# 104(d) Unwarrantable Failure

		***		
40000000	tion/Order		U.S. Department of Mine Safety and Heal	Labor th Administration
Section I-Viol	lation Data		7 - 110 1100	arriaministration (
1. Date	Mo Da Yr 12/14/2005	2. Time (24 Hr. Clock) 0945		3. Citation/ Order Number 7098644
	nover, Safety		5. Operator ANKER WEST VIRO	GINIA MINING COMPANY INC
6. Mine SAGO M			7. Mine ID 46-0879	
8. Condition				8a. Written Notice (103g) : ction MMU-006 measuring in
crossco crossco The sec inadequate	uts 1 thruut 1-2 ,2- ction also uate rock s,niches,o	1 6 last row of bread and 6-7. When me shows fine coal deducting in that coal	aks, entries 2,3 areasure the linear feposited on the mirel dust and fine confirmations of previously rock	the roadway 6-7 inches 29 inches deep 2 to 4 feet and 4238 beginning in and 6, and 1 break outby feet is approx.650 feet. The roof and ribs from all dust is lying on dusted surfaces through
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-Insp	ector's Evaluation			WANDAG.
10. Gravity: A. Injury o	or Illness (has) (is):		Reasonably Likely	Highly Llkely   ✓ Occurred
sonably	r illness could rea- be expected to be	No Lost Workdays Los	t Workdays Or Restricted Duty	Permanently Disabling Fatal
anific —	ant and Substantia	ut. Yes ☑ No □		D. Number of Persons Affected: 001
11. Negligeno	ce (check one)	A, None 🗌 B, Low 🗌	C. Moderate D. High	
12. Type of A	ction 104	(d)(2) 13. Type	of Issuance (check one) Ci	tation ☐ Order ☑ Safeguard ☐

15. Area or Equipment in by the spad station number 4237 and 4238 on the MMU-006 1 left section B Panel 16. Termination Due Mo Da Yr A. Date B. Time (24 Hr. Clock) Section III-Termination Action 17. Action to Terminate The area was scooped and additional machine rock dusting was applied. 18. Terminated Mo Da Yr A. Date B. Time (24 Hr. Clock 1550 12/14/2005 Section IV-Automated System Data 19. Type of Inspection 20. Event Number 21. Primary or Mill (activity code) 4054434 E01 22. Signature 23. AR Numbe

E. Citation/

Order Number

14. Initial Action

A. Citation 🔲 B. Order 😿 C. Safeguard 🗍 D. Written Notice 🥅

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 contablished a National Business and Agricultura Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement actions are responsiveness to small business. If you wish to comment on the receive of MSHA, you may call 1-888-784-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd 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 results of the receive Commission. In accordance with the provisions of the Small Business Regulatory Enforcement Farmess Act of 1996, the Small Business Administration has

F. Dated

Mo Da Yr

05/20/2005

7097827

Mine	Citation/Order
Conti	nuation





1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo 12/	Da 14/2005	Yr	Citation/ Order Number	7098644	
noonover, Safety				5. Operator ANKER WES'T VIRGINIA MINING COMPANY INC			
SAGO MINE			7.	Mine II	46-0879	(Combo de A	-

## Continuation of 8. Condition or Practice

the coal accumulations. The operator has showed a high degree of negligence for the health and safety of the miners that work at this coal mine by allowing the conditions to exist. This is an unwarrantable failure to comply with a mandatory standard.

Section III—Subsequent Action Taken					
8. Extended To A. Date Mo I	a Yr	8. Time (24 Hr. Clock)	C. Vacated	D. Terminated	_ E. Modified
Section IV-Inspection Data					
9. Type of Inspection E01	10. E	Event Number 4054434			
11. Signature 6		AR Number 12. Date	Mo Da Yr 12/14/2005	13. Time (24 Hr. Clock 0945	k)

Mine	Citation/Order
Conti	nustion





		mine odicty and ricalar Administration	()			
Section I-Subsequent Action/Continuation	n Data		V 3			
Subsequent Action 1a. Continuat	ion 2. Dated Mo Da (Original Issue) 12/14/2	7000644 01				
ed To A. schoonover, Safety		5. Operator				
6. Mine		ANKER WEST VIRGINIA MINING CO				
SAGO MINE		7. Mine ID 46-08791 (Contractor)				
Section II—Justification for Action						
Change	From	To				
10. A. Injury or Illness	Highly Likely	Unlikely				
Reason	+2395411740123664357					
10. C. Significant and Substantial	Yes	No				
Reason lower the gravity						
changing gravity						

Section III-Subsequent Action Taken				See Continuation Form
8. Extended To A. Date Mo Da	Āt	B. Time (24 Hr. Clock)	C. Vacated	☐ D. Terminated
Section IV-Inspection Data	-			
9. Type of Inspection E01	10. E	event Number 4054434	7-10-12-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1	
1' nature [		AR Number 12. Date	Mo Da Yr 12/22/2005	13. Time (24 Hr. Clock)

Lug Jos

27.26						
Min	_	m:	1 - 1		10	
nam	0	0.1	1 A 1	COL	176 21	mer

22. Signature



will Chair	on Cidei			Mine Safety a	ent of Labor nd Health Admin	istration	<b>(5)</b>		
Section I-Violati	ion Data				The state of the s	TO CONTRACT OF THE PARTY OF THE	- "		
1. Date	Mo Da Yr 11/08/2005	2. Time (24 Hr. 0	Clock) 30		3. Citation	on/ Number 714986	55		
ed To	JMRINE, MI	NE FOREMAN		5. Operator ANKER WES	ST VIRGINIA M	INING COMPAN	Y INC		
6. Mine				7. Mine ID 46-08791					
SAGO MIN				4	0-06/91		(Contractor)		
8. Condition or			conducted on			8a. Written N	Notice (103g)		
l Left conditi inspect	Mains MMU ons were ion the f	J 006 sect not record following	ion was inade ded in the proportions condi-	equate inth reshift red itions were	eat the fol cord book. citied.	lowing obvio	ous site		
ranged 2.104(a	from 21 t	on No.7149	9864 30 CFR 7 863 30 CFR 7 loat coal du	5.0400 last	open cros	scut No.3 to	o2 and		
		Da Santa			See	Continuation Form (MSHA	Form 7000-3a)		
9, Violation	A. Health ☐ Safety ✔ Other ☐	B. Section of Act	C	Part/Section of Title 30 CFR	7	5.360(f)			
	ctor's Evaluation								
10. Gravity: A. Injury or	lliness (has) (is):	No Likelihood	Unlikely [	Reasonably Likel	y 🔽 Highly Ll	bob. To Occur	- T		
B. Injury or	illness could rea- be expected to be:			rkdays Or Restricted		kety : Occum mentty Disabling :	Fatal 🗌		
Significa	int and Substantial	Yes 🗹	No 🗌		D. Numbe	er of Persons Affected:	001		
1egligence	(check one)	A. None	B. Low C.	Moderate	D. High 🗹	E. Reckless Disregar	d 🗍		
12. Type of Ac	tion 104	(d)(2)	13. Type of Iss	uance (check one)	Citation [	Order 🗹	Safeguard [		
14. Initial Actio A. Citation	The same of the sa	C. Safeguard	D. Written Notice	E. Citation/ Order Number	7097827	F. Dated	Mo Da Yr 05/20/2005		
15. Area or Eq	n Due	affected a					- V3/20/2003		
Sarka III Tam	A. Date		B. Time (24 Hr. Clock)						
Section III-Term 17. Action to T									
17. Action to 1	erminate								
18. Terminated	A. Date Mo	Da Yr B. Tim	e (24 Hr. Clock)						
Section IV-Auto	mated System Data			Same Vietname	Annual Land	all more and a second	West State		
<ol><li>Type of Ins (activity cox</li></ol>		20. Event Number	4054434	21. Primary	or Mili				

MSHA Form 7000-3, N maccordance with this 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 ment 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 t, 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, a the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

23. AR Number

Mine Citation/Order
Continuation



Subsequent Action 1a. Continuation	Dated     (Original Issue)	Mo Da 11/08/20	Yr 105	Citation/ Order Number	7149865
± CRUMRINE, MINE FOR	EMAN		5. Operator ANKER WEST VIRGINIA MINING COMPANY INC		
6. Mine SAGO MINE		7. Mine II		(Contracted)	

### Continuation of 8. Condition or Practice

- 3.104(a) citation No.7148620 diagonal distance in 90 degree 4-way intersections exceeded 60 feet No.5 entry No.23 block, No.5 entry No. 26 block, No. 5 entry No. 25 block, and No. 4 entry station No. 3803.
- 4.104(a) citation No 7098544 30 CFR 75.202(a) loose rib and roof 22 block mantrip station.
- 5.104(a) citation No.7098546 30 CFR 75.220(a)(1) Roof bolt spacing No.7 and No.8 crosscut last open crosscut.
- 6.104(a) citation No.7098545 30 CFR 75.380(d)(1) designated escapeway not maintained in a safe condition, mud and water No.5 entry No.22 block.

