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	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 D	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





Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo 12/	Da 14/200:	Yr.	Citation/ Order Number	7098644	
d To noonover, Safety				Operat NKE		INIA MINING COMPANY INC	10
SAGO MINE			7	. Mine II	46-0879	(Casharita)	

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—Subse	quent Action Take	n	-					See Continuation Form
8. Extended To	A. Date Mo	Da Y	r 8.	Time (24 Hr. Clock)		C. Vacated	D. Terminated	_ E. Modified
Section IV-Inspec								
9. Type of Inspe	ection E01	10	. Ever	t Number 4054434				
11. Signature	6	_	1	AR Number	12. Date	Mo Da Yr 12/14/2005	13. Time (24 Hr. Clo 0945	ock)

Mine	Citation/Order
Conti	nustion





		wine balety and realth Auministratio	on ()
Section ISubsequent Action/Continuation			4 7
Subsequent Action 1a. Continuat	tion 2. Dated Mo Da (Original Issue) 12/14/2	7000644	01
ed To		5. Operator	
6. Mine		ANKER WEST VIRGINIA MINING	G COMPANY INC
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			
10. C. Significant and Substantial	Yes	No	
Reason lower the gravity			
changing gravity			

	nt Action Taken					
8. Extended To A.	Date Mo	Da Y	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	☑ E. Modified
Section IV-Inspection	Data	and the same				
Type of Inspection	on E01	10.	Event Number 4054434			
1' nature [/	~	6	AR Number	12. Date Mo Da Yr 12/22/2005	13. Time (24 Hr. Clo 0852	ock)

Lug Jos

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



	Mine Safety and Health Administration
Section IViolation Data	·
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 11/08/2005 1630	3. Citation/ Order Number 7149865
ed To	5. Operator
	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	7. Mine ID 46-08791
SAGO MINE 8. Condition or Practice	(Contractor) 8a. Written Notice (103g)
The preshift examination conducte	ed on 11-08-05 from 5:00 am to 5:30 am in the
1 Left Mains MMU 006 section was	inadequate inthat the following obvious the preshift record book. During a on site
1.104(a) citation No. 7149864 30 ranged from 21 to 22 feet.	CFR 75.220(a)(1) No. 4 belt entry width
2.104(a) citation No.7149863 30 (No.2 to 1 light coat of float coafloor.	CFR 75.0400 last open crosscut No.3 to2 and al dust deposited on the roof, ribs, and mine
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health B. Section of Act Other	C. Part/Section of Title 30 CFR 75.360(f)
Section II—Inspector's Evaluation	
10. Gravity:	
A. Injury or Iliness (has) (ls): No Likelihood : Unlikel B. Injury or illness could rea-	ly Reasonably Likely Highly Likely Occurred
sonably be expected to be: No Lost Workdays	Lost Workdays Or Restricted Duty 🗹 Permanently Disabling 🗌 Fatal 🗍
Significant and Substantial: Yes ☑ No ☐	D. Number of Persons Affected: 001
1 egligence (check one) A, None B, Low D	C. Moderate ☐ D. High ☑ E. Reckless Disregard ☐
12. Type of Action 104(d)(2) 13. 1	ype of Issuance (check one) Citation ☐ Order ☑ Safeguard ☐
14. Initial Action A. Citation ☐ B. Order ☑ C. Safeguard ☐ D. Written No.	E. Citation/ 7097827 F. Dated Mo Da Yr 05/20/2005
15. Area or Equipment No affected area.	
16. Termination Due A. Date Mo Da Yr B. Time (24)	fr. Clock)
Section III—Termination Action	
17. Action to Terminate	
18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock	
Section IV—Automated System Data	
19. Type of Inspection (activity code) E01 20. Event Number 405	4434 21. Primary or Mili
22. Signature /	23 AR Number /

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



1. Subsequent Action 1a. Continuation	Dated (Original Issue)	Mo Da 11/08/20		Citation/ Order Number	7149865
★ To L CRUMRINE, MINE FOR	EMAN		5. Operat ANKEI		INIA MINING COMPANY INC
6. Mine SAGO MINE				46-0879	(Contractor)

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				La alle assession	
9. Type of Inspe	ction E01		10. E	vent Number 4054434		
11. S'	-6	-		AR Nuraber 12. Date	Mo Da Yr 11/08/2005	13. Time (24 Hr. Clock) 1630

Mine Citation/Order
Continuation

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7	r.	1		
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Section I-Subsequent Action/Continuation Data			,	In Administration	W
Subsequent Action 1a, Continuation	2. Dated (Original Issue)	Mo Da Yr 11/08/2005	3. Citation/ Order Number	7149865 - 01	
L CRUMRINE, MINE FOR	EMAN	5. Ope ANK	The Control of the Co	SINIA MINING COMPANY INC	
6. Mine SAGO MINE			46-0879	(Contractor)	
Section II-Justification for Action			.,,,,,,,		

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.

