

314(b)

Safeguards

Mine Citation/Order

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

SAFEGUARD

P



Section I--Violation Data

1. Date Mo Da Yr 08/08/2005	2. Time (24 Hr. Clock) 1045	3. Citation/ Order Number 7098134
4. Served To Lonnie Short		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"/>

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 <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 <input type="checkbox"/>	Unlikely <input type="checkbox"/>	Reasonably Likely <input 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 type="checkbox"/>	Fatal <input type="checkbox"/>	
C. Significant and Substantial:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	D. Number of Persons Affected:		
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/>					
12. Type of Action 314(b)		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input type="checkbox"/> Safeguard <input checked="" type="checkbox"/>			
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>			E. Citation/ Order Number		F. Dated Mo Da Yr

16. Termination Due	A. Date Mo Da Yr 08/08/2005	B. Time (24 Hr. Clock) 1115
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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 08/08/2005	B. Time (24 Hr. Clock) 1115
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Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number 4054749	21. Primary or Mill	23. AR Number 6
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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

SAFEGUARD



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 08/08/2005	3. Citation/Order Number 7098134
4. Served To Lonnie Short	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 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)	<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 [6]	12. Date Mo Da Yr 08/08/2005	13. Time (24 Hr. Clock) [6]

Mine Citation/Order

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

SAFEGUARD



Section I—Violation Data

1. Date Mo Da Yr 06/14/2005	2. Time (24 Hr. Clock) 1130	3. Citation/ Order Number 7097925
4. Served To Bill Currence Mine Foreman	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"/>

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 <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

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 06/18/2005 B. Time (24 Hr. Clock) 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) E01 20. Event Number 4054745 21. Primary or Mill

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

WPC 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 <input type="checkbox"/>	1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue)	Mo Da Yr 06/14/2005	3. Citation/ Order Number	7097925
4. Served To Bill Currence 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

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

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	4054745
11. Signature		12. Date	Mo Da Yr 06/14/2005
		13. Time (24 Hr. Clock)	1130

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 <input checked="" type="checkbox"/> 1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 06/14/2005	3. Citation/ Order Number 7097925 - 01
4. Served To Lonnie Short	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 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

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 4054745	
11. Signature <i>[Signature]</i>	12. Date Mo Da Yr 06/27/2005	13. Time (24 Hr. Clock) 0400

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4/30

Mine Citation/Order
Continuation

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

SJA  *Y1*

Section I—Subsequent Action/Continuation Data

1. Subsequent Action <input checked="" type="checkbox"/>	1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue)	Mo Da Yr 06/14/2005	3. Citation/ Order Number	7097925 - 02
4. Served To Lonnie Short			5. Operator ANKER WEST VIRGINIA MINING COMPANY INC		
6. Mine SAGO MINE			7. Mine ID 46-08791 (Contractor)		

Section II—Justification for Action

Change	From	To
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)	<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	4054745
11. Signature	[<i>6</i>]	AR Number	[<i>6</i>]
12. Date	Mo Da Yr 06/29/2005	13. Time (24 Hr. Clock)	0814

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up
6/30

Mine Citation/Order

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

SAFEGUARD

Y



Section I—Violation Data

1. Date Mo Da Yr 06/14/2005	2. Time (24 Hr. Clock) 1145	3. Citation/ Order Number 7097926
4. Served To Bill Currence Mine Foreman	5. Operator ANKER WEST VIRGINIA MINING COMPANY INC	
6. Mine SAGO MINE	7. Mine ID 46-08791	(Contractor)

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 <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

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 06/15/2005 B. Time (24 Hr. Clock) 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) E01 20. Event Number 4054745 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 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

SAFEGUARD



Section I—Subsequent Action/Continuation Data

1. Subsequent Action <input type="checkbox"/>	1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) 06/14/2005	Mo Da Yr	3. Citation/ Order Number 7097926
4. Served To Bill Currence 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

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)	<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 4054745		
11. Signature [Signature]	AR Number [6]	12. Date Mo Da Yr 06/14/2005	13. Time (24 Hr. Clock) 1145

Mine Citation/Order
Continuation

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

sfj  *7/7*

Section I—Subsequent Action/Continuation Data

1. Subsequent Action <input checked="" type="checkbox"/>	1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue) 06/14/2005	Mo Da Yr	3. Citation/ Order Number 7097926 - 01
4. Served To Lonnie Short			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 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)	<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 4054745		
11. Signaturr [6]	AR Number [6]	12. Date Mo Da Yr 06/27/2005	13. Time (24 Hr. Clock) 0430

used
6/30

Mine Citation/Order
Continuation

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

slg  *71*

Section I—Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 06/14/2005	3. Citation/Order Number 7097926 - 02
4. Served To Lonnie Short	5. Operator ANKER WEST VIRGINIA MINING COMPANY INC	
6. Mine SAGO MINE	7. Mine ID (Contractor) 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)	<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 4054745		
11. Signature [6] [6]	AR Number	12. Date Mo Da Yr 06/29/2005	13. Time (24 Hr. Clock) 0820

Wp 6/30
me 6/30

Mine Citation/Order

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



Section I—Violation Data

1. Date Mo Da Yr 06/14/2005	2. Time (24 Hr. Clock) 1210	3. Citation/ Order Number 7097927
4. Served To Bill Currence Mine Foreman		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)

"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 <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

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

15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr 06/23/2005	B. Time (24 Hr. Clock) 0800
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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 4054745	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 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.

