NOT provided in The last open Crosscut.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10I, June 93 (revised) AFT

DAILY COVER SHEET

Date 8-4-05 Event No. 4054249

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked Fresh: PT & ONSH-PT

Accompanied By: Company Representative _____

Miners Representative _____

AREAS OF INSPECTION ACTIVITY:

Held safety Talk with 27 miners, B crew Training Records Electrical Record books Record Books

Modified 1 citation

Inspector's Initials [6]

Supervisor's Initials and Date [6] 8/11/05 Page No. 1

*U.S. Government Printing Office: 1997 - 508-470

MSHA Form 7000-10K, June 93 (revised)

Date 8-4-05

Traveled To the mine site accompanied by [6] [6] Talked with Carl Crumrine, Al Schoonover.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 2

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-4-05

arrived at mine conducted safety talk with B Crew afternoon shift there were 27 men present at the meeting Talked about red zones for mining equipment and in the face area. Discussed the new slam program with the miner.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 3

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-4-05

Sago mine
Training Records
ON

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 4

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-4-05

Record Books
Electrical

High voltage and
low voltage Gloves
-OK

out side equipment
Electrical equipment
-OK

High voltage and
Sub station
-OK

Mine Fan
-OK

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 5

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-4-05

Man Trips and Locomotives
Track Chargers
-OK

Monthly examination
of belt Transformers
and splitters
-OK

Cut by power Centers
-OK

water pumps
-OK

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 6

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-4-05

Calibration of Methane Testers
-OK

Calibration of respirable dust pumps
-ok

Smoker's articles
-ok

Fire Drill's + escapeways
-OK

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-4-05

SCSR's
CSE - SR-100
-OK

Examination of underground equipment
-OK

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10I, June 93 (revised)

DAILY COVER SHEET

Date 8-8-05 Event No. 4054749

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked Presh: PT & ONSH: PT
1-Left & 2-Left, Belt & Track
003

Accompanied By: Company Representative
Lonnie Short

Miners Representative
NONE

AREAS OF INSPECTION ACTIVITY:

Imminent Danger Run
003-0, 2-Left Section
Imminent Danger Run
006-0, 1-Left Section
#284 #C01 & #9 & #8 mantrip

1 safeguard
Issued 2 citations

Inspector's Initials [6]

Supervisor's Initials and Date [6] 10/17/05 Page No. 1

*U.S. Government Printing Office. 1997 - 508-470

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

Traveled To the
Mine Site, Talked
With Lonnie Short,
[6]

Travel in the mine
To the 2-Left, 003-0
MMU section with
The Crew.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 2

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

Imminent Danger
Run 003-0 MMU

Ventilation - poor
Roof Control - OK
Clean-up - OK
Rock dusting - OK
Haulroads are wet
P.T.I.'s indicates that
examinations are being
conducted.
CH4 - 0.0%
O2 - 20.8%

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 3

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

Imminent Danger
Run 006-0 mmu

Ventilation - OK
Roof Control - OK
Clean-up - OK
Rock dusting - OK
haulroads are wet
D.T.I's indicates that examinations are being conducted.
Ch4 - 0.0%
O2 - 20.8%

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 4

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

L.O.C.C. #2 To #3 entry, 1 block inby SS 4092 in #3 entry 003-0 mmu

19-W	80-V
7-A	+33-C
133-A	113-V

113-V
133-A
Q-15,029 cfm

Ch4 - 0.0%
O2 - 20.8%

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 5

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

L.O.C.C #2 To #3 entry, 1 block outby SS 4097, 006-0 mmu

19-W	75-V
7-A	+34-C
133	109-V

109-V
133-A
Q-14,497 cfm

Ch4 - 0.0%
O2 - 20.8%

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 6

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

Joy Shuttle Car
~~Sor~~ model 10SC32
Serial # ET-14258
Approval # 2G-3619A-00
Company # 1

Stamler Coal
Feeder
Model # BF-14A-37-103C
Serial # 13781
Issued 1 citation

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 7

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

Fletcher Roof bolter
Model RR II
Serial # 2004096
Approval # 2G-3715A-1
Company # 4

#8 Shuttle Car
PMS 10SC
Serial # 2011
Approval # 2G-3936-C

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 8

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

#C01 ManTrip
#ssued 1 Cita.