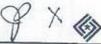
8. Extended To	A. Date Mo	Da	Yr	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	☐ E. Modified
Section IV-Inspec	tion Data					Transferrance of Control	
Type of Inspe			10. E	vent Number 4054434			
11. Signature	- b.			TAB Number 12. Date	Mo Da Yr 11/09/2005	13. Time (24 Hr. Clo 1223	ck)

Mine Citation/Order Continuation			U.S. Department of Labor Mine Safety and Health 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.

Section III—Subse 8. Extended To		-	Ve				
O. Exerided 10	A. Date	Da	Yr	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	E. Modified
Section IV-Inspec	ction Data						
Type of Inspe	ection E01		10. E	vent Number 4054434			
11. Signature	- 1		_	AR Number 12. Date	Mo Da Yr	13. Time (24 Hr. Ck	ock)

Mine	Cita	on/Orde	or

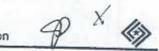


	Mine Safety and Health Administration				
Section I—Violation Datz	Wille Salety and Health Administration				
1 te Mo Da Yr 2, Time (24 Hr. Clock) 10/18/2005 1000	3. Citation/ Order Number 7098364				
· ed To	5. Operator				
Carl Crumrine Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY INC				
6. Mine SAGO MINE	7. Mine ID 46-08791				
8. Condition or Practice	(Contractor)				
	ot being complied with on the 1 left 0.06				
chemical smoke for movement in the facentry is 69 feet from the in-by corner 0.05% methane detected in the face. It practice to roll up line brattice ver crosscuts to transport materials. The other methods were used such as fly it ventilate the working faces. Also cit ventilation provided to within 10' of safety of Other. 9. Violation A Health B. Section of Act Other. Safety Other. Section II—Inspector's Evaluation 10. Gravity: A. Injury of Illness (has) (is): No Likelihood Unlikely of Illness could use.	ace, none could be distinguished. The #7 er of the last open crosscut. There is According to statements this is a standard ntilating the faces and use the last open ere is no means provided to indicate that boards and pads to haul the last line and tation #7098367 was written.				
nably be expected to be: No Lost Workdays ☐ L	Onkdays Or Restricted Duty Permanently Disabling Fatal D. Number of Persons Affected:				
11 Marileones (shoot and	D. High ☐ D. High ☐ E. Reckless Disregard ☐				
12. Type of Action 104(d)(2) 13. Type of Is	Issuance (check one) Citation ☐ Order ☑ Safeguard ☐				
14. Initial Action A. Citation ☐ B. Order ☑ C. Safeguard ☐ D. Written Notice ☐	E. Citation/ 7097827 F. Dated Mo Da Yr				
15. Area or Equipment The # 6 and # 7 entries 16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock	on the 006 mmu section 05/20/2005				
Section III—Termination Action					
7. Action to Terminate The ventilation control	ls were re-established to direct the air				
to the working faces.	s were re-established to direct the air				
18. Terminated A. Date Mo Da Yr 10/18/2005 B. Time (24 Hr. Clock	1020				
19. Type of Inspection (activity code) / E01 20. Event Number 4054434	21. Primary or Mill				
22. Signature	120 100				

mr 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 an 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 contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

23, AR Number

Mine Citation/Order	r
Continuation	



Section I—Subsequent Action/Consciuation Data						- 17
sequent Action 1a. Continuation	2. Dated (Original Issue)	Mo 10/13	Da Yr 3/2005	3. Citation/ Order Number	7098364	
4. Served To Carl Crumrine Mine Foreman 6. Mine			5. Oper ANKI	TO 5 TO 1	INIA MINING COMPAN	Y INC
SAGO MINE			7. Mine	46-0879	10.	tractor)

