

104(d)

Unwarrantable Failure

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

Mine Citation/Order

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



Section I—Violation Data

1. Date Mo Da Yr 09/12/2005	2. Time (24 Hr. Clock) 1710	3. Citation/ Order Number 4890534
4. Violation ed To Hamrick		5. Operator ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine SAGO MINE		7. Mine ID 46-08791 (Contractor)
8. Condition or Practice Ba. 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 gobbled 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

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.400
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Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood  Unlikely  Reasonably Likely  Highly Likely  Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays  Lost Workdays Or Restricted Duty  Permanently Disabling  Fatal

C. Significant and Substantial: Yes  No

D. Number of Persons Affected: 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.

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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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
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Section IV—Automated System Data

19. Type of Inspection (activity code)	20. Event Number 4054749	21. Primary or Mill
22. Signature [Signature]	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 St., S.W., MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Handwritten signature and date: [Signature] 9/21

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 <input type="checkbox"/> <input checked="" type="checkbox"/>		2. Dated (Original Issue) Mo Da Yr 09/12/2005	3. Citation/ Order Number 4890534
4. Extended To Hamrick		5. Operator ANKER WEST VIRGINIA MINING COMPANY INC (Contractor)	
6. Mine SAGO MINE		7. Mine ID 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.

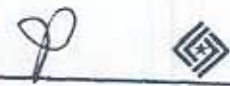
See Continuation Form

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E01	10. Event Number 4054749
Signature [ 6 ] [ 6 ]	12. Date Mo Da Yr 09/12/2005
	13. Time (24 Hr. Clock) 1710



Section I--Violation Data

1. Date Mo Da Yr 09/12/2005	2. Time (24 Hr. Clock) 1835	3. Citation/ Order Number 4890535
4. Violation Cited To Hamrick		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)

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 <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.400
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Section II--Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood  Unlikely  Reasonably Likely  Highly Likely  Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays  Lost Workdays Or Restricted Duty  Permanently Disabling  Fatal

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 conveyor belt head drive and take-up and extends approximately 2 block in by 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 09/12/2005 B. Time (24 Hr. Clock) 1940

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 ]

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, NW, 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



Section I—Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 09/12/2005	3. Citation/ Order Number 4890535
4. Extended To Hamrick	5. Operator ANKER WEST VIRGINIA MINING COMPANY INC (Contractor)	
6. Mine SAGO MINE	7. Mine ID 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.

Section III—Subsequent Action Taken

See Continuation Form

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV—Inspection Data

9. Type of Inspection E01	10. Event Number 4054749
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11. Signature [Signature]	AR Number 167	12. Date Mo Da Yr 09/12/2005	13. Time (24 Hr. Clock) 1835
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Section I--Violation Data

1. Date Mo Da Yr 09/12/2005	2. Time (24 Hr. Clock) 2045	3. Citation/ Order Number 4890536
4. Violation Cited To Hamrick		5. Operator ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine SAGO MINE		7. Mine ID 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 <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.400
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Section II--Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood  Unlikely  Reasonably Likely  Highly Likely  Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays  Lost Workdays Or Restricted Duty  Permanently Disabling  Fatal

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 Around and under the #4 conveyor belt take-up.

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

17. Action to Terminate

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

19. Type of Inspection (activity code) 001	20. Event Number 4054749	21. Primary or Mill
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



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>		2. Dated (Original Issue) Mo Da Yr 09/12/2005		3. Citation/Order Number 4890536 - 01	
4. Extended To Crumrine - Mine Foreman			5. Operator ANKER WEST VIRGINIA MINING COMPANY INC		
6. Mine SAGO MINE			7. Mine ID 46-08791		(Contractor)

Section II--Justification for Action

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

See Continuation Form

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E01	10. Event Number 4054749	
11. Signature Lb	12. Date Mo Da Yr 09/13/2005	13. Time (24 Hr. Clock) 0805

AR Number  
[E6]

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9/21

Mine Citation/Order

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



Section I--Violation Data

1. Date Mo Da Yr 09/12/2005	2. Time (24 Hr. Clock) 1840	3. Citation/ Order Number 4890537
4. Assigned To Hamrick		5. Operator ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine SAGO MINE		7. Mine ID 46-08791

(Contractor)

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 <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.1403
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Section II--Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood  Unlikely  Reasonably Likely  Highly Likely  Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays  Lost Workdays Or Restricted Duty  Permanently Disabling  Fatal

