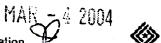
# 104(a) Citations

## Fiscal Year 2004

## U.S. Department of Labor





				Mine	Safety an	d Health	ı Adminis	stration			<b>\</b> }//
Section I-Violation Data							-		-		nimeners and
1. Date Mo Da 02/17/2		2. Time (24 Hr. Cl 074					3. Citation Order h	V Number	70961	04	
4. Served To				5. Op							
Brad Hamrick					CER WES	Γ VIRG	INIA MI	NING C	COMPAI	VY	
S. Mine				7. Mir	<sup>ie ID</sup> 46	-08791	i			(Ca-h-	
SAGO MINE									Ra Written	(Contra Notice (103g	_ •
The operatin installed an service on 0 connected to drive but do	d main 2/13/2 the w	tained f 2004. The vater sup	ire suppre system is ply. A min	ession parti er is	system ally in present	. The nstall t at t	drive led bu this t	was t has ime t	place not to wor	ed into yet be k on t	en
9. Violation A. Health Safety		Section of Act		C. Part/Sec Title 30 C				Continuation	-	IA Form 7000-3	la)
Other Section IIInspector's Evalu											
A. Injury or Illness (has     B. Injury or Illness cousonably be expected     C. Significant and Sub-     Negligence (check on	id rea- d to be: estantial:	No Lost Works  Yes   None	Unlikely   days Lost  No   B. Low	Workdays Or			D. Number	nently Disa	abling [	- 001	
12. Type of Action	104(a)		13. Type p	Issuance (ch	neck one)	С	itation 🗹	Orde	r 🗆	Safegu	ard 🗌
14. Initial Action		. Safeguard	D. Written Notice	E. Cita					F. Dated	Mo Da	-
15. Area or Equipment		U- D- V-									
16. Termination Due	A Data	Mo Da Yr 12/17/2004	B, Time (24 Hr. Ck	ock)	1300						
Section III—Termination Acti	on										
17. Action to Terminate											
18. Terminated A. Date		Yr B. Time	e (24 Hr. Clock)								
Section IV—Automated System 19. Type of Inspection		20. Event Number	405200	12	21. Primary	or Mill	T				
(activity code)	AAA		405399	2			123	AR Numb	(Maria	4 =	-
22. Signature  MSHA Form 7000-3, Mar E. has established a National S		6	un the provisions of the							6.	

ou was.

o, illinois 606e s.
d proposed penalties as. emorgement access of most style in the comment with the Ombudaman is in addition to any other rights you may have, including the right to contest 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 obtain a hearing before the Federal Mine Satety and Health Review Commission.

Mine Citation/Order Continuation				Repartment of L Safety and Healt	abor th Administration	Pure Character	
Section I-Subsequent Action/Continuation Data						<del></del>	
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 02/17/2	•••	3. Citation/ Order Number	7096104 - 01		<del>*</del>
4. Served To			5. Opera	ator			<del></del>
Brad Hamrick					INIA MINING C	OMPANY	
6. Mine			7. Mine	ID .		(Contractor)	
SAGO MINE			1	46-0879	1	(OURIBOID)	
Section II—Justification for Action							-

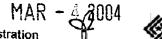
The fire suppression was installed on the NO.2 belt drive and maintained in operating condition.

	and the second of the second of the second		See Continuation F	orm 🗌
Section III-Subsequent Action Taken				Maria I
8. Extended To A. Date Mo Da	Pr B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	
Section IV-Inspection Data				
9. Type of Inspection AAA	10. Event Number 4053992	•		
11. Signature C	AR Number 12	2. Date Mo Da Yr 02/18/2004	13. Time (24 Hr. Clock) 0835	

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

welso

Mine	Citation.	/Order
------	-----------	--------





TVIIITE CITE	· •		U.S. Department of t Mine Safety and Heal	
1. Date	Mo Da Yr 02/17/2004	2. Time (24 Hr. Clock) 0950		3. Citation/ Order Number 7096105
4. Served To Brad Han			5. Operator ANKER WEST VIRO	GINIA MINING COMPANY
6. Mine SAGO M	INE		7. Mine ID 46-0879	(Contractor)
machin 0 mmu, mixtur	e, serial is not pr e of 2.5%	operly maintained.(1) methane the read out	l no. 2g-4159a, h n tested with a would only show	peing operated on the 001-
operat	or when th	e methane reached the bserved by the operat	e 1% level is cov	vered with dirt and rock

								See C	continuation	Form (MSH	A Form 7000-3	a) 🗀
	ifety 🗸 ther	B. Section of Act			C. Part/Se Title 30			75.3	342(a)(4	)		
Section II-Inspector's E	Pituation											
10. Gravity:			. —				. —	18-66-18-	-t- 🗂	_	. —	
A. Injury or Illness		No Likelih	000 L	Unlikely	✓ Kea	sonably Likel	у 📋	Highly Lik	ету 📋	Occur	red 🗌	
<ul> <li>B. Injury or illness sonably be expe</li> </ul>		No Los	t Workdays	<u> П</u>	ost Workdays C	r Restricted	Duty 🗸	Permar	nently Disa	bling 🗌	Fatal [	
C. Significant and	Substantial:	Yes	N.	• <b></b>				D. Number	of Person	s Affected:	001	
11. Negligence (check	one)	A. None	] <b>B</b> .	Low 🗌	C. Moderat	e 🗹	D. High		E. Reck	ess Disreg	ard 🗌	
12. Type of Action	104(	a)		13, Type	of issuance (c	heck one)	_	Citation 🗸	Orde		Safegua	ard 🔲
14. Initial Action A. Citation B.	Order [	C. Safegua	and D.	Written Notice	E. Cit	ation/ der Number				. Dated		
15. Area or Equipmen	t											
16. Termination Due	A. Date	Mo Da 02/17/2	I D	Time (24 Hr. 0	Clock)	1030						
Section III-Termination	Action											
17. Action to Terminal  18. Terminated A. D.	Mo este	Da Yr	Onitor		roperly	calib	rated	•				<del> </del>
		7/2004									····	<del> </del>
Section IV—Automated 5 19. Type of Inspection (activity code)		20. Event	Number	40539	992	21. Primar	y or Mill					
- (Marrier 1977)		6	4 -5	7				23.	AR Numbe	L	5	
MSHA Form 700U-3, Ms has established a Nation agency enforcement act enforcement actions of I however, that your right obtain a hearing before	nal Small Bus ions. The On ASHA, you make file a comm	iness and Agr nbudsman and ay call 1-888-I nent with the C	iculture Regu nually evaluat REG-FAIR (1- Ombudsman i	llatory Ombuds les enforcement -888-734-3247) is in addition to	t activities and ra , or write the Om any other rights :	ional Fairness tes each agen budemen at 5	Boards to Boards to Mad	receive comm raiveness to si ison Street, Si	ents from 6 malt busines site 1240. C	man busines is. If you wit hicago, Illino	ses about recent shito comment : is 60661. Plea	on the se note,

Section IV--Automated System Data

AAA

20. Event Number

19. Type of Inspection

(activity code)

MARA 1 2001

Mine Citation	n/Order				U.S. Dep Mine Safe	artmei	nt of L	abor h Adminis	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		2004	
Section I-Violation	n Dete				Will Can	cty and	rical	n Admini	รถสถบก	- V		
		2. Time (	24 Hr. C 10					3. Citation	n/ Number	70961	 06	_
				· · · · · · · · · · · · · · · · · · ·	5. Operator		VIDC			COMPAN		
					7. Mine ID				MING	COMPAN	Y	
						46-	0879	1			(Contract	or)
m1				lan is not						8a. Written	Notice (103a)	2127
dust is suspende	being o d in th t opera	generate ne air c ntors is	d by urre bei	ot being ments of the operation of the o	ting shut section	tle to t	cars he p	. Visi	ble visib	dust i	s of the	
								See C	ontinuation	Form (MSHA	Form 7000-3a)	
9. Violation A	Safety 7	B. Section of Act			C. Part/Section of Title 30 CFR			75.3	70(a)(1	)		
Section N-Inspecto				<del></del>	<i>ـــــــ</i>							
<ol> <li>Gravity:</li> <li>A. Injury or lilr</li> </ol>	ness (has) (is)	; No Likelih	ood [	Unlikely	Reasonably	Likely	$\mathbf{Z}$	Highly Llk	sty 🗌	Occurr	red 🗌	
B. Injury or illn	ness could rea expected to be		t Works	leys Lost	Workdays Or Restr	icted Du	ty 🗹	Perman	ently Disa	abling 🗀	Fatal 🗌	
C. Significant		-1.	· 🗹	No 🗌				D. Number	of Persor	ns Affected:	008	
11. Negligence (d	check one)	A. None	]	B. Low	C. Moderate	C	). High		E. Reck	dess Disrega	rd 🗌	
12. Type of Action	n 10	4(a)		13. Type of	Issuance (check or	ne)	C	itation 🗹	Orde	r 🗆	Safeguard	
14. Initial Action A. Citation	B. Order [	C. Safegu	erd 🗌	D. Written Notice [	E. Citation/ Order Nur	mber				F. Dated		
15. Area or Equip	oment											
16. Termination D	Due A. Da	te Mo Da 02/17/2		B. Time (24 Hr. Clo	ck) 1045	5						
Section III-Termina						. 1						
17. Action to Terr	w <del>i</del> nate Ma	tered t	he r	oadways to	control	the	dust	•				
18. Terminated	A Chata	Mo Da Yr 2/17/2004	B. Time	(24 Hr. Clock)	1045							

or the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration MSHA Form 7000-3, Mar 85 (nevised) In accordance with t or 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 500 W. Madison Street, Suite 1240, Chicago, Illinois 60661. 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. In accordance with t

4053992

21. Primary or Mill

en emilionales

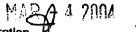
23. AR Number

Mine	Citat	ion/O	rder
	•		

AAA .

(activity code)

## II & Department of Labor





Willie Olivic	1011/01/02								nd Healt	h Admini	istration	1	
			2. Time (2	24 Hr. Ck				W.		3. Citatio	n/ Number	709610	7
			4	10_			5. Opera ANKE		T VIRO	SINIA M	INING	COMPAN	Y
6. Mine			5 17				7. Mine I	D 46	-0879	1		and the state of the state of	
SAGO MI						- <del></del>		40	-00/2	1			(Contractor)
8. Condition o			4.4						m220	204 F		8a. Written N	
													ed on the
													locking
devices						ore con	meccii	19 II	ngs.	(2) 1	mere	are no	TOCKING
										See	Continuatio	n Form (MSHA	Form 7000-3e) [
9. Violation	A. Health Safety Other	= .	B. Section of Act			C.	Part/Section Title 30 CFI				75.503		·
Section II-Inspe	ctor's Evelue	tion											
10. Gravity:	iliness (has	) (is):	No Likelih	ood 🗀	Unli	kely 🗸	Reason	ably Likely	y 🗆	Highly L	ikely 🗌	Occurr	ed [
B. Injury of	iliness coul be expected	d rea-	~	st Work			rkdays Or R	estricted (	Duty 🔽	Perm	anently Dis	sabling 🗌	Fatal 🗌
	ant and Sub		Ye	B []	No <b></b>					D. Numb	er of Pers	ons Affected:	001
11. Negligence	e (check on	2)	A. None	]	B. Low	] c.	Moderate [	<b>7</b>	D. High		E. Rec	kless Disrega	rd []
12. Type of Ac	tion	104	(a)		13	. Type of Iss	uance (chec	k one)		Citation 🗸	Ord	ler 🗌	Safeguard [
14. Initial Action		ter 🗌	C. Safegu	ard 📋	D. Written	Notice	E. Citatio Order	on/ Number				F. Dated	
15. Area or Ed	uipment												
16. Termination	on Due	A. Date	Mo Da 02/17/2		B. Time (2	4 Hr. Clock)	1:	500					
Section III-Ten	nination Actio	n											
17. Action to 7													
18. Terminate	A. Date		Da Yr	B. Tim	e (24 Hr. Cl	ock)							
Section IV-Aut		m Data						14 Deimon	or Mail				
19. Type of In	spection	AAA	20. Even	t Numbe	4	053992	12	21. Primar	y Or Mill				ه. معتاره

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 dederal 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 500 W. Medison Street, Suite 1240, Chicago, Itinois 60661. 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

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

A C	>

Continuation					Mine S	afety and Heal	th Administration	77	
Section I-Subsequent A	ction/Continuation Data							<del></del>	
Subsequent Action	1a. Continuation	2. Dated (Original Issue)	Mo 02/	Da 17/20	Yr 104	3. Citation/ Order Number	7096107-01		
4. Served To		<u> </u>			5. Opera	tor		<del></del>	<del></del>
Brad Hamrick					ANKE	R WEST VIRO	GINIA MINING COM	PANY	
6. Mine					7. Mine I	0 46 00 76		(Contractor)	
SAGO MINE						46-0879	01	•	
Section II-Justification to	or Action								

Locking devices are now provided for the battery lids and cable rings.

	Allinois obile comme	. 1000	and the second					See Continuation Form
Section III—Subsequent A	ction Take Mo	n Da	Yr I				C D Terminated	E. Modified
8. Extended To A. Da	te IVIO		24 E. Time (24	Hr, Clock)		C. Vacaged	D. Terrinated	T J C. Papulieu
Section IV-Inspection De	ta							
9. Type of Inspection	AAA		10. Event Number	4053992		•		
1. Signature	. ,	4	1	£ 63	12. Date	Mo Da Yr 02/18/2004	13. Time (24 Hr. Ck 0755	•

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

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## U.S. Department of Labor

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/ V /	

			Mine Safety and Hea	alth Administration	?			
Section I-Vi	olation Data							
1. Date	Mo Da Yr 02/1 <b>7/20</b> 04	2. Time (24 Hr. Clock) 1115	3. Citation/ Order Number 7096108					
4. Served To			5. Operator		-			
Brad Hamrick		ANKER WEST VIRGINIA MINING COMPANY						
6. Mine SAGO MINE			7. Mine ID 46-08791 (Contractor)					
8. Condition	or Practice			8a. Written Notice (103g)	-			
mmu 18	s not maint utilized f	powered scoop, seria ained in a permissib or the battery cable for the battery cove	ole condition. (1 e connecting ring	eing operated on the 001-0	)			

9. Violation	A. Health Safel Othe	y <u>⊽</u>	B. Section of Act				Part/Section of Title 30 CFR			5.503		Form <b>7000-3</b>	
Section II-Inspe	ctor's Evalu	etion											
<ol> <li>Gravity:</li> <li>A. Injury or</li> </ol>	lfiness (ha	IS) (is):	No Likelih	000d	Unlikely	<b>7</b>	Reasonably Li	ikely	Highly Llk	ety 🗍	Occurr	ed 🗍	
B. Injury or sonably	illness cou		No Los	st Workda			days Or Restrict	ed Duty 🗹	Perma	nently Disabl		Fatal []	
C. Significa			Ye		No 🗸				D. Number	of Persons	Affected:	001	
11. Negligence	(check o	<b>x</b> e)	A. None	]	B. Low 🔲	C. N	loderate 🗸	D. Higi		E. Reckle	sa Diarega	rd 🗌	
12. Type of Ac	tion	104(	a)		13. Typ	e of Issua	ince (check one)		Citation 🗹	Order		Safegu	ard 🗌
14. Initial Action A. Citation	n	rder 🔲	C. Safegu	ard 🗌	D. Written Noti	œ 🗌	E. Citation/ Order Numb	er		F.	Dated	Mo Da	Yr
16. Termination		A. Date	Mo Da 02/17/2		B. Time (24 Hr.	. Clock)	1500						
Section III—Term 17. Action to T		ion											
18. Terminated	A. Date	Мо	Da Yr	B. Time	(24 Hr. Clock)								
Section IV—Auto 19. Type of Ins (activity.co	spection	em Deta	20. Event	Number	4053	992	21. Prin	nary or Mill	T		م <del>ر</del> مرب	us. —i	-
	T		6			7			23.	AR Number	E	6	
MSHA Form 70	A1 - A2 A1	Omall Daw	inana and Aa	dance with	Routeton Combus	leman and	Business Regulat 10 Regional Faim and rates each a	ass Boards to	receive comm	ents from sm	all business	es about fede	mai

Mine Citation/Order Continuation			U.S. E Mine S	epartment of L	abor th Administration	AP 00 2004
Section i-Subsequent Action/Continuation Data					ar Administration	7
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 02/17/2	Yr 004	3. Citation/ Order Number	7096108 - 01	
4. Served To Brad Hamrick			5. Opera		GINIA MINING CO	MBANV
6. Mine SAGO MINE			7. Mine	46-0879		(Contractor)
Section IIJustification for Action			<del></del>			

Locking devices are now provided for the battery lids and cable rings

8, Extended To	A. Date Mo	Da Yr	B. Time (24 Hr. Clock)		C. Vacated	D. Terminated	E. Modified	
Section IV-Inspec	tion Dala							
9. Type of Inspe	iction AAA	10, 1	Event Number 4053992					
11. Signature	6		3 AR Number	12. Date	Mo Da Yr 02/18/2004	13. Time (24 Hr. Clo 0755	ick)	

## U.S. Department of Labor

MAR - 4004

			Mine Safety and	Mine Safety and Health Administration				
Section I-Vi	iolation Data							
1. Date	Mo Da Yr 02/17/2004	2. Time (24 Hr. Clock) 1055		3. Citation/ Order Number 7096	109			
4. Served T	Го		5. Operator	The state of the s				
Brad Hamrick		ANKER WEST	ANKER WEST VIRGINIA MINING COMPANY					
6. Mine SAGO MINE			T 4 81 100	7. Mine ID 46-08791				
0 0 490	D. 1L.			Se Writte	(Contractor) in Notice (103g)			
The Sa	S battery	powered scoop seria	al no. 488-1763	being operated on	the 001-0			

aintained in safe operating condition. The emergency stop switch (Panic Bar) can not be operated to de-energize the system. The panic bar will bottom out and not work. The automatic emergency parking brake is also supposed to be activated by the emergency stop/panic bar but will not set either.

Mine management removed the machine from service

						See Co	ntinuation Form (MSHA	Form 7000-3	(e) [
9. Violation A	A. Health ☐ Safety ✔ Other ☐	B. Section of Act		C. Part/Section of Title 30 CFR		75.1	725(a)		
Section II—Inspecto	or's Evaluation								·
10. Gravity:					==		_		
	ness (has) (is):	No Likelihood	Unlikely 🗍	Reasonably	Likely 🗸	Highly Like	у 🗌 Оссыт		
	ness could rea- expected to be:	No Lost Worl	cdays Lost	Workdays Or Restri	cted Duty 🗹	Permane	ently Disabling	Fatal 🔲	
C. Significant	and Substantial:	Yes 🗹	No 🗌			D. Number	of Persons Affected:	001	
11. Negligence (d	check one)	A. None	B. Low	C. Moderate 🗹	D. H <b>igh</b>		E. Recidess Disrega	rd 🗍	
12. Type of Actio	n 104	(a)	13. Type of	Issuance (check on	e) .	Citation 🗹	Order 🗌	Safegua	ard 🗌
14. Initial Action A. Citation	B. Order	C. Safeguard	D. Written Notice	E. Citation/ Order Num	nber		F. Dated	Mo Da	Yr
16. Termination D	Due A. Date	Mo Da Yr 02/17/2004	B. Time (24 Hr. Cloc	*) 1400		<del>,</del>		p. — <del> </del>	<del>                                     </del>
Section III-Termina	etion Action							F '	
17. Action to Ten	minate								4
18, Terminated	A. Date Mo	Da Yr B. Tim	e (24 Hr. Clock)						
Section IVAutoma	ated System Data								
19. Type of Inspe , (activity code)		20. Event Number	405399	2 21. Pi	nimary or Mill				
22, Signature		6		د			R Number	6	7
MSHA Form 7000-	>> 3, Mar 85 (revised	) In accordance w	ith the provisions or the S	mail Business Regul	atory Enforceme	nt Fairness Act	of 1996, the Small Busin	sess Administ	retion

has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small business 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 Ombudemen at 500 W. Madison Street, Sulte 1240, Chicago, Illinois 60651. 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 cliations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.