#9 ManTrip
-OK

#8 ManTrip
-OK

#28 ManTrip
-OK

Inspector's Initials [6]

Supervisor's Initials and Date

Page No. 9

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

6:05 75.1403

7098132 S+S-yes

The #C01 manTrip which is used to Transport miners in and out of the mine is NOT maintained in a safe operating condition. All of the four sanding devices which are located on this manTrip will NOT provide sand To The wheel's and Track for Traction purpose's Two of The Sand Storage Containers

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

are empty of sand and Two of the Sand Storage Containers are plugged up with wet sand. This mine has several grade's and the Track ranges from wet To dry. There have been 9 citations issued for violations of Section of 75.1403 at This mine since 05/03/2005.

The [6] should have seen this condition during

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

The pre-operational Check's.

Based on my Mining experience this condition has existed for more Than one shift.

One miner is exposed

when a accident does occur from this type of condition it will be of a Serious nature from bruising, lacerations, broken bones, amputations

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

related To injuries Caused from derail-ment of a mantrip.

IT is Reasonaby Likely That a accident will occur from this type of Condition. The Track haulage in this mine has several grade's and the Track rail's range from wet To dry.

[6]

Inspector's Initials _____

Supervisor's Initials and Date _____ Page No. 13

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

7:25 75.370@(1)

7098133 SS-NO

The approved ventilation plan is not being complied with on the 2- left, 003-0 mmu working section in That the air Quantity in the last open crosscut is not being maintained To at least 9000 cubic feet per minute. when this inspector attempted to Take an air reading in the last open

[6]

Inspector's Initials _____

Supervisor's Initials and Date _____ Page No. 14

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

Crosscut between the #2 & #3 entry's located one block in by SS 4092, the wheel on the approved and calibrated anemometer would not even Turn.

The mine examiner Should have known of this Condition.

Based on my mining experience This Condition has existed for at least one shift.

[6]

Inspector's Initials _____

Supervisor's Initials and Date _____ Page No. 15

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

ONe Miner is exposed when a accident does occur from this Type of Condition it will be of a serious Nature from the quantity of air not being maintained to sweep methane and respirable dust from the face areas of this section. IT is unlike a accident will occur in that a small amount of air movement

Inspector's Initials [6]

Supervisor's Initials and Date

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

was detected and also No methane was detected. The area of the last open crosscut is 19 feet wide by 7 feet high which equals 133 square feet.

Inspector's Initials [6]

Supervisor's Initials and Date

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

10:45 75.1403

7098134 Safeguard

ON August 08, 2005 the coal feeder which is equiped with a crusher was observed in operation on the L-left, 006-0 mmu Section at Saga #3 mine. The load end of the feeder is approximately 14 inches above the mine floor and a miner could easily step or fall onto the moving conveyor chain and

Inspector's Initials [6]

Supervisor's Initials and Date

U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-9-05

be Transported into and Through the Crusher. Such an incident would result in fatal injuries To the miner. Becoming entangled in feeder Conveyors and being pulled into The Crusher has fatally injured Several miners. This is a NOTICE To Provide Safeguards requiring That an emergency STOP device, which is properly designed,

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

be maintained between the load end and the Crusher of all Such feeders at this mine. The device shall be designed and located so That a miner entangled in the conveyor chain can stop the feeder before he reaches the Crusher.

The mine examiner should have known of this Condition.

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

Based on my mining experience This Condition has existed for Several Shifts.