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 <input type="checkbox"/> B. Order <input checked="" type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>	E. Citation/ Order Number 7097827	F. Dated Mo Da Yr 05/20/2005
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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)
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Section III--Termination Action

17. Action to Terminate

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

19. Type of Inspection (activity code) E01	20. Event Number 4054749	21. Primary or Mill
22. Signature [Signature]		23. AR Number [Signature]

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*Entered by  
Help Desk  
9/23  
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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 <input checked="" type="checkbox"/> <input type="checkbox"/>		2. Dated (Original Issue) Mo Da Yr 09/12/2005			3. Citation/ Order Number 4890537 - 01	
red To Crumrine - Mine Foreman				5. Operator ANKER WEST VIRGINIA MINING COMPANY INC (Contractor)		
6. Mine SAGO MINE				7. Mine ID 46-08791		

Section II--Justification for Action

Change	From	To
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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.

Section III--Subsequent Action Taken

See Continuation Form

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input checked="" type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E01	10. Event Number 4054749
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11. Signature <i>[Signature]</i>	12. Date Mo Da Yr 09/13/2005	13. Time (24 Hr. Clock) 0950
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*Entered by  
Help Desk*

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 <input checked="" type="checkbox"/> <input type="checkbox"/>		2. Dated (Original Issue) Mo Da Yr 09/12/2005		3. Citation/ Order Number 4890537 - 02	
4. Extended To Crumrine - Mine Foreman			5. Operator ANKER WEST VIRGINIA MINING COMPANY INC		
6. Mine SAGO MINE			7. Mine ID 46-08791		(Contractor)

Section II--Justification for Action

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

Section III--Subsequent Action Taken

See Continuation Form

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E01	10. Event Number 4054749		
11. Signature, [ b ]	AR Number 667	12. Date Mo Da Yr 09/13/2005	13. Time (24 Hr. Clock) 1055

*Entered by  
Help Desk*

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 <input type="checkbox"/> <input checked="" type="checkbox"/>		2. Dated (Original Issue) Mo Da Yr 09/12/2005		3. Citation/Order Number 4890537	
Extended To Hamrick			5. Operator ANKER WEST VIRGINIA MINING COMPANY INC		
6. Mine SAGO MINE			7. Mine ID 46-08791 (Contractor)		

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.

Section III--Subsequent Action Taken

See Continuation Form

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection	E01	10. Event Number	4054749
11. Signature	[Signature]	12. Date Mo Da Yr	09/12/2005
		13. Time (24 Hr. Clock)	1840



Section I - Violation Data

1. Date Mo Da Yr 09/13/2005 revised To 9/12/05	2. Time (24 Hr. Clock) 2200-2215	3. Citation/ Order Number 4890539
5. Operator BRAD HAMRICK ANKER WEST VIRGINIA MINING COMPANY INC		7. Mine ID 46-08791 (Contractor)
6. Mine SAGO MINE		8a. Written Notice (103g) <input type="checkbox"/>
8. Condition or Practice		

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 <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.364(b)(1)
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Section II - Inspector's Evaluation

10. Gravity:			
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>			
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>			
Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: 001
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input checked="" type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>			
12. Type of Action 104(d)(2)		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/>	
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input checked="" type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number 7097827	F. Dated Mo Da Yr 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)
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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) E01	20. Event Number 4054749	21. Primary or Mill
22. Signature L B		23. AR Number 16

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



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>	2. Dated (Original Issue) Mo <u>09</u> / <u>12</u> / <u>05</u> Yr <del>09/13/2005</del>	3. Citation/Order Number 4890539 - 01
4. Issued To Brad Hamrick	5. Operator ANKER WEST VIRGINIA MINING COMPANY INC (Contractor)	
6. Mine SAGO MINE	7. Mine ID 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)	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input checked="" type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E01	10. Event Number 4054749	11. Signature [Signature]	12. Date Mo Da Yr 09/13/2005	13. Time (24 Hr. Clock) 2200
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9/21

Mine Citation/Order

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



Section I—Violation Data

1. Date Mo Da Yr 08/16/2005	2. Time (24 Hr. Clock) 1000	3. Citation/ Order Number 7098159
4. Violation Assigned To Brad Phillips		5. Operator 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 #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.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.340(a)(1)(i)
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Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood  Unlikely  Reasonably Likely  Highly Likely  Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays  Lost Workdays Or Restricted Duty  Permanently Disabling  Fatal

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) 1005

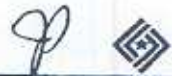
Section IV—Automated System Data

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

22. Signatures [L b] [ ] 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 enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the recent 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 M 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.