## Mine Citation/Order Continuation

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





			7			
Section I-Subsequent Action/Continuation Dat	a					E
1. Subsequent Action 1a. Continuation	Dated Mo     (Original Issue) 02/1:	Da Yr 3 7/2004	Citation/ Order Number	7096109 - 01		
4. Served To		5. Operator				_
Brad Hamrick		ANKER	<b>WEST VIRG</b>	INIA MINING CO	MPANY	
6. Mine		7. Mine ID		_	(Contractor)	
SAGO MINE		22317AF N	46-0879	l		
Section II—Justification for Action						

The scoop is now maintained in a safe operating condition.

	See Continuation Form
Section III—Subsequent Action Taken	
B. Extended To A. Date Mo Da Yr B. Time (24 Hr, Clock)	E. Modified
Section IV-Inspection Date	
9. Type of Inspection AAA 10. Event Number 4053992	
11. Signature . AR Number 12. Date Mo Da Yr 13. Time (24 Hr. C	
MSHA Form 7000-3a, Mir 85 (revised)	

#### Minc\_Citation/Order

U.S. Department of Labor

MAR - 4 2004



Mille Safety and Health Administration	
	_
3. Citation/ Order Number 7096110	
5. Operator	
ANKER WEST VIRGINIA MINING COMPANY	_
7. Mine ID 46-08791 (Contractor)	)
	3. Citation/ 7096110 5. Operator ANKER WEST VIRGINIA MINING COMPANY

Line brattice is not being maintained to within 10' of the deepest point of penetration of the face in the cross cut of 3 to 4 on the 001-0 mmu. The mine roof of the cross cut is bolted to plan. The existing line brattice is a measured distance of 30' back from the face. No ch4 detected.

						See Conti	nuation For	n (MSHA Form	7000-3a) [
, Violation	A. Health Safety 🗸 Other	B. Section of Act		C. Part/Section of Title 30 CFR		75.370	(a)(1)	٠.	
ection II—Inspe	ector's Evaluation								
<ol> <li>Gravity:</li> <li>A. Injury or</li> </ol>	Iliness (has) (is):	No Likelihood	Untikely 🗸	Reasonably Like	<b>y</b> 🗆	Highly Likely		Occurred [	1
	iliness could rea- be expected to be:	No Lost V	Vorkdays Lost	Workdays Or Restricted		Permanent		· · · · · · · ·	tai 🗌
C. Significa	ant and Substantia	l: Yes [	] No ₩			). Number of	Persons A	nected: (	001
1. Negligeno	e (check one)	A. None	B. Low 🗌	C. Moderate	D. High	-	POR ROOM	Disregard [	
2. Type of A	ction 104	(a)	13. Type of	Issuance (check one)	Cita	ation 🗹	Order _		Safeguard [
4. Initial Acti A. Citation	on	C. Safeguard	D. Written Notice	E. Citation/ Order Number			F. D	ated	
6. Terminati	on Due A. Da	Mo Da Yr 02/18/200	B. Time (24 Hr. Ck	ock) 0755					
Section III-Ter	mination Action					- 101	of th	o face	
17. Action to	ed . n N	to Da Vr	brattice was	0800					
Section N-Au	tomated System Dat								
19. Type of I	nspection	20. Event N	umber 40539	97 21. Prims	ary or Mill				
22. Signature		6	1			0.000	Number	L 6	Administration
MSHA Form 7	000-3, Mar 8o (revis	Conhudeman anni	non was the provisions of the ulture Regulatory Ombudsmally evaluates enforcement EG-FAIR (1-888-734-3247), nbudsman is in addition to a shealth Payiew Commission.	activities and rates each ag	ency's respons	iveness to sma	III business.	If you wish to o	omment on t 661. Please

1. Date	Mo Da Yr 02/19/2004	2. Time (24 Hr. Clock) 0715				3. Citation/ Order Number	709611	1	
4. Served To	02/17/2004	0713		5. Operator		Contract Contract			
Jeff Simmo	ns				VEST VIRG	INIA MINING	COMPANY	7	
6. Mine				7. Mine ID	46-0879				
SAGO MI	NE				40-06/9			(Contra	ctor)
8. Condition of							8a, Written No		
The app	roved vent	ilation plan	is not be	ing cor	mplied w	ith on the	001-0	mmu. 7	ľhe
approve	d ventilat	ion plan req	uires that	the ve	entilati	ng line br	attice	be	
maintai	ned to wit	hin 10' of t	he point o	f deep	est pene	tration of	the fa	ces. 1	ľhe
no. 3 a	and 4 place	s are fully	roof bolte	d to pl	lan and	the line b	rattice	is a	
measure	d distance	from the fa	ces of 36'	in no.	.3 place	and 20' i	n no.4	place.	•
Conditi	on was lei	t by midnigh	t shift as	inspec	ctor arr	ived on se	ction w	ith th	ne
day shi	ft crew. F	similar con	dition was	cited	by this	inspector	on 2/1	8/2004	4
citatio	n no. 7096	110. The req	uirement o	i the	ventilat	ion pian w	as disc	ussea	at
_	with mine	management a	t that tim	e. No	cn4 was	detected 1	n any o	or the	
faces.									
						See Continuation	on Form (MSHA I	Form 7000-3	a) 🗍
9. Violation	A. Health	B. Section	I C. P.	art/Section of					
S. Violation	Safety 🗸	of Act	Tr	tle 30 CFR		75.370(a)(	1)		
	Other _								
Section II—Inspe	ctor's Evaluation								
		No Likelihood	Unlikely 🗹	Reasonably	Likely	Highly Likely	Occ		
B Injury or	ilness could rea-					Darmonorth: Dia	abba 🗆	Fatal 🗌	
	be expected to be:	No Lost Workdays	Lost Workd	lays Or Restri	cted Duty (V)	Permanently Dis		Larai [	
C. Significa	ent and Substantial:	Yes 🗌 No	<b>7</b>			D. Number of Person	ons Affected:	001	
11. Negligence	e (check one)			oderate [	D. High	E. Rec	kless Disregar	d 🗌	
12. Type of Ac	tion 104(a	)	13. Type of Issuar	nce (check on	e) C	itation 🗹 Ord	ler 🗌	Safegua	ard 🗌
14. Initial Actio		C. Safeguard D. W	ritten Notice	E. Citation/ Order Num	nber		F. Dated	Mo Da	Yr
A. Citation		C. Salegoard D. T.							
15. Area or Ec	julpment								
									-
16. Terminatio	n Due A. Date	Mo Da Yr	me (24 Hr. Clock)	0730					
		02/19/2004							
Section III-Terr	nination Action	faces were	properly	rentila	ted and	the requi:	rement	of the	:
17. Action to 7	lerminate BOTI	was reviewed	broberry .	midnia	ht shift	foreman.			
ventila	ition plan	was reviewed	WICH CHE	madning					
18. Terminate	" A Data	Da Yr B. Time (24 H	Ir. Clock) (	0730					
	02/1	9/2004							
	ometed System Data	122 2		[21 P	rimary or Mill	$\neg \neg$			
19. Type of In		20. Event Number	4053992			Im an w			-
22. Signature	1	,	7			23. AR Num		6	ل
MSHA Form 70	000-3 Mer 85 (revised)	in accorda	rovisions of the Small	Business Regu	latory Enforcemen	t Fairness Act of 1996	, the Small Business	es about fede	vial
has established	a National Small Busi	ness and Agriculture Regula	tory Ombudsman and	10 regional ra	III NOCE DOGINGO IO I	absence to ample bush	nace K was wish	to comment	on the
enforcement as	ctions of MSHA, you ma	budemen annually evaluates y call 1-888-REG-FAIR (1-8 ent with the Ombudemen is	38-734-3247), or write	the Ombudsma	n at 500 W. Madi have including t	son Street, Suite 1240, he right to contest citat	, unicago, minom tions and propos	ed penaities :	and
L Mand to	over eight to file a comm	ent with the Ombudsman is in the Safety and Health Review	III BUULKON IO BIN ON IO	1-griso you may		•		-	

## U.S. Department of Labor 12 MAK Wine Safety and Health Administration

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			Mine Safety and H	ealth Administration		<b>\</b> //
Section I-Vi	olation Data				-	
1. Date	Mo Da Yr 02/24/2004	2. Time (24 Hr. Clock) 1550		3. Citation/ Order Number	7096004	
4. Served T Sam. Hol	· <del>-</del>		5. Operator ANKER WEST V	IRGINIA MINING	COMPANY	
6. Mine. SAGO M	AINE		7. Mine ID 46-08	3791		(Contractor)
8. Condition	n or Practice				8a. Written Not	ice (103g)
	The windshi	old winers on the	Incorpoll Band fo			

The windshield wipers on the Ingersoll Rand fork lift VR-636B serial number 173354 failed to operate when tested. The parts will have to be ordered for repairs on this machine.

					See Continu	uation Form (MSH)	A Form 7000-3a)
9. Violation A. Health Safel Othe	y√Z of Act		C. Part/Section of Title 30 CFR		77.404	(a)	
Section II-Inspector's Even	ation						
10. Gravity:				_		_	_
A. Injury or Illness.(ha	is) (is): No Likeliho	od 🔲 Unlikely 🗹	Reasonably Likel	y LJ	Highly Likely [	Occur	red 🔲
B. Injury or illness con sonably be expected		Workdaya Lost	Workdays Or Restricted	Duty, 🔽	Permanently	Disabling [	Fatal 🗌
C. Significant and Su	bstantial: Yes	No. <b>2</b> /			D. Number of P	ersons Affected:	. 001
11. Negligence (check or	ne) A. None 🗌	B. Low 🗌	C. Moderate 🔽	D. High	☐ E.i	Reckless Disrega	ard []
12. Type of Action	104(a)	13. Type of	Issuance (check one)	C	citation 🗹	Order 🗌	Safeguard [
14. Initial Action A. Citation B. O	nder C. Safegua	d [ D. Written Notice [	E. Citation/ Order Number			F. Dated	
15. Termination Due	A. Date Mo Da 1	I H. Time (24 Ht Clev	ak) 0800	1			
Section III-Termination Act	ion						
17. Action to Terminate							,
18. Terminated A. Dark	MoDa Yr	3. Time (24 Hr. Clock)					
Section N-Automated Syst	ngm Darta						
19. Type of inspection (activity code)	AAA	fumber 405399	2 - 21. Primer	y or Mill			
22. Signature	6	1			23. AR N		67

MSHA Form 7000 J. May 85 (revised) In accordance will the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established adverticated Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small business about federal agency enforcements. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement addition of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at 500 W. Mediaon Street, Suite 1240, Chicago, Blinois 60661. 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 Hagith Review Commission.

ec sx 2-24-04

Mi	ne-C	itation/0	)rder
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U.S. Department of Labor

1 2 MAK 2004

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Continuation				Mine S	<b>\\</b>		
Section I-Subsequent A	ction/Continuation Data						
1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)	Mo Da 02/24/2		3. Citation/ Order Number	7096004 - 01	
4. Sensed T.o.				5. Opera			
Brad Hamrick				ANKE	r west virc	GINIA MINING COMPANY	
6. Mine			***	7. Mine f	46.0070	(Contrac	ctor)
SAGO MINE					46-0879	/1	
Section II - Justification to	or Action						

Terminated due to the windshield wipers being repaired and made operable.

				See Continuation Form
Section III-Subsequent Ac 8: Extended To A. Dat	Mo De	Yr B. Time (24.Hr. Clock)	C. Vacated	☑ D. Terminaled ☐ E. Modified
Section IV-Inspection Dat	а	10. Event Number 4053992		there is
9. Type of Inspection	AAA	4033772		13. Time (24 Hr. Clock)
11. Signatura	6	]   AR[6]   12. Date	Mo Da Yr 03/04/2004	0758

MSHA FORTH MUNDA, made on themself)

CCBH 3-04-04

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

MAR	20611

Section IViolation Data							
2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	2. Time (24 Hr. C	-			3. Citation/ Order Num	714727	73
			5. Operator ANKER WEST	VIRGI	NIA MINI	NG COMPAN	Y
6. Mine SAGO MINE		•	7. Mine ID 46-	08791			(Contractor)
8. Condition or Practice						8a. Written N	(Contractor)
The approved Mi	ne Ventile	1/3h-12 30 - 1	TE 3 Was no	r boi	DØ COMY		
Mains section,							
located in the							
minute of air m							
When measured w							
cubic feet per			<del></del>		-		
above the coal							
coal seam. Visi							
5 entry to the							
in the number 3							
dust sample tak				ions,	the ir	itake and	return
side roof bolte	rs were abo	ve the 2.0 s	standard,		254853.258993		200000202000000000000000000000000000000
	12-2				See Contin	nuation Form (MSHA	Form 7000-3a)
9. Violation A. Health  Safety  Other	B. Section of Act		Part/Section of Title 30 CFR		75.370	(a)(1)	
Section II—Inspector's Evaluation						257	THE RESERVE
10. Gravity:							
A. Injury or Illness (has) (is):	No Likelihood 🔲	Unlikely [	Reasonably Likely	<b>2</b>	Highly Likely	Occurr	ed 🔲
B. Injury or illness could rea- sonably be expected to be	Mail and March	days Lost Wor	kdays Or Restricted Du	ty 🗌	Permanenti	y Disabling 🗸	Fatal [
C. Significant and Substantia	al: Yes 🗹	No 🗆		0	. Number of P	Persons Affected:	002
11. Negligence (check one)	A. None	B. Low C. N	Moderate ☑ D	). High	] E.	Reckless Disregar	d 🗆
12. Type of Action 104	4(a)	13. Type of Issu	ance (check one)	Cita	tion 🔽	Order	Safeguard
14. Initial Action A. Citation B. Order	C. Safeguard	D. Written Notice	E. Citation/ Order Number			F. Dated	Mo Da Yr
15. Area or Equipment							
16. Termination Due A. Da	Mo Da Yr	B. Time (24 Hr. Clock)	1015				
	03/02/2004						
Section III—Termination Action							
		on controls					
5015 CFM and bo	-	ors were rem	oved from t	he re	turn si	de of the	e miner
by the operator	•						
I A Date	lo Da Yr 3/02/2004 B. Time	e (24 Hr. Clock)	1013				
Section IV-Automated System Det							
19. Type of Inspection (activity code) CEI	20. Event Number	4076757	21. Primary or	Mili			
22.					23. AR N	umber	

MSHA Form 7000-3, Mar 85 (revised) In accordance withome provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business and Agriculture Regulatory Ombudaman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudaman annually evaluates enforcement activities and rates each agency's responsiveness to small businesses. 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 Ombudaman at 500 W. Madison Street, Suite 1240, Chicago, Illinois 60661. 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 penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

U.S. Department of Labor

0 2 MAR 2004 20 MAR

				Mine Safety	and Health	Administ	ration That Zee	4 💖
Section I-Vio.*				NEW YORK				
1. Date	Mo Da Yr 03/02/2004	2. Time (24 Hr. Clock) 1000		- 4		3. Citation/ Order Nu	<sub>imber</sub> 71472	72
4. Served To				5. Operator				
	emple-Safety Dir	rector		ANKER WI	EST VIRGI	NIA MIN	ING COMPAN	ΙΥ
6. Mine	<b>N</b> TC			7. Mine ID	46-08791			
8. Condition o							Sa Mrittan	(Contractor) Notice (103g)
		Ventilation Plan,	nag	е 2 мае	not boi	na dom		
Mains anumber working current from the last or road ra	section, 00 5 entry di g. The total cly cutting ne binder i ben crosscuanger roofh	ol-0 MMU. The Joy 14 id not have the minimal number working was 18 inches of stone inherently in the court from the number toolter was bolting in	4CM1 imum ater e ab oal 5 en in t	5 contin number sprays ove the seam. Vi try to t he numbe	uous mi of work were 19 coal an sible d he numb er 3 ent	ner lo ing wa . The .d 6 to lust wa er 3 e ry on	sected in section i 8 inches s observe entry. The the retur	the s (30) s of stone d in the Fletcher n side of
the mir	ner. For th	ne last respirable o	dust	sample	taken 0	2-19-2	004 by MS	HA, two
occupat standar		intake and return s	side	roof bo	lters w		ove the 2	
9. Violation	A. Health 🗸 Safety 🗸	B. Section of Act		art/Section of le 30 CFR			0(a)(1)	
	Other 🗍	3.7.6.	'"	<b>2</b> 30 01 K		15.51	U(a)(1)	
Section IIInsp	ector's Evaluation							
10. Gravity:							· <del></del>	
	r Illness (has) (is):	No Likelihood Unlikely		Reasonably Like	ety 🗹 🕴	Highly Likely	Occur	red 🗌
	r illness could rea- be expected to be:	No Lost Workdays 🗌 Lost	Workda	ays Or Restricted	i Duty 🗌	Permanen	tty Disabling 🗸	Fatal 🗌
	ant and Substantial:	Yes ☑ No 🗌			D	. Number of	Persons Affected:	002
11. Negligeno	e (check one)	A. None B. Low	C. Mo	derate 🗹	D. High	] <b>E</b>	. Reckless Disrega	rd 🗌
12. Type of A	ction 104(a	13. Type of	fIssuan	ce (check one)	Cita	tion 🗹	Order	Safeguard
14. Initial Action  A. Citation	***	C. Safeguard D. Written Notice [		E. Citation/ Order Number			F. Dated	Mo Da Yr
15. Area or Ed		Mo Da Yr R Time (24 Hr Clo	ndr)	1020	T			
		03/02/2004 B. Time (24 Hr. Clo	CK)	1030				
Section IIITen			,	1 41 - 1	7.4			
	ne return s	sprays were cleaned side of the miner by				erator	s were re	.novea
18. Terminate	A. Date 03/02	2/2004 B. Time (24 Hr. Clock)	10	30				
	omated System Data							
19. Type of In (activity co		20: Event Number 407675	7	21. Primar	y or Mill			
22. Signa		6	1			23. AR	Number -	

In accordance water are provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Snall 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 500 W. Madison Street, Suite 1240, Chicago, Itlinois 60661. 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.