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

	V
11.	1
((4))	
VIII	

Section I-Viol	ation Data			mine ediciy	and ricall	Administra	tion	"//	
1. Date	Mo Da Yr 07/12/2005	2. Time (24 Hr. 0)	Clock) 730			3. Citation/ Order Num	ber 70979)41	
vcd To				5. Operator	5. Operator				
The same of the latest section in the latest	nrine - Mine For	eman		ANKER WEST VIRGINIA MINING COMPANY					
6. Mine	DIC			7. Mine ID 46-08791					
8. Condition					10-00/7	Consessed and	COLUMN TO THE REAL PROPERTY.	(Contractor)	
-			at were use				8a. Written	Notice (103g)	
follow of devenue of devenue of devenue of the following of the for the forther forther for the forther forthe	ed. The #5 elopment t es. The #9 he #8 entr rovides th s are bein t wide. The	ethods of entry ha he left p entry ha y after o at the pi g develope failure o follow	rds related directional s been drive illar size le s been devel nly 56 feet llar size be ed on 55 feet of mine man demonstrates	I controls on off sigh has been re loped off si of develop maintaine et centers hagement to	were ents to to duced to ghts to ment. It do at least to which I	ther not the point to a wid to the po The appresst 35 leaves t	provide t that i th of 10 int that oved roo feet wid he pilla	ed or in 60 feet) feet and it cut of control de. The ar block	
lines a	are fundam	ental to	the systemat	tic					
9. Violation	A. Health	B. Section		C. Part/Section of		See Continu	uation Form (MSH	A Form 7000-3a)	
	Safety 🗸 Other	of Act	Î	Title 30 CFR		75.203	(b)		
Section II—Insp	ector's Evaluation								
B. Injury or sonably	r Illness (has) (is): r illness could rea- be expected to be: ant and Substantial:	No Likelihood ☐ No Lost Worl Yes ☑		Reasonably Like /orkdays Or Restricted	Duty 🔽		Disabling Disabling	Fatal 001	
egligeno	e (check one)	A. None	B. Low 🗍 💢	. Moderate	D. High	E. 1	Reckless Disrega	A 100 / C	
12. Type of A	ction 104(c	I)(2)	13. Type of Is	ssuance (check one)	Cita		Order 🔽	Safeguard	
14. Initial Activ A. Citation		C. Safeguard	D. Written Notice	E. Citation/ Order Number	70	97827	F. Dated	Mo Da Yr	
15. Area or Ed Section 16. Terminatio	1.	entry and	#9 entry 1c		he 2-Le	ft, 003	MMU wor	05/20/2005 king	
Section III—Terr	mination Action							Livery	
7. Action to T		Torminat	J J						
#5 entr #5 entr	y to be us y is devel	ed as dir	ed due to the ectional co e #9 entry h	ntrol and o	ribs w	ill ho .	w spads set befo	in the re the	
8, Terminated	A. Date Mo D	a Yr	e (24 Hr. Clock)	0800					
	ornated System Data								
Type of Install (activity co.)	de) E01	20. Event Number	4054749	21. Primary	or Mill				
2. Signature		6				23. AR Nu	mber	6]	
SHA Form 700	00-3. Mar 85 (revesed)	In proportiones wit	h the non-interes of the Con-	of Occidence Design		problème superior de	STATE OF THE PARTY	Color Color Color (Color Color	

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 Ombudaman and 10 Regional Fairness Boards to receive comments from small businesses about federal pharmy enforcement actions. The Ombudaman annually evaluates enforcement activities and rates each agency's responsiveness to small businesses. 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 Ombudaman at Small Business Administration, Office of the National Ombudaman, 409 t, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudaman 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.

WAJIN

Mine	Citation/Order
Conti	nuation

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11.	11
æ	
N//	

Subsequent Action 1a, Continuation	2. Dated (Original Issue)	Mo Da 07/12/20	2000 20°	 Citation/ Order Number 	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	
	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
------	------	-------	-----	----