One miner is exposed

When a accident does occur from this type of Condition it will be of a Serious nature. A miner can be fatally injured by becoming entangled in feeder Conveyors and being

Inspector's Initials [6]

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-8-05

pulled into a Turning Crusher.

IT is Reasonably likely That a miner will can easily step or fall into a moving conveyor chain when it is located approximately 14 inches above the mine floor. The mine floor on this section is sloppy wet and slippery.

Inspector's Initials EGJ

Supervisor's Initials and Date

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10I, June 93 (revised)

DAILY COVER SHEET

Date 8-9-05 Event No. 4054749

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked Preshift & Onshift

003

Accompanied By: Company Representative

Lonnie Short

Miners Representative

NONE

AREAS OF INSPECTION ACTIVITY:

Imminent Danger Run
Equipment
portable Toilet facilities
potable drinking water
Communication
First-Aid Supply's
Escape way map
safety talk fatalities & Slam
Issued 3 cita.
Mod 1 citg

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 1

*U.S. Government Printing Office: 1997 - 508-470

MSHA Form 7000-10K, June 93 (revised)

Date 8-9-05

Traveled To the mine site, Talked with Lonnie Short, [6] [6] Al Schoonover

Traveled in the mine with the Crew

Safety Talk with Miners on the fatalities That has occured during The year 2005, and also Slam Risk the Smart way with 32 miners.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 2

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8-9-05

Imminent Danger Run

Ventilation - OK
Rock dusting - OK
Clean-up - OK
Roof Control - OK
DJI's indicates that examinations are being Conducted.
mine floor is sloppy wet
Permanent Ventilation Controls are in place
CH4 - 0.0%
O2 - 20.8%

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Date 8-9-05

L.O.C.C Air Reading
#2 To #3 entry
at SS 4095, 006-0

19-W
2.75-K
147-A

75-V
+34-C
109-V

109-V
147-A
Q-16,023 cfm

CH4 — 0.0%
O2 - 20.8%

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Date 8-9-

Joy 14 CM-15
Mining Machine
Serial # JM-5581
Approval # 2G-
Company #4
Issued 1 citation.

Fletcher Roof
Machine
Serial # 200 3334
Approval # 2G-3715A-1
Model DDO-15
Company #2

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#16 Scoop Charger
-OK

#4 Scoop Charger
-OK

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MSHA Form 7000-10K, June 93 (revised)

Date 8-9-05

#7 PMS shuttle car
model 10 SC
Serial # 2009
Approval # 20-3936-0
Issued 1 CiTa.

Supplemental support
materials
-OK

[6]

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Portable Toilet facilities
-OK

Potable drinking water
Issued 1 CiTa.

Communications from
the 1-Left, 006-0 mmu
Section To the Surface
-OK

First-Aid Supplys
-OK

escapeway map
-OK

[6]

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Date 8-9-05

7:45 75.1107-16(b)

7098135 S&S-NO

The fire Suppression
System of the Joy 14CM15
remote Controlled Continuous
mining machine Serial
No. JM5581, Company
#4 being operated on
the 1-Left, 006-0 mmu
working section is NOT
properly maintained.
When the System was
activated Three of the
10 Sprays located on the
Top surface of the
Continuous mining machine
for fire protection

[6]

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purposes. This machine uses combustible hydraulic oil. This is a remote controlled mining machine that is operated in extended cuts. The approved ventilation plan requires that this system be tested daily. There have been 11 citations issued for violations of Section 75.1107-16(b) at this mine since 02/12/2005.

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The mining machine operator should have seen this condition during the pre-operational checks.

Based on my mining experience this condition has existed for more than one shift.

One miner is exposed

when a accident does occur from this type of condition it will be of a serious

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Nature from Fire, burns, smoke inhalation.

It is unlikely that a accident will occur from this type of condition. The mine is sloppy wet.