Jul 3.15.2004

stant Materiae Date

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

RRI (

SHICTION I—VIOLATION D	BIN												
	o Da Yr /02/2004	2. Time (2-	4 Hr. Cloc 1020		T				3. Citati Orde	on/ r Number	71472	74	
4. Served To	ULI LUUT		1020		5.	Operator							
Johnnie Stempl	e-Safety D	irector				ANKER WEST VIRGINIA MINING COMPANY							
6. Mine				k	7.	Mine ID	46-	0879	1			(C	ontractor)
SAGO MINE	ation .										8a. Written		
3. Condition or Prac		The state of the state of	****	on Plan, ]	nerda	2 1/2 1	e no	t no	ina a	Comp			
Mains sec number 5 maintaine the time. brattice	tion, 0 entry d d behin When m was 543	001-0 MI lid not id the i neasure 34 cubi	MU. T have line d wit c fee	he Joy 140 a minimum brattice. h a calibate per min	CM15 m of The rate ute.	cont: 5880 cont: d aner The	inuo cub inuo mome sect	us m ic f us m ter ion	iner eet p inere the a is cu	loca er m was ir b irren	ted in inute o in ope ehind t tly cut	the of ai erati the l ting	r on at ine
inches of	stone	above '	the c	oal and 6	to	8 inc	nes	OI S	tone	LIOIII	tue pr	naer	
inherentl	y in th	e coal	seam	. Visible	dus	t was	obs	erve	d in	the	last of	en road	
crosscut	irom th	ie numb	er 5	entry to ng in the	tne i	number	r s	entr	y. III	e ri	urn eic	ioau Re of	the
ranger ro	olbotte	er was	poiti	ng in the ble dust	nun amp	per. 2	ban ban	17 U	9-200	14 hv	MSHA.	two	CIIC
miner. Fo	r cue l	ast re	o suy	l return s	i de	roof	VC11	V4-1	J 200	. z Dy	1.Om	2440	
occupatio	ns, the	HILLAN	e and	recurn s	IUC	1001			See	Continual	tion Form (MSH	A Form 70	000-3a) 🗹
9. Violation A.	Health 🗸 Safety 🗸 Other	B. Section of Act				Section of 30 CFR	-		75	.370(a)	(1)		
Section II—Inspector's		L											
10. Gravity:								_					
A. Injury or Illne		No Likelih	ood 🗌	Unlikely	· F	Reasonably	Likely	✓	Highly L	licely	Occu	rred 🗌	
B. Injury or illne sonably be ex	ss could rea- expected to be:	No Los	t Workda	ys Lost \	Vorkday	s Or Restri	icted Du	ıty 🗌	Perm	anently D	isabling 🗸	Fata	
C. Significant a			₩	No 🗌					D. Numb	er of Pers	sons Affected	00	2
11. Negligence (ch	eck one)	A. None	]	B. Low [	C. Mode	erate 🗹		D. H <b>igh</b>		E. Re	ckless Disreg	ard 🗌	
12. Type of Action	104	(a)		13. Type of	Issuance	e (check on	ne)	С	itation 🗹	Or	der 🗌	Sai	eguard 🗌
14. Initial Action A. Citation	B. Order	C. Safegua	ard 🔲 I	D. Written Notice		Citation/ Order Nun	nber				F. Dated	Mo	Da Yr
15. Area or Equipm	nent												
16. Termination Du	A. Date	Mo Da 03/02/20		B. Time (24 Hr. Cloc	*)	1030							
Section III-Terminat	ion Action					-							+
17. Action to Termi	inate The	e venti	latio	n control	s we	ere ad	just	ea,	air v	vas m	aintair	leu a	iner
			perat	ors were	remo	ved I	rom	the	retui	cn si	ge or	cne n	THET
by the op	erator	•											
	1. Date 03/	o Da Yr /02/2004	B. Time	(24 Hr. Clock)	103	30							
Section IV-Automate						104 5		- 147					
19. Type of Inspectivity code)	tion CED	20. Event	Number	407675	7	121. Pi	rimary o	T MAR				_	
22. Sigr		6							L	. AR Nun		6	J
	, Mai, 80 (neviso	_		the provisions or the		ss Recui	latory En	forcemen	t Fairness /	Act of 1996	5, the Small But	siness Adr	nothertainen

MSHA Form 7000-3, Mai, 80 (revised) In accordance, byth the provisions of the Shaar business regulatory of the Shaar business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small business about federal agency enforcement 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 500 W. Madison Street, Suite 1240, Chicago, Illinois. 60661. 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

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

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1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo 03/0	Da Yr 2/2004	3. Citation/ Order Number	7147274	
4. Served To			5. O	perator		
Johnnie Stemple-Safety Director			AN	KER WEST VIRO	INIA MINING COM	IPANY
6. Mine			7. Mi	ne ID	_	(Contractor)
SAGO MINE			- 1	46-08791		
Section II—Justification for Action						

Condition of 8. Condition or Practice
bolters were above the 2.0 standard,

S. H. III S. h.							See Continuation Form
8. Extended To		Da Yr	B. Time (24 Hr. Clock)		C. Vacated	D. Terminated	E. Modified
Section IV-Inspec 9. Type of Inspe		_ 110.1	Event Number 4076757				
	6	•	AR Number	12. Date	Mo Da Yr 03/02/2004	13 Time (24 Hr. Cl 1020	-

	<b>A</b>
Alina	Citation/Order
IMIIIE	

U.S. Department of Labor

22	APR	2004	TARA (6)
ation			<b>\\\</b>

				Mine Safety	and Health	Administrati	on	
ection I-Violati	ion Data							
I. Date	Mg Da Yr 04/08/2004	2. Time (24 Hr. C 08		4		3. Citation/ Order Number	714764	1
				5. Operator		NIVA NATATINI	C COMMAND	7
Johnny Ster	mple						G COMPANY	
Mine	ATE:			7. Mine ID	46-08791			(Contractor)
SAGO MIT							8a. Written N	
operato concent miner o which e April 0 the lev operato dust sa	r for the ration of perator, of exceeds the 6, 2004). The formal of respondent to the formal of the	March-Apr respirable designated e applicab The oper pirable du en sample collected rtaory in be made a	five validerial 2004 bi-ne dust in the locupation (ble standard rator shall the standard rator shall the standard rator shall the standard rator shall the stand submitted and submitted rator shall the stand submitted rator shall the standard rator shall the standard rator shall the standard rator shall be standard rator shall be standard rator shall be	monthly s ne workin 036-0, on of 2.0 m take imme orking en tion shift ted to th Pennsylv all pers	ampling g enviro the 001 g/m3 (Ac diate co vironmer t until e MSHA H ania. A	cycle, tonment of L-0 MMU in divisory to continue to the five value approved cing in the secontinue secontinue secontinue to continue secontinue to continue to co	the avera f the con is 2.780 Number 00 e action e continu lid resir le Dust respirat the affect	ge tinous mg/m3, 18 dated to lower os miner able ory ted area
	Safety Other	of Act		Title 30 CFR		70.100	(a) —	
	ector's Evaluation							
10. Gravity:  A Injury of	r Illness (has) (is):	No Likelihood	Unlikely	Reasonably L	ikely 🗸	Highly Likely	Occurre	xd 🗍
B. Injury or	r illness could rea- be expected to be:	No Lost Work	days Lost Wo	rkdays Or Restrict	ed Duty	Permanently	Disabling 🗹	Fatal [
	ant and Substantial:	Yes 🗹	No 🗌			D. Number of Pe	ersons Affected:	002
11. Negligeno	e (check one)	A. None	B. Low C.	Moderate 🗹	D. High		Reckless Disregar	
12. Type of A	ction 104(a	a)	13. Type of Iss	uance (check one)	Cit	tation 🗹 (	Order 🗌	Safeguard _
14. Initial Acti A. Citation		C. Safeguard	D. Written Notice	E. Citation/ Order Numb	per		F. Dated	Mo Da Yr
15. Area or E		Mo Da Yr	B. Time (24 Hr. Clock)	0800				
		04/12/2004						
	mination Action							
17. Action to								
18. Terminat	A. Date	Da Yr B. Tim	e (24 Hr. Clock)					
	tomated System Deta	Im Franklingt		21. Pri	mary or Mill			
19. Type of I	nspection / CED	20. Event Number	4077181			23. AR N	umber	17
22. Signature	e	6						6]

MSHA Form 700u-y; war & (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 agency enforcement actions. The Ombudaman 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 Ombudaman at 500 W. Madison Street, Suite 1240, Chicago, Illinois 60661. Please note, enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudaman at 500 W. Madison Street, Suite 1240, Chicago, Illinois 60661. Please note, those were, 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 penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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#### Mine Citation/Order Continuation

Mine Safety and Health Administration 2 2 APR 200 U.S. Department of Labor

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Subsequent Action 1a. Continuation	2. Dated Mo (Original Issue) 04/0	Da Yr 08/2004	3. Citation/ Order Number 7147641	- 01	
4. Served To		5. Oper		SWESTGRAFFACE	
Johnny Stemple			ANKER WEST VIRGINIA MINING COMPANY		
6. Mine SAGO MINE			7. Mine ID 46-08791 (Contractor)		

Additional time is granted to allow the operator to make the following adjustments: (1) Install 2 blocks of 4 No.3 Fan type 65 @ 9.6 GPM which will raise the gallons per minute across the miner cutting head from 24 to 27.2 GPM. (2) Record a weekly full traverse pitot tube reading (3) The continuous miner operators will be retrained on page 9 part 3 of the ventilation plan concerning the cleaning of the scrubber duct work once a shift. Sampling will begin on the afternoon shift on 04/15/2004 and continue until five valid samples are collected.

		Section .			See Continuation Form
Section IIISubsequent Action Taken					
8. Extended To A. Date Mo Da Yr 04/19/2004 B. Ti	ime (24 Hr. Clock)	1600	C. Vacated	D. Terminated	☐ E. Modified
Section IVInspection Data					
9. Type of Inspection CED 10. Event 1	Number 4077181		j j	The Market State of the State o	e <u>rang e trifu</u> ller.
11. Sign - ur. 6	AR Number	12, Date	Mo Da Yr 04/12/2004	13. Time (24 Hr. Cl 0705	ock)

Mine	Citation/Order
Canti	nuntion

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

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		<b>&gt;&gt;</b>	
	1	W	

Continuation Mine Safety a					fety and Health Administr	ation	<b>(*)</b>
Section I-Subsequent Ad							
Subsequent Action	1a. Continuation	2. Dated (Original Issue)	Mo Da 04/08/20		3. Citation/ Order Number 714764	1 - 02	
4. Served To				5. Operato	or		
Johnny Stemple				ANKER	WEST VIRGINIA MIN	ING COMPANY	
6. Mine				7. Mine ID		(Contractor)	
SAGO MINE	A STATE OF THE STA				46-08791	, (σσιπασισι)	
Section It-Justification for	Action		Constitution.	: : : : : : : : : : : : : : : : :	Constitution of the consti	Tradesidence - Little -	

Based on the results of five valid samples submitted by the operator, the average concentration of respirable dust in the working environment of the continuous miner operator (designated occupation 036-0) on the 001-0 MMU is 1.417~mg/m3 which is less than the applicable standard of 2.0~mg/m3.

Section III-Subsequent Action Taken			See Continuation Form
8. Extended To A. Date Mo Da Yr B. Time (24 Hr.	Clock) C	. Vacated	E. Modified
Section (VInspection Data			
9. Type of Inspection CED 10. Event Number	4077181		
11. Signature 6	Number 12. Date Mo D. 04/2	a Yr 13. Time (24 Hr. C	=
MSHA Form 7000-3a, Mar 85 (revised)		Jul	A

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## ILS Department of Labor

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mino Onati	0111011			Mine Safety			ration	<b>((2))</b>
Section I-Viola	tion Data							a ( ) ( ) ( ) ( )
1. Date	Mo Da Yr 04/08/2004	2. Time (24 Hr. Ck 095				3. Citation/ Order No	/ 1 / 1 / 15/	<b>l</b> 2
4. Served To				5. Operator				
Johnny Ste	mple		1-1-1		EST VIRG	INIA MIN	ING COMPAN	Y
6. Mine SAGO MI	NE.			7. Mine ID	46-0879	1		(Contractor)
8. Condition o		<del></del>				<u></u>	8a. Written	Notice (103g)
have th	ne require	ed 240 lbs.	of rock of	ed 2 blocks dust and a p nly 150 lbs.	ortabl	e fire	extinguis	ner.
9. Violation	A. Health Safety V	B. Section of Act		C. Part/Section of Title 30 CFR			ntinuation Form (MSHA 0-2(c)(2)	Form 7000-3a)
Section II-Insp	ector's Evaluation							
10. Gravity:	- 18 (han) (in).	No Likelihaad	Unlikely 🗹	Reasonably Li	kelv 🗆	Highly Likely	v 🗍 Occum	red 🗀
	r Illness (has) (is): r illness could rea-	No Likelihood	<del></del>				<u> </u>	Fatal [
sonably	be expected to be:	No Lost Works	ays Lost	Workdays Or Restricte	ed Duity 🗹		ntty Disabling of Persons Affected:	
C. Signific	ant and Substantia	Yes 🗌	No 🗹			D. 110		001
11. Negligeno	e (check one)	A. None	B. Low	C. Moderate	D. H <b>igh</b>		E. Reckless Disrega	- Ma
12. Type of A	ction 104	(a)	13. Type of	(Issuance (check one)	C	itation 🗹	Order 🗌	Safeguard [
14. Initial Acti A. Citation		C. Safeguard	D. Written Notice	E. Citation/ Order Number	r .		F. Dated	
15. Area or E	quipment							
16. Terminati	on Due A. Dat	e Mo Da Yr 04/08/2004	B. Time (24 Hr. Ck	ock) 1000				
Section III-Ter	mination Action			7.7 C		and a f	ire extino	nisher
17. Action to being ]		rminated du the statio		lbs of rock	aust a	and a r		dibilei
18. Terminate	A Date	o Da Yr /08/2004 B. Time	(24 Hr. Clock)	1000				
Section IV-Au 19. Type of Ir	nspection	20. Event Number	407718	R1 21. Prin	nary or Mill			
(activity o	ode) /EI	7	407711			23 A	R Number	1 00
22. Signature		6	7			20, A		6

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudaman and 10 Regional Fairness Boards to receive comments from small businesses about lederal significance in the significance of the Combudaman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement activities of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudaman at 500 W. Madison Street, Suite 1240, Chicago, Minois 60661. Please note, including the right to contest citations and proposed penalties and 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 penalties and

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Polir	18	Cit	al	lioi	n/C	nr.	ter

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

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Section IVi	olation Duta				
1. Date	Mo Da Yr 04/08/2004	2. Time (24 Hr. Clock) 1200		3. Citation/ Order Number 714	7643
4. Served To			5. Operator		
Johnny Stemple			ANKER WEST V	TRGINIA MINING COME	ANY
6. Mine			7. Mine ID 46-08	2701	
SAGO N	MINE		40-00	)/ <del>/</del> 1	(Contractor)
8 Condition	n or Practice			8a Wr	itten Notice (103a)

The currently approved mine ventilation plan is not being complied with on the Mains section - 001-0 MMU. When a full traverse scrubber reading was taken to ensure the efficiency of the scrubber there was only 4595 CFM calculated, the ventilation plan requires a minimum of 6000 CFM. (page 6a Approved March 15, 2004) This section and MMU is out of compliance for exceeding the 2.0mg/m3 standard of respirable dust (see citation 7147641 / 2.780mg/m3)

								See C	Continuation	Form (MSH/	A Form 7000-3e)
9. Violation	A. Health Safety Other			C	. Part/Section Title 30 CFR	of		75.3	370(a)(1	)	
Section II-Insp	ctor's Evalue	tion									
10. Gravity:								17_4.4.1 H.	- <b>.</b> . —	000	red [
	Illness (has		elihood []	Unlikely 🔲	Reasonat	Ny Likely	<u> </u>	Highly Llk	<del>оу</del>		
	illness coul be expected		Lost Workday	Lost Wo	rkdays Or Res	tricted Du			nently Dis		Fatal _
C. Signific	ant and Sub	stantial:	Yes 🗹 N	lo 🗌				). Number	r of Perso	ns Affected:	001
11. Negligeno	e (check on	A. Non	e [] B	. Low 🗌 C	Moderate 🗹	t	D. High	]	E, Reci	dess Disreg	ard 🗌
12. Type of A	ction	104(a)		13. Type of Iss	uance (check	one)	Cit	ation 🗹	Orde	<b>*</b> 🗆	Safeguard
14. Initial Acti A. Citation	··	der ∏ C.Saf	eguard 🔲 D.	Written Notice	E. Citation Order N					F. Dated	
16. Terminati	on Due	4 Code	Da Yr 8/2004	Time (24 Hr. Clock)	12:	20					
Section III-Ter	mination Acti	on						<del></del>	1	-1-07	and and a
17. Action to	Terminate	Termina	ted due	to the en	tire so	rubbe	er sys	stem.	peing	Clear	ied alid a
full t	ravers	e being			CFM)						
18. Terminate	A. Date	Mo Da Yr 04/08/200	IR Time (2	24 Hr. Clock)	1220						
Section IVAu	tomated Systemater										<del></del>
19. Type of le		CED, 20. E	vent Number	4077181	21.	Primary o	or Mail				
22. Signature			_	7					AR Numb		6 ]
enforcement a	ement actions actions of MSI	s. The Ombudsm IA, you may call 1	-888-REG-FAIR ( the Ombudsma)	of the Sm pulatory Ombudsman a ates enforcement activ (1-888-734-3247), or w n is in addition to any of view Commission.	nd 10 Regional ities and rates e	Fairness Br ach agency	s responsi	eness to s	mall busing	ess. If you wit	MS 60001, Preese no

Mine Citation/Order			U.S. Department of Labor  Mine Safety and Health Administration					
<u>r</u>	'Y	<u> </u>	y and Health Administration					
1. Date	Mo Da Yr	2. Time (24 Hr. Clock)		3. Citation/ Order Number	7096338			
4. Served	<u>05/24/2004</u> То	1100	5. Operator					
Jim Swa	rtz Superintender	nt	ANKER V	VEST VIRGINIA MINING (	COMPANY			
6. Mine SAGO N	MINE		7. Mine ID	46-08791		(Contractor)		
9 Condition	a or Dractice				On Itiritian Alatina	(403-)		

The trailing cable on the NARCO AB #5 shuttle car, (2G-3936-0) operating on the 001-0 MMU Mains section is not insulated adequately and fully protected. A repaired place in the cable, two feet from the anchor, had the tape worn away and the energized, bare power conductors were visible. The opening measured 4 inches long and the bare energized conductor is exposed for two inches. The section is damp.

					s	ee Continuation Form (MS)	A Form 7000-3a)
9. Violation	A. Health Safety 🗸	B. Section of Act		C. Part/Section of Title 30 CFR	•	75.517	
Section II-Inspe	ector's Evaluation						
10. Gravity:							
	(liness (has) (is		Unlikely	Reasonably Lik	ely 🗹 Highly	Likely 🗌 Occu	med 🔲
	illness could rea be expected to b		Vorkdays 📗 L	ost Workdays Or Restricted	Duty 🗹 Per	manently Disabling	Fatal 🗌
C. Significa	ant and Substan	tial: Yes	No 🗌		D. Nun	nber of Persons Affected	001
11. Negligence	e (check one)	A. None	B. Low	C. Moderate	D. High	E. Reckless Disreg	ard 🗌
12. Type of Ac	ction 1(	)4(a)	13. Тур	e of Issuance (check one)	Citation 6	Order	Safeguard [
14. Initial Action A. Citation	n B. Order [	C. Safeguard	D. Written Notice	E. Citation/ Order Number		F. Dated	Mo Da Yr
16. Termination	n Due A. D	Mo Da Yr ate 05/24/200	B. Time (24 Hr.	Clock) 1150	T		
Section III-Term	nination Action	00/2 // 200					
17. Action to T	erminate	The cable	was repai	red, insulate	d adequate	ly and fully	7
protect	ed.	1110 04021	, was rapar	iou, induidic	a aacqaac	-,	
18. Terminated	"I∆ ∩ate	Mo Da Yr 5/24/2004 B.	Time (24 Hr. Clock)	1150			
Section IV-Auto	omated System De	ta					
19. Type of Ins (activity cod		B 20. Event Nu	mber 40544	123 21. Prima	ry or Mili		
22. Signature		_			the second secon		

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

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Mine	Citation	

Condition or Practice

#### U.S. Department of Labor

- 9 JUN 2004

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•			wille Salety and Health Administration	``//
Section IV	iolation Data			<del></del>
1. Date	Mo Da Yr 05/18/2004	2. Time (24 Hr. Clock) 1045	3. Citation/ Order Number 7146294	
4. Served To			5. Operator	
Brad Hamrick ANKER WEST VIRGINIA MININ			ANKER WEST VIRGINIA MINING COMPANY	
6. Mine SAGO N	<b>ANIE</b>		7. Mine ID 46-08791	(Carterates)
SAININ	MINE.		· · · · · · · · · · · · · · · · · · ·	(Contractor)

8a, Written Notice (103a) The Co. No. 6 shuttle car being operated in the face areas of the Mains active mining section, was not equipped with a substantially constructed canopy. Four of the required six bolts for the canopy support standers, were missing. The shuttle car was removed from service.

				See Co	ntinuation Form (MSHA	Form 7000-3a)
9. Violation A. Health Safety Other	of Act		art/Section of tle 30 CFR	75.17	10-1(a)	
Section II-Inspector's Evalua	ation					
10. Gravity:						
A. Injury or Illness (ha	s) (is): No Likelihood	Unlikely 🗹	Reasonably Likely	Highly Likely	Occurre	d 🗀
<ul> <li>B. Injury or illness consoly be expected</li> </ul>	No lost Mod	days Lost Workda	ys Or Restricted D	uty 🗹 Permanen	ntty Disabling	Fatal 🗌
C. Significant and Su	bstantial: Yes	No 🗹		D. Number o	of Persons Affected:	001
11. Negligence (check o	ne) A. None 🗌	B. Low 🗹 C. Mo	derate 🗌	D. High 🗌 E	. Reckless Disregan	<b>1</b>
12. Type of Action	104(a)	13. Type of Issua	nce (check one)	Citation 🗹	Order	Safeguard
14. Initial Action A. Citation B. On	der C. Safeguard	D. Written Notice	E. Citation/ Order Number		F. Dated	Mo Da Yr
16. Termination Due	A. Date	B. Time (24 Hr. Clock)	1045	T		
	05/18/2004	B. Time (24 Hr. Clock)	1245			
Section III-Termination Actio	n .					
17. Action to Terminate	The four bold	s were instal	led			
18. Terminated A. Date	05/18/2004	e (24 Hr. Clock 13	330			
Section IV-Automated Syste	m Data					
19. Type of Inspection (activity code)	CCA 20. Event Numb	er 4076453	21. Primary o	or Mill		
	6			23. AR	Number	47

MSHA Form 7000-3, Mar 85 (Movised) 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 500 W. Madison Street, Suite 1240, Chicago, Illinois 60661. 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.