1 Date	Mo Da Yr 06/02/2005	2. Time (24 Hr.	Clock) 725			3. Citation/ Order Numbe	70978	36
,erved		0	f dans.	5. Operator		Croci Mulibe	. 100-68000	(A. A. C.
Bill Cur	rence _ Mine Fore	eman			ANKER WEST VIRGINIA MINING COMPANY INC			
6. Mine				7. Mine ID			COMITE	, I IIIC
SAGO N					46-0879	1		(Contractor)
	n or Practice						8a, Written	Notice (103a)
	The pre-shi	ft examin	ation for	the #3 scoo	p charg	ing stati	on and	scoop
suppl	y naulroad	is inaded	mate in th	at the foll	owing c	onditions	Wara a	honrund
Dy th	is inspecto	or and sho	ould have i	peen recogni	zed by	any prude	nt mine	ovaminor
grven	the respon	ISIDITITY	or conduct	ing a mine	examina	tion to d	atact h	agarde -+
their	earliest p	ossible s	tages. (1)	The #3 sco	op batt	erv chard	ing sta	tion was
round	Dy this in	spector 1	n the #/]	intake entry	at #58	block cr	osscut	hetween
the #	b entry (se	condary e	scape way) and #7 in	take en	trv. (2)	The #3	scoon
charg	er is energ	nzed and	charging a	set of scoo	op batt	eries whi	ch is n	nt
venti	lated direc	tly to a	return a c	course. (3)	This #3	scoop ch	arging	station
is ve	ntilated wi	th the ma	in intake	air that tra	avels d	irectly t	o the O	01-0 &
002-0	mmu workin	ig super s	ection and	this intak	e air i	s used fo	r face	
venti	lation purp	oses. (4)	The #3 sc	coop battery				
0.15.1.11						See Continual	tion Form (MSHA	Form 7000-3a)
Violation	A. Health Safety	B. Section of Act		C. Part/Section of Title 30 CFR		75.360(a)	(1)	
	Other					75.500(a)	(1)	
	ispector's Evaluation					1		and the same
10. Gravity	y or illness (has) (is):	A Principal Control Control						
			The second secon		THE PARTY OF THE P			
		No Likelihood	Unlikely [Reasonably Li	cely 🗹	Highly Likely	Occurr	red [] ba
B. Injury	or illness could rea-	No Lost Wor	- 50000 A	Charles of the November Control	OL- CATHERINE		Water No.	
B. Injury sonal		No Lost Wor	- 50000 A	Reasonably Li	d Duty 🔽	Permanently D D. Number of Pers	isabling 🗌	Fatal [
B. İnjury sonal Signi	or illness could rea- bly be expected to be:	No Lost Wor	kdays 📗 Lo	Charles of the November Control	d Duty 🔽	Permanently D D. Number of Pers	isabling []	Fatal 001
B. İnjury sonal Signi	y or illness could rea- bly be expected to be: ificant and Substantial: ence (check one)	No Lost Wor	kdays Lox No B. Low	st Workdays Or Restricte	d Duty 🗹 D. High 🖟	Permanently D D. Number of Pers E. Re	isabling 🗌	Fatal 001
B. Injury sonal Signi 11, Neglige 12, Type of	y or illness could rea- bly be expected to be: ificant and Substantial ence (check one) [Action 104(No Lost Wor Yes A. None	kdays Lox No B. Low	C. Moderate G. Standard (check one) E. Citation/	D. High 5	Permanently D D. Number of Pers E. Re	isabling [] cons Affected: ckless Disrega	Fatal 001 rd Safeguard Mo Da Yr
B. Injury sonal Signi 11, Neglige 12, Type of 14, Initial A A, Citati	y or illness could rea- bly be expected to be: ificant and Substantial ence (check one) Action 104(ction on B. Order	No Lost Wor Yes A. None (d)(2) (1) C. Safeguard	kdays Lox No Low B. Low Low 13. Type D. Written Notice	C. Moderate Of Issuance (check one) E. Citation/ Order Number	D. High 5	Permanently D D. Number of Pers E. Re sation On	isabling cons Affected: ckless Disrega der F. Dated	Fatal 001 rd Safeguard Mo Da Yr 05/20/2005
B. Injury sonal Signi	y or illness could rea- bly be expected to be: ificant and Substantial ence (check one) / Action 104(ction	No Lost Wor Yes ☑ A. None □ (d)(2) (1) C. Safeguard □ The #3	No B. Low 13. Type D. Written Notice SCOOD Char	C. Moderate G. Standard (check one) E. Citation/	D. High 5	Permanently D D. Number of Pers E. Re sation Or 197827	isabling cons Affected: ckless Disrega der F. Dated	Fatal 001 rd Safeguard Mo Da Yr 05/20/2005
B. Injury sonal Signi Signi 11, Neglige 12, Type of 14, Initial A A. Citation 15, Area or entry	y or illness could rea- bly be expected to be: ificant and Substantial ence (check one) / Action 104(ction B. Order Equipment at #58 blo	No Lost Wor Yes A. None (d)(2) (') C. Safeguard The #3 Ck which	No B. Low 13. Type D. Written Notice SCOOD Char	C. Moderate C. Moderate of Issuance (check one) E. Citation/ Order Number ging station he scoop sup	D. High 5	Permanently D D. Number of Pers E. Re sation Or 197827	isabling cons Affected: ckless Disrega der F. Dated	Fatal 001 rd Safeguard Mo Da Yr 05/20/2005
B. Injury sonal Signi Signi 11. Neglige 12. Type of A. Citatic A. Citatic Stream or entry	y or illness could rea- bly be expected to be: ificant and Substantial ence (check one) / Action 104(ction on B. Order Equipment at #58 blo	No Lost Wor Yes A. None (d)(2) (') C. Safeguard The #3 Ck which	No Low 13. Type D. Written Notice scoop char is along t	C. Moderate C. Moderate of Issuance (check one) E. Citation/ Order Number ging station he scoop sup	D. High 5	Permanently D D. Number of Pers E. Re sation Or 197827	isabling cons Affected: ckless Disrega der F. Dated	Fatal 001 rd Safeguard Mo Da Yr 05/20/2005