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9:10 75.517

2098136 S+S-yes

The Trailing cable for the #7 PMS 105C shuttle car Serial no. 2009, Approval no. 2C-3936-0 being operated on the 1-left, 006-0 MMU working section is NOT adequately insulated and fully protected. The outer jacket of the Trailing cable has a cut through the outer insulating jacket that measured 1/8 of an

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inch wide by 3/4 of an inch long, which expose the inner insulated power leads. A inner insulated power lead also has the insulation cut for approximately 1/8 of an inch wide by 1/4 of an inch long which exposes the bare energized power leads that provide 575 VAC To this shuttle car. The mine floor is sloppy wet and the miners

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normally handle the Trailing cables. There have been 10 citations issued for violations of section 75.517 at this mine since 05/24/2005.

The [6] [6] [6] should have seen this condition during the pre-operational checks.

Based on my mining experience this condition has existed for more

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Than one shift.

one miner is exposed

when a accident does occur from this Type of Condition it will be of a serious nature from electrical shock, burns.

IT is Reasonably Likely That a accident will occur from this Type of Condition, the bare energized power leads are exposed

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and the mine floor is sloppy wet. The miners normally handle the trailing cables

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10100 75, 1718.

7098137 S&S-NO

An adequate supply of potable drinking water is not provided on the 1-Left, 006-0 MMU working section for drinking purposes. All such drinking water shall be carried, stored, and otherwise protected in sanitary containers.

The section foreman should have known of this condition.

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This condition has existed for more than one shift.

One miner is exposed

It is unlikely that a accident will occur from this condition.

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Modified citation No. 7098133 due to changing line 9-C from 75.370(a)(1) to 75.325(a)

Issued under the wrong section of the 30 CFR in error.

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DAILY COVER SHEET

Date 8-16-05 Event No. 4054749

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked Preshift Onshift weekly examination

Accompanied By: Company Representative _____

Brad Phillips

Miners Representative _____

AREAS OF INSPECTION ACTIVITY:

Traveled The (Intake) primary escapeway

Safety Talk with 32 miners

Inspector's Initials [6]

Supervisor's Initials and Date [6] 8/17/05 Page No. 1

*U.S. Government Printing Office: 1997 - 508-470

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Traveled to the mine site accompanied by [6] [6] [6] [6], Talked with Jeff Toller, Al Schoonover

Held safety Talk with 32 miners on the Condition of the mine roof on the (006) mmu & previous accidents related to mine roof falls.

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Traveled the Intake (Primary Escapeway) from the Mine fan house inby To the 2-Left, (003) mmu working Section, accompanied by [6] [6] [6] [6], Brad Phillips.

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Traveled the primary escapeway from the surface to the (006) mmu section

Ventilation - ok
Roof Control - poor due to loose hanging rock, roof deteriorating
Travelway - poor obstructed by mud, water, concrete blocks and rock from the mine roof. Issued order no. 7098154 and citation no. 7098156 & no. 7098157 on the

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Condition of the primary escapeway

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6
-6

MeT with the mine management and discussed the condition of the mine. This mine was put on notice on how the mine is to be maintained.
The primary escapeway is not maintained in a safe condition for miners to travel in the event of an emergency.

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Date 8-16-05

10:55 75.202(a)

7098153 S+S - Yes

The mine roof of the 003-0 MMU is NOT adequately supported or controled as follow: (1) #7 entry beginning at spad #4090. The mine roof between the left rib and the out-side row of bolts for 36' distance is broken with pieces of loose hanging rock from 1" To 5" thick by 10" To 14" wide by 2' To 3' long. (2) The right

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rib is loose hanging from just inby the last open crosscut inby for 28' distance. Rib is 10" To 14" thick with the top brow being 8' long and 12" To 14" thick. Rib is 8' high. (3) The outby corner of the last open crosscut of #7 entry is loose and gapping out by 1" loose rib is 4' wide by 9' high and 12" thick. (4) The mine roof along the left rib To the out-

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side row of bolts, of the last open crosscut from 7 To 6 is broken and has numerous pieces warning. (5) The right inby corner of 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 inter-section is loose 4' by 4' by 4". (7) The right rib just outby

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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

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struck by roof rock causing a broken back injury. There was also a serious fall of rock accident that occured 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.