Wep  
8/19



Section I--Violation Data

1. Date Mo Da Yr 08/16/2005	2. Time (24 Hr. Clock) 1300	3. Citation/ Order Number 7098158
4. Violation referred To J Phillips		5. Operator ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine SAGO MINE		7. Mine ID 46-08791 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

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 <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.364(b)(1)	See Continuation Form (MSHA Form 7000-3a) <input type="checkbox"/>
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Section II--Inspector's Evaluation

10. Gravity:	A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>	B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input checked="" type="checkbox"/> Fatal <input type="checkbox"/>	D. Number of Persons Affected 001
11. Negligence (check one)	A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input checked="" type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>	12. Type of Action 104(d)(2)	13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/>
14. Initial Action	A. Citation <input type="checkbox"/> B. Order <input checked="" type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>	E. Citation/ Order Number 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)
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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 08/17/2005	B. Time (24 Hr. Clock) 1630
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Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 4054749	21. Primary or Mill
22. Signature [Signature]		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 recent 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 4th St, 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  
8/19

Mine Citation/Order

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



Section I—Violation Data

1. Date Mo Da Yr 08/16/2005	2. Time (24 Hr. Clock) 1430	3. Citation/ Order Number 7098154
4. Violation ed To Phillips		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 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 <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.380(d)(1)
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Section II—Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood  Unlikely  Reasonably Likely  Highly Likely  Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays  Lost Workdays Or Restricted Duty  Permanently Disabling  Fatal

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) E01 20. Event Number 4054749 21. Primary or Mill

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

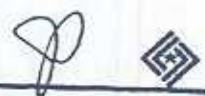
MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small businesses. If you wish to comment on the operations of MSHA, you may call 1 888 REG FAIR (1 888 734 3247), or write the Ombudsman of Small Business Administration, Office of the National Ombudsman, 405 1st 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. You may also file a comment with the Mine Safety and Health Review Commission.

Handwritten initials/signature



Mine Citation/Order  
Continuation

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



Section I—Subsequent Action/Continuation Data

1. Subsequent Action <input checked="" type="checkbox"/> 1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue) 08/16/2005 Mo Da Yr	3. Citation/ Order Number 7098154 - 01
4. Issued To Phillips	5. Operator ANKER WEST VIRGINIA MINING COMPANY INC (Contractor)	
6. Mine SAGO MINE	7. Mine ID 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)	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV—Inspection Data

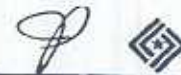
9. Type of Inspection E01	10. Event Number 4054749		
11. Signature L 6	AR Number [6]	12. Date Mo Da Yr 08/17/2005	13. Time (24 Hr. Clock) 1620

Form 7000-3a, Mar 85 (revised)

WJG/19

Mine Citation/Order

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



Section I - Violation Data

1. Date Mo Da Yr 08/16/2005	2. Time (24 Hr. Clock) 1055	3. Citation/ Order Number 7098153
4. To Phillips	5. Operator 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 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 <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.202(a)
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Section II - Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood  Unlikely  Reasonably Likely  Highly Likely  Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays  Lost Workdays Or Restricted Duty  Permanently Disabling  Fatal

Significant and Substantial: Yes  No

D. Number of Persons Affected: 001

11. Diligence (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 through #7 entries of the 003-0 mmu.

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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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 08/16/2005	B. Time (24 Hr. Clock) 1145
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Section IV - Automated System Data

19. Type of Inspection (activity coc) E01	20. Event Number 4054749	21. Primary or Mill
22. Signature L. Phillips		23. AR Number 161

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WPH  
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 <input type="checkbox"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 08/16/2005	3. Citation/ Order Number 7098153
4. Extended To Phillips	5. Operator ANKER WEST VIRGINIA MINING COMPANY INC	7. Mine ID 46-08791 (Contractor)
6. Mine SAGO MINE		

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.

See Continuation Form

Section III—Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV—Inspection Data

9. Type of Inspection E01	10. Event Number 4054749		
11. Signature [Signature]	AR Number [6]	12. Date Mo Da Yr 08/16/2005	13. Time (24 Hr. Clock) 1055