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



Section IViolation Data							
1. Date	Mo Da Yr 06/08/2004	2. Tirne (24 Hr. Clock) 1545		3. Citation/ Order Number 7096	341		
4. Served To Jim Swartz Superintendent			5. Operator ANKER WEST VIRGINIA MINING COMPANY				
6. Mine SAGO MINE			7. Mine ID	46-08791	(Contractor)		
8. Conditio	n or Practice			8m, Writt	en Notice (103a)		

The company number 2 9-man mantrip operating on the 1st NE Mains track is not being maintained in a safe operating condition. The sanding devices would not work properly when activated. Three out of four would not work and the fourth one would not sand on the ball of the rail. The track to be traveled is on a down hill grade to the track end and has several water holes along the track. The track rail is damp to wet. There is also a set of air lock doors on a steep grade that the mantrip must go through. Mine mangement took the mantrip out of service. A miner had just brought the trip out for the evening shift crew to use.

							See C	ontinuation Form (MSH/	Form 7000-3a)
9. Violation	A. Health Safety Other	$\overline{\mathbf{Z}}$	B. Section of Act		C. Part/Section of Title 30 CFR		75.	1725(a)	
Section II—Insp	ector's Evalua	tion							
10. Gravity:								. —	. =
A. Injury o	r Illness (has	s) (ia):	No Likelihood	Unlikely _	Reasonably L	kely 😢	Highly Like	y Occur	red 🗌
	r illness cou be expected		No Lost We	orkdays 🗌 Los	t Workdays Or Restrict	ed Duty 🔽	Perman	ently Disabling	Fatel 🗌
C. Signific	ant and Sub	etantial:	Yes 🗹	No 🗌			D. Number	of Persons Affected;	009
11. Negligeno	ce (check on	<b>e</b> )	A. None	B. Low 🔲	C. Moderate	D. High		E. Reckless Disrega	erd []
12. Type of A	ction	104	(a)	13. Type o	of Issuance (check one)	)	Citation 🗹	Order 🗌	Safeguard
14. Initial Acti		der 🗌	C. Safeguard	D. Written Notice	E. Citation/ Order Numb	er		F. Dated	Mo Da Yr
16. Terminati	on Due	A. Date	Mo Da Yr	B. Time (24 Hr. C	lock) 1200				
			06/09/2004		1200			<del></del>	
17. Action to		on				,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
18. Terminate	ed A. Date	Мо	Da Yr B. T	ime (24 Hr. Clock)					
Section IV-Au	ntormated Syst	em Data							
19. Type of li		* A A	20. Event Nun	10544	25 21. Prir	mary or Mili			_
22. Signeture			6	3			23.	AR Number	6 7

MSHA Form 1000—, man additional Small Business and Agriculture Regulatory Ombudaman and 10 Regional Fairness Boards to receive comments from small Business about federal agency enforcement actions. The Ombudaman annually evaluates enforcement actions. The Ombudaman annually evaluates enforcement 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 3rd Street, 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 context citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

22 JUN 2004

Mine	Citation/Order
Conti	nustion

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

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Continuation	mine Salety and Health Administration					
Section I-Subsequent Action/Continuation	Data					
1. Subsequent Action 1a. Continuation	2. Dated Mo De (Original Issue) 06/08/2	198-80217	3. Citation/ Order Number	7096341 - 01		
4. Served To		5. Operate	Of .			
Jim Swartz Superintendent		ANKEI	R WEST VIRG	INIA MINING CON	<b>IPANY</b>	
6. Mine		7. Mine ID	)		(Contractor)	
SAGO MINE			46-0879	1	,	
Section II—Justification for Action						

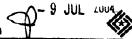
The sanders were restored to proper working condition.

				See Continuation Form
Section III-Subsequent	Action Taken			
8. Extended To A. D.	Mo ate	Da	Yr B. Time (24 Hr. Clock) 🗆 C. Va	cated 🔽 D. Terminated 🗀 E. Modified '3
Section IV-Inspection D	eta			
9. Type of Inspection	AAA		10. Event Number 4054425	
11. Signa			AR Number 12. Date Mo Da	Yr 13, Time (24 Hr. Clock)
	6		J: [6] 06/14/2	2004 0605
****** ***** ****	: las <b>85</b> /andas			1

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M	ine	Cit	ati	Λn	10	rder

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



·			Mille Salety and Health	Administration		
Section I–Violation Data						
1. Date	Mo Da Yr 06/14/2004	2. Time (24 Hr. Clock) . 0610		3. Citation/ Order Number 7096342		
4. Served To Brent Wolfe Safety director			5. Operator ANKER WEST VIRGINIA MINING COMPANY			
6. Mine SAGO MINE			7. Mine ID 46-08791	(Contractor)		
D				8a. Written Notice (103a)		

The primary escapeway for the 001-0 mmu is not being maintained in a safe condition to assure passage of anyone, including disabled persons. The walkway is obscured by water rib to rib and extending approximately 30 feet long and measured 13 inches along the edge to deeper in the middle. This condition is located 1 block inby the fan.

									3000	CHINI ICHILANI	orm (MSHA	Offin 7000-St	)
9, Violation	A. Health [ Safety] Other	-	B. Section of Act				Part/Section of title 30 CFR		75.3	80(d)(1)			
Section II-Inspec	tor's Evaluat	ion											
10. Gravity:													
A. Injury or	tiness (has)	) <b>(ls</b> ):	No Likeliho	<b>x</b> d 🗌	Unlikely	<b>Y</b>	Reasonably I	ikely 🗌	Highly Like	eły 🗌	Occum	od 🗌	
B. Injury or sonably b	ilness could e expected		No Lost	Workda	ys 🗹 L	ost Work	days Or Restric	ted Duty	Permar	ently Disak	oling 🗌	Fatal 🗌	
C. Significa	nt and Sube	stantial:	Yes		No 🗹				D. Number	of Person:	Affected:	001	
11. Negligence	(check one	))	A. None		B. Low 🗌	C. N	loderate 🗹	D. High		E. Reckle	ess Dieregal	d 🗌	
12. Type of Act	ion	104(a	1)		13. Typ	e of Issue	ance (check one	)	Citation 🗹	Order		Safegua	rd 🔲
14. Initial Action A. Citation	B. Ord	ler 🗌	C. Safeguar	d 🗌 [	D. Written Notic	e. 🗆	E. Citation/ Order Num	ber		F	. Dated	Mo Da	Yr
16. Termination	n Due	A. Date	Mo Da \\06/16/20		B. Time (24 Hr.	Clock)	0800						
Section HI-Term	ination Actio	n											
17. Action to T	erminate												
18. Terminated	A. Date	Мо	Da Yr	B. Time (	(24 Hr. Clock)								
Section IV-Auto	meted Syste	m Data											
19. Type of Ins		A A A	20. Event	Vumber	4054	425	21. Pri	mary or Mill	İ				
22. Signature			6	سدن .	7	N 0- "	Business Regula	to a Enforcement		AR Numbe	10	6	re tion

MSHA Form 760U-3/Mer 85 (reviseu) in accordance with the provisions of the Small Susiness Regulatory Emorcement Farmers Act or 1995, the Small Business Administration line established a Netional Small Business and Agriculture Regulatory Combudarman and 10 Regional Fairness Boards to receive comments from small business about federal agency enforcement actions. The Ombudarman 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 (1-588-734-3247), or write the Ombudarman at Small Business Administration, Office of the National Ombudarman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudarman 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.

while

Mine Citation/Order Continuation		U.S. I Mine	9 JUL 2			
Section I-Subsequent Action/Continuation Dat	8					
1, Subsequent Action 1a. Continuation	Dated     (Original Issue)	Mo Da Yr 06/14/2004	3. Citation/ Order Number	7096342 - 01		
4. Served To Brent Wolfe Safety director		5. Oper ANK		GINIA MINING CO	)MPANY	

7. Mine ID

46-08791

A 6' wide unobscured walkway has been provided in the primary escapeway 1 block inby the fan.

6. Mine

SAGO MINE

Section II—Justification for Action

	See Continuation Form
Section III—Subsequent Action Taken	
B. Extended To A. Date Mo Da Yr B. Time (24 Hr. Clock)	∴ ☐ E. Modified
Section IV-Inspection Data	
10. Event Number 4054425	
AR Number 12. Date Mo Da Yr 13. Time (24 Hr 06/17/2004 08	. Clock) 15

(Contractor)

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

17. Action to Terminate

19. Type of Inspection

(activity\_occla) -

18. Terminated

22 Signature

the .003 filler gauge.

A. Date

Section IV-Automated System Data

Mo Da Yr

06/14/2004

20. Event Number

B. Time (24 Hr. Clock)

4054425

## U.S. Department of Labor

ation JUL 2



			Mine Safety and Healt	h Administration JUL 28	
Section I-Violation Data					
	2. Time (24 Hr. Cl			3. Citation/ Order Number 70963	343
			5. Operator ANKER WEST VIRO	GINIA MINING COMPA	NY
6. Mine			7. Mine ID 46-0879	alprovens were transfer to the constraint of the	
SAGO MINE			40-06/9	'1	(Contractor)
8. Condition or Practice					n Notice (103g)
				ral # 2G-3715-1,	
on the 001-0 mmu					
light located or					
filler gauge to					
should only be .	003 inch.	This area l:	ight has less th	nan 123 square in	nches.
				See Continuation Form (MSI	HA Form 7000-3e)
9. Violation A. Health	B. Section	C	. Part/Section of		
Safety 🗸	of Act		Title 30 CFR	75.503	
Section II-Inspector's Evaluation	<u> </u>				
10. Gravity:					
A. Injury or Hiness (has) (is):	No Likelihood	Unlikely 🔲	Reasonably Likely	Highly Likely Occu	urred 🔲
B. Injury or illness could rea- sonably be expected to be:	No Lost Work	days Lost Wo	orlodays Or Restricted Duty 🗹	Permanently Disabling	Fatal 🔲
C. Significant and Substantial	: Yes 🗌	No 🗹		D. Number of Persons Affected	± 001
11. Negligence (check one)	A. None	B. Low C	Moderate D. High	E. Reckless Disre	gard 🗌
12. Type of Action 104	(a)	13. Type of list	uance (check one)	Citation 🗹 Order 🗌	Safeguard
14, Initial Action A. Citation B. Order	C. Safeguard	D. Written Notice	E. Citation/ Order Number	F. Dated	Mo Da Yr
15. Area or Equipment					
16. Termination Due A. Det	Mo Da Yr 06/14/2004	B. Time (24 Hr. Clock)	0825		
	00/14/2004				
Castian III Termination Action					

MSHA Form 70003, Mail 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration have 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 nates 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.

0825

The area light was tightened to prevent the penetration of

21. Primary or Mill

23. AR Number



Mine Citation/Ord	er
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## U.S. Department of Labor - Mine Safety and Health Administration

- 9 JUL 9034



Section I-VI	Iolation Data				
1. Date	Mo Da Yr 06/14/2004	2. Time (24 Hr. Clock) 0845		3. Citation/ Order Number	7096564
4. Served 1 Brent W	ro olfe Safety direc	ctor	5. Operator ANKER WEST VIR	GINIA MINING	COMPANY
6. Mine SAGO MINE			7. Mine ID 46-087	91	(Contractor)
8. Conditio	n or Practice				8a Written Notice (103a)

The water spray type fire suppression on the Joy 14cm15 remote control continuous mining machine, serial number JM 5530, approval # 2G-4159A being operated on the 001-0 mmu section is not properly maintained. When tested, only 2 of the 8 sprays were working. This machine operates under a 40' deep cut plan.

	ith	B. Section of Act		C. Part/Section of Title 30 CFR		75.1107-1	6(b)	
Section II—inspector's E	akuation							
10, Gravity:	(h) (fa).	No Dischard (	[]] [][]	Reasonably Like		ighly Likely	0	red 🗍
A. Injury or Iliness		No Likelihood [	Unlikely [	Reasonably Like	"y 🛂 🗅	ighly Likely	Occur	
B. Injury or illness sonably be expe		No Lost Wo	orkdays Lost	Workdays Or Restricted	Duty 🗹	Permanently D	isabiling 🗌	Fatal 📋
C. Significant and	Substantial:	Yes 🗹	No 🗌		D.	Number of Pen	sons Affected:	001
11. Negligence (check	one)	A. None	B. Low 🗌	C. Moderate	D. High 📋	E. Re	ckless Disrega	ard 🗌
12. Type of Action	104(	a)	13. Type o	f Issuance (check one)	Citat	ion 🗹 Or	rder 🗌	Safeguard [
				J.E. 19000 - 100 -			F. Dated	
	Order	C. Safeguard	D. Written Notice	E. Citation/ Order Number			1. Dated	
	لسيبا	C. Safeguard  Mo Da Yr 06/14/2004	D. Written Notice	Order Number			7. 5460	
A. Citation B	A. Date	Mo Da Yr		Order Number			7.5460	
A. Citation B  15. Area or Equipmer  16. Termination Due  Section II—Termination  17. Action to Termina	A. Date	Mo Da Yr 06/14/2004	B. Time (24 Hr. Ck	Order Number	stored	to prope		ting
A. Citation B  15. Area or Equipmer  16. Termination Due  Section III—Termination  17. Action to Termina  condition.	A. Date Action	Mo Da Yr 06/14/2004 The spra	B. Time (24 Hr. Ck	Order Number	stored	to prope		ting
A. Citation B  15. Area or Equipmer  16. Termination Due  Section III—Termination  17. Action to Termina  condition.	A. Date Action  Mo 06/1	Mo Da Yr 06/14/2004 The spra	B. Time (24 Hr. Ck	Order Number  0935  eaned and re		to prope		ting
A. Citation B  15. Area or Equipmer  16. Termination Due  Section III—Termination  17. Action to Termina  condition.  18. Terminated A. C	A. Date Action  Action  Mo O6/J	Mo Da Yr 06/14/2004 The spra	B. Time (24 Hr. Ck ays were clo	Order Number  0935  eaned and re		to prope		ting

agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to 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 in the agency 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 montest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

$\mathcal{P}_9$	JUL	200
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			initio Carety and Fleatili Administration	- '//						
Section I-V	Section I-Violation Data									
1. Date	Mo Da Yr 06/14/2004	2. Time (24 Hr. Clock) 0945	3. Citation/ 7096 Order Number 7096	565						
4. Served	Го		5. Operator							
Brent W	olfe Safety direc	etor	ANKER WEST VIRGINIA MINING COMPA	NY						
6. Mine			7. Mine ID 46-08791							
SAGO <sub>N</sub>	MINE		40-00/31	(Contractor)						
8 Conditio	n or Practice		Ra Writte	n Notice (103a)						

The methane monitor for the Joy 14cm15 remote control continuous mining machine, serial # JM5530, approval #2G-4159A, being operated on the 001-0 mmu is not properly maintained. 1) when tested with a known methane/air mixture of 2.5% methane, the read out at 2.0 would knock the power but when the read out reached 2.4 and 2.5 the power is trying to come on. The lights are going on and off. The power is not fully restoring itself. 2) The strobe light that is provided to alert the machine operator when the methane reached the 1% level is covered with dirt and rock and cannot be observed by the operator

									See C	ontinuation F	orm (MSH	A Form 7000-3a)
9. Violation A	. Health Safety Other		B. Section of Act			С	, Part/Section of Title 30 CFR		75.3	42(a)(4)		
Section II-Inspecto	x's Evalu	ation										
10. Gravity:								_				
A. Injury or Illin	ness (has	s) (is):	No Likelih	ood 🔲	Unition	rly 🔲	Reasonably Lik	cely 🔽	Highly Llk	ely 📋	Occu	med [
B. Injury or illn sonably be			No Los	t Workd	aya 🗌	Lost Wo	rkdays Or Restricte	d Duty 🔽	Permar	ently Disabl	<u>, ,                                  </u>	
C. Significant	and Sub	stantial:	Ye	• 🗹	No 🗌				D. Number	of Persons	Affected	001
11. Negligence (c	check on	e)	A. None		B. Low 📋	C.	Moderate 🗹	D. High		E. Reckles	ss Disreg	ard 🗌
12. Type of Actio	n	104(	a)		13.	Type of Iss	uance (check one)		Citation 🗹	Order [		Safeguard [
14. Initial Action A. Citation	] B. On	der []	C. Safegu	ard [	D. Written N	lotice [	E, Citation/ Order Numbe	•		F.	Dated	7-100 J. C 47
16. Termination I	Due	A. Date	Mo Da 06/14/2		B. Time (24	Hr. Clock)	1000	T				<del></del>
Section III-Termina	ation Acti	on										
17. Action to Ten	minate					,		·				
18. Terminated	A. Date	Мо	Da Yr	B. Time	(24 Hr. Cloo	*)						
Section IV-Automa	ated Syste	om Deta										
19. Type of Inspe (activity code		A.A.A	20 Even	Number	- 40	54425	21. Prim	ary or Mill				
22. Signatu			6						23.	AR Number		6
2nd Street SW M	nt actions	mall Sus . The On IA, you make Veshingto	iness and Ag abudsman ar ay call 1-888 a. DC 20418	riculture F muelly eva REG-FAI . Please	Regulatory Om aluates enforce R (1-888-734- note: however	budsmen er ement activit 3247), or wri . that vour ric	all Business Regulato dd 10 Regional Fairne ies and rates each ag te the Ombudsman al thit to file a comment v ore the Federal Mine s	ss Boards to ency's respo I Small Busir with the Orni:	receive comm naivenesa to a less Administra ludsman is in a	ents from smi mail business ition, Office o ddition to any	all busines . If you wi The Natio	ises about federal chier communication line nai Ombudsman, 400

wood

Mine Citation/Order Continuation			U.S. Department of Labor  Mine Safety and Health Administration					
Section I-Subsequent Action/Continuation Date						-		
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo De 06/14/20	• • •	3. Citation/ Order Number	7096565 - 01			
4. Served To			5. Operat	or				
Brent Wolfe Safety director			ANKE	R WEST VIRG	INIA MINING CO	OMPANY		
6. Mine SAGO MINE			7. Mine 10	46-0879	1	(Contractor)		

The methane monitor for the Joy 14cm15 miner has been repaired to an operative condition and the strobe light had the rock and dirt removed.

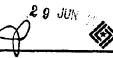
							See Continuation Form
Section III—Subse	quent Action Take	n					
8. Extended To	A. Date	Da	Yr	B. Time (24 Hr. Clock)		. C. Vacated	D. Yerminaked E. Modified
Section IV-Inspec	ction Data						
9. Type of Inspe	ction AAA	<u></u>	10. E	vent Number 4054425			
11. Signatur		6		AR Number	12. Date	Mo Da Yr 06/17/2004	13. Time (24 Hr. Clock) 0730

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

w/1/22

Mine	Citat	ion/	Om	ei

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



-	•		white safety and Health Administration					
Section I-Vi	olation Data		<b>→</b>					
1. Date	Mo Da Yr _06/15/2004	2. Time (24 Hr. Clock) 0800	3. Citation/ Order Number 7096	566				
4. Served T Brad Hai	o mrick Mine For	eman	5. Operator ANKER WEST VIRGINIA MINING COMPANY					
6. Mine SAGO M	IINE		7. Mine ID 46-08791 (Contrac					
8. Condition	or Practice		8e Writ	en Notice (103a)				

The water spray type fire suppression on the Joy 14cm15 continuous miner, company #2, approval #2G-41594-00, operating on the 001-0 mmu is not being maintained. When tested the front spray block on the operators side did not activate. This mines operates under a 40' deep cut plan.