8. Extended To	A. Date Mo	Da	Yr	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated E. Modified
Section IV-Inspec	tion Data		_		Pro-Cities awaren	and the second training of the second trainin
9. Type of Inspe	ction E01		10. E	vent Number 4054434		
11. S'	-6			AR Number   12. Date	Mo Da Yr 11/08/2005	13. Time (24 Hr. Clock) 1630

Mine Citation/Order
Continuation

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4	7	er.	•	
•	v	٠.	•	
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Section ISubsequent Action/Continuation Data		winte	Salety and Hear	In Administration	W
Subsequent Action 1a, Continuation	2. Dated (Original Issue)	Mo Da Yr 11/08/2005	Citation/ Order Number	7149865 - 01	
-ed To .L CRUMRINE, MINE FOREMAN			etor ER WEST VIRG	SINIA MINING COMPANY INC	
6. Mine SAGO MINE			46-0879	(Control of or	
Section II-Justification for Action			10,0013		

A supplemental examination was conducted on 11-08-2005 from 11:00 am to 1:00 pm by Carl Crumrine, Mine Foreman and all the listed hazardous conditions were entered in the preshift record book, and all the hazardous conditions were corrected. All foreman were instructed of the requirements on 30 CFR 75.360.

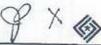
8. Extended To	A. Date Mo	Da	Yr	B. Time (24 Hr. Clock)	☐ C. Vacated ☑ D. Terminate		E. Modified
Section IV-Inspec	tion Data					TO A STATE OF THE	
9. Type of Inspe	ection E01		10. E	Event Number 4054434			
11. Sinnatura	- b.			J AB Number 12. Date	Mo Da Yr 11/09/2005	13. Time (24 Hr. Clo 1223	ck)

Mine Citation/Order Continuation			U.S. I	Department of L Safety and Healt	abor h Administration		
Section I-Subsequent Action					, , , , , , , , , , , , , , , , , , , ,		-11
Subsequent Action 1a.	Continuation	Dated     (Original Issue)	Mo Da 11/08/20	Yr .	Citation/ Order Number	7149865 - 02	
L CRUMRINE	, MINE FOR	EMAN		5. Oper		INIA MINING COMPANY	INC
SAGO MINE				7. Mine	46-0879	IC mades	
Section II—Justification for Ac	tion						
Change	F	гош			To		
15. Area or Equipment					20		

Reason From no affected area to 1-Left Mains MMU 006 section. Written in error.

8. Extended To	Mo	Da	Yr		T		
	A. Date			B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	E. Modified
Section IV-Inspec	the state of the s						
<ol><li>Type of Insper</li></ol>	ction E01		10. E	vent Number 4054434			
	-		_	ARNumber 12 Date	Mo Da Yr	13. Time (24 Hr. Ck	

Mine	Cita	on/Orde	or



mine all orborder	U.S. Department of Labor Mine Safety and Health Administration					
Section I-Violation Data	Milite Salety and Realth Administration					
1 'e Mo Da Yr 2. Time (24 Hr. Clock) 10/18/2005 1000	3. Citation/ Order Number 7098364					
· ed 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	6 111					
crosscut between the # 7 and the #8 with the ventilation control for #7 chemical smoke for movement in the entry is 69 feet from the in-by cor 0.05% methane detected in the face. practice to roll up line brattice verosscuts to transport materials. To other methods were used such as fly	not being complied with on the 1 left 006 were observed tramming across the last open 8 entries, 60 feet in-by station spad 3816, 7 entry rolled up. When checked with face, none could be distinguished. The #7 coner of the last open crosscut. There is According to statements this is a standard rentilating the faces and use the last open There is no means provided to indicate that 7 boards and pads to haul the last line and citation #7098367 was written for no of  See Continuation Form (MSHA Form 7000-3a)  C. Part/Section of Title 30 CFR  75.330(b)(1)					
10. Gravity:						
A. Injury or Illness (has) (is): No Likelihood Unlikely V	Reasonably Likely Highly Likely Occurred					
'njury or illness could rea-	Reasonably Likely Highly Likely Occurred  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 C Order 🗹 Safeguard C					
14. Initial Action A. Citation ☐ B. Order ☑ C. Safeguard ☐ D. Written Notice	E. Citation/ 7097827 F. Dated Mo Da Yr					
16. Termination Due Mo Da Yr	s on the 006 mmu section					
A. Date B. Time (24 Hr. C	lock)					
Section III—Termination Action						
7. Action to Terminate The ventilation control to the working faces.	ols were re-established to direct the air					
8. Terminated A. Date Mo Da Yr 10/18/2005 B. Time (24 Hr. Clock	1020					
ection IV-Automated System Data						
9. Type of Inspection (activity code) / E01 20. Event Number 405443	34 21. Primary or Mill					
2. Signature						

Mr m 700 d, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has a National Small Business and Agriculture Regulatory Ornbudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency and actions. The Ombudsman annually evaluates 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 confest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Mine Citation/Order	r
Continuation	

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sequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da		Citation/ Order Number	7098364		
4. served To				5. Operator ANKER WEST VIRGINIA MINING COMPANY INC			
6. Mine SAGO MINE Section II—Justification for Action			7. Mine II	46-0879		(Contractor)	

Continuation of 8. Condition or Practice

#6 entry face. This violation is an unwarrantable failure to comply with a mandatory standard.

ended To A. Date	lo Da Yr	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	
n IV-Inspection Data			_ o. radaco	O. Terminated	E. Modified
e of Inspection E01	10.1	Event Number 4054434			
12					
6		1 AR Number 7 12. Date	Mo Da Yr	13. Time (24 Hr. Ck	ock)
Form 7000-Ser, Mar 85 (n		1161	10/18/2005	13. Tane (24 Fir, Ck	ock)

Mine	Citation/O	mer
I FIRE LC	Citations	100

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11.	R
(63)	
N//	

Section I-Viola	ation Data			mine edicty an	d Health Administr	ation	
1. Date	Mo Da Yr 07/12/2005	2. Time (24 Hr.	Clock) 730	1	3. Citation/ Order Nu	mber 70979	41
vcd To		1	30	5. Operator	J Older No.	iniber	
, Crum	rine - Mine For	eman		ANKER WEST VIRGINIA MINING COMPANY			
6. Mine				7 Mars ID	COLOR	I TO COMPA	
SAGO MI				1 40-08/91			
8. Condition of						8a Written	(Contractor) Notice (103g)
lines of followed of deversions into the plan prentry's 35 feet for the	the miner or other med. The #5 elopment the es. The #9 he #8 entrovides the are being wide. The miners to	s to haza ethods of entry ha he left p entry ha y after o at the pi g develop e failure o follow	rds related directional s been drive illar size h s been devel nly 56 feet llar size be ed on 55 fee of mine man demonstrates	to reduced red	pillar size.  Pre ether no  S to the pointed to a wints to the pent. The appropriate least 35	Proper s t provide nt that i dth of 10 oint that roved roo feet wid the pilla	ight d or n 60 feet feet and it cut f control e. The r block
lines a	are fundam	ental to	the systemat	ic	::::::::::::::::::::::::::::::::::::::		Lync
9, Violation	A. Health	D. C F.			See Cont	inuation Form (MSHA	Form 7000-3a)
	Safety 🗸 Other	B. Section of Act		C. Part/Section of Title 30 CFR	75.20	03(b)	
Section II-Inspe	ector's Evaluation						
B. Injury or sonably	Illness (has) (is): illness could rea- be expected to be: ant and Substantial:	No Likelihood ☐ No Lost Worl Yes ☑	Unlikely   cdays Lost W	Reasonably Likely orkdays Or Restricted Du	ty 🕢 Permanent	Cocum ty Disabling  Persons Affected:	Fatal   001
agligence	e (check one)	A. None	B. Low 🗌 C	. Moderate 🗌 🛛	D. High 🗹 E	. Reckless Disregar	d []
12. Type of Ad	tion 104(c	i)(2)	13. Type of Iss	suance (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 Eq Section 16. Terminatio	n Due A. Date	entry and Mo Da Yr	#9 entry lo	cated on the	2-Left, 00	3 MMU worl	king
Section III—Term							
75 entr	y to be us y is devel	sed as dir	ectional con	e engineer's ntrol and cr as been stop	ibs will be	set hefer	n the e the
8, Terminated	A Date MoD	a Yr	(24 Hr. Clock)	0800			
	mated System Data						
<ol><li>Type of Ins (activity cox</li></ol>		20. Event Number	4054749	21. Primary or	Mill		
2. Signature		6		1	23. AR N	lumber	