B. Injury sonal Signi Signi 11. Neglige 12. Type of A. Citatic A. Citatic Section III—T	y or illness could rea- bly be expected to be: ificant and Substantial ence (check one) / Action 104(ction on	No Lost Wor Yes A. None (d)(2) (1) C. Safeguard The #3 ck which Mo Da Yr	Ridays Lox No Low B. Low Low 13. Type D. Written Notice scoop char is along t B. Time (24 Hr. C	C. Moderate Confidence (check one) E. Citation/ Order Number ging station he scoop sup	D. High Son	Permanently D D. Number of Pers E. Re sation Or 197827 ed in the 11raod.	isabling cons Affected: ckless Disregal der F. Dated #7 Int	Fatal 001 rd Safeguard Mo Da Yr 05/20/2005
B. Injury sonal Signi Signi 11, Neglige 12, Type of 14, Initial A A, Citation 15, Area or entry 16, Termina Section III—T 17, Action t	y or illness could rea- bly be expected to be: Ificant and Substantial ence (check one) Action 104(ction B. Order Equipment at #58 blo ation Due A Date armination Action o Terminate	No Lost Wor Yes A. None C. Safeguard The #3 Ck which Mo Da Yr	Ridays Lox No Low B. Low Low 13. Type D. Written Notice scoop char is along t B. Time (24 Hr. C	C. Moderate C. Moderate of Issuance (check one) E. Citation/ Order Number ging station he scoop supplication the scoop supplication the scoop supplication continues t	D. High Son	Permanently D D. Number of Pers E. Re tation Or 197827 ed in the 11raod.	isabling cons Affected: ckiess Disrega der F. Dated #7 Into	Fatal 001 rd Safeguard Mo Da Yr 05/20/2005 a ke
B. Injury sonal Signi Signi 11, Neglige 12, Type of A. Citation 15, Area or entry 16, Termina Section III—T 17, Action to callir	y or illness could rea- bly be expected to be: Ificant and Substantial ence (check one) Action 104(ction B. Order Equipment at #58 blo ation Due A Date farmination Action to Terminate ag out the	No Lost Wor Yes A. None C. Safeguard The #3 ck which Mo Da Yr Terminate condition	Ridays Lox No Low B. Low Low 13. Type D. Written Notice scoop char is along to B. Time (24 Hr. C) ed due to that he d	C. Moderate Confidence (check one) E. Citation/Order Number of Scoop Supplements on the Scoop S	D. High Son Son Son Son Son Son Son Son Son Son	Permanently D D. Number of Pers E. Re tation Or 197827 ed in the 11raod.	isabling cons Affected: ckiess Disrega der F. Dated #7 Into	Fatal 001 rd Safeguard Mo Da Yr 05/20/2005 a ke
B. Injury sonal Signal Signal Signal 11. Neglige 12. Type of 14. Initial A. Citation 15. Area or entry 16. Terminal Section III—T 7. Action to Callin Bill (y or illness could rea- bly be expected to be: ificant and Substantial: ince (check one) / Action 104(ction	No Lost Wor Yes A. None C. Safeguard The #3 Ck which Mo Da Yr Terminate Condition The Foreman To Yr Terminate The Foreman The Foreman	Ridays Lox No Low B. Low Low 13. Type D. Written Notice scoop char is along to B. Time (24 Hr. C) ed due to that he d	C. Moderate C. Moderate of Issuance (check one) E. Citation/ Order Number ging station he scoop supplication the scoop supplication the scoop supplication continues t	D. High Son Son Son Son Son Son Son Son Son Son	Permanently D D. Number of Pers E. Re tation Or 197827 ed in the 11raod.	isabling cons Affected: ckiess Disrega der F. Dated #7 Into	Fatal 001 rd Safeguard Mo Da Yr 05/20/2005 a ke
B. Injury sonal Signal	y or illness could rea- bly be expected to be: ificant and Substantial: ince (check one) / Action 104(ction	No Lost Wor Yes A. None C. Safeguard The #3 Ck which Mo Da Yr Terminate condition ne Foreman Da Yr	Ridays Lox No B. Low D 13. Type D. Written Notice scoop char is along t B. Time (24 Hr. C) ed due to that he d n and the	C. Moderate Confidence (check one) E. Citation/Order Number of Scoop Supplements on Particular Scoop Supplements on Particula	D. High Son Son Son Son Son Son Son Son Son Son	Permanently D D. Number of Pers E. Re tation Or 197827 ed in the 11raod.	isabling cons Affected: ckiess Disrega der F. Dated #7 Into	Fatal 001 rd Safeguard Mo Da Yr 05/20/2005 a ke
B. Injury sonal Signal	y or illness could rea- bly be expected to be: ificant and Substantial ence (check one) I Action 104(ction	No Lost Wor Yes A. None C. Safeguard The #3 Ck which Mo Da Yr Terminate Condition The Foreman To Yr Terminate The Foreman The Foreman	Ridays Lox No Low B. Low Low 13. Type D. Written Notice scoop char is along t B. Time (24 Hr. C ed due to that he d in and the ne (24 Hr. Clock)	C. Moderate C. Moderate Gissuance (check one) E. Citation/ Order Number ging station he scoop sup lock) the 002-0 mm etected on he conditions we	D. High Son Son Son Son Son Son Son Son Son Son	Permanently D D. Number of Pers E. Re tation Or 197827 ed in the 11raod.	isabling cons Affected: ckiess Disrega der F. Dated #7 Into	Fatal 001 rd Safeguard Mo Da Yr 05/20/2005 a ke
B. Injury sonal Signal	y or illness could rea- bly be expected to be: ificant and Substantial ence (check one) / Action 104(ction	No Lost Wor Yes A. None C. Safeguard The #3 Ck which Mo Da Yr Terminate condition ne Foreman Da Yr B. Tim	Ridays Lox No B. Low D 13. Type D. Written Notice scoop char is along t B. Time (24 Hr. C ed due to that he d n and the ne (24 Hr. Clock)	C. Moderate C. Moderate Gissuance (check one) E. Citation/ Order Number ging station he scoop sup lock) the 002-0 mm etected on he conditions we	D. High Son Son Son Son Son Son Son Son Son Son	Permanently D D. Number of Pers E. Re tation Or 197827 ed in the 11raod.	isabling cons Affected: ckless Disrega der F. Dated #7 Into	Fatal 001 rd Safeguard Mo Da Yr 05/20/2005 a ke