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The mine examiner should have known of this condition, The miners should have also seen ~~of~~ this condition during the pre-operational checks.

Based on my mining experience this condition has existed for several shifts.

One miner is exposed

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When a accident does occur from this Type of condition it will be of a serious nature from bruising, lacerations, broken bones, Amputations.

IT is Reasonably likely That a accident will occur from this Type of condition. The Miners are exposed To loose rock and Coal hanging from The mine roof & Ribs which appears That

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it could fall at anytime without warning.

Two miners have been injuried on this section from rock falling from the mine roof since 7-11-05.

The listed conditions were obvious and should have been detected and corrected.

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Date 8-16-05

14:30 75.380(d)(1)

7098154 S&S-yes

104-d-2 order

The primary escape-way for the (003) & (006) mmu is not being maintained in a safe condition to always assure safe passage of any one, including disabled persons. The following conditions were observed by this inspector. (1) The mine roof has deteriorated away leaving the Cross bars which were installed

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To control the mine roof. The cross bars are ranging from 5 To 25 inches from the mine roof for approximately 50 feet in length. The mine roof has also deterierated away just inby The Tunnel liner arches in the intake entry just outby #5 block. (2) The Travelway is obstructed in several locations That Create a slip, Trip and fall hazard. (3) the escape-

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way Travelway is obstructed by Concrete blocks and rock from the mine roof at Spad #5100. (4) Loose rock is hanging in several locations along the #1 and #2 Conveyor belts from the mine roof deterierating.

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The mine examiner Should have known of these Condition. these conditions would be obvious To any prudent person.

Based on my mining experience these conditions have exsted for an extended period of Time.

one miner is exposed when a accident does occur from this Type

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of Condition it will be of a serious nature from miners being exposed to numerous hazardous condition.

IT is Reasonably likely That a accident will occur from this Type of Condition. Loose Rock hanging from the mine roof which appears That it could fall at anytime without notice. Slip, Trip, and fall hazards exist throughout The entire

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length of The primary escapeway in That loose Rock, concrete block's from previous stoppings, Mud & water ranging from 6" To 28" deep is allowed To accumulate in several areas of the primary escapeway. The primary escapeway is NOT maintained in a condition To where Miners, including disabled miners can safely Travel from the working sections

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To the surface in an emergency.

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11:45 75.211(d)

7098155 SS5-yes

A bar of an adequate length is not provided for Taking down loose material on the (003) main working section. The bars that are provided on this section are not of a length and design that will allow the removal of loose material from a position that will not expose the person performing this work to injury from falling

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material. The mining height measured from 7 feet to 10 feet high on this section.

The section foreman should have known of this condition.

Based on my mining experience this condition has existed for several shifts.

One miner is exposed

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when a accident does occur from this type of condition it will be of a serious nature from bruising, lacerations broken bones, Amputations

It is Reasonably likely that a accident will occur from this type of condition at this mine. The mining height ranges from 7' to 10' high on this section. When a bar is used to scale loose rock

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from the mine roof That is NOT of an adequate length and design The miner is exposed To falling material. Rock can fall and strike a miner Causing serious injuries when The proper Tools are NOT provided To scale The mine roof.