MSHA Form 7000-3, Mar do (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 phases of the Shall Business and the second agree of the Shall Business and Shall Business about federal phases 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 t, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

WAJH

Mine	Citation/Order
Conti	nuation

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11.	11
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N//	

Subsequent Action 1a, Continuation	2. Dated (Original Issue)	Mo Da 07/12/20	2000 20°	<ol> <li>Citation/ Order Number</li> </ol>	7097941	
ved To Crumrine - Mine Foreman			5. Operato ANKER		GINIA MINING COMPANY	
6. Mine SAGO MINE			7. Mine ID		(Contractor	)

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.

uent Action Take	n			A STATE OF			See Continuation Form [
A. Date Mo	Da	Yr B. Time	e (24 Hr. Clock)		C. Vacated	D. Terminated	E. Modified
ion Deta							
tion E01		10. Event Nur	nber 4054749				
6		- Table 1	JAR Number	12. Date	Mo Da Yr 07/12/2005	13, Time (24 Hr. Ck 0730	
	A. Date Mo ion Data	ion Deta	A. Date Mo Da Yr B. Time	A. Date Mo Da Yr B. Time (24 Hr. Clock) ion Data tion E01 I10. Event Number 4054749	A. Date Mo Da Yr B. Time (24 Hr. Clock) ion Data tion E01 I10. Event Number 4054749	A. Date Mo Da Yr B. Time (24 Hr. Clock)   C. Vacated ion Data  tion E01 10. Event Number 4054749	A. Date Mo Da Yr B. Time (24 Hr. Clock)   C. Vacated D. Terminated ion Data tion E01   10. Event Number 4054749  AR Number 12. Date Mo Da Yr 13. Time (24 Hr. Ck

Mine	Cita	tion/	Ord	er
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Date	Mo Da Yr	2. Time (24 Hr.	Clock)			3. Citation/			
-	06/02/2005	0	725			Order Number	709783	36	
erved To				5. Operato			NAMES OF A PERSON		
6. Mine	nce Mine Fore	man			WEST VIRO	GINIA MINING	COMPAN	Y IN	0
SAGO MI	NE			7. Mine ID 46-08791					
8. Condition of	the sales of the s						On 186-36 - 1		ontractor)
Tl	ne pre-shi	ft examin	ation for	the #3 cc	on chare	vina stati	8a, Written I	vorice (	1039)
by this given their efound I the #6 charges ventila is ventila ventila 9. Violation  Section II—Insp. 10. Gravity.	naulroad s inspecto the respon earliest p by this in entry (se r is energ ated directilated wing mun workin ation purp  A. Health Safety Other ector's Evaluation	Is inaded r and sho sibility ossible s spector i condary e ized and tly to a th the ma g super s oses. (4)	puate in the puld have been conduct tages. (1) in the #7 in scape way charging a return a coin intake ection and The #3 scape	at the following a mine The #3 so take entrol and #7 is set of so ourse. (3) air that this into this into this into Title 30 CFR	llowing onized by e examina coop battry at #58 intake en coop batt This #3 cravels dake air i	conditions any prude tion to d ery charg block cratry. (2) eries which scoop ch directly to s used fo	Were of the mine etect had ing state osscut the #3 school is not arging so the Offer face	exa exar tion betw scoo ot stat 01-0	ved miner ds at was een p ion
A. Injury or	r litness (has) (ls):	No Likelihood	Unlikely [	Reasonabl	y Likely 🔽	Highly Likely	Occurre	мП	
	r illness could rea-				ALCOHOL: STERNE		Oscorio	-	Design of the latest of the la
sonably	be expected to be:	No Lost Wor	kdays [ Lost	Workdays Or Rest	ricted Duty 🔽	Permanently Di	sabling [	Fatal	
	ant and Substantial:	Yes 🗹	No 🗌			D. Number of Pers	ons Affected:	00	1
11, Negligenc	e (check one)	A. None	B. Low	C. Moderate	D. High	E. Rex	ckless Disregar	d 🗌	
12. Type of A	ction 104(a	1)(2) (1)	13. Type o	f Issuance (check o	ne) C	itation 🗌 Ord	ter 🗹	Saf	eguard [
<ol> <li>Initial Action</li> <li>A. Citation</li> </ol>		C, Safeguard [	D. Written Notice	E. Citation/ Order Nu	mber 70	097827	F. Dated		Da Yr 20/2005
15. Area or Ed entry a		The #3 ck which	scoop chard is along th	ging stati ne scoop s	on locat upply ha	ed in the ulraod.	#7 Inta		20/2003
16. Terminatio	on Due A. Date	Mo Da Yr	B. Time (24 Hr. Clo	ock)					
Section III-Terr	mination Action							7.00	-
Bill Cu	out the ourrence Min	condition	ed due to t that he de n and the o	etected on	his on-	shift exam	n Rick	Bra to	gg
18, Terminated	A. Date 06/0	2/2005 B. Tirr	ne (24 Hr. Clock)	1300			Hill		
	omated System Data				William Person		-		
19. Type of Ins (activity co	1011 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	20. Event Numb	405474	5 21. P	rimary or Mill				
22. Signature	E	6				23. AR Numb	er	6	]
established  enforcer	HOW IN MACHINATION TITLE CALLS	oudsman annually e	ith the provisions of the Regulatory Ombudaman raluates enforcement ac IR (1-888-734-3247), or	n and 10 Regional Fail fivilies and rules each	mess Boards to rec	seive comments from a	unall businesses	about fe	A. a. a. a. b.

.eet, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a commont with the Ornbudsman 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.



			U.S	. Department of Labor	
Section I-Subsequent Act	Son/Continuation Date	9	Min	e Safety and Health Administr	ration
1. Subsequent Action	1a. Continuation	2. Dated			
	82	(Original Issue)	Mo Da Yr	3. Citation/ Order Number 7097836	
erved To			06/02/2005	The state of the s	,
Bill Currence M	ine Foreman		5. Op	verator	
6. Mine	- Crothall		ANI	KER WEST VIRGINIA MINI	NG COMPANY INC
SAGO MINE			7. Mi	NE IU	(Contractor)
Section II-Justification for	Action			46-08791	
Continuation of 8. Condi	ition or Practice				
examination scoop chargi scoop supply A pre-shift bas engaged a known haza mandatory st	was conduing static y haulroad examinati at 6:00 A. in aggrav ard. This andard. er no. 709	ncted for the on is located and this had no neport work. On 06/02, wated conduction is	e #3 scoop d along th aulroad is as called /2005 as n t by his f s an unwar	erational fire sup- pector to indicate charging station. e #7 intake entry regularly traveled out by John Travisco o hazards observed ailure to record an rantable failure to in conjunction with record book.	that a pre-shif (6) This #3 which is also the d by the miners. e, received by John Travise and take action or comply with a
		2			
		3			
			j		
			j		
tion III-Subsequent Action	Taken		j		See Continuation Form

Section IV-Inspection Data

9. Type of Inspection E01 10. Event Number 4054745 \*\* ^\qnat\*\*\* 12. Date Mo Da Yr 13. Time (24 Hr. Clock) 06/02/2005 0725

MS HA Form 7000-3e, Mar 85 (revised)

Mine	Citation/Order
Conti	nuation

## U.S. Department of Labor

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	1	2	,		

Continuation		Mine Safety and Health Administration			
Section I-Subsequent Action/Continuation Data			th Administration		
1, Subsequent Action 1a. Continuation	2. Dated Mo Da (Original Issue) 06/02/2	Yr 3. Citation/ Order Number	7097836 - 01		
Served To Bill Currence - Mine Foreman		5. Operator ANKER WEST VIRG	SINIA MINING COMPANY INC		
6. Mine SAGO MINE		7. Mine ID 46-0879	ID. I. A.A.		
Section II—Justification for Action					
Change Fr	om	To			
12. Type of Action1	4(d)(2)	104(d)(1)			
Reason Issued under the wrong	type of action in error.				