								See	See Continuation Form (MSHA Form 7000-3a)					
9. Violation	9. Violation A. Health B. Section Safety 7 of Act Other				C. Part/Section of Title 30 CFR			<b>75</b> .1	75.1107-16(ь)					
Section II-Insp	ector's Evalu	etion												_
10. Gravity:				-								_	. =	
A. Injury or	illness (ha	16) (16):	No Likelih	∞d <u></u>	U	ntikely 🗌	Reasonat	bly Likely	M	Highly Li	kely	Occurr	ed [_	
B. Injury or lithess could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty 🗹 Permanently Disabiling 🗌 Fatal 🗌														
C. Signific	C. Significant and Substantial: Yes V No D. Number of Persons Affected: 001													
11. Negligeno	e (check or	<b>1e</b> )	A. None	]	B. Low		C. Moderate 🔽		D. High		E. Rec	okless Disrega	rd 🗌	
12. Type of A	ction	104(a	1)			13. Type of I	ssuance (check	one)	C	itation 🗹	Ord	ier 🗌	Safeguard	l
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice						en Notice		E. Citation/ Order Number				F. Dated	Mo Da Yr	
	16. Termination Due A. Date Mo Da Yr A. Date Oct 15 (2004 B. Time (24 Hr. Clock) 0815													
			06/15/2	004								T.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
Section III-Ten		200	mı - c						1	anod.	and :	rostoro	d + 0	_
17. Action to Terminate The fire suppression sprays were cleaned and restored to														
operati	ive co	ondit:	ion.											
18. Terminate	A. Date		Da Yr 5/2004	B. Time	24 Hr.	Clock)	0815							_
Section IV-Aut	omated Syst	tem Data												_
19. Type of In	spection cde)	AAA	20. Event		4	105442	5  21.	Primary	or Mill			سيهشدي.	<b></b> .	
22. Signature	7		6		,	7				23.	AR Num	ber	6 J	

MSHA Form 7000-3, (Ner 85 (revised) in excession 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 information of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the Nettonal 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 finance 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

22. Signature

# U.S. Department of Labor



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inite outrions	100.			Mine Safet	and Hea	lth Administ	tration	
Section I-Violation De	ta							
	Da Yr 15/2004	2. Time (24 Hr. Cl 083				3. Citation/ Order N	//10/65/6	7
4. Served To				5. Operator	EST VID	СПЛІА МПА	ING COMPAN	v
Brad Hamrick	wine For	man		7. Mine ID			ING COMPAN	I
6. Mine SAGO MINE				7. Wate 15	46-0879	91		(Contractor)
8. Condition or Prac	tice	·····				··	8a. Written N	
		ting devic	es for the	equipment	being	operate	ed on the (	
visual evidisconnect #1 scoop of breaker, t	dence ing de charger the #5	that the period is placed in the connection of t	ower is di ugged into ting device r disconne	isconnected the #8 sh ce is plugg	. The uttle o	#2 shu car cir o an un	breaker to ttle car cuit breake identified into the ‡	er, the circuit
		T 0 0 10		C Catifornia of		See Co	ntinuation Form (MSHA	Form 7000-3a)
. , , , , , , , , , , , , , , , , , , ,	lealth ☐ Safety 🗹 Other ☐	B. Section of Act		C, Part/Section of Title 30 CFR		75	5.903	
Section II-Inspector's	Evaluation							
10. Gravity: A. Injury or litnes	e (hae) (ls):	No Likelihood []	Uniikely 🗹	Reasonably L	ik <b>ely</b>	Highly Like	ly 🗌 Occum	ad []
B. Injury or illnes sonably be ex		No Lost Work	days 🗹 Lost	Workdays Or Restric	ed Duty	Permane	ently Disabling	Fatal [
C. Significant an	d Substantial	Yes 🗌	No ₩			D. Number	of Persons Affected:	001
11. Negligence (che	ick one)	A. None	B. Low 🗌	C. Moderate 🗹	D, High	• 🗆	E. Reckless Disregal	<b>d</b> 🗌
12. Type of Action	104	(a)	13. Type o	f Issuance (check one		Citation 😿	Order	Safeguard [
14. Initial Action A. Clation	B. Order	C. Safeguard	D. Written Notice	E. Citation/ Order Numb	er		F, Dated	Mo Da Yr
15. Area or Equipme	ent							
16. Termination Du	A. Date	Mo Da Yr 06/15/2004	B. Time (24 Hr. Ck	ook) 0900				
Section III-Termination							3.64 . 3 . 1	
17. Action to Termin		Disconner the circu	ecting dev	ices were prs.	roperi	y ident.	iffed in	
	Date 06/	15/2004	e (24 Hr. Clock)	0900				
Section IV-Automate				[a. D.	many or Lair			
<ol><li>Type of inspect (activity code)</li></ol>	ion AAA	20. Event Number	405442	25	mary_or_Mill			

In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration MSHA Form 7000-3, Majr 85 (revised) In accordance with the provision is 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 has established a riamonal Smail 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, 400 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

# U.S. Department of Labor





Mario Originalis	0,00.			Mine Safety a			tion	
Section I-Violation I	Deta							
	no Da Yr 5/15/2004	2. Time (24 Hr. Cl 090				3. Citation/ Order Num	70965	68
4. Served To				5. Operator				
Brad Hamrick	Mine Fore	man		ANKER WES	ST VIRC	INIA MINII	NG COMPAN	NΥ
6. Mine		!		7. Mine ID 4	6-0879	1		
SAGO MINE 8. Condition or Pra	alian	<u> </u>	<u> </u>	<u> </u>			D- 14694	(Contractor)
		o allacation	f potable dr	inking wat	or in	not no		Notice (103g)
	tion. T	here is no		Part/Section of	e sect	See Conti	nuation Form (MSH	IA Form 7000-3a)
9. Violation   A.	Safety Other	of Act		itie 30 CFR		75.17	718	
Section 8-Inspector	's Evaluation							
10. Gravity:	ann (han) (m):	No Likelihood	Unlikely 🗸	Reasonably Like	<b>₩</b> [7]	Highly Likely		rred 🗀
A. Injury or illne B. Injury or illne		NO LINEWHOOD [	Clancely (y)	Notion labiy Like	<u>"                                    </u>	7 Ingilly Linesy		
	expected to be:	No Lost Work	tays 🗹 Lost World	days Or Restricted	Duty 🗌	Permanenti	y Disabling 🗌	Fatal 📋
C. Significant a	and Substantial:	Yes [	No 🗹			D. Number of F	Persons Affected:	001
11. Negligence (cl	neck one)	A. None	B. Low 🗹 C. M	locierate 🗌	D. High	E.	. Reckless Disreg	ard 🗌
12. Type of Action	104(	a)	13. Type of Issue	ance (check one)	C	itation 🗹	Order 🗌	Safeguard
14. Initial Action , A. Citation	B. Order	C. Safeguard	D. Written Notice	E. Citation/ Order Number			F. Dated	Mo Da Yr
15. Area or Equip								
16. Termination D	A. Date	Mo Da Yr 06/15/2004	B. Time (24 Hr. Clock)	1125				
Section III—Termina								
17. Action to Term	ninate	Six g	allon of wat	er and cup	ps we	re provi	ded for t	the 001-0
mmu secti	ion.							
18. Terminated	A Data	Da Yr 15/2004 B. Time	e (24 Hr. Clock)	1125				
Section IV-Automat								
19. Type of Insper (activity code)	ction AAA	20. Event Numbe	4054425	21. Primar	y or Mill			
22. Signature						23. AR	Number -	

In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration MSHA Form 7000-3, Mer 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 business about Iederal 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 arry 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.

2 9 JUN 2004

### Bains Obabins (Order





Mine Citation/Order	Mine Safety and Health Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 06/15/2004 0930	3. Citation/ Order Number 7096569
4. Served To	5. Operator
Brad Hamrick Mine Foreman	ANKER WEST VIRGINIA MINING COMPANY
6. Mine	7. Mine ID 46-08791
SAGO MINE 8. Condition or Practice	(Contractor)
	8a. Written Notice (103g) hed to the fire extinguishers to show that
	Locations of the extinguishers ( at the
9. Violation A. Health B. Section Safety Other of Act	See Continuation Form (MSHA Form 7000-3e)  C. Part/Section of Title 30 CFR 75.1100-3
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 rea.	
sonably be expected to be: No Lost Workdays 🗹 Lost V	Norlidays Or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial: Yes ☐ No ☑	D. Number of Persons Affected: 001
11. Negligence (check one) A. None ☐ B. Low ☑	C. Moderate D. High E. Reckless Disregard
12. Type of Action 104(a) 13. Type of I	Issuance (check one) Citation 🗹 Order 🗌 Safeguard 🗌
14. Initial Action  A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Order Number
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr 06/15/2004 B. Time (24 Hr. Close	*) 1200
Section III—Termination Action	
17. Action to Terminate	
18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)	
Section IVAutomated System Data	
19. Type of Inspection (activity code) 20. Event Number 4054424	
22. Signatur 6	23. AR Number

MSHA Form 700, which is the 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 confest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

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Oditindation	Julio Gui		`//				
Section I-Subsequent Action/Continuation Da	ta					7	
1. Subsequent Action 1a. Continuation	Dated (Original Issue)	Mo Da 06/15/20	50551977	3. Citation/ Order Number	7096569 - 01		
4. Served To			5. Operator				
Brad Hamrick Mine Foreman			ANKER	<b>WEST VIRG</b>	INIA MINING CON	<b>IPANY</b>	
6. Mine			7. Mine ID	46.0070	_	(Contractor)	
SAGO MINE				46-0879	1		
Section II—Justification for Action							

Permanent tags were attached and an examination was done and recorded

		S	See Continuation Form					
Section III—Subsequent Action Taken								
8. Extended To A. Date Mo Da Yr	B. Time (24 Hr. Clock)	C O. Vectore D. D. Tarringhed	E. Modified					
Section IV-Inspection Data								
9. Type of Inspection AAA 10.	Event Number 4054425	•	•					
11. Signature	Number 12. Date	Mo Da Yr 13. Time (24 Hr. Clock)						
<u>L</u> 94	JE63	06/17/2004 0615	<del></del>					
MSHA Form 7000-3a, Mar 85 (revised)			14					

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Mine	Citation	Order/
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# U.S. Department of Labor

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Section IViolation Data Mo Da Yr 06/20/2004				illu Floaiu	Administ	TALION	J
· · · -							
					3, Citation/ Order No		70
I. Served To			5. Operator				
Lonnie Short Foreman				ST VIRG	NLA MIN	ING COMPAN	Y
			7. Mine ID 4	6-0879			(Contractor)
0 186						8a, Written	Notice (103g)
is not being mai doors were damag going in the min	ed and lay	ing agains	t the rib. !	The 9 i	see Co	ntrip was on the matter of the	observed
ection II—Inspector's Evaluation							
10. Gravity: A. Injury or Illness (has) (is):	No Likelihood	Unlikely 🗸	Reasonably Like	ely 🗍	Highly Like	y [ ] Occum	red 🗌
B. Injury or illness could rea- sonably be expected to be:	No Lost Worl	_	Workdays Or Restricted	Duty 🗹		ently Disabiling	Fatal [
C. Significant and Substantial	Yes 🗌	No 🗹			D. Number	of Persons Affected:	, 001
11. Negligence (check one)	A. None	B. Low	C. Moderate	D. High		E. Reckless Disrega	ard 🗌
12. Type of Action 104	(a)	13. Type of	Issuance (check one)	С	tation 🗹	Order	Safeguard [
14. Initial Action A. Citation B. Order	C. Safeguard	D. Written Notice [	E. Citation/ Order Number			F. Dated	Mo Da Yr
15. Area of Equipment  16. Termination Due  A. Date	Mo Da Yr	B. Time (24 Hr. Clo	ock) 1500			5 #	
A. Data	06/20/2004	B. Time (24 Fit. Cit.	1300				
Section III—Termination Action							
				market necessary and		province of the party of the second state of	
17. Action to Terminate	o Da Yr B. Tirr	ne (24 Hr. Clock)			) in		
17. Action to Terminate	B. Ter	ne (24 Hr. Clock)					
17. Action to Terminate  18. Terminated A. Date	20. Event Numb		21. Prima	ary or Mill	T		

MSHA Form 7000-3/ Mar so (revised) at a distinct and a stabilished a Rational Small Business and Agriculture Regulatory Ombudaman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudaman annually evaluates enforcement activities and rates each agency's responsiveness to small businesses. 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 Ombudaman at Small Business Administration, Office of the National Ombudaman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudaman is in additions and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Mine	Citation/Order
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# U.S. Department of Labor

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Continuation		dministration			
Section I-Subsequent Action/Continuation Del	la .				
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da Yr 06/20/2004	3. Citation/ Order Number 70	96570 - 01	
4. Served To Lonnie Short Foreman	1 (1400) - 4000 (440)	1	perator KER WEST VIRGINI	A MINING COMPANY	
6. Mine SAGO MINE		7. M	46-08791	(Contractor)	
Section II—Justification for Action					

The air lock doors in the track entry have been repaired to it intended purpose.

Section III—Subse	august Action Taha	<u> </u>							See Continuation Form
8. Extended To			Yr B	. Time (24 Hr. Clock	¢.	-□ C.VE	cated	D. Terminateo	E. Modified
Section IV-Inspec	tion Data								
9. Type of Inspe	ction AAA		0. Ever	nt Number 40	54425				
Signature		6		AR Num	ber 12. Da	ite Mo Da 06/21/	Yr 2004_	13. Time (24 Hr. Ck 0810	nck)
MSHA Form 7000	Ga, Mar 85 (revis	ed)							

### Mine Citation/Order

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

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3. Citation/ Order Number 7096571
5. Operator ANKER WEST VIRGINIA MINING COMPANY
7. Mine ID 46-08791 (Contractor)

The 001-0 mmu non permissible power center, the 001-0 non-permissible feeder, the non-permissible scoop chargers are being ventilated with return air. The intake air ventilated number 8 working face and then it was coursed towards the common entries where the non-permissible equipment was setting. An air reading was taken with an anemometer and the results were 22,230 cfm of return air. There is no detection of methane and there was no extracting of coal being done at the time of this condition. Back up checks were installed and positive ventilation was restored.

									See	Continuatio	n Form (MS	HA Form 7000	3e) 🔲
9. Violation	A. Health Safet Othe	√ 🔽	B. Section of Act				nt/Section of le 30 CFR		•	75.507			
Section II—Inspe	ctor's Evalu	ation											
10. Gravity:				_		_							
A. Injury or	Illness (ha	s) (is):	No Likelih	ood 🗌	Untikety 🕢		Reasonably Likely	y 🗀	Highly Lli	cely 🗌	Occ	urred 🗌	
B. Injury or sonably	illness cou be expecte		No Los	t Work	days 🗌 Los	Workd	ays Or Restricted (	Outy 🗹	Perma	nently Dis	abiling 🔲	Fatal [	]
C. Significa	ant and Su	ostantial:	Ye	• 🗆	No 🗹				D. Numbe	r of Perso	ns Affecte	<sup>±</sup> 001	
11. Negligence	check or	ne)	A. None		B. Low	C. Mo	derate 🗹	D. High		E. Reci	kless Disre	gard 🗌	
12. Type of Ac	tion	104(	(a)		13. Type o	fissuan	ce (check one)	C	itation 🗹	Orde	<b>y</b> []	Safegu	ard 🗌
14. Initial Action A. Citation	n B.O	der 🗌	C. Safegua	ard 🔲	D. Written Notice		E. Citation/ Order Number				F. Dated	Mo Da	Yr
16. Terminatio	n Due	A. Date	Mo Da 06/20/2		B. Time (24 Hr. Ck	ock)	0745		····				
Section III-Tem	ninetion Act	ion			L								
17. Action to 7	erminate		back	מנו	hecks were	e in	stalled a	nd po	sitiv	e ven	tilat	ion was	
restore	ed									• •		ion was	•
18, Terminated	A. Date		Da Yr 20/2004	B. Time	24 Hr. Clock)	08	300						
Section IV-Auto	mated Syst	em Deta											
19. Type of Int (activity co		ДДА	20. Event	Number	405442	5	21. Primary	or M#					
22. Signatur			6		7				23. /	AR Numb	Z	6	7
agency enforcer enforcement act 3rd Street, SW	a Mational S ment actions tions of MSI MC 2120, \	Small Bue i. The Or IA, you m Vashingto	nbudsman ani ay call 1-888-l on, DC 20416.	iculture f nually eva REG-FAII Please	Regulatory Ombudsma sluates enforcement at R (1-888-734-3247), o note, however, that you is and obtain a hearing	n and 10 divities a write the r right to	nd rates each agenc o Ombudsman at Sir file a comment with	Soards to re y's respons nell Busines the Ombud	ceive comme Iveness to sn is Administra Isman is in ac	ints from si nall busined tion, Office dition to a	mail busines ss. If you wi of the Natio ny other righ	sees about fede sh to comment nail Ombuderna	nsi on the n, 409

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Mine Citation/Ord	er			U.S. Departr		abor h Administratio		UL 7184
ection I-Violation Data				carety	and rioun		- V	
	a Yr	2. Time (24 Hr. Ck	ock)			3. Citation/	709657	2
	/2004	093	30			Order Numbe	, /0903/	
. Served To				5. Operator	cor vanc	DILL ADDI		
onnie Short For	reman				SI VIKC	INIA MININO	COMPAN	<u>Y</u>
SAGO MINE				7. Mine ID 4	16-0879	1		(Contractor)
Condition or Practice							8a. Written N	
			ainst the r		p was	observed	going tr	irougn
						See Continue	tion Form (MSHA	Form 7000-3a)
. Violation A. Hea Saf Ot	ety 🗹	B. Section of Act	C	: Part/Section of Title 30 CFR		75.333(d)	)(3)	
Section II-Inspector's Even 10. Gravity:  A. Injury or Illness (  B. Injury or illness of	has) (is): ould rea-	No Likelihood []	Unlikely 🗹	Reasonably Like		Highly Likely [	Occurre	ed []
sonably be expect C. Significant and S			No 🔽	TRUBYS OF TOSSERVE	July (g)	D. Number of Per		001
1. Negligence (check	one)	A. None		Moderate ✓	D. High	E.R	eckless Disregar	
2. Type of Action	104(			suance (check one)		citation 🗹 O	rder 🗌	Safeguard [
4. Initial Action A. Citation B.	Order	C. Safeguard	D. Written Notice	E. Citation/ Order Number		7.50	F. Dated	Mo Da Yr
15. Area or Equipment								
6. Termination Due	A. Date	Mo Da Yr 06/20/2004	B. Tirne (24 Hr. Clock)	1730				
Section IIITermination /	Action		B. Time (24 Hr. Clock)	1730				
Section III—Termination A  17. Action to Terminat  18. Terminated  A. D.	Action e e Mo	06/20/2004	B. Time (24 Hr. Clock)	1730				
Section III—Termination / 17. Action to Terminat  18. Terminated  A. D. Section IV—Automated S	Action e  Mo ate  Mo yetem Data	06/20/2004  Da Yr B. Time	e (24 Hr. Clock)					
16. Termination Due  Section III—Termination A  17. Action to Terminat  18. Terminated A. D.  Section IV—Automated S  19. Type of inspection (activity code)	Action e  Mo ate  Mo yetem Data	06/20/2004	e (24 Hr. Clock)	21. Prima	ery or Mili			

22. Signature

Mir	10	Citation/Order	ŕ
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U.S. Department of Labor 12 JUL



Continuation		Mine Safety and Health Administration					
Section I-Subsequent Action/Continuetic	on Data						
1. Subsequent Action 1a. Continuat	75	Da Yr 20/2004	3. Citation/ Order Number	7096572 - 01			
4. Served To Brad Hamrick Mine Forem	an	5. Operato		INIA MINING COMPANY			
6. Mine SAGO MINE	G11	7. Mine ID		(Contractor)			
Section IIJustification for Action							

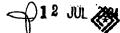
The air lock doors in the #3 entry have been repaired to its intended purpose.