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Date 8-16-2005

0815 75.380(d)(1)

7098156 5ts-yes

The primary escapeway for the (003) & (006) MMU sections is not being maintained in a safe condition to always assure safe passage of anyone, including disable persons. The following conditions were observed by this inspector in the primary escapeway starting at the #3 Conveyor belt and extends inby to where the mine roof screened area starts at Trubie Run. (1) The walkway is obstructed by concrete blocks, rock that has deteriorated and fallen

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from the mine roof which ranges from 6" to 15 inches deep. (2) The mine roof has deteriorated away from around the permanently installed fully grouted roof bolts at #4 block along the #3 conveyor belt, some roof bolt plates now range from 8" to 12" from the mine roof. (3) The walkway leading to the personal door located at #16 block along the #3 conveyor belt is obstructed with rock, concrete blocks and wooden pallets. (4) The walkway at the entry

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end of the tunnel liner located # 32 block is obstructed with mud and water that ranges from 10" to 18" deep. (5) loose rock is hanging from the mine roof in several locations of the haveleway starting at the #3 Conveyor belt head end extends inby to where the screening starts at Trubie Run.

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The mine examiner should have known of this condition. This condition would be obvious to any prudent mine examiner.

Based on my mining experience this condition has existed for several shifts.

One miner is exposed when a accident does occur from this type of condition it will

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be of a serious nature from bruising, lacerations, broken bones, amputations.

It is reasonably likely that a accident will occur from this type of condition. The miners being exposed to numerous hazards will result in injuries to miners. The miners can be injuried when attempting to exit the mine traveling the primary escapeway

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in an emergency. when a safe 6 feet wide Travelway is not provided for the miners To Travel from the Section To the Surface in the primary escapeway, miners can be seriously injuried.

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1000 75.380(d)(1)

7098157

The primary escapeway for the (003) & (006) MMU section is not being maintained in a safe condition to always assure safe passage of anyone, including disabled persons. The following conditions were observed by this inspector in the primary escapeway starting at the tunnel liner located at Tiubie Run. (1) Mud and water in the ~~travel~~ walkway for distance of 2 blocks starting at #F32 block along the #3 conveyor belt which ranges from 8"

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to 26" deep. (2) Loose lock is hanging in several locations of the walkway starting at Tiubie Run and extends into the (006) section. (3) The lumps that are provided for the miners to travel across the overcast in the escapeway located at the old 2 Right section are made of lumber which is wet, slick, obstructed with lick that has fallen from the mine roof and these lumps were installed on a steep slope which makes it difficult for miners that

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Ale not disabled to close. (4) The Travelway to the personnel door located at #14 block being obstructed with 18" to 30" of mud and rock. (5) A permanently installed roof bolt has the plate and bolt head broken off over the walkway located at # 14 block along #4 conveyor belt (6) The escapeway is not maintained travelable from just outby #18 block to just inby #19 block along the # 4 conveyor belt due to excessive mud and water. (7) loose rock

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is hanging just inby # 26 block along the # 4 conveyor belt that ranges from 3" thick by 5" long by 3" to 14" wide. (8) An excessive amount of mud and water that ranges from 10" To 24" deep has been allowed to accumulate in the travelway starting from # 22 block along # 4 conveyor belt and extends inby to the approximately 3 blocks inby the # 6 conveyor belt which is the (006) MMU section conveyor belt. (9) loose rocks hanging from the mine roof just inby # 32

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block that measured. (1) 12" wide by 20" long by 4" thick, (2) measured 3" by 4" by 5" to 12" thick, (3) Measured 5" by 3" by 3" to 12" thick. (10) The ramps that are provided for miners to travel across the overcast located at the mouth of the (003) MMU section which are located at # 51 block along # 4 conveyor belt are made of lumber which is wet, slick, these ramps were installed on a slope which makes it difficult for

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7048157

miners that are not disabled to (loss)

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The mine examiner should have known of this condition. This condition would be obvious to any prudent mine examiner

Based on my mining experience this condition has existed for several shifts.

One miner is exposed

when a accident does occur from this type of condition it will

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be of a serious nature from bruising, lacerations, broken bones, Amputations

It is Reasonably likely that a accident will occur from this type of condition. The miners being exposed to numerous hazards will result in injuries to miners. The miners can be injuried when attempting to exit the mine Traveling the primary escapeway

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in an emergency. when a safe 6 feet wide travelway is not provided for the miners to travel from the section to the surface in the primary escapeway, miners can be seriously injuried.