WPC
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 <input type="checkbox"/> 1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) 06/14/2005	3. Citation/ Order Number 7097927
4. Served To Bill Currence 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

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)	<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 4054745		
11. Signature 	AR Number [6]	12. Date Mo Da Yr 06/14/2005	13. Time (24 Hr. Clock) 1210

Mine Citation/Order
Continuation

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

SAFE GUARD



Section I—Subsequent Action/Continuation Data

1. Subsequent Action <input type="checkbox"/>	1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) 06/14/2005	Mo Da Yr	3. Citation/ Order Number 7097927
4. Served To Bill Currence 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

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"

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 4054745	11. Signature [b]	AR Number [6]	12. Date Mo Da Yr 06/14/2005	13. Time (24 Hr. Clock) 1210
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Mine Citation/Order
Continuation

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

sfj  K7

Section I—Subsequent Action/Continuation Data

1. Subsequent Action <input checked="" type="checkbox"/> 1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue) 06/14/2005 Mo Da Yr	3. Citation/ Order Number 7097927 - 01
4. Served To Lonnie Short	5. Operator ANKER WEST VIRGINIA MINING COMPANY INC	
6. Mine SAGO MINE	7. Mine ID 46-08791 (Contractor)	

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.

See Continuation Form

Section III—Subsequent Action Taken

A. Date 07/05/2005 Mo Da Yr	B. Time (24 Hr. Clock) 0600	<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 4054745		
11. Signatu [Signature]	AR Number [6]	12. Date 06/27/2005 Mo Da Yr	13. Time (24 Hr. Clock) 0530

Mine Citation/Order Continuation

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

Sfg 211



Section I—Subsequent Action/Continuation Data

1. Subsequent Action <input checked="" type="checkbox"/>	1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 06/14/2005	3. Citation/Order Number 7097927 - 02
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4. Name Lonnie Short	5. Operator ANKER WEST VIRGINIA MINING COMPANY INC
	7. Mine ID 46-08791 (Contractor)

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.

See Continuation Form

Section III—Subsequent Action Taken

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 4054745		
11. Signature [b]	AR Number [b]	12. Date Mo Da Yr 06/29/2005	13. Time (24 Hr. Clock) 0825

Mine Citation/Order Continuation

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

sfy



Section I-Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>	2. Dated (Original Issue) 06/14/2005	3. Citation/Order Number 7097927 - 03
4. Served To Carl 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
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

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

Type of Inspection E01	10. Event Number 4054749
Signature <i>[Signature]</i>	12. Date Mo Da Yr 07/13/2005
AR Number <i>[6]</i>	13. Time (24 Hr. Clock) 1045

WJH

Section I--Violation Data

1. Date Mo Da Yr 05/03/2005	2. Time (24 Hr. Clock) 1300	3. Citation/ Order Number 7096483
4. Served To Bill Currence Mine Foreman		5. Operator ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine SAGO MINE		7. Mine ID 46-08791 (Contractor)

8a. Written Notice (103g)

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 <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

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 05/06/2005	B. Time (24 Hr. Clock) 1800
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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 4054745	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 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.

WJL
4/5/06

Mine Citation/Order
Continuation

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

SAFEGUARD HT


Section I—Subsequent Action/Continuation Data

1. Subsequent Action <input checked="" type="checkbox"/> Continuation <input type="checkbox"/>	2. Dated (Original Issue) 05/03/2005	3. Citation/ Order Number 7096483 - 01
4. Served To Bill Currence 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

Change From fo

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.

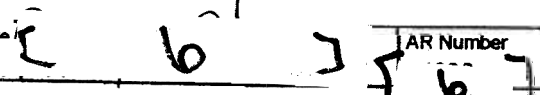
Did not include the following information in the body of the citation in error.

See Continuation Form

Section III—Subsequent Action Taken

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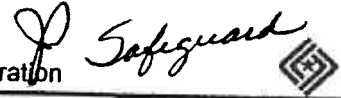
Section IV—Inspection Data

9. Type of Inspection E01	10. Event Number 4054745		
11. Signature 	AR Number [6]	12. Date Mo Da Yr 05/05/2005	13. Time (24 Hr. Clock) 1115

WPK
5/10/05

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) Mo Da Yr 05/03/2005	3. Citation/ Order Number 7096483 - 02
4. Served To Bill Currence 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

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

A. Date Mo Da Yr 05/16/2005	B. Time (24 Hr. Clock) 0600	<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 4054745		
11. Signature [Signature]	AR Number [6]	12. Date Mo Da Yr 05/10/2005	13. Time (24 Hr. Clock) 1010

Wpl
5/11

Mine Citation/Order
Continuation

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

P Safeguards 

Section I—Subsequent Action/Continuation Data

1. Subsequent Action <input checked="" type="checkbox"/> 1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 05/03/2005	3. Citation/Order Number 7096483 - 03
4. Served To Bill Currence 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

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 than 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 05/26/2005	B. Time (24 Hr. Clock) 0600	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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11. Signature

WPL 5/31

Mine Citation/Order
Continuation

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

Safeguard 

Section I—Subsequent Action/Continuation Data

1. Subsequent Action <input checked="" type="checkbox"/> 1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue) 05/03/2005	Mo Da Yr	3. Citation/ Order Number 7096483 - 04
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

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

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 4054745		
11. Signature [Signature]	AR Number [6]	12. Date Mo Da Yr 05/31/2005	13. Time (24 Hr. Clock) 0800

WPH 6/02