	See Continuation Form
Section III—Subsequent Action Taken	
8. Extended To A. Date Mo Da Yr B. Time (24 Hr. Clock)	Modified E. Modified
Section IV-Inspection Data	
9. Type of Inspection AAA 10. Event Number 4054425	
11. Signature 12. Date Mo Da Yr 13. Time (24 Hr. Clock	ck)
06/21/2004 1010	

MSHA Form 7009-3a, Mar 85 (revised)

### Mine Citation/Order

# U.S. Department of Labor



1	•			Mi	ne Safety	and Health	Administ	ration	
ection I-Violati	on Data								
. Date	Mo Da Yr 06/21/2004	2. Time (24 Hr.	Clock) 925				3. Citation/ Order N	//10/5	73
I. Served To	00,21,2001			5.	Operator				
Brad Hamri	ick Mine Fore	eman		A	NKER WE	ST VIRGI	NIA MIN	IING COMPAN	ĪΥ
5. Mine SAGO MIN	JE.			7.	Mine ID 4	6-08791			(Contractor)
3. Condition or								8a. Written	Notice (103a)
tipped	over.		in the up			on aga		oeing acci	
9. Violation	A. Health ☐ Safety ✔ Other	B. Section of Act			Section of O CFR		75.110	6-3(a)(2)	
B. Injury or sonably	Illness (has) (is): illness could rea- be expected to be: ant and Substantial	No Likelihood [  No Lost Wo  Yes			Or Restricted	Duty 🗆		ntly Disabling	Fatal 001
11. Negligence	(check one)	A, None	B. Low	C. Moder	ate 🗹	D. High		E. Reckless Disrega	1977 E
12. Type of Ac	THE COST CAN CONTACT	(a)	13. Type	of Issuance	(check one)	Cit	ation 🗹	Order 🗌	Safeguard [
14. Initial Actio	in	C. Sefeguard	D. Written Notice		Citation/ Order Number			F. Dated	Mo Da Yr
15. Area or Eq	N Dise	Mo Da Yr	B. Time (24 Hr. C	`hook`	0020				
	A. Date	06/21/2004	B. 1819 (24 H). C		0930				
17. Action to		The gas o	cylinder wa	as sec	ured ag	ainst 1	peing	tipped ove	er.
18. Terminate	~   A D-t-	Da Yr /21/2004 B. Ti	me (24 Hr. Clock)	093	0				
	omated System Data				-12: -				
19. Type of in	spection sde)	20. Event Num	d0544	2.5	21. Prima	ry or Mill			
22. Signature		6					23. AF	R Number	47

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 Ombudarnan and 10 Regional Fairness Boards to receive comments from small business about federal agency enforcement actions. The Ombudarnan annually evaluates enforcement ectivities 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 Ombudarnan at Small Business Administration, Office of the National Ombudarnan, 408 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudarnan 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

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

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Section I-Violation Data							
1. Date Mo Da Yr 06/27/2004	2. Time (24 Hr. Clock) 2350						
4. Served To	oreman	5. Operator ANKER WEST VIRGINIA MINING COMPANY					
1. Date Mo Da Yr 06/27/2004 2. Time (24 Hr. Clock) 3. Citation/ 709657 4. Served To 5. Operator ANKER WEST VIRGINIA MINING COMPAN 6. Mine SAGO MINE 7. Mine ID 46-08791	(Contractor)						
8. Condition or Practice			8a. Written Notice (103g)				
0 mmu working s located 20' out	section. The primary	y escapeway was blocked bere was no equipment invo	by a roof fall colved in the fall.				

						See Continu	ustion Form (MSHA	Form 7000-3a)
9. Violation	A. Health Safety V	B. Section of Act		C. Part/Section of Title 30 CFR		75.380	)(a)	
Section II-Insp	ector's Evaluation				进			
10. Gravity:		_		_				. —
A. Injury o	r Iliness (has) (is):	No Likelihood [	Unlikely w	Reasonably	Likely [_	Highly Likely [	Occurn	
	r illness could rea- be expected to be		orkdays 🗹 Los	st Workdays Or Restr	cted Duty 🗌	Permanently	Disabling	Fatal 🗌
C. Signific	cant and Substanti	al: Yes 🗌	No 🗹			D. Number of P	ersons Affected:	001
11. Negligeno	ce (check one)	A. None	B. Low 🗹	C. Moderate	D. High	□ <b>E</b> .	Reckless Disrega	rd 🗌
12. Type of A	action 10	4(a)	13. Туре	of Issuance (check or	e) C	itation 🗹	Order	Safeguard _
14. Initial Act		C. Safeguard	D. Written Notice	E. Citation/ Order Nur	nber		F. Dated	Mo Da Yr
16. Terminat	ion Due A. Da	Mo Da Yr tte 06/28/2004	B. Time (24 Hr. C	Glock) 0500	1			
Section IIITe	mination Action							
17. Action to establ		The stopp properly		was moved o	ver and	a new es	scapeway	was
18. Terminat	A Date	6/28/2004 B. TI	ime (24 Hr. Clock)	0500				
Section IV-A	ntomated System Dat	ta						
19. Type of li (activity of	nspection code) A A AA	A 20. Event Num	d0.544	25   <sup>21. P.</sup>	rimary or Mili	- IV		***
22. Signatur		6	7	X		23. AR N	umber	67

MSHA Form 7000 3, Mar 85 (revised)

Ill account of the Small Business Regulatory Enforcement Falmess Act of 1995, the Small Business Administration has established & National Small Business and Agriculture Regulatory Ombudaman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudaman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement abtions 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 3rd Street, SW MC 2120, Washington, DC 20418. 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 penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.



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# U.S. Department of Labor 12 JUL 2004

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			Mine Safety and Health Administration	on 🤍
Section -V	iolation Data			
1. Date	Mo Da Yr 06/28/2004	2. Time (24 Hr. Clock) 0800	(3. Citation/ Order Numbe	, 7096575
4. Served	Το		5. Operator	
Brad Ha	mrick Mine For	eman	ANKER WEST VIRGINIA MINING	G COMPANY
6. Mine	,		7. Mine ID 46-08791	
SAGO N	MINE		40-00771	(Contractor)
8. Conditio	n or Practice			8a. Written Notice (103g)

The operator failed to submit a bimonthly sample for the designated area sampling point I. D. 90.10, for the sampling cycle of APR-MAY, according to advisory no.0020, dated JUNE 7, 2004

										Sec	Continuation	Form (MSH/	A Form 7000-	3e) 🗍
9. Violation	A. Health Safety Othe		B. Section of Act					Section of 30 CFR		7	1.208(a)			
Section II—Insp	ector's Evalu	ation												
10. Gravity: A. Injury o	r iliness (ha	s) (Is):	No Likelih	ood [	Uni	ikely 🗹	F	Reasonably Lil	ely 🔲	Highly L	ikely 🔲	Occur	red 📋	
	r illness cou		No Los	t Works	tays 🗌	Lost \	Workday	s Or Restricte	d Duty	Perm	anently Disa	ibling 🗌	Fatal [	]
C. Signific	ant and Sul	ostantial:	Yes		No 🗹					D. Numi	per of Person	ns Affected:	001	
11. Negligeno	e (check or	ie)	A. None	]	B. Low [		C. Mode	erate 🗹	D. Hi	gh 🗆	E. Reck	less Disrega	ard 🗌	
12. Type of A	ction	104(	(a)		1	3. Type of	Issuance	(check one)		Citation 🗹	Orde		Safegu	uard 🗌
14. Initial Acti A. Citation		nder 🗌	C. Safegua	ard 🔲	D. Writter	n Notice	_ E.	Citation/ Order Number	r			F. Dated	Mo Da	Yr
16. Terminati	ion Due	A. Date	Mo Da 06/28/2		B. Time (	24 Hr. Clo	ck)	0800						
Section III—Ter	rmination Act	ion												
18. Terminate	ed A. Date		NO to Da Yr 28/2004		natio		.nce	the bir	nonth	lly per	lod ha	s pass	ed	
Section IV-Au	tomated Syst	em Data												
19. Type of it (activity o		AAA	20. Event	Numbe	4	0544?	5	21. Prim	ary or Mi	"				
22. Signature			6	T	7					2	3. AR Numb	or	6	7
agency enforcement a 3rd Street SW	ed a National ement action actions of MS / MC 2120	Small Bu s. The O HA, you n Washind	siness and Ag mbudsman an nay call 1-888- ton. DC 20416	riculture l nually ev REG-FA . Please	Regulatory ( aluates enfo iR (1-888-73 note, hower	Ombudsmai ocement ac 34-3247), or ver, that you	n and 10 f tivities an write the r right to f	siness Regulato Regional Fairne d rates each ag Ombudsman a île a comment v a Federal Mine	ss Boards ency's res Small Bu with the O	: to receive com :ponsiveness to :siness Adminis :mbudsman is i	ments from a small busine stration, Office addition to a	mail business ss. If you wis of the Nation my other right	ses about feck h to commen al Ombudsm	eral t on the an, 409

Mine Citation/C Continuation	Order		_		epartment of Lafety and Healt	abor h Administration	12 JUL 2004	
Section I—Subsequen	Action/Continuation Data	1		- X-11-1				
<ol> <li>Subsequent Acti</li> </ol>	on 1a. Continuation	2. Dated (Original Issue)	Mo Da 06/28/20	-Yr 104	3. Citation/ Order Number	7096575 - 0	1	
4. Served To				5. Opera	tor			
Brad Hamrick	Mine Foreman			ANKE	R WEST VIRG	INIA MINING (	COMPANY	
6. Mine SAGO MINE				7. Mine I	<sup>D</sup> 46-0879	1	(Contractor)	
Section II—Justificatio	n for Action							
Change	F	rom			То			
9. C. Part/Section	7	1.208(a)			70.208(a)			

Reason

issued wrong standard in error

		See Continuation Form
8. Extended To Mo Da	Yr I	
A. Date	B. Time (24 Hr. Clock)	C. Vacated D. Terminated E. Modified
Section IV-Inspection Date		
9. Type of Inspection AAA	10. Event Number 4054425	
11. Signatus	AR Number	12. Date Mo Da Yr 13. Time (24 Hr. Clock)
L 6	7 6 67	06/29/2004 1318
MSHA Form 7006-3a, Mar 85 (revised)		

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

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Section I~V	iolation Data					
1. Date	Mo Da Yr 06/28/2004	2. Time (24 Hr. Clock) 0805		itation/ order Number	7096576	
4. Served Brad Ha	To mrick Mine For	eman	5. Operator ANKER WEST VIRGINIA	MINING	COMPANY	
6. Mine SAGO N	MINE		<sup>7. Mine ID</sup> 46-08791			(Contractor)
4	200				8a Written Notic	ce /103n)

The operator failed to submit a bimonthly sample for the designated area sampling point I. D. 9011, for the sampling cycle of APR-MAY, according to advisory no.0019, dated JUNE 7, 2004

							See Co	ntinuation Form (MSHA	Form 7000-3a)
9. Violation	Safety of Act Other					C. Part/Section of Title 30 CFR 71.208(a)			
Section II—Insp	octor's Evalu	uation							
10. Gravity:				<b>.</b>				_	. —
A. Injury or			No Likelihood [	Unlikely 🔽	Reasonably L	ikely	Highly Likely	y Occurre	×d [ ]
	r illness cou be expecte		No Lost Wo	rkdays Lost	Workdays Or Restrict	led Duty 🗹	Permane	ntly Disabling	Fatal 🗌
C. Signific	ant and Sui	bstantial:	Yes [	No 🗹			D. Number o	of Persons Affected:	001
11. Negligeno	e (check or	1e)	A. None	B. Low	C. Moderate 🔽	D. High		E. Reckless Disregar	<b>d</b> []
12. Type of Ad	ction	104(	a)	13. Type of	Issuance (check one	) (	Citation 🗹	Order	Safeguard [
14. Initial Action  A. Citation	TATION DESCRIPTION	rder 🗀	C. Safeguard	D. Written Notice [	E. Citation/ Order Numb	per		F. Dated	Mo Da Yr
16. Termination	on Due	A. Date	Mo Da Yr 06/28/2004	B. Time (24 Hr. Clo	ook) 0805				
Section III-Ten	mination Act	ion	00/20/2001						
17. Action to	Terminate	N	o termina	tion, since	e the bimon	thly pe	eriod h	as passed	
18. Terminate	A. Date	06/	Da Yr 28/2004 B. Ti	me (24 Hr. Clock)	0805			T.	
Section IVAut	omated Syst	lem Data			1				
19. Type of in (activity co		AAA	20. Event Num	405442	21. Priz	nary or Mill			
22. Signature	7		6	7			23. AF	R Number	67

MSHA Form 7000-3, Mar 85 (revised)

It accurrent the provisors 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

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

] 2	JUL		/4/
		W	

Section I—Subsequent	Action/Continuation Data	U <sub>manarut</sub> arus ar						
Subsequent Action	on 1a. Continuation	2. Dated (Original Issue)	Mo Da 06/28/20	Yr )04	3. Citation/ Order Number	7096576 - 01		
Brad Hamrick	Mine Foreman	78	5. Operator ANKER WEST VIRGINIA MINING COMPANY					
6. Mine SAGO MINE			7. Mine ID (Contractor)					
Section I—Justification	n for Action							
Change	From			То				
9. C. Part/Section 71.208(a)				70.208(a)				
Research								

issued wrong standard in error

MSHA Form 7000-36, Mar 85 (revised)

									See Continuation Form
Section #-Subse	quent Action	Taken							
8. Extended To	A. Date	Mo Da	Yr	B. Time (2	4 Hr. Clock)		. C. Vacated	D. Terminated	E. Modified
Section IV-Inspec	ction Data								
9. Type of Inspe	ction A	AA	10. E	vent Numbe	4054425				
11. Signature		6		J	AR Number	12. Date	Mo Da Yr 06/29/2004	13. Time (24 Hr. Cl 1326	•

### Mine Citation/Order

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

22 JUL 2004

<b>M</b>	•
<b>\</b>	

Section I-Vi	olation Data				-			
1. Date	Mo Da Yr 07/07/2004	12. Time (24 Hr. Clock) 1030			3. Citation/ Order Number	7146297	7	
4. Served	То	•	5. Operator					
Roy Tho	rne		ANKER WEST VIRGINIA MINING COMPANY					
6. Mine			7. Mine ID 46-08791					
SAGO N	IINE		40-06/91 (Col					
8 Conditio	n or Practice					8a. Written No	tice (103g)	

Dates, times and initials were not present on the #1 Section, including the working places No. 1 through No. 8, to indicate a preshift examination had been conducted. Three persons were scheduled to work on the section and were performing maintenance work at the time the violation was observed.

										See	Continuati	on Form (MSHA	Form 7000-3a)
9. Violation	A. Healti Safet Othe	y 🗹 📗	B. Section of Act				C. Part/Sec Title 30 C			7	5.360(e	)	
Section II-Inspe	ector's Evalu	ation											
10. Gravity:				. —							_		
	r Iliness (h	, , , , ,	No Likeliho	od [_	Unli	kely 🔽	Reaso	nabły Lik	ely 📋	Highly LI	kely [	Occun	ed [
, ,	r illness co be expect		No Lost	Work	days 🗌	Lost V	Vorkdays Or F	Restricted	Duty 🗹	Perma	nently Dis	sabling 🗌	Fatal
C. Signific	ant and Su	ıbstantial	: Yes		No 🗹					D. Numb	er of Pers	ons Affected:	003
11. Negligeno	ce (check o	one)	A. None	].	B. Low		C. Moderate	$\square$	D. H <b>igh</b>		E. Rec	kless Disrega	rd 🗌
12. Type of A	ction	104(	a)		13	3. Type of	Issuance (ch	eck one)	(	Citation 🗹	Ord	ler 🗌	Safeguard
14. Initial Acti A. Citation	77.	rder 🗌	C. Safegua	rd 🖂	D. Written	Notice [	E. Citat	tion/ er Numbe	er			F. Dated	Mo Da Yr
15. Area or E													
16. Termination	on Due	A. Date	Mo Da \\ 07/07/20		B. Time (2	24 Hr. Clo	ck) 1	120					
Section III-Terr	nination Acti	on											
17. Action to	Terminate	A s	upplem	enta	al exa	minat	ion was	con	ducted	d with	date	es, time	es and
initial	s pla	ced	at app	ropi	ciate :	locat	ions.						
18. Terminate	A. Date		Da Yr 17/2004	B. Tim	e (24 Hr. Cl	lock	1120						
Section IV-Auto	omated Syst	em Data							117				
19. Type of in (activity o		CEA	20. Event	Numbe	er 4(	76458	3	1. Prima	ry or Mill				
22. Signatum				-	7					23.	AR Numb	per	67

MSHA Form 7000-3, Mar 95 (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 500 W. Madison Street, Suite 1240, Chicago, Illinois 60661. 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.



CC BW 7-12-04

U.S. Department of Labor 2.6 JUL 2004
Mine Safety and Health Administration

1
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	_		Withe Safety and Health Authinistration							
Section I-V	Section I—Violation Data									
1. Date	Mo Da Yr 07/12/2004	2. Time (24 Hr. Clock) 1515	3. Citation/ Order Number 70966	49						
4. Served 1			5. Operator							
Brent W	olfe		ANKER WEST VIRGINIA MINING COMPANY							
6. Mine	<b>W</b> E		7. Mine ID 46-08791							
SAGO N	n or Practice		8a Writter	(Contractor)  Notice (103g)						
o, conditio	I OF PERCENCE									

The operator failed to submit a Mine Accident, Injury and Illness Report, 7000-1, to MSHA within 10 working days after the occurrence of a 03-05-2004 occupational injury to an underground employee, Marvin Brown, that resulted in lost work days and medical treatment that required surgery. This employee is still not back to work.

								See C	continuation For	m (MSHA	Form 7000-3a)	
	ealth	B. Section of Act			C. Part/Sect Title 30 C			50	).20(a)			
ction II-Inspector's	Evaluation											
), Gravity: A. Injury or Ilines	s (has) (is)	: No Likeliho	od 🗹	Unlikely 🗌	Reas	onably Likely		Highly Llk	ety 🗌	Occum	ed 🗌	
B. Injury or illnes sonably be ex	s could rec sected to b	i- e: No Lost	Workdays 🗸	Lost	Workdays Or	Restricted D	Outy []		nently Disablin		Fetel _	
C. Significant an	d Substan	tial: Yes	☐ No E	<b>Z</b>				D. Number	r of Persons A	mected:	001	
I. Negligence (che	ck one)	A. None	B. La	<b>w</b> 🗆	C. Moderate	Ø	D. High		E. Reckless	Disrega	rd []	
2. Type of Action	10	)4(a)		13. Type of	Issuance (ch	eck one)		Citation 🗹	Order [	]	Safeguar	<u>d</u> 🗀
4. Initial Action	B. Order		ırd 🔲 D. W	ritten Notice	E. Citz	stion/ er Number			F. I	Dated		
6. Termination Du	0 A. C	Mo Da 07/12/20		me (24 Hr. Cl	ock)	1530						_
ection III-Termination	on Action											-
7. Action to Termi	nate T	MoDa Yr	d due t		1528	being	subn	nitted	by the	oper	acor.	-
ection IV-Automate	d System D	ata										_
19. Type of Inspec (عثنهموالاناد)	tion	20. Event	Number	40543	00	21. Primar	y or Mili					_
22. Sigr		6							. AR Number		6 _	J
MSHA Forr , _30-3, has established a Nagency enforcement actions and Street, SW MC		Il Business and Ag		enforcement	activities and re	ites each age	ncy's resp	onsiveness to	small business	if you wit	sh to comment ( nai Ombudisma	on the n. 409

Mine Citation/Order		U.S. Department	d Health Administration	The state of the s
1. Date Mo Da Yr	2. Time (24 Hr. Clock)		3. Citation/	to be interested by
07/22/2004	0800	P1	Order Number	7147614
4. Served To Brad Hamrick		5. Operator	T VIDGINII A AMIDIO	00100100
6. Mine		7 Mine ID	T VIRGINIA MINING	COMPANY
SAGO MINE		46	-08791	(Contracto
8. Condition or Practice	adequately support			Sa Weller Melice (100-)
to be exposed that roof 13 inches. The second area that	hazards related to at 21 x-cut. The to t measured 8 feet is top was loose, o was exposed in the 0 inches from the	op was dislodge wide,8 feet le gapping, and se same return a	ed from bolt along. The bolt was eperated from that 5 to 6 x-cut	lowing a area s out of the the solid top.A
			See Continuatio	n Form (MSHA Form 7000-3e)
2. Violation A. Health Safety / Other	of Act	C. Part/Section of Title 30 CFR	75.202(a)	
Section II—Inspector's Evaluation				
10. Gravity: A. Injury or Illness (has) (is):	No Likelihood Unlikely	Reasonably Likely	Highly Likely	Occurred [
B. Injury or illness could rea- sonably be expected to be:		et Workdays Or Restricted D		
C. Significant and Substantial:	Yes V No		D. Number of Perso	
11. Negligence (check one)	A. None B. Low	C. Moderate	D. High E. Rec	kless Disregard
12. Type of Action . 104(a)	13. Type	of Issuance (check one)	Citation 🗹 Ord	er Safeguard
14. Initial Action	C. Safeguard D. Written Notice	E. Citation/ Order Number		F. Dated Mo Da Yr
15. Area or Equipment				
16. Termination Due A. Date	Mo Da Yr 07/27/2004 B. Time (24 Hr. C	Hock) 0800		
Section III—Termination Action				
17, Action to Terminate				
18, Terminated A. Date Mo D	B. Time (24 Hr. Clock)			·
Section IV-Automated System Data				
19. Type of Inspection (activity code)	20. Event Number 7 40543	21. Primary	or Mill	
22 Stansture		<b>Y</b>	23. AR Numi	per /

MSHA Form 7000-3, for 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 Agricultury Regulatory Ombudaman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudaman 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 (1-88-734-3247), or write the Ombudaman at 500 W. Madison Shoot, Select 1240, Chicago, Illinois 50661. Please safe, itemset, 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 clustons and proposed penalties and obtain a hearing before the Federal Mine Sufety and Health Neview Commission.