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1300 75.364 (b) (1)

7098158

The weekly examination for hazardous conditions that was conducted on 08-10-2005 for the intake (primary escapeway) for the (003) & (006) MMU section 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) # 7098155, (3) # 7098157. These conditions listed in the citations/orders

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Date 8-16-2005

7098158

were not recorded in the record keeping book or no corrective actin has been taken.

The mine examiner should have known of this condition. These condition would be obvious to any prudent person.

Based on my mining experience these conditions have existed for several shifts

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One miner is exposed

when a accident does occur it will be of a serious nature from bruising, lacerations, broken bones, Amputations

IT is Reasonably likely that a accident will occur from this Type of Condition. Mine examinations are the first line of defence To detect and correct hazardous conditions at their earliest possible

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Stages To reduce miner being exposed To hazardous conditions

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Supervisor's Initials and Date

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1000 75.370(a)(1)(i)

7098159

The #5 scoop battery charging station located at #49 block along the #4 conveyor belt in the intake entry. The scoop charger 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 (C03) & (C06) ALLEN working

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7098159

Section which is used for ventilating working places. This condition is an existing ploplem at this mine due to the following citations / orders have been issued previously: (1) #7097102, (2) #7097123 (3) #7097835 This mines has a blowing ventilation system

The mine examiner should have known of this condition.

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Based on my mining experience this condition has existed for several shifts

ONE miner is exposed

when a accident does occur from this type of condition it will be of a serious nature from fire, burns, smoke inhalation

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IT is Reasonably likely that a accident will occur from this type of condition. the gasses that generates from the charging scoop batteries will be carried by the mine intake ventilation directly to the (003) & (006) mmu sections where miners are extracting coal from it's natural bed. when the energized battery charger or scoop batteries malfunction and generates

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Smoke it will be carried directly to the (007) + (006) mmm sections by the intake air current. Miners will be exposed to hazardous conditions.

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MSHA Form 7000-10I, June 93 (revised)

DAILY COVER SHEET

Date 8-17-05 Event No. 4054748

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked Weekly exam-

Accompanied By: Company Representative Jeff Toler
Sam Kitts, Randy Riddle, Raymond Coleman, Brad Phillips

Miners Representative _____

None

AREAS OF INSPECTION ACTIVITY:

Report writing

Term. 104-d-2 order #

Term. 1

Inspector's Initials [6]

Supervisor's Initials and Date [6] 10/17/05 Page No. 1

*U.S. Government Printing Office: 1997 - 508-470

MSHA Form 7000-10K, June 93 (revised)

Date 8-17-05

Traveled To the mine Site accompanied by [6] and met with Sam Kitts, Johnny STemple, Jeff Toler, [6], Raymond Coleman, Brad Phillips, Al Schoonover. Discussed how the primary escapeway is To be maintained and what Type of action is To be Taken To put the primary escapeway back To a safe Travelable Condition.

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 2

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Date 8-17-05

Traveled the (primary escapeway) from the #3 conveyor belt head drive To the surface accompanied by [6], [6], Jeff Toler, Sam Kitts, Randy Riddle, Raymond Coleman, Brad Phillips

Inspector's Initials [6]

Supervisor's Initials and Date _____ Page No. 3

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Date 8-17-2005

16:20

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

Inspector's Initials [6]

Supervisor's Initials and Date

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Date 8-17-05

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 wide 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

Inspector's Initials [6]

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is now safe for miners to travel from the #3 conveyor belt head to the surface.