Issued under the wrong type of action in error.

B. Extended To	Mo Da	Yr				
	A. Date		B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	E. Modified
Section IV-Inspec	tion Data					The second second second
<ol><li>Type of Inspe</li></ol>	ction E01	10. E	vent Number 4054745			
		1				
Signatu	r /	1	7 IADAL Las Das Burney			
%ignatu	6	L	AB-Number 12. Date	Mo Da Yr 06/07/2005	13. Time (24 Hr. Clo	ock)

Mine Citation/Order	r
Continuation	

line no.12, Type of Action was modified.

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



The state of the s			
Section I-Subsequent Action/Continuation	Data		
Subsequent Action 1a. Continuation	2. Dated Mo Da (Original Issue) 06/02/7	7007936	02
Served To		5. Operator	#7
Bill Currence Mine Foreman		ANKER WEST VIRGINIA MINING	COMPANY INC
6. Mine SAGO MINE		7. Mine ID 46-08791	(Contractor)
Section Il—Justification for Action			
Change	From	To	
14. Initial Action	Order	Citation	
Reason Failed to modify line	#14 from box (B) Order to box (A	A) Citation when line #12 was modified.	
14. E. Citation/Order Number	7097827	7097825	
Reason Failed to modify line	#14, E from Order #7097827 to	Citation #7097825 when line #12 was mod	ified.
Missed modifyi	ing line no. 14, Ini ine #14, E from Orde	tial Action from box (B) er #7097827 to Citation #	Order to box 7097825 when

Section III—Subse	quent Action Taleen							See Continuation Form
8. Extended To	A. Date Mo	Da	Yr B. T	ime (24 Hr. Clock)		C. Vacated	D. Terminated	☑ E. Modified
Section IV-Insper	tion Data							
<ol><li>Type of Inspe</li></ol>	ction E01		10. Event I	Number 4054745				
' Signature	F	,		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Ci	ock)

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Mine	CI	tatı	OU	Ort	1er

## U.S. Department of Labor

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5 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	Mine Sat	fety and Health Adm	ninistration		
Section I-Violation Data					
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 06/02/2005 0715		Or	tation/ 7097835		
4. Served To	5. Operator				
Bill Currence Mine Foreman		ANKER WEST VIRGINIA MINING COMPANY INC			
6. Mine SAGO MINE	7, Mine ID	46-08791	(Contractor)		
8. Condition or Practice			8a, Written Notice (103g)		
at #58 block crosscut betwee entry when the following con scoop charger is energized a ventilated directly to a ret station is ventilated with i 0 mmu working super section #3 scoop battery charging st suppression system. (4) No e shift examination was conducted charging station is located supply haulroad and this hau  9 Violation A Health  8. Section of Act Other Safety of Cotter	ditions were four nd charging a set urn air course. Intake air that trand is used for fation is not providence could be ted for the #3 so along the #7 intake	nd by this in of scoop bath (2) This #3 ravels direct face ventilate vided with a found to independ to the coop charging ake entry whim	nspector. (1) The #3 atteries which is not scoop charging aly to the 001-0 & 002 tion purposes. (3) The operational fire dicate that a pre- y station. (5) This		
10. Gravity:					
A. Injury or Illness (has) (is): No Likelihood [	Unlikely Reasonabl	y Likely 🛂 Highly	Likely Occurred		
B. Injury or illness could rea- sonably be expected to be:     No Lost Workdays	Lost Workday's Or Rest	ricted Duty Per	manently Disabling 😾 Fatal 🗌		
C. Significant and Substantial: Yes 🗹 No		D. Nun	nber of Persons Affected: 001		
Negligence (check one)     A. None     B.	Low [ C. Moderate [	D. High 🗹	E. Reckless Disregard		
12. Type of Action 104(d)(2) (1)	13. Type of Issuance (check or	ne) Citation [	Order Safeguard		
14. Initial Action A. Citation □ B. Order ☑ C. Safeguard □ D. V	Vritten Notice   E. Citation/ Order Nu	mber 709782	F. Dated Mo Da Yr 05/20/2005		
at #58 block which is along	charging station the scoop supply	located in haulroad.	the #7 Intake entry		
16. Termination Due A. Date Mo Da Yr B. T	îme (24 Hr. Clock)				
Section IIITermination Action					
17. Action to Terminate Terminated	due to the #3 scc	op charging	station being moved		
to the #60 block crosscut loc entry. This #3 scoop charging	cated between #8	intake entry	and #9 return		
18. Terminated A Date Mo Da Yr		set up ready	ior		
06/02/2005	, 0,15				
19. Type of Inspection (activity code' Fn1	4054745 21. P	rimary or Mill			
22. Signatur T	7	12	3. 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 should 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 "vicement 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 "treet, 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, uding the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.



Mine	Citation/Order
Conti	กมลtion



Subsequent Action 1a, Continuation	Dated M    (Original Issue) (	lo Da 06/02/200		Citation/ Order Number 709783	5
No. Served To Sill Currence . Mine Foreman Mine Foreman		5	. Operator	WEST VIRGINIA MIN	ING COMPANY INC
SAGO MINE		7	. Mine ID	46-08791	(Contractor)

Continuation of 8, Condition or Practice

regularly traveled by the miners. A pre-shift examination report was called out by John Travise, received by [ 6 ] as no hazards observed at 6:00 A.M. on 06/02/2005. John Travise has engaged in aggravated conduct by his failure to record and take action on a known hazard. This violation is an unwarrantable failure to comply with a mandatory standard. The mine operator immediately deenergized and removed the #3 scoop charger from service.

Continuation of 17. Action to Terminate Service.

Section III-Subse		en ne					See Continuation Form
8. Extended To	A. Date Mo	Da	Yr	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	☐ E. Modified
Section IV-Inspec	tion Data						LJ E. Modified
9. Type of Inspe	ction E01		10. E	event Number 4054745			
11. Signa ,		6		AR Number 12. Date	Mo Da Yr 06/02/2005	13. Time (24 Hr. Clc	ock)

Mine Citation/Order Continuation	8			U.S. Department of Labor Mine Safety and Health Administration			
Section I-Subsequent Action	/Continuation Data					- 4	
Subsequent Action 1a.	Continuation	Dated (Original Issue)	Mo Da 06/02/20	Yr )05	3. Citation/ Order Number 70978	335 - 01	
Served To  sill Currence Mine	Foreman			5. Oper		INING COMPANY INC	
6. Mine SAGO MINE				7. Mine	46-08791	(Contractor)	
Section II-Justification for Ac	tion						
Change	Fr	om			To		
12. Type of Action1	10-	4(d)(2)			104/4/(1)		

104(d)(1)

Issued under the wrong type of action in error.

104(d)(2)

Issued under the wrong type of action in error.

Reason

8. Extended To	A. Date Mo	Da	B. Time (24 Hr. Clos	ck)	C. Vacated	D. Terminated	₹ E. Modified
Section IV-Inspec	tion Data				- C. Footice	☐ D. Ferninkeed	E. Modified
9. Type of inspe	ction E01	10	0. Event Number 4(	054745			
11. Signeture		6	AR Nur	niber 12. Date	Mo Da Yr 06/07/2005	13. Time (24 Hr. Ck 0359	ock)

Mine	Citation/Order
Conti	nuation



CONTRACTOR OF THE CONTRACTOR O		wine Safety and riealth Admit	nistration	
Section I-Subsequent Action/Continua	tion Data		7	
Subsequent Action 1a. Continue	(Outside of the count)	Da Yr 3. Citation/ 02/2005 Order Number 7097	835 - 02	
Served To  all Currence Mine Foren	ian	5. Operator ANKER WEST VIRGINIA M	INING COMPANY INC	
8. Mine SAGO MINE		7. Mine ID 46-08791	(Contractor)	
Section II—Justification for Action				
Change	From	To		
14. Initial Action	Order	Citation		
Reason Failed to modify l	ine #14 from box (B) Order to b	x (A) Citation when line #12 was modif	fied.	
14. E. Citation/Order Number	7097827	7097825		
		to Citation #7097825 when line #12 wa	as modified.	
Missed modif	wing line or to			

Missed modifying line no.14, Initial Action from box (B) Order to box (A) Citation and line #14, E form Order #7097827 to Citation #7097825 when line no.12, Type of Action was modified.