22. Signature

1	
Milge (	Citation/Order
Contin	

# U.S. Department of Labor

16 Alto 2007

Continuation	Mine S	afety and Heal	th Administration	AUG 2004	<b>(</b> )		
Section I-Subsequent Action/Continuation Data							
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 07/22/20	Yr )04	3. Citation/ Order Number	7147614 - 01		
4. Served To			5. Opera	tor		···	
Brad Hamrick			ANKE	R WEST VIRC	<b>SINIA MINING CO</b>	OMPANY	
6. Mine			7. Mine i	D 46 0070	.1	(Contractor)	
SAGO MINE				46-0879	'1		
Section II—Justification for Action							

Post were set in the affected area

						See Continuation Form
Section III—Subse	quent Action Tale	n				
8. Extended To	NAME AND ADDRESS OF THE OWNER, WHEN PERSON NAMED IN	Da Y	B. Time (24 Hr. Clock)	C. Vacated	D. Terminated	E. Modified
Section IV-Inspec	ction Data					
9. Type of Inspe	ction AAA	10 19	Event Number 4054300	e Mo Da Yr	13, Time (24 Hr. Cl	lock)
11. Signature		6	JAR Number 12. Date	08/03/2004	1000	
MSHA Form 7000	0-3a, Mar 85 (revis	sed,			Qu ()	
					86	4

V .	U.S. Department of Labor Mine Safety and Health Administration
Section IViolation Data	and construction Administration
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/ 71.47.61.5
07/22/2004 0850	Order Number 7147615
Brad Hamrick	5. Operator  ANKER WEST VIRGINIA MINING CONTAINS
3. Mine	ANKER WEST VIRGINIA MINING COMPANY
SAGO MINE	7. Mine ID 46-08791 (Contractor)
3. Condition or Practice	8a. Written Notice (103g) [ in the main left return was not maintained
left side measuring 4 inches wide a	and 6 Inches long.
	See Continuation Form (MSHA Form 7000-3a)
. Violation A. Health B. Section of Act	C. Part/Section of Title 30 CFR 75.333(h)
Other _	75.555(11)
ection II-Inspector's Evaluation	73.335(II)
ection II-Inspector's Evaluation 0. Gravity:	73.335(11)
ection II—inspector's Evaluation  0. Gravity:  A. Injury or Illness (has) (is): No Likelihood Unlikely	P Reasonably Likely  Highly Likely  Occurred
ection II—Inspector's Evaluation D. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely  B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost	73.335(11)
ection II—Inspector's Evaluation  D. Gravity:  A. Injury or Illness (has) (is): No Likelihood Unlikely  B. Injury or Illness could rea-	Reasonably Likely Highly Likely Occurred
ection II—inspector's Evaluation  D. Gravity:  A. Injury or Illness (has) (is): No Likelihood Unlikely  B. Injury or Illness could reasonably be expected to be:  C. Significant and Substantial:  Yes No	Reasonably Likely Highly Likely Occurred Workdays Or Restricted Duty Permanently Disabling Fatal
ection II—Inspector's Evaluation  O. Gravity:  A. Injury or Illness (has) (is): No Likelihood Unlikely  B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost  C. Significant and Substantial: Yes No   1. Negligence (check one) A. None B. Low	Reasonably Likely Highly Likely Occurred Workdays Or Restricted Duty Permanentty Disabling Fatal D. Number of Persons Affected: 001
ection II—Inspector's Evaluation  D. Gravity:  A. Injury or Illness (has) (is): No Likelihood  Unlikely   B. Injury or Illness could reasonably be expected to be: No Lost Workdays  Lost  C. Significant and Substantial: Yes No   1. Negligence (check one) A. None B. Low   2. Type of Action 104(a) 13. Type of	Reasonably Likely  Highly Likely  Occurred    Workdays Or Restricted Duty Permanently Disabling Fatal    D. Number of Persons Affected: 001  C. Moderate D. High E. Reckless Disregard   of Issuance (check one) Citation Order Safeguard   E. Citation/ F. Dated
ection II—Inspector's Evaluation  O. Gravity:  A. Injury or Illness (has) (is): No Likelihood Unlikely  B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost  C. Significant and Substantial: Yes No   1. Negligence (check one) A. None B. Low   2. Type of Action 104(a) 13. Type of Action	Reasonably Likely  Highly Likely  Occurred    Workdays Or Restricted Duty Permanentty Disabling Fatal    D. Number of Persons Affected: 001  C. Moderate D. High E. Reckless Disregard    of Issuance (check one) Citation Order Safeguard    E. Citation/ F. Dated
ection II—Inspector's Evaluation D. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely  B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost C. Significant and Substantial: Yes No  1. Negligence (check one) A. None B. Low 2. Type of Action 104(a) 13. Type of A. Initial Action A. Citation B. Order C. Safeguard D. Written Notice 5. Area or Equipment	Reasonably Likely
ection II—Inspector's Evaluation D. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely  B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost C. Significant and Substantial: Yes No  1. Negligence (check one) A. None B. Low  2. Type of Action 104(a) 13. Type of A. Citation B. Order C. Safeguard D. Written Notice 5. Area or Equipment  A. Date Mo Da Yr 07/22/2004 B. Time (24 Hr. Ci	Reasonably Likely
ection II—Inspector's Evaluation D. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely  B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost C. Significant and Substantial: Yes No  1. Negligence (check one) A. None B. Low  2. Type of Action 104(a) 13. Type of A. Citation B. Order C. Safeguard D. Written Notice 5. Area or Equipment  A. Date Mo Da Yr 07/22/2004 B. Time (24 Hr. Cleation III—Termination Action	Reasonably Likely
ection II-Inspector's Evaluation D. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely  B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost C. Significant and Substantial: Yes No  I. Negligence (check one) A. None B. Low D. Type of Action 104(a) 13. Type of A. Citation B. Order C. Safeguard D. Written Notice D. Area or Equipment  B. Termination Due A. Date Mo Da Yr 07/22/2004 D. Written Notice D. Action III-Termination Action D. Action to Terminate Terminated due to the section III-Terminated A. Date 07/22/2004 D. Time (24 Hr. Clock) D. Time (24 Hr. Clock)	Reasonably Likely  Highly Likely  Occurred    Workdays Or Restricted Duty  Permanentty Disabling  Fatal    D. Number of Persons Affected:  001  C. Moderate  D. High  E. Reckless Disregard    of Issuance (check one)  Citation  Order  Safeguard    E. Citation/  F. Dated
ection II-Inspector's Evaluation D. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely  B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost C. Significant and Substantial: Yes No  I. Negligence (check one) A. None B. Low C. Type of Action 104(a) 13. Type of A. Citation B. Order C. Safeguard D. Written Notice C. Area or Equipment  A. Date Mo Da Yr 07/22/2004  B. Time (24 Hr. Clock) C. Action to Terminate Terminated due to the section IV-Autometed System Data	Reasonably Likely  Highly Likely  Occurred    Workdays Or Restricted Duty  Permanently Disabling  Fatal    D. Number of Persons Affected:  001  C. Moderate  D. High  E. Reckless Disregard    of Issuance (check one)  Citation  Order  Safeguard    E. Citation/  F. Dated  Glock) 0915  Stopping hole being sealed.
ection II—Inspector's Evaluation  O. Gravity:  A. Injury or Illness (has) (is): No Likelihood  Unlikely  B. Injury or Illness could reasonably be expected to be: No Lost Workdays  Lost  C. Significant and Substantial: Yes  No   1. Negligence (check one) A. None  B. Low   2. Type of Action  104(a)  13. Type of A. Initial Action  A. Citation  B. Order  C. Safeguard  D. Written Notice  5. Area or Equipment  6. Termination Due  A. Date  Mo Da Yr  O7/22/2004  B. Time (24 Hr. Clock)  cotion III—Termination Action  7. Action to Terminate  Terminated due to the section III—Terminated  A. Date  Mo Da Yr  B. Time (24 Hr. Clock)	Reasonably Likely Highly Likely Occurred  Workdays Or Restricted Duty Permanently Disabling Fatal  D. Number of Persons Affected: 001  C. Moderate D. High E. Reckless Disregard Of Issuance (check one)  Citation Order Safeguard  E. Citation/ Order Number  F. Dated  1001  Stopping hole being sealed.

established a National Small Business and Agriculture Regulatory Onbudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small businesses. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at 500 W. Madison Street, Suite 1240, Chicago, Illinois 60661. 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 Cita	tion/Order			U.S. Depart				200/20
Section IVio	lation Data			Mine Safety	and Healtr	n Administra	ation	
1. Date	Mo Da Yr	2. Time (24 Hr. (	Clock			O Challant		
. Date	07/22/2004	Secretary of the property of	005			3. Citation/ Order Nu	<sub>mber</sub> 71476	16
. Served T				5. Operator				
rad Han	nrick			ANKER W	EST VIRG	INIA MINI	ING COMPAN	٧Y
				7. Mine ID	46-0879	1		
							On 14/4Wa-	(Contractor
ho #	3 scoop 10	cated in t	he NE Mair	ns MMU 001-0	cocti	02 :32 6	oa. written	Notice (103g)
Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act		C. Part/Section of Title 30 CFR			tinuation Form (MSH. 125(a)	A Form 7000-3a)
	Safety							A Form 7000-3a)
oction IIInsp	Safety V Other Dector's Evaluation	of Act	Halitalu [7]	Title 30 CFR	oh. [4]	75.17	725(a)	
oction IIInsp ). Gravity: A. Injury c	Safety Other		Unlikely []		sety 🗹	75.17	725(a)	A Form 7000-3a)
oction IIInsp ). Gravity: A. Injury o B. Injury o	Safety V Other Dector's Evaluation	of Act		Title 30 CFR		75.17	725(a)	
oction IIinsp ). Gravity: A. Injury of B. Injury of sonably	Safety Other	No Likelihood  No Lost Worke		Title 30 CFR Reasonably Lik		75.17 Highly Likely Permanent	725(a)	red [
A. Injury of sonably C. Signific	Safety Other Dector's Evaluation or illness (has) (is): or illness could ready be expected to be: cant and Substantial:	No Likelihood  No Lost Work	days Lost V	Title 30 CFR Reasonably Lik		75.17 Highly Likely Permanent D. Number of	725(a)  Occur  Disabling	Fatal _
Dection IIInsp D. Gravity: A. Injury C B. Injury C sonably C. Signific	Safety Other Dector's Evaluation or Illness (has) (is): or illness could ready be expected to be: cant and Substantial: ce (check one)	of Act  No Likelihood □  No Lost Worke  Yes   A. None □	No B. Low	Title 30 CFR  Reasonably Lik  Workdays Or Restricte	d Duty 🗹 D. High	75.17 Highly Likely Permanent D. Number of	Occur ty Disabling	Fatal _
Dection IIInsp. Dection II	Safety Other Dector's Evaluation or tilness (has) (is): or illness could ready be expected to be: cant and Substantial: ce (check one)	of Act  No Likelihood □  No Lost Worke  Yes   A. None □	No B. Low	Title 30 CFR  Reasonably Lik  Workdays Or Restricte  C. Moderate	D. High	75.17 Highly Likely Permanent D. Number of	Occur tly Disabling  f Persons Affected Reckless Disreg	Fatal
A. Injury of sonably C. Signific	Safety Other Dector's Evaluation or Illness (has) (is): or illness could ready be expected to be: cant and Substantial: ce (check one) Action 104(a	of Act  No Likelihood □  No Lost Work  Yes ☑  A. None □	No B. Low 13. Type of	Title 30 CFR  Reasonably Lik  Workdays Or Restricte  C. Moderate   f Issuance (check one	D. High	75.17 Highly Likely Permanent D. Number of	Occur  Ty Disabling   F Persons Affected  Reckless Disregular	Fatal

0930

21. Primary or Mill

the cable.

19. Type of Inspection

(activity code)

A. Date

Section IV-Automated System Data

18. Terminated

22. Signatur

Mo Da Yr

07/22/2004

20. Event Number

B. Time (24 Hr. Clock)

4054300

23. AR Number

Mine Citati	on/Order				ertment of I	_abor th Administrat	LE 5 AUG 26	Motor
Section I-Viola	tion Deta				<u> </u>			•,
1. Date	Mo Da Yr 07/22/2004	2. Time (2+4). (	Clock) )45			3. Citation/ Order Numl	714761	7
4. Served To	UTI ZZI ZUUT	<u></u>	713	5. Operator		Older Hullin	71701	
Brad Hami	ick				WEST VIRO	GINIA MININ	G COMPANY	7
6. Mine SAGO MII	NTE .			7. Mine ID	46-0879	91		
SACO MI	NE						Ba, Written N	(Contractor)
Mains Maccessi	MU 001-0 ble only	section.Tl	of control ne plan sta vailable an	ted that 1	their wi	ill be 20	post rea	dilv
9. Violation	A. Health ☐ Safety [✓] Other	B. Section of Act		C. Part/Section of Title 30 CFR		See Contin	uation Form (MSHA	Form 7000-3a)
B. Injury or sonably	Illness (has) (is): itiness could rea- be expected to be: ant and Substantial:	No Likelihood   No Lost Work  Yes		Reasonably Workdays Or Restri		<del></del>	Occurre Disabling  Persons Affected:	d [] Fatal [] 001
11. Negligeno	e (check one)	A. None	B. Low	C. Moderate 🗹	D. High	□ E.	Reckless Disregan	1 🗆
12. Type of Ac	tion 1040	a)	13. Type of	Issuance (check on	<b>e</b> )	Citation 🗹	Order [	Safeguard [
14. Initial Action A. Citation 15. Area or Ed	B. Order	C. Safeguard	D. Written Notice	E. Citation/ Order Num	per		F. Dated	
16. Termination	n Due A. Date	Mo Da Yr 07/22/2004	B. Time (24 Hr. Clos	ok) 1100				
Section III-Terr	mination Action					ho	i = 1 d	- 4 - 4 -
17. Action to 1	ferminate Ter ble locat		ue to the p	oost ,weag	es, and	. Caps be	ing suppi	ed at a
18. Terminate	~ I A Date	Da Yr 22/2004 B. Tin	ne (24 Hr. Clock)	1100	•		-	
19. Type of In	spection	20. Event Numb	er / /405430	() 21. P	rimary or Mill		***************************************	
(activity or 22. Signati	AAA.	6	• 7 405450	` <u> </u>		23. AR I	Number	<b>6 J</b>

MSHA Form 700-3, Mer 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 segency enforcement actions. The Ombudsman annually evaluates enforcement actions of MSHA, you may call 1-888-REG-FAIA-(1-655-734-3247), or write the Ombudsman at 500 W. Madison Street, Suite 1240, Chicago, Illinois 60651. 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 obtations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Mine	Citation/Order
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-5 AUG 2000	_
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Mne Citat	ion/Order			U.S. Departi Mine Safety		abor h Administratio	- 5 AU(	3 2000 P
Section I-Viola	tion Data			<u> </u>				***
1. Date	Mo Da Yr 07/22/2004	2. Time (24 Hr. C	Clock) 00			3. Citation/ Order Number	71476	18
4. Served To				5. Operator				
Brad Ham	rick			ANKER WI	EST VIRG	SINIA MININ	G COMPAN	TY.
6. Mine	NIE			7. Mine ID	46-0879	1		
SAGO MI 8. Condition of		·····				<u>-</u>		(Contractor)
		al fines	were allowe	d to accum		at the te	88. Written	Notice (103g)
fines v	when the vi	iolation v	roller was was observed 18 inches d	l.The accum	n the ulatio	loose coa	l and b leasured	lack coal were 5
9. Violation	Safety 🗸 Other	B. Section of Act	- 14	C. Part/Section of Title 30 CFR		See Continue 75.404	ntion Form (MSHA	A Form 7000-3a)
	ector's Evaluation							
10. Gravity:	- Illanca (han) (in):	No Likelihood	i Inditaha 🔎	Reasonably Lik	cetu 🗀	Highly Likely	Occum	med [T]
	r Iliness (has) (is):	MO LIKERIDOOG	Unlikely 🗹	Reasonady Cir	жну <u></u>	Highly Likely	Occur	180
	r illness could res- be expected to be:	No Lost Work	deys 🗌 Lost W	orkdays Or Restricte	d Duty 🔽	Permanently I	Disabling [	Fatal 🗌
	ant and Substantial:	Yes 🗌	No 🗹			D. Number of Per	sons Affected:	001
11. Negligeno	e (check one)	A. None 🗌	B. Low 🗌 C	. Moderate	D. High	☐ E.R	eckless Disrega	ard 🗌
12. Type of A	ction 104(a	1)	13. Type of Is	suance (check one)	C	citation 🗹 C	order 🗌	Safeguard
14. Initial Acti A. Citation		C. Safeguard	D. Written Notice	E. Citation/ Order Numbe	ır		F. Dated	Mo Da Yr
15. Area or E	quipment							
16. Terminati	on Due A. Date	Mo De Yr 07/22/2004	B. Time (24 Hr. Clock	) 1130		·		
Section III-Ter	rmination Action							<del></del>
17. Action to	Terminate Terr		ie to the lo	ose coal a	and bla	ack coal	lines be	eing
cleane	d up at the	e tail pi	ece.					
18. Terminate	~ I A Data	Da Yr 2/2004 B. Tim	ne (24 Hr. Clock)	1130	·			
Section IV-Au	tomated System Data			12. 5:	\ em			
19. Type of in (activity of		20. Event Numb	4054300	21. Prim	ary or Mill	AM	trober #	
22. Signaturi		6		] _				
MSHA Form 7	7009 3/Mar 85 (revised)	In accordance w	ith the provisions or the or	and 10 Regional Fairne	ry Emorcement les Boards to 1	receive comments for	on small busines	ses about federal

has established a National Small Business and Agriculture Regulatory Orthodsman and 10 Regional Fairness Boards to receive comments from small business. If you wish to comment on the agency enforcement actions. The Ornbudsman 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 (4-898-734-3247), or write the Ornbudsman at 500 W. Medison Street, Suite 1240, Chicago, Illinois 60661. 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	
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Mine citation/Order	U.S. Department of Labor Mine Safety and Health Administration 5 AUG 2004
Section I <sup>±</sup> -Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/ Order Number 7147619
07/22/2004 1110 4. Served To	5. Operator
Brad Hamrick	ANKER WEST VIRGINIA MINING COMPANY
6. Mine	7.16-15
SAGO MINE	7. Marrie ID 46-08791 (Contractor)
8. Condition or Practice	8a. Written Notice (103g)
	plan is not being complied with in the NE
	at the tail piece exceeded the 40 foot
	feet outby the tail piece on the belt line.
	See Continuation Form (MSHA Form 7000-3a)
	C. Part/Section of
9. Violation A. Health B. Section of Act	Title 30 CFR 75.370(a)(1)
Section II—Inspector's Evaluation	
10. Gravity.	- Washilliah [] Assured []
A. Injury or illness (has) (is): No Likelihood Unlikely 🗹	Reasonably Likely Highly Likely Coccurred
B. Injury or illness could read No Lost Workdays Lost	t Workdays Or Restricted Duty 🗹 Permanently Disabling 🗌 Fatal 🔲
sonably be expected to be:  C. Significant and Substantial:  Yes No	D. Number of Persons Affected: 001
11. Negligence (check one) A. None B. Low	C. Moderate 🗹 D. High 🗌 E. Reckless Disregerd 🗌
	of Issuance (check one) Citation 🗹 Order 🗌 Safeguard 🗌
D Matter Nation	E. Citation/ Order Number
, A. Citation B. Order C. Safeguard U. VVIsital Notice  15. Area or Equipment	
16. Termination Due A. Date 07/22/2004 B. Time (24 Hr. Cl	lock) 1120
Section III-Termination Action	co sensor device being moved up to the
17. Action to Terminate Terminated due to the tail piece.	Co sensor device being moved of the
18. Terminated A. Date	1120
Section IV-Automated System Data 19. Type of Inspection 20. Event Number /40543	21. Primary or Mill
19. Type of Inspection (activity code) , AAA 20. Event Number /40543	00
	23. AR Number
to accordance with the plevisions of the	he Small business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration

MSHA Form 7000-3, whar 85 (revised) In accordance with the physisions of the Small Business Regulated Platiness Regulated Plat

5. Operator ANKER WEST VIRO	h Administration	7147620
ANKER WEST VIRO	1	1147620
ANKER WEST VIRO	1	7147620
ANKER WEST VIRO		
7 10 10	INIA MINING CO	)MPANY
7. Mine ID 46-0879	1	
		(Contractor) a. Written Notice (103g)
ov the feeder in	the NF Main	E SOCTION ::00
due to the hippi	e missing in	i the lire
A D-1/0-1/1	See Continuation F	orm (MSHA Form 7000-3e)
C. Part/Section of Title 30 CFR	75.1100-3	
December 18-to C	18-ba 19-ba	A
Reasonably Likely	Highly Likely	Occurred
/orkdays Or Restricted Duty 🔽	Permanently Disabl	ing Fatal _
	D. Number of Persons	Affected: 001
C. Moderate 🗹 D. High	E. Reckles	as Disregard
ssuance (check one)	itation 🗹 Order	Safeguard [
E. Citation/	F.	Dated
Older Normber		
9 1140		
ole peind braced	in the lire	stand on the
1140		
21. Primary or Mill		
)		
	23. AR Number	F 6
	C. Part/Section of Title 30 CFR  Reasonably Likely   Control and C	Reasonably Likely   Highly Likely    forkdays Or Restricted Duty   Permanently Disable   D. Number of Persons   D. High   E. Reckles   Bauance (check one)   Citation   Order     E. Citation/ Order Number   F.