her established a National Small Business and Agriculture Regulatory Ombudaman and 10 Regional Fairness Boards to receive comments from small businesses about federal renforcement actions. The Ombudaman annually evaluates enforcement activities and rules each apency'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 Ombudaman at Small Business Administration, Office of the National Ombudaman, 40 eet, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudaman is in addition to any other rights you may have, including the right to contest citations and proposed penaltics and obtain a hearing before the Federal Mine Safety and Health Review Commission.



Mine Citation/Ord Continuation	ier		U.S. [Department of Labor	
Section I-Subsequent Ac	tion/Continuation Dat	9	Mine	Safety and Health Administr	ation
 Subsequent Action 	1a. Continuation	In Date			
	82	(Original Issue)	Control of the contro	3. Citation/ Order Number 7097836	
erved To		1 0	6/02/2005	The state of the s	
Bill Currence M	ine Foreman		5. Oper	ator	
6. Mine	and a di citiani		ANKE	R WEST VIRGINIA MINI	NG COMPANY INC
SAGO MINE			7. Mine	IU .	(Contractor)
Section II—Justification for	r Action			46-08791	(Contractor)
Continuation of 8. Cond	COLUMN TO THE PARTY OF THE PART				
examination scoop charg scoop supply A pre-shift bias engaged known haza nandatory st Note: orde ontinuation of 17. Actio	was condi- ing station y haulroad examinatinate 6:00 A. in aggrave and. This tandard. er no. 709	noted for the fon is located and this haulton report was M. on 06/02/20 rated conduct by violation is a	#3 scoop of along the lroad is a called on 005 as no by his faith unwarrantissued in	rational fire supplector to indicate charging station. #7 intake entry we regularly traveled by John Travise hazards observed. Illure to record an antable failure to with ecord book.	that a pre-shif (6) This #3 which is also the by the miners. c, received by John Travise d take action or comply with a
ion III-Subsequent Action					See Continuation Form

☐ C. Vacated ☐ D. Terminated ☐ E. Modified Section IV-Inspection Data

9. Type of Inspection E01 10. Event Number 4054745 4. Justine 12. Date Mo Da Yr 13. Time (24 Hr. Clock) 06/02/2005 0725

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

Mine	Citation/Order
Conti	nuation

U.S. Department of Labor

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8	1	9	"	

Continuation	inuation Mine Safety and Health Administration						
Section I-Subsequent Action/Continuation			, and the desire terminous	ition 🛞			
1, Subsequent Action 1a. Continuatio	on 2. Dated Mo D (Original Issue) 06/02/	55,000,000	3. Citation/ Order Number 7097836	- 01			
Served To Bill Currence - Mine Forema: 6. Mine	1	5. Ope ANK	ER WEST VIRGINIA MINI	NG COMPANY INC			
SAGO MINE		7. Mine	46-08791	(Contractor)			
Section II—Justification for Action							
Change	From		To				
12. Type of Action1	I04(d)(2)		104(d)(1)				
Reason Issued under the wr	ong type of action in error.						
Issued under	the wrong type of a	action	in error.				

See Continuation Form Section III-Subsequent Action Taken 8. Extended To A. Date B. Time (24 Hr. Clock) C. Vacated D. Terminated E. Modified Section IV-Inspection Data 9. Type of Inspection E01 10. Event Number 4054745 Signatu AR-Number 12. Date Mo Da Yr 13. Time (24 Hr. Clock)

06/07/2005

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



Mine	Citation/Order
Conti	nuation



A COLOR OF THE PROPERTY OF THE PARTY OF THE			~
Section I-Subsequent Action/Continuation	on Data		
Subsequent Action 1a. Continuation	ion 2. Dated Mo Da (Original Issue) 06/02/2	7007936	02
Served To Bill Currence Mine Forema	3.0	5. Operator ANKER WEST VIRGINIA MININ	G 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 li	ne #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 li	ine #14, E from Order #7097827 to 0	Citation #7097825 when line #12 was mod	dified.
(A) Citation and I	ying line no. 14, Ini line #14, E from Orde of Action was modifie	tial Action from box (Ber #7097827 to Citation ed.) Order to box #7097825 when

See Consnuation Form Section III-Subsequent Action Taken A. Date B. Time (24 Hr. Clock) C. Vacated D. Terminated E. Modified Section IV-Inspection Data 9. Type of Inspection E01 10. Event Number 4054745 ' Signature 13. Time (24 Hr. Clock) 12. Date Mo Da Yr 06/09/2005 1520 MSHA Form 7000-3a, Mar 85 (revised)