8. Extended To	. Mo	Da	Yr				
	A. Date B. Time (24 Hr. Clock)		C. Vacated	D. Terminated	E. Modified		
Section IV-Inspec	tion Data	1	-14				
9. Type of Inspe	ction E01		10. E	event Number 4054745			
11. Signature	-	6		] AR Number 7 12. Date	Mo Da Yr 06/09/2005	13. Time (24 Hr. Cloc 1510	k)

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) 05/20/2005 0320	3. Citation/ Order Number 7097827					
4. Served To John Travise - Shift 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)  the #3 coal conveyor belt is inadequate in					
coal fines and float coal dust is belt drive and take-up. The accumum easured 9 1/2 feet in length by 2 range from powder dry to damp to trunning in the accumulations for a roller is gobbed out by the accumum on previously rock dusted surfaces	coustible materials in the form of loose coal, allowed to accumulate at the #3 conveyor plations under the bottom conveyor belt 24 inches wide by 7 to 11 inches deep and the touch. The bottom conveyor belt is a distance of 7 feet in length and one bottom plations. The float coal dust has accumulated sof the mine					
9. Violation A. Health ☐ 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	ost 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 D	C. Moderate ☐ D. High ☑ E. Reckless Disregard ☐					
12. Type of Action 104(d)(1) 13. Typ	e of issuance (check one) Citation ☐ Order ☑ Safeguard ☐					
14. Initial Action A. Citation ☑ B. Order ☐ C. Safeguard ☐ D. Written Notice	E. Citation/ 7097825 F. Dated Mo Da Yr 05/20/2005					
15. Area or Equipment The #3 coal conve for a total of 70 feet in length.	eyor belt drive, take-up and conveyor belt					
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr.	Clock)					
Section III—Termination Action						

MSHA Form 7000 of, 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.

0735

seen in this area in the pre-shift and on-shift record book.

4054745

B. Time (24 Hr. Clock)

John Travise ( Shift Foreman ) inner the conditions that he

21. Primary or Mill

23, AR Number

17. Action to Terminate

A. Date

Section IV-Automated System Data 19. Type of Inspection

Mo Da Yr

05/20/2005

E01

20. Event Number

18. Terminated

(activity cod 22. Signature



### Mine Citation/Order Continuation

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

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Section I-Subsequer	nt Action/Continuation Date				-10-0	
1. Subsequent Act	ion 1a. Continuation	2. Dated (Original Issue)	Mo 05/2	Da Yr 20/2005	3. Citation/ Order Number	7097827
4. Served To John Travise -	Shift Foreman			5, Op ANI	With the state of	GINIA MINING COMPANY INC
6. Mine SAGO MINE				7. Mir		(Contractor)
Section II-Justification	on for Action					

Continuation of 8. Condition or Practice

floor, ribs, 6 inch water line, conveyor belt structure, take-up frame and take-up roller bearings. The float coal dust measured from 1/16 of an inch to 2 inches deep by 70 feet in length. Ranging from powder dry to damp to the touch and is black to reddish brawn in color. The accumulations around the take-up roller bearings on the walkway side of the take-up is where the float coal dust is the deepest ranging from 1/4 of an inch to 2 inches deep and is powder dry. Also the two 575 VAC 200 Hp. conveyor belt motors and speed reducers are warm to the touch and are covered with a light coating of float coal dust. The #3 conveyor belt was energized and running when this condition was found. This conveyor belt was pre-shift examined at 9:44 pm by Sam Saul. The off side of the #3 conveyor belt head drive and take-up has close clearance and is fenced off to where it can not be traveled to examine or do cleaning and dusting without removing the guarding.

8. Extended To	A. Date Mo	Da	Yr	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated E. N	Modified
Section IV-Insper	-						
<ol><li>Type of Insper</li></ol>	ection E01		10. E	vent Number 4054745			
11. Signature	- 1			AR Number 12. Date	Mo Da Yr 05/20/2005	13. Time (24 Hr. Clock)	-

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Mine	1 7	DOLLAR	t/Chro	ior





	Mine Safety and Health Administration
Section I–Violation Data	
Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/ 7007825
05/20/2005 0315	Order Number 7097825
4. Served To	5. Operator
John Travise - Shift Foreman 6, Mine	ANKER WEST VIRGINIA MINING COMPANY INC
SAGO MINE	7. Mine ID 46-08791
8. Condition or Practice	(Contractor)
	e materials in the form of loose coal,
belt drive and take-up. The accumula measured 9 1/2 feet in length by 24 accumulations range from powder dry running in the accumulations for a debelt roller is also gobbed out by the accumulated on previously rock dusted water line, conveyor belt structure, bearings. The float coal dust measure by 70 feet in length. Ranging from poblack to reddish brown in color. Accumulated to reddish brown in color.	lowed to accumulate at the #3 conveyor tions under the bottom conveyor belt inches wide by 7 to 11 inches deep these to damp. The bottom conveyor belt is istance of 7 feet in length and one bottom e accumulations. The float dust has d surfaces of the mine floor, ribs, 6 inch take-up frame and take-up roller ed from 1/16 of an inch to 2 inches deep owder dry to damp to the touch and is
Safety of Act	C. Part/Section of Title 30 CFR 75.400
Section IIInspector's Evaluation	
10. Gravity:	euro Maratar di unasi
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely   Highly Likely   Occurred
	Vorkdays 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	C. Moderate D. High 🗹 E. Reckless Disregard 🗌
12. Type of Action 104(d)(1) 13. Type of is	ssuance (check one) Citation 🗹 Order 🗌 Safeguard 🗌
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number
15. Area or Equipment  16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock	0 0600
Section III—Termination Action	, , , , , , , , , , , , , , , , , , , ,
17. Action to Terminate	
T. Accounts remainde	
8. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)	
oction IV-Automated System Data	
9. Type of Inspection (activity code) E01 20. Event Number 4054745	21. Primary or Mill
22. Signature	23. AR Number
ASHA Form 7000-3, Mar 85 (revised) In an annual result the provisions of the Sm.	all Business Reputatory Enforcement Follows Art of 1998, the Small Business Administration

MSHA Form 7000-3, Mar 85 (revised) in a comment return 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
Conti	nuation

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11.0
COD
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1. Subsequent Action 1a. Continuation	Dated (Original Issue)	Mo D 05/20/	The same of the sa	3. Citation/ Order Number	7097825	
4. Served To John Travise - Shift Foreman			5, Opera	4 - 1	INIA MINING COMPANY I	NIC.
8. Mine SAGO MINE			7. Mine II	46-0879	10	

Continuation of 8. Condition or Practica

take-up roller bearings on the walkway side of the take-up is where the float coal dust is the deepest ranging from 1/4 of an inch to 2 inches deep and is powder dry. Also the two 575 VAC 200 H.P. motors and speed reducers are warm to the touch and are covered with a light coating of float coal dust. The #3 conveyor belt was energized and running when this condition was found. This conveyor belt was pre-shift examined at 9:44 pm by [ 6 ]. This condition would be obvious to any prudent person conducting a examination of the mine.

A. Date B. Time (24 Hr. Clock) C. Vacated D. Terminated E. Mod	5247
	fied
2 Toront I was a second and a second a second and a second a second and a second a second and a second and a second and a	
9. Type of Inspection E01 10. Event Number 4054745	

Min	e Citation/Order
Cor	tinuation

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S	1/3
Y	13
-	

Section I-Subsequent Action/Continuation Date				arety disa i reali	h Administration		(A)
Subsequent Action 1a. Continuation	Dated (Original Issue)	Mo Da 05/20/20		Citation/ Order Number	7097825 - 01		
4. Served To Bill Currence Mine Foreman		- 120	5. Operate		INIA MINING COM	DANK DIG	7.0
6. Mine SAGO MINE			7. Mine ID	46-0879	1	(Contractor)	
Section II-Justification for Action			-	10 0015	- War		

Terminated due to the accumulations of combustible materials being cleaned up and the cited area being rock dusted.