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Supervisor's Initials and Date

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MSHA Form 7000-101, June 93 (revised)

DAILY COVER SHEET

Date 8-18-05 Event No. 4054749

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked _____

Accompanied By: Company Representative _____

Miners Representative _____

AREAS OF INSPECTION ACTIVITY:

Inspection preperation and report writing

Inspector's Initials [6]

Supervisor's Initials and Date [6] 8/17/05 Page No. 1

*U.S. Government Printing Offic... 1997 - 506-470

MSHA Form 7000-10I, June 93 (revised)

DAILY COVER SHEET

Date 8/22/05 Event No. 4054749

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked 2-left

Accompanied By: Company Representative Brad Phillips

Miners Representative Dave

AREAS OF INSPECTION ACTIVITY:

Note — during the 08 investigation the following Cit - issued to Mine under 01 Event

Inspector's Initials [6] Page No. 1

Supervisor's Initials NB 8/23/05

*U.S. Government Printing Office: 1997 - 508-470

MSHA Form 7000-10K, June 93 (revised)

Date 8/22/05

Cit # 7149366

75.2202 11:15

The App. R C Plan was not being Complied with —

The ~~Last~~ Place - cutting on the 2-left Section 003 MAU was not mined 18' wide.

4 of 8 was More the 19'

1-19'5" / 219'1"

5-19'5" 6-20'

And NO 4 At 18'11" wide

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Supervisor's Initials and Date NB 8/23/05

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MSHA Form 7000-10K, June 93 (revised)

Date 8/22/05

Since 8/8/05 2 Roof fall has Occured And A fall of roof inj. A Work on this Section / - A Ch. was Sub - And All. to reduce the cutting width on Section to 18' wide

Could not det. that Anyone knew or Could existed Since Wed of last wk 8/24/05

Inspector's Initials [6] Page No. 3

Supervisor's Initials and Date NB 8/23/05

☆U.S. G.P.O.2005:742-563

MSHA Form 7000-10K, June 93 (revised)

Date 8/22/05

Occ. is Reasonably likely to occ. from the wire whip. - (As stated Above) to 1 Person And would result in At least lost workday injuries

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Supervisor's Initials and Date 8/23/05 Page No. 4

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MSHA Form 7000-10K, June 93 (revised)

Date 8/22/05

Cit No. 7149368
12.05 / 75.1725(a)

The left S.de double head DB on the 2-left Section was Not being MAINTAINED for Safe working Cond.
Hyd hoses on each head had broken braids

No One Even of Load - existed for About 1 Wk

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Supervisor's Initials and Date 8/23/05 Page No. 5

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Date 8-22-05

Reasonably likely for A lost Workday injury to 1 Person

PSI / in the hose. Reset At 2000 lbs.

Workers Must be Next to hoses during belt Operations.

Inspector's Initials [6]

Supervisor's Initials and Date 8/23/05 Page No. 6

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MSHA Form 7000-10I, June 93 (revised)

DAILY COVER SHEET

Date 8-29-05 Event No 4054249

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked Preshift & Onshift 006+003, Belts & Track Fan, vent.

Accompanied By: Company Representative

Fred Jamerison

Miners Representative

NONE

AREAS OF INSPECTION ACTIVITY:

Traveled #1, #2 #3 Conveyor belts from The surface To The #3 Tailpiece. Electrical Installations Mine Fan

Mod. 1 cita.

Issued 4 cita.

[6]

Inspector's Initials

Supervisor's Initials and Date [6] 10/17/05 Page No. 1

*U.S. Government Printing Office: 1997 - 506-470

MSHA Form 7000-10K, June 93 (revised)

Date 8-29-05

Traveled to the mine site, accompanied by [6] Talked with Brad Phillips, Jeff Toller, Dick Wilfong.

Traveled in the mine accompanied by Roger Workman, Fred Jamerison

[6]

Inspector's Initials

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MSHA Form 7000-10K, June 93 (revised)

Date 8-29-05

#3 conveyor belt power center at #2 block along #3 belt -OK

#3 belt starter box & Take-up -OK

#2 conveyor belt and Dual Splitter at #22 block along #1 belt -OK

[6]

Inspector's Initials

Supervisor's Initials and Date Page No. 3

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