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Mine	CI	tatı	OU	Ort	1er

U.S. Department of Labor

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		Mine Safety and Healt	h Administration
Section I-Violation Data			
1. Date Mo Da Yr 06/02/2005	2. Time (24 Hr. Clock) 0715		3. Citation/ Order Number 7097835
4. Served To		5. Operator	CONTRACTOR OF THE PARTY OF THE
Bill Currence Mine Foren	пал		INIA MINING COMPANY INC
6. Mine SAGO MINE		7. Mine ID 46-0879	[(Contractor)
8. Condition or Practice			8a, Written Notice (103g)
entry when the for scoop charger is ventilated direct station is ventil 0 mmu working sup #3 scoop battery suppression syste shift examination charging station supply haulroad a	ellowing conditions we energized and chargically to a return air cated with intake air ser section and is us charging station is em. (4) No evidence can was conducted for the is located along the and this haulroad is	rere found by thing a set of scool ourse. (2) This that travels directly defined for face vent not provided withould be found to the #3 scoop characters.	rectly to the 001-0 & 002 ilation purposes. (3) The had a operational fire indicate that a preging station. (5) This which is also the scoop
Other 🗀	Ol ACC	Title 30 CFR	75.340(a)(1)(i)
Section II-Inspector's Evaluation			
10. Gravity:		324	
A. Injury or Illness (has) (is):	No Likelihood Unlikely	Reasonably Likely 🔽	Highly Likely Occurred
B. Injury or illness could rea- sonably be expected to be:	No Lost Workdays Lost Wo	orkdays Or Restricted Duty	Permanently Disabling 😾 Fatal 🗌
C. Significant and Substantial:	Yes ☑ No 🗌		D. Number of Persons Affected: 001
Negligence (check one)	A. None D B. Low D C.	. Moderate D. High (E. Reckless Disregard
12. Type of Action 104(d	(2) (1) 13. Type of iss	suance (check one) Cit	ation (Order) Safeguard
14. Initial Action A. Citation B. Order 😿	C. Safeguard D. Written Notice	E. Citation/ Order Number 70	97827 F. Dated Mo Da Yr 05/20/2005
15. Area or Equipment T at #58 block whic	he #3 scoop charging h is along the scoop	station located supply haulroad	in the #7 Intake entry
16. Termination Due A. Date	Mo Da Yr B. Time (24 Hr. Clock)		
Section IIITermination Action			
17. Action to Terminate	Terminated due to the crosscut located bet	e #3 scoop charg:	ing station being moved
entry. This #3 sc	oop charging station	is now set up re	eady for
18. Terminated A Date Mo D	a Yr 1/2005 B. Time (24 Hr. Clock)	0915	
Section IV-Automated System Data			
19. Type of Inspection (activity code) Fn1	20. Event Number 4054745	21. Primary or Mill	
22. Signatur	7		23. AR Number

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses 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	2. Dated (Original Issue)	Mo D 06/02/	7	3. Citation/ Order Number 7097835	
Served To Bill Currence . Mine Foreman			5. Oper ANKI	etor ER WEST VIRGINIA MINI	NG COMPANY INC
6. Mine SAGO MINE Section II—Justification for Action			7. Mine	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.

	quent Action Taker					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					
). Type of Insper	ction E01	10. E	vent Number 4054745			
		_	4034743			
1. Signa .	(AR Number 12. Date	Mo Da Yr	13. Time (24 Hr. Ck	-11
		/3	1 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	mo ca ii	13. Time (24 Mr. CK)	XXX

Mine Citation/Order Continuation					Department of Labor Safety and Health Admin	istration (in
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	Yr	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	E. Modified
Section IV-Inspec	tion Deta				1000	77年75年7月7日	
9. Type of Inspe	ction E01		10. E	Vent Number 4054745			
11. Signeture		6		AR Number 12 Date	Mo Da Yr 06/07/2005	13. Time (24 Hr. Ck 0359	ock)

Mine	Citation/Order
Conti	nuation



		willie Sarety and Frediti Administrati	on
Section I-Subsequent Action/Continuati	on Date		
Subsequent Action 1a. Continua	tion 2. Dated Mo Da (Original Issue) 06/02/2	7007925	02
Served To JIL Currence Mine Forem	an	5. Operator ANKER WEST VIRGINIA MINING	G 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 li	ne #14 from box (B) Order to box (A	Citation when line #12 was modified.	
14. E. Citation/Order Number	7097827	7097825	
Reason Failed to modify li	ne #14, E from Order #7097827 to C	itation #7097825 when line #12 was modi	fied.
Missed modify	ging line no 14 Total	AND ADDRESS AND ADDRESS TO THE	greatest and the con-

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	ction Data	all of	214			
9. Type of Inspe	etion E01		10. E	Event Number 4054745		
11. Signature	-	6		AR Number 7 12. Date	Mo Da Yr 06/09/2005	13. Time (24 Hr. Clock) 1510