<ol><li>Extended To</li></ol>	Mo	Da	V-				
or England 10	A. Date	Da	Yr	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	☐ E. Modified
Section IV-Inspec	ction Data						
9. Type of Inspe	ction E01		I10, E	vent Number 4054745			- X- III
1. Signati—	F	6		7 AR Number 7 12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ck)
The state of the s	See all	6			05/23/2005	0955	

Welzy

# 104(d) Unwarrantable Failure

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

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Baino	Cabon bear	on/Order
CVIII I H	1 311-1110	MING TELEST

## U.S. Department of Labor





				Mine Safety and I	Health Administra	ation	(3)
Section L-Viol	ACC NO. SEC. III	Ta a second		10 -000			
1. Date	Mo Da Yr 09/12/2005	2. Time (24 Hr. 17	Clock) 710		3. Citation/ Order Nu	umber 48905	34
ed To	T			5. Operator ANKER WEST	VIRGINIA MIN	ING COMPAN	IV INC
6. Mine SAGO M	TNIE			7 Mine ID	08791	210 00.014	7 210
8. Condition					,0,51		(Contractor)
	The same of the sa	natoriale	in the few	of loose coal		8a. Written	Notice (103g)
feet 1 drive accumu belt r dust i take-u is pow thick	ong by 12 rollers an lations ra oller just s allowed p rollers der dry to	inches to inches to ind the take inge from coutby the to accumuland the to	ke-up. The 32 inches e-up roller dry to damp e take-up f late on the ake-up roll h and measu	alate under and accumulations deep. The bott is are running to wet to the rame is gobbed at \$6 conveyor been bearing housed from 1/8 of to black in contents.	measured 5 om conveyo in the acc touch. The lout and seelt head dousings. The	feet wid r belt an umulation e bottom tuck. Flo rive fram e float c	e by 20 d the s. The conveyor at coal e and oal dust
9. Violation	A. Health	B. Section		C. Part/Section of	See Cont	inuation Form (MSHA	Form 7000-3a) 🔽
	Safety 7	of Act		Title 30 CFR	75.4	400	
B. Injury of sonable	or Illness (has) (is): or illness could rea- y be expected to be cant and Substantia	4.	days Lost W	Reasonably Likely  Vorkdays Or Restricted Duty	✓ Permanent	ly Disabling	Fatal _
	ce (check one)	A None	No 🗔		A CONTRACTOR OF THE CONTRACTOR	Persons Affected:	001
200		V.110.000180			High ☑ E.	Reckless Disrega	rd 🗀
12. Type of A	104	d)(2)	13. Type of	Issuance (check one)	Citation	Order 🗹	Safeguard [
14. Initial Act A. Citation	☐ B. Order 🗹	C. Safeguard	D. Written Notice	E. Citation/ Order Number	7097827	F. Dated	Mo Da Yr 05/20/2005
approxi		The #6 cor block inby	nveyor belt / the #6 he	head drive an ad roller.	d take-up	which exte	ends
16. Terminati	ion Due A. Date	Mo Da Yr	B. Time (24 Hr. Clo	ck)			
Section III-Ten	mination Action						
17. Action to up by s		Terminat and the ar	ed due to ea being r	the combustibl	e material:	s being cl	leaned
8. Terminate	I A Date	Da Yr 2/2005 8. Tim	e (24 Hr. Clock	1810			
19. Type of In (activity o	rspection	20. Event Number	4054749	21. Primary or N	ASI	1000	
2. Signature	1 6	55	1		23. AR I	Number   6	1

MSHA Form 7000-3, Max 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has esta-histened a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency ent actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the anti-actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd St. W. MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Mine Citation/Order
Continuation

## U.S. Department of Labor





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

ation of 8. Condition or Practice

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

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

Mine	Citation	Order
------	----------	-------





Section IViolation Data	Mine Safety and Health Administration				
1. Date Mo Da Yr 09/12/2005 2. Time (24 Hr. Clock) 1835	3. Citation/ Order Number 4890535				
Hamrick	5. Operator				
6. Mine	ANKER WEST VIRGINIA MINING COMPANY INC				
SAGO MINE	7. Mine ID 46-08791				
8. Condition or Practice	(Contrac				
Combustible materials in the	form of Loans 8a. Written Notice (103g)				
head drive rollers and take-up. The feet long by 10 inches to 18 inche	C. Part/Section of Title 30 CFR 75.400				
sonably be expected to be: No Lost Workdays	Lost Workdays Or Restricted Duty 🗹 Permanently Disabling 🗌 Fatal				
ignificant and Substantial: Yes 🗹 No 🗌	D. Number of Possess Affects 4				
1. Negligence (check one) A. None 🗔 B. Low 🥽	C. Moderate D. High E. Reckless Disregard				
2. Type of Action 104(d)(2) 13. Ty	me of boundary fak. d.				
4. Initial Action	E Citation/				
4. Initial Action A. Citation ☐ B. Order ☑ C. Safeguard ☐ D. Written Not	ice Citation/ 7097827 F. Dated Mo Da Yr				
4. Initial Action A. Citation □ B. Order ☑ C. Safeguard □ D. Written Not 5. Area or Equipment The #5 conveyor be pproximately 2 block inby the #5	ice   E. Citation/ Order Number   7097827   F. Dated   Mo Da Yr   05/20/200   elt head drive and take-up and extends   conveyor belt head roller.				
4. Initial Action A. Citation □ B. Order ☑ C. Safeguard □ D. Written Not 5. Area or Equipment The #5 conveyor be pproximately 2 block inby the #5 6. Termination Due A. Date Mo Da Yr B. Time (24 Hr	E. Citation/ Order Number 7097827 F. Dated Mo Da Yr 05/20/2000 elt head drive and take-up and extends conveyor belt head roller.				
4. Initial Action A. Citation □ B. Order ☑ C. Safeguard □ D. Written Notion 5. Area or Equipment The #5 conveyor be pproximately 2 block inby the #5 6. Termination Due A. Date Mo Da Yr Cition III—Termination Action	E. Citation/ Order Number 7097827 F. Dated Mo Da Yr 05/20/200 elt head drive and take-up and extends conveyor belt head roller.				
A. Citation B. Order C. C. Safeguard D. Written Notice A. Citation B. Order C. C. Safeguard D. Written Notice A. Citation December 2 District Dece	E. Citation/ Order Number 7097827 F. Dated Mo Da Yr 05/20/200 elt head drive and take-up and extends conveyor belt head roller.				
4. Initial Action A. Citation □ B. Order ☑ C. Safeguard □ D. Written Notion 5. Area or Equipment The #5 conveyor be pproximately 2 block inby the #5 6. Termination Due A Date Mo Da Yr 6. Termination Due A Date Mo Da Yr 6. Action III—Termination Action 6. Action to Terminate Terminated due to p by shoveling and the area being III. Terminated A. Date Mo Da Yr 6. Terminated A. Date Mo Da Yr 7. Action to Terminate Terminated due to p by shoveling and the area being III. Terminated A. Date Mo Da Yr 7. Action to Terminated A. Date Mo Da Yr 8. Time (24 Hr. Clock	E. Citation/ Order Number 7097827 F. Dated Mo Da Yr 05/20/200 elt head drive and take-up and extends conveyor belt head roller.				
4. Initial Action A. Citation B. Order C. C. Safeguard D. Written Notice 5. Area or Equipment The #5 conveyor be pproximately 2 block inby the #5  G. Termination Due A. Date Mo Da Yr B. Time (24 Hr ection III—Termination Action  C. Action to Terminate Description Description Terminated Description Terminated Description Descript	E. Citation/ Order Number 7097827 F. Dated Mo Da Yr 05/20/200 elt head drive and take-up and extends conveyor belt head roller.  Clock)  To the combustible materials being cleaned grock dusted.				
4. Initial Action A. Citation □ B. Order ☑ C. Safeguard □ D. Written Notion 5. Area or Equipment The #5 conveyor be pproximately 2 block inby the #5 6. Termination Due A Date Mo Da Yr 7. Action III—Termination Action 7. Action to Terminate Terminated due to p by shoveling and the area being III. Terminated A. Date Mo Da Yr 8. Time (24 Hr. Clock	E. Citation/ Order Number 7097827 F. Dated Mo Da Yr 05/20/200 elt head drive and take-up and extends conveyor belt head roller.  Clock)  To the combustible materials being cleaned prock dusted.				

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 Ornbudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency ent actions. The Ornbudsman annually evaluates enforcement activities and raftes each agency's responsiveness to small business. If you wish to comment on the entactions of MSHA, you may call 1-888-REG-FAIR (1-888-734-7347), or write the Ornbudsman at Small Business Administration, Office of the National Ornbudsman, 409 3rd MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ornbudsman 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





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

Continuation of 8. Condition or Practice

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

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

Mino	Citation	Medas
MILLIE	Citation	Ottoer





Section I-Viola	ation Data			Willie Oalet	y and ricalo	1 Administratio			
1. Date	Mo Da Yr	2. Time (24 Hr.	STORE T			3. Citation/	489053	6	
red To	09/12/2005	20	045			Order Number	469033	U	
Hami				5. Operator	VEST VIDE	TAIL A MAINING	2.001.01.12	t Dio	
6. Mine	TICK				15-77 - MARIANA	GINIA MININO	COMPANY	INC	
SAGO MI	NE			7. Mine ID	46-08/91				
8. Condition	or Practice		State State		-		8a Written N	(Contractor)	
Comb float of rollers to 15 in running to the #4 conv bearing touch a immedia	coal dust  The accinches des  inches des  in the a  touch. A  veyor belt  housings  and ranges  ately remo	is allowed aumulation ap. The bouncemulation thick layer head drist and belt from redepted the #	in the form d to accume s measured ttom convey ons. The acc er of float ve frame ar structure. dish brown 4 conveyor ations of s	plate under 5 feet wid yor belt an commulation coal dust nd take-up The float to black i belt from	and ar de by 40 d the t is range is all rollers coal d n color service	ound the feet lon ake-up ro from dry owed to a and the lust is po . The min . There h	#4 take- g by 10 llers ar to damp ccumulat take-up wder dry e operat	ust and up inches e to wet e on the rollers to the or	
	**(*,*,*)					See Continuar	tion Form (MSHA F	orm 7000-3a)	
9. Violation	A. Health Safety Other	B. Section of Act		C. Part/Section of Title 30 CFR		75.400		<del>(1173000)</del>	
Section II-Inspe	ector's Evaluation		31955		V				
B. Injury o sonably ignific	or illness (has) (is): or illness could rea- or be expected to be cant and Substantia	No Lost Work		Reasonably L Workdays Or Restrict		Permanently D  D. Number of Per	isabling	Fatal   001	
11. Negligeno	ce (check one)	A. None	B. Low	C. Moderate	D. High	E. Re	ckless Disregard		
12. Type of A	action 104	(d)(2)	13. Type o	f Issuance (check on	e) Ci	itation  Or	der 🗸	Safeguard	
14. Initial Acti A. Citation		C. Safeguard _	D. Written Notice	E. Citation/ Order Num	ber 70	097827	F. Dated	Mo Da Yr 05/20/2005	
15. Area or E	quipment	Around a	nd under th	ne #4 conve	yor bel	t take-up		03/20/2003	
16. Terminati	on Due A. Date	Mo Da Yr	B. Time (24 Hr. Clo	ock)					
Section III-Tern	mination Action								
17. Action to	Terminate								
18. Terminate	A. Date Mo	Da Yr B. Tim	e (24 Hr. Clock						
111111111111111111111111111111111111111	omated System Data				200				
19, Type of In (activity or		20. Event Numb	er 405474	9 21. Prir	mary or Mill		TORY TO STATE OF		
22. Signature	6		7			23. AR Num	nber [6	7	
MSHA Form 70	00-3, Mar 85 (revised	) In accordance wi	th the provisions of the S	Small Business Regulato	ory Enforcement i	Fairness Act of 1996,	the Small Business	s Administration has	

estable business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small business about federal agency nent actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the ient actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Small Business Administration, Office of the National Ombudsman, 409 3rd Small Business Administration, Office of the National Ombudsman, 409 3rd Small Business Administration, Office of the National Ombudsman, 409 3rd Small Business Administration, Office of the National Ombudsman, 409 3rd Small Business Administration, Office of the National Ombudsman, 409 3rd Small Business Administration, Office of the National Ombudsman, 409 3rd Small Business Administration, Office of the National Ombudsman, 409 3rd Small Business Administration, Office of the National Ombudsman, 409 3rd Small Business Administration, Office of the National Ombudsman, 409 3rd Small Business and Indiana, 409 3rd Small Business and Indiana, 409 3rd Small Business Administration, Office of the National Ombudsman, 409 3rd Small Business and Indiana, 409 3rd Small Business Administration, 409



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

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

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

well

### Mine Citation/Order

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



Section I-Viola	ution Data	-		Mine Safety and	Health Adminis	tration		
1. Date	Mo Da Yr	2. Time (24 Hr.	61. 31				ne de la company	
THE WALL	09/12/2005		840		3. Citation Order I	Number 4890537	7	
ved To				5. Operator				
Ham	rick			ANKER WEST	VIRGINIA MI	NING COMPANY	INC	
6. Mine	3 PP			7. Mine ID 46-08791				
SAGO MI				40-0	18/91		(Contractor)	
8. Condition						8a. Written No	No. cena	
this in walkway is appropriate the sappropriate the sappr	nspector.  ys along heroximately  nes deep.  ys along heroximately  nes deep.  ys along heroximately  nes deep.	(1) slopp both sides (2) slopp both sides (2) slopp both sides (3) slopp both sides anges from areas.	y mud and wa of the #6 c in length. y mud and wa of the #5 c in length. y mud and wa of the #4 c 4 inches to	conveyor belt the following ater is allowed conveyor belt The mud and we ater is allowed conveyor belt The mud and we ater is allowed conveyor belt of 10 inches de  C. Part/Section of Title 30 CFR  Reasonably Likely	condition ed to accu head driv vater rang ed to accu head driv vater rang ed to accu head driv eep. Miner	s not mainta s were obser mulate in the e and take-ues from 5 in mulate in the es from 6 in mulate in the e and take-ues normally we s normally we obtain the and take-ues normally we	wined in twed by the up which to the up which inches to the up. The work and	
sonably	be expected to be ant and Substantia		No 🗀 Lost Wo	rkdays Or Restricted Duty	term the rose	ntly Disabling	Fatal 🗌	
1 +egligenc	ce (check one)	A None		Moderate D.	_1	E. Reckless Disregard	001	
12. Type of A	ction 104(	(d)(2)	13. Type of Is	suance (check one)	Citation	Order 🔽	Safeguard :	
	☐ B. Order 😿	C. Safeguard	D. Written Notice	E. Citation/ Order Number	7097827	F. Dated	Mo Da Yr 05/20/2005	
and tak	#6 conve e-up and	#4 convey	nead drive a	oth side of t nd take-up, # drive and ta	5 conveyor	ing conveyor r belt head	bolt	
16. Termination	A. Date	Mo Da Yr	B. Time (24 Hr. Clock	)				
Section III~Term			A					
17. Action to 1		Da Yr B. Tim	e (24 Hr. Clock					
ection IV-Auto	mated System Data							
9. Type of Instantial (activity co	spection F.01	20. Event Numb	4054749	21. Primary or M	Ail			
22. Signature	0-3, Mar 85 (revised)	In accordance	I	Ill Business Regulatory Enforce	000000	Number [ ]	7	

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 entractions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the entractions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration. Office of the National Ombudsman, 409 3rd W MC 2120, Washington, OC 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 light to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Extend Property 9123

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M	ine Citation/Order
0	ontinuation

## U.S. Department of Labor

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(	I	/
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Section I-Subsequent Action/Continua	ition Data	wine :	safety and Health Administra	ation (*)
Subsequent Action 1a, Continu	Jation 2. Dated M	o Da Yr 09/12/2005	1000000	
Crumrine - Mine Foreman  6. Mine SAGO MINE			5. Operator ANKER WEST VIRGINIA MINING COMPAI 7. Mine ID	
Section II—Justification for Action			46-08791	(Contractor)
Change	From		T.	
15. Area or Equipment			То	

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

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

Extend by Help Rock

## Mine Citation/Order

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

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

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

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

Mine Citation/Order
Continuation

## U.S. Department of Labor

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CCX33
11///

	Mine S	Mine Safety and Health Administration				
2. Dated Mc		3. Citation/ Order Number 4890537				
	1.200 CT 1.000		NG COMPANY INC			
6. Mine SAGO MINE Section II—Justification for Action			(Contractor)			
	104-1-11-1	2. Dated Mo Da Yr (Original Issue) 09/12/2005 5. Opera ANKE	2. Dated Mo Da Yr 3. Citation/			

Continuation of 8. Condition or Practice

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

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

Mine	Citation	Order
TAILLISE	Gilduoi	norue!