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-Subsequent	Action/Continuation Data					
Subsequent Actio	n 1a. Continuation	2. Dated (Original Issue)	Mo 0 05/20/	a Yr /2005	3. Citation/ Order Number	7097827
 Served To John Travise - S 	hift Foreman			5, Open ANKE		GINIA MINING COMPANY INC
6. Mine SAGO MINE					46-0879	(Contractor)
Section II-Justification	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	-						
Type of Insper	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)	-

	-		4.00	
Mine	1 1	DOLLAR	t/Chro	ior





	Mine Safety and Health Administration
Section I–Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 05/20/2005 0315	3. Citation/ Order Number 7097825
4. Served To	5. Operator
John Travise - Shift Foreman	ANKER WEST VIRGINIA MINING COMPANY INC
6. Mine	7. Mine ID 46-08791
SAGO MINE	40-06/91 (Contractor)
8. Condition or Practice	tible materials in the form of loose coal,
belt drive and float coal dust is belt drive and take-up. The accum measured 9 1/2 feet in length by accumulations range from powder or running in the accumulations for belt roller is also gobbed out by accumulated on previously rock du water line, conveyor belt structubearings. The float coal dust mea	s allowed to accumulate at the #3 conveyor mulations under the bottom conveyor belt 24 inches wide by 7 to 11 inches deep these dry to damp. The bottom conveyor belt is a distance of 7 feet in length and one bottom the accumulations. The float dust has ested surfaces of the mine floor, ribs, 6 inches to the touch and 1/16 of an inch to 2 inches deep and powder dry to damp to the touch and is
9. Violation A. Health ☐ B. Section of Act	C. Part/Section of Title 30 CFR 75.400
Section IIInspector'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 Disabiling 🗌 Fatal 🗌
C. Significant and Substantial: Yes ✓ No ✓	D. Number of Persons Affected: 001
11. Negligence (check one) A. None B. Low B. Low	C. Moderate ☐ D. High ☑ E. Reckless Disregard ☐
12. Type of Action 104(d)(1) 13. Ty	ype of (ssuance (check one) Citation ☑ Order ☐ Safeguard ☐
14. Initial Action A. Citation B. Order C. Safeguard D. Written Not	E. Citation/ Order Number F. Dated Mo Da Yr
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr 05/20/2005 B. Time (24 Hr	r. Clock) 0600
Section III—Termination Action	
17. Action to Terminate	
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 4054	745 21. Primary or Mill
22. Signature	23. AR Number
ASHA Form 7000-3. Mar 85 (noviewel)	

MSHA Form 7000-3, Mar 85 (revised)

In additional Small Business and Agriculture Regulatory Ornbudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ornbudsman annually evaluates enforcement activities and rates each agency's responsiveness to small businesse. 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 Ornbudsman at Small Business Administration, Office of the National Ornbudsman, 409 3rd Street, SW MC 2120, Washington, DC 20415. 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
Conti	nuation

11.
11.0
COD
-

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. Operator ANKER WEST VIRGINIA MINING CO		INIA MINING COMPANY	MBAND DIC	
Mine . AGO 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.

te Mo Da	Yr B	3. Time (24 Hr. Clock)		C. Vacated	D. Terminated	Contract of the Contract of the
to				C. secored	☐ E. Modified	
-		NO. OF PLEASE OF PARTY		January Control of the Control	A CONTRACTOR OF THE PARTY	19-14 Special Section 111
E01	10. Ever	nt Number 4054745				
	6	7 TARMINING	12. Date	Mo Da Yr	13. Time (24 Hr. Cic	xck)
	E01	E01 10. Eve	4034743	4034743	4034743	1 Δρ. Μυρπλογ 12. Date Mo Da Yr 13. Time (24 Hr. Ck

Mine Citation/Order
Continuation

	X
0	
-	

Section I-Subsequent Action/Continuation Data			WIII/C C	arety and near	in Administration	<u> </u>	N
Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 05/20/20	Yr 005	3. Citation/ Order Number	7097825 - 01		
4. Served To Bill Currence Mine Foreman			5. Opera		INIA MINING COM	DANV DIC	7.5
6. Mine SAGO MINE			7. Mine II	46-0879	1	(Contractor)	
Section IIJustification for Action							

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

8. Extended To	A. Date Mo	Da Yı	B. Time (24 Hr. Clock)		1000	NAME OF TAXABLE PARTY.
Castina B.C. Inc.			B. Tillie (24 Hr. Clock)	C. Vacated	D. Terminated	E. Modified
Section IV-Inspec				W. St.	THE RESERVE	
9. Type of Inspe	ection E01	110). Event Number 4054745			
			The second secon	2007		
11. Signati	F 1	6	7 AR Number 7 12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ck)
11. Signati—		6] [4R Number] 12. Date	Mo Da Yr 05/23/2005	13. Time (24 Hr. Clo 0955	ck)

W5/24