Section I- /	iolation Data				7
1. Date	Mo Da Yr -09/13/2005	2. Time (24 Hr. Clock) -2200 2 Z 1.5		3. Citation/ Order Number 4890	539
red To 9/12/05 Brad Hamrick			5. Operator ANKER WEST VIRGINIA MINING COMPANY INC		
6. Mine SAGO MINE			7. Mine ID 46-08791 (Co		
8. Conditio	n or Practice			8a. Writt	en Notice (103g)

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

Q 00000							See Cor	ntinuation Fo	orm (MSHA	Form 7000-3a)
9. Violation	A. Health Safety Othe	of Act		C	Part/Section of Title 30 CFR			4(b)(1)		
Section II-Insp	ector's Evalu	ation			- 2.00 m			-		
10. Gravity:							2011			
A. Injury o	r Illness (h	as) (is): No Likelii	iood 🗌 U	nlikely	Reasonably Likely	7	Highly Likely	D.	Occum	ed 🗍
	r illness co be expect		st Workdays 🗌	Lost Worl	kdays Or Restricted D	outy 🔽	Permanen	tly Disabli	ng 🗍	Fatal _
∍ignific	ant and Su	bstantial: Ye	s. ✓ No 🗔				D. Number o	f Persons	Affected:	100
11. Negligen	ce (check o	ne) A. None	B. Low	☐ c.	Moderate 🗀	D. High	Ž E	. Reckless	s Disregar	rd 🗀
12. Type of A	ction	104(d)(2)	777	13. Type of Iss	uance (check one)	Citation Order 🔽		Safeguard 🗀		
14. Initial Act A. Citation	200.00	der 🔽 C. Safegu	ard D. Writte	en Notice	E. Citation/ 7097827 F. Dated		Dated	Mo Da Yr 05/20/2005		
conveyo	or bel	g conveyor		#6 conve	eyor belt,	#5 cor	nveyor	belt	and t	the #4
TO: TO: MINELED	OII DOC	A. Date	B. Time	(24 Hr. Clock)						
Section III-Terr	nination Actio	on						1	0 - 2 -	THE R. P. LEWIS CO., LANSING, MICH.
17. Action to	Terminate									
18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock										
Section IV-Auto	omated Syste	em Data				-				
19. Type of In (activity o		E01 20. Ever	t Number	1054749	21. Primary	or Mill				
22. Signature	L	6		1			23. AR	Number	4	

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

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

Entered the wrong time on the citation when issuing.

that were found being recorded in the examination record book.

17. Action To Terminate

Reason

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

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

Mine	CHAI	liant	non-
IVIII IES	Lalie	1163617	CHORD





Section I—Violation Data			mine early and rice	atti Administration	"//
1. Date	Mo Da Yr 08/16/2005	2. Time (24 Hr. Clock) 1000		3. Citation/ Order Number 709815	9
ed To Brad Phillips		5. Operator ANKER WEST VII	RGINIA MINING COMPANY	/ INC	
6. Mine SAGO MINE		7. Mine ID 46-087		(Contractor)	
8. Condition	n or Practice			8a Written N	CONTRACTOR OF THE PARTY OF THE

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

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

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the next actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 of, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest obtains and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.



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Mine	Cita	tion/C	mer





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

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

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

In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal appears enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the nent actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 x, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, at the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Sefety and Health Review Commission.



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





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

re-selectrised a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small business Administration prival enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small businesses about federal and sustained of EDPA, you may will 1 833 REG FAIR (1 883 754 8247), an order like Ombudsman of Small Business to small businesses. If you will be comment out the 1, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman of the united solutions and proposed provided the selection of the Makington provided provided the solution of the Makington provided provided the solution of the Makington provided provided provided the solution of the Makington provided prov



Mine	Citation/Order
Conti	nuntion

## U.S. Department of Labor

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

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

☐ C. Vacated ☑ D. Terminated ☐ E. Modified
Mo Da Yr 13 Time (24 Hr Clock)
Mo Da Yr 13. Time (24 Hr. Clock) 08/17/2005 1620



Mino	CHA	Sant	Order
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1. Date	tion Data				The second secon		Administratio	***************************************	-	1//
ac working	Mo Da Yr	2. Time (	24 Hr. Clock)				3. Citation/	70981	53	
'd To	08/16/2005		1055		01		Order Number	70701	33	
?hilli	ne				Operator	er uno	NII A IN IN IN I			
6. Mine	pa					SI VIKUI	NIA MININO	COMPA	NY INC	
SAGO MI	NE			1'-	Mine ID	16-08791				
8. Condition of	The state of the s									tractor)
The mir	e roof o	f the C	03-0 MMU i	s not ad	constat a	Aleba construction		8a. Writter	Notice (10	3g)
follow:	(1) # 7	entry	beginning	at spad	# 4000	y suppo	orted or	control	led a	S
rib and	the out	side ro	beginning	at spad	# 4090.	The mi	ne roof	betweer	the	left
loose b	anging r	ack fro	w of bolts	101 30	distan	ce is i	proken wi	th piec	es of	
(2) The	right r	ib ic 1	m 1" to 5"	thick b	À 10. C	0 14" V	vide by 2	' to 3'	long	
for 28!	dietano	D 19 1	oose hangi	ng Irom	just in	by the	last ope	n cross	cut i	nby
12" +0	14" thick	. RID	is 10 to 1	4" thick	with t	he top	brow bei	ng 8' 1	ong a	nd
12 (0	14 (IIIC)	C. KID	is 8' high	. (3) The	e outby	corner	of the	last op	en	
CLOSSCU	IL OI #/ (	entry 1	s loose and	d gappin	g out b	y 1" lo	ose rib	is 4' w	ride b	y 91
HILGH an	IU IZ LII.	CK. (4	) The mine	roof ald	ong the	left y	rih to th	o outer	da	
DOTES!	OT THE TO	ist ope	n crosscut	from /	to 6 15	broker	and hae	DIIMARA	me mi	
OT TOOS	e nanging	LOCK	up to 4" ti	nick that	t looks	as if	they wil	l fall	witho	ut
warning	(5) The	right	inby corne	er of						
0.15-1-6		1					See Continuat	ion Form (MSH	A Form 7000	)-3a) 🗸
9. Violation	A. Health Safety	B. Section of Act			Section of		22127000000000	9		471-0
	Other	oi no		I RIE .	30 CFR		75.202(a	.)		
Section #-Inspe	ctor's Evaluation	•							-	
10. Gravity:						-		-		
A. Injury or	Iliness (has) (is):	No Likelih	ood Unlike	Y R	easonably Like	N W	Highly Likely	Occum	red [	
B. Initary or	illness could rea-			15.5	No. of Carlot Administration of the Control of the			- VVVW	rea !	
sonably I	be expected to be	No Los	st Workdays	Lost Workdays	Or Restricted	10000		enhine [d	E-A-I	5
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Mine	Citation/Order
Conti	nuation

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	V//

1. Subsequent Action 1a. Continuation	2. Dated	11. 0				
	(Original Issue)	Mo Da 08/16/2	Samuel Comment	<ol><li>Citation/ Order Number</li></ol>	7098153	
ved To Phillips 6. Mine			5. Operator ANKER WEST VIRGINIA MINING COMPANY II			INC
SAGO MINE			7. Mine ID	46-0879	10 1	Account to the second

Continuation of 8. Condition or Practice

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

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

8. Extended To	quent Action Taken  Mo Da	Yr				
	A. Date	11	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	☐ E. Modified
Section IV-Inspec	tion Data				The Party of Sandy Section 1	
. Type of Inspe	ction E01	10, E	vent Number 4054749			
1. Signature	1	1 -	AR Number 12 Date	No Do W	Lia T. T. T.	
	b	d.	12. Date	Mo Da Yr 08/16/2005	13. Time (24 Hr. Clo 1055	ck)