MSHA Form 70000, Mer id) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business and Agriculture Regulatory Ombudernan and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudernan 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 Ombudernan at 500 W. Madison Street, Suite 1240, Chicago, Illinois 60661. Please note, however, that your right to file a comment with the Ombudernan 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.

Miı	e Citation/Order
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### U.S. Department of Labor Mine Safety and Health Administration



							MILLIA	oalcly	allu nea	nui Aui	Illilistration	1	**//
Section	<b>i</b> -Violation	Deta											
1. Date		Mo Da Yr 17/22/2004	2. Time (24	Hr. Clor 112:							itation/ rder Number	714762	l
4. Serv	red To						5. Open	ator					
Brad	Hamricl	k					ANKE	R WE	ST VIR	GINIA	MINING	COMPANY	r
6. Mine	O MINE	:	······				7. Mine		6-087	21212			
	dition or Pr												(Contractor)
												8a. Written No	tice (103g)
The	tail	piece	located	in t	he N	E Mains	MMU	001-	0 was	not	provid	led with	a fire

stand

						See C	ontinuation Form (MSHA	Form 7000-3e)
0	ifety 🗸	B. Section of Act		C. Part/Section o Title 30 CFR	ſ	75.1	100-2(b)	
Section #-Inspector's E	valuation							
10. Gravity:							_	
A. Injury or Illness	(has) (is):	No Likelihood [	Unlikely 🗸	Reasonabl	y Likely 📋	Highly Llk	ely 🗌 Occurr	De De
B. Injury or illness sonably be expe		No Lost Worl	days 🗌 Los	t Workdays Or Rest	ricted Duty 🗹	Perman	ently Disabling	Fatal []
C. Significant and	Substantial:	Yes 🗌	No 🗹			D. Number	of Persons Affected:	001
11. Negligence (chec	k one)	A. None	B. Low	C. Moderate	D. High		E. Recidess Disrega	rd 🗌
12. Type of Action	104(a	a)	13. Type o	of Issuance (check o	nne)	Citation 🗹	Order [	Safeguard
14. Initial Action A. Citation B	. Order 📋	C. Safeguard	D. Written Notice	E. Citation/ Order Nu	ımber		F. Dated	
16. Termination Due	A. Date	Mo Da Yr 07/22/2004	B. Time (24 Hr. Cl	lock) 160	0			
Section III—Termination	Action	077222001	1					
17. Action to Termina								
18. Terminated A. [	)ate Moi	Da Yr B. Tirr	e (24 Hr. Clock)					
Section IVAutomated	System Data							
19. Type of Inspection (activity code)	AAA	20. Event Number	40543	00	Primary or Mill			Approximate to the
22. Signature						23.	AR Number	6]

MSHA Form 7000 5 Mar 85 (revised) In accordance with the programs or use officer supplications and use of the sestablished a National Small Business and Agriculture Regulatory Ombudaman and 10 Regional Falmess Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudaman annually evaluates sentionement 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 Ombudaman at 500 W. Madison Street, Suite 1240, Chicago, Illinois 60681. 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 penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Mine Citation/Order Continuation						U.S. Department of Labor 1 6 AUG 2004 70 Mine Safety and Health Administration					
Section I-Subsequent Action	Continuation Data							_			
1. Subsequent Action 1a.	Continuation	2. Dated (Original Issue)	Mo 07/2	Da 2/20	Yr 04	3. Citation/ Order Number	7147621 - 0	01			
4. Served To Brad Hamrick					5. Open	ER WEST VIRO	INIA MINING	CO	MPAN	IV	
6. Mine SAGO MINE					7. Mine ID 46-08791			00.	-	ntractor	
Section II-Justification for Ac	tion			_					-	_	

The tail piece was provided with a fire tap for the NE Mains MMU 001-0

Section III-Subse	ouent Action Ta	ken	0 mm 1 m		10.05	an Municipal Cons		See Continuation Form
8. Extended To	A. Date Mo		Yr B. Tim	(24 Hr. Clock)		C. Vacated	D. Terminated	E. Modified
Section (Vmspec	-		0		-			
<ol><li>Type of Inspe</li></ol>	ction AAA	1/1	0. Event Nur	nber 4054300				
11,~	<b>3</b> 15		7	AR Number 1	2. Date	Mo Da Yr	13. Time (24 Hr. C)	•
-	<b>.</b>	9				08/03/2004	0922	
MSHA F.60m 7000	-3a, Mar 85 (rev	(BOD)					_	
0			)				AM	
							8.0.04	

Mine	a Ci	tati	กก	<b>(</b> 0)	Mer

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

1.7	AUG	2004	
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Section I V	ection IViolation Data									
1. Date	' Mo Da Yr 08/02/2004	2. Time (24 Hr. Clock) 1515	*	3. Citation/ Order Number	7147196					
4. Served		ERINTENDENT	5. Operator ANKER WEST	VIRGINIA MINING C	COMPANY					
6. Mine SAGO MINE			7. Mine ID 46-0							
8 Conditi	ion or Practice				Ra Written Notice (103a)					

WELL NO. 01502 WAS LOCATED BY THE OPERATOR; HOWEVER, A 300- FOOT DIAMETER BARRIER WAS NOT MAINTAINED AROUND THE GAS WELL. THE OPERATOR HAS MINED THREE CROSSCUTS PAST THE WELL AND THE OPERATOR MINED WITHIN APPROXIMATELY 95 FEET OF THE WELL WHEN THE WELL WAS MINED BY IN THE NO. 7 ENTRY OF THE NORTH MAINS SECTION. THE STATE OF WEST VIRGINIA HAS ISSUED PERMIT NO. UPS-324. THE DISTRICT MANAGER HAS NOT ISSUED A PERMIT TO MINE WITHIN THE 300-FOOT DIAMETER BARRIER.

9. Violation	A. Health		B. Section			C. Part/Section of					A Form 7000-3	
	Safety of Other	4	of Act			Title 30 CFR		7	5.1700			
ection II-Inspe	ctor's Evaluati	on										
0. Gravity:												
	Iliness (has)	<u>· · ·                                 </u>	No Likelihood	<b>∠</b> ∪	Inlikely 🗌	Reasonably	Likely	Highly LII	cely 📋	Occur	red 🗌	
	illness could be expected t		No Lost W	orkdays 🗸	Lost V	Vorkdays Or Restr	icted Duty	Perma	nently Disal	oling 🗌	Fatal [	
C. Significa	nt and Subst	tantial:	Yes 🗌	No 🗹	1			D. Numbe	r of Person	s Affected:	000	
1. Negligence	(check one)		A. None 🗌	B. Low	₹ (	C. Moderate	D. High		E. Reckie	ess Disrega	ard [	
2. Type of Act	tion	104(a	)		13. Type of h	ssuance (check on	e)	Citation 🗹	Order		Safegua	ard [
4. Initial Action A. Citation	n B. Orde	×Π	C. Safeguard	D. Writt	en Notice	E. Citation/ Order Nun	nber		F	. Dated	Mo Da	Yr
The state of the s			C. Sareguaro [	100000000000000000000000000000000000000	AND ADDRESS OF THE PARTY OF THE	The state of the s						
			o. oursgaaro [									
5. Area or Equ	uipment	. Date	Mo Da Yr	R Time	(24 Hr. Clock							
Area or Equ     Termination	n Due A	. Date		R Time								
5. Area or Equation 6. Termination III—Term 17. Action to To	n Due A	. Date	Mo Da Yr	R Time								
5. Area or Equ  6. Termination  6. Ection III—Term  7. Action to To	n Due A Aination Action erminate	. Date	Mo Da Yr 08/06/2004	R Time	(24 Hr. Clock							
5. Area or Equation 6. Termination Section III—Termination 17. Action to Total 8. Terminated	n Due A A A A A A A A A A A Date	. Date	Mo Da Yr 08/06/2004	B. Time	(24 Hr. Clock							
5. Area or Equ  6. Termination	n Due A A sination Action erminate A. Date mated System spection	. Date	Mo Da Yr 08/06/2004	B. Time	(24 Hr. Clock	0900	imary or Mili					
6. Termination Section III—Term 17. Action to Tell 8. Terminated Section IV—Autor 9. Type of Ins	n Due A A sination Action erminate A. Date mated System spection	Mo D	Mo Da Yr 08/06/2004 a Yr B. T	B. Time	(24 Hr. Clock	0900		23. /	AR Number	<b>F</b> 23		1

agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have,

including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

8/4/04

Mine	Citation/Order
Conti	nuation

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

1	7	AUG	2004	

Continuation		wille Salety and Pleasur Administration 1 100 2001						
Section I-Subsequent A	ction/Continuation Data		10100-01123		Communication and the communication of the communic			
1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)		Da Yr. /2004	3. Citation/ Order Number	7147196 - 01		
4. Served To				5. Opera				
<b>JAMES SWART</b>	Z, SUPERINTEN	IDENT ,		ANKE	R WEST VIRG	SINIA MINING CO	OMPANY	
6. Mine				7. Mine	D 46 0070	1	(Contractor)	
SAGO MINE					46-0879	1		

THE DISTRICT MANAGER ISSUED A PERMIT FOR MINING WITHIN THE 300-FOOT DIAMETER BARRIER.

Section IV—Inspection Deta 9. Type of Inspection CEF 10. Event Number 4077211	E. Modifie	D. Terminated	C. Vacated	Clock)	B. Time (24 Hr.	Yr	Date Mo Da	B. Extended To
							Deta	Section IV-Inspect
				4077211	vent Number	10. E	CEF	3. Type of Inspec
11. Signature	;k)	13. Time (24 Hr. Cloc 1243	17.2	Number 12. Date	JAR	5	6	11. Signature



Mine Citat	ion/Order \			U.S. Departr Mine Safety			stration	N.S.
Section I-Viola	ation Data							
1. Date	Mo Da Yr 08/03/2004	2. Time (24 Hr. 0	Clock) 9825			3. Citation Order I		28
4. Served To				5. Operator				
Brad Ham	rick				ST VIR	GINIA MI	NING COMPAN	Y
6. Mine			1	7 14ina ID	-			
SAGO MI	NE			4	l6 <b>-</b> 087	91		(Contractor)
8. Condition o	r Practice			<u> </u>			8a. Written N	
'l'he	currently	approved	mine venti		is n			
at the scrubbe curtain	end of the er off. The with the	e line cu ne ventil scrubber	section MMU artain with ation plan off. (Page ation was o	a properly ( requires 6, 2a) The Co	calib 000 C	rated a FM at t	nemometer a	and the the line
9. Violation	A. Health 💅 Safety Other ector's Evaluation	B. Section of Act		C. Part/Section of Title 30 CFR			ontinuation Form (MSHA	Form 7000-3e)
	ector's Evaluation							
10. Gravity:		M-19-28-4-7	T 11-10 T2	D		l limbbe l Nea	<b>.</b>	
	r Illness (has) (is):	No Likelihood	Unlikely 🗹	Reasonably Like	iy 📋	Highly Like	ly Decurre	<u>a</u>
	r illness could rea- be expected to be:	No Lost Wo	rkdays Lost V	Vorkdays Or Restricted	Duty 🗹	Permani	ently Disabling 🗌	Fatal 🗌
C. Significa	ant and Substantial:	Yes 🗌	No 🗹			D. Number	of Persons Affected:	001
11. Negligeno	e (check one)	A. None	B. Low	C. Moderate 🗹	D. High		E. Recidess Disregan	1 🗆
12. Type of Ad	ction 104(a	ı)	13. Type of I	ssuance (check one)		Citation 🗹	Order 🗌	Safeguard 🗌
14. Initial Action A. Citation		C. Safeguard	D. Written Notice	E. Citation/ Order Number			F Dated	
15. Area or Ed	quipment							
16. Termination	on Due A. Date	Mo Da Yr 08/03/2004	B. Time (24 Hr. Cloc	k) 0900	T			
Section III-Terr	mination Action							
17. Action to 1	Mor	Da Yr	mount of ai		ied to	o the C	ontinuous M	iner.
	A. Date 08/0	3/2004 B. Tir	me (24 Hr. Clock)	0900				
	omated System Data	(		1-11-1				
19. Type of In (activity or		20. Event Numb	4076681	21. Primary	y or Mill			
22. Signature						23. AF	R Number	

MSHA Form 7000-3, Mar 85 (revised) in accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1995, the Small Business Administration has established advantage Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small businesses. If you wish to comment on the enforcement actions of MSHA, you may call (1888-734-3247), or write the Ombudsman at 500 W. Madison Street, Suite 1240, Chicago, Illinois 60661. 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

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

0 1 SEP 2004

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Section I–Violation Data							
1. Date	Mo Da Yr 08/18/2004	2. Time (24 Hr. Clock) 1040			3. Citation/ Order Number	7146299	
4. Served To			5. Operator				
Mike Ke	elley		ANKER WEST VIRGINIA MINING COMPANY			COMPANY	
6. Mine				7. Mine ID 46-0879	1		
SAGO MINE				40-08/9	1		(Contractor)
A Residition	and Departure		- Company and the		CHARLEST THE PARTY OF THE PARTY	On Militian Mad	(400-)

The mine roof was not adequately supported or otherwise controlled in the track entry, on the walkway side, at Break No. 15 of the Mains No. 1 Belt. There were two loose brows at the inby corner of the outby coal block. One brow was approx. 8" thick, 0 to 2' wide and 4' long, the other was 10" thick, 3' long and 0 to 2' wide. These were gapped from the roof and broken away from the rib approx. 1/2".

						See	Continuatio	on Form (MSHA	Form 7000-3a)
9. Violation A. Hea Safe Ott	ety 🗹	B. Section of Act	C	c. Part/Section of Title 30 CFR		7:	5.202(a	)	
Section II-Inspector's Eva	duation								
10. Gravity:			_	•					
A. Injury or Illness	(has) (is):	No Likelihood	Unlikely _	Reasonably Like	ely 🗹	Highly Lli	ely 🗌	Occum	ed 🗌
B. Injury or illness of sonably be expe		No Lost Work	days Lost Wor	kdays Or Restricted	Duty 🗹	Permai	nently Dis	abling 🗌	Fatal 🗌
C. Significant and S	Substantia	i: Yes 🗹	No 🗌			D. Numbe	or of Pers	ons Affected:	001
11. Negligence (check	one)	A. None	B. Low C.	Moderate 🔽	D. High		E. Reck	dess Disrega	d [
12. Type of Action	104(	a)	13. Type of Iss	suance (check one)	C	itation 🗹	Ord	er 🗌	Safeguard
14. Initial Action A. Citation B. C	Order _	C. Safeguard	D. Written Notice	E. Citation/ Order Number				F. Dated	Mo Da Yr
16. Termination Due	A. Date	Mo Da Yr	B. Time (24 Hr. Clock)	1100					
	<u> </u>	08/18/2004	B. Filme (24 Fil. Clock)	1100			<del> </del>		
Section III-Termination Ad									
17. Action to Terminate	<sup>a</sup> The	brows wer	re easily tal	ken down u	sing a	a slat	e bar	of pro	oper
length.									
18. Terminated A. Da	te 08/1	Da Yr 8/2004 B. Time	e (24 Hr. Clock	1245					
Section IV-Automated Sys	stem Data								
19. Type of Inspection (activity code)	CEA	20. Event Number	4076459	21. Prima	ry or Mill				
22. Signature		6	7			23.	AR Numb	per	6]

MSHA Form 7000-3, Mar & (evised) 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 500 W. Madison Street, Suite 1240, Chicago, Illinois 60861. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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22 SEP 300

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Mi Cration/Orde	r				rtment of L ty and Healtl		ation	TW (S)
Segion I-Violation Data								
1. Date Mo Da	Y	2. Time (24 Hr. C				3. Citation/		4
09/07/	<u> 2004  </u>	074	15			Order No	<sub>umber</sub> 714781	.4
4. Served To				5. Operator				
AI SCHOONOVE	R, SAFE	ľΥ			NEST VIRC	JINIA MIN	ING COMPAN	Y
6. Mine				7. Mine ID	46-0879	)1		
SAGO MINE 8. Condition or Practice							0 - 10/-14 /	(Contractor)
		: a = a = a a		iah his	C		s Search Pi	Notice (103g)
according thof 08/29/200 approved pro Terminated t	neir re )4 thru ogram	ecord boo 1 09/04/2 requires	k, a seard 004 for th weekly sea	ch was not ne weekend arches and	was not crew on records	conduction the air	cted for th fternoon sh	ne week
9. Violation A. Healt Safet Othe	y 🗸	. Section of Act		C. Part/Section of Title 30 CFR		***************************************	ntinuation Form (MSHA	Form 7000-3a)
Section II-Inspector's Evalu	ation							
<ol> <li>Gravity:</li> <li>A. Injury or Illness (h</li> </ol>	an (in). N	lo Likelihood	Unlikely 📝	Reasonably	Likely [	Highty Likely	y 🗍 Occum	<b>~</b> [
B. Injury or illness or sonably be expect	ould rea-	No Lost Workd		Workdays Or Restric			ntly Disabling	Fatal []
C. Significant and St		Yes 🗌	No 🗹			D. Number	of Persons Affected:	· 001
11. Negligence (check o	one) A.	None	B. Low	C. Moderate	D, High		E. Reckless Disrega	rd 🗌
12. Type of Action	104(a)		13. Type o	of Issuance (check o	ne) C	Citation 🗸	Order	Safeguard
14. Initial Action		. Safeguard	D. Written Notice [	E. Citation/ Order Nun			F. Dated	Mo Da Yr
15. Area or Equipment								
16. Termination Due		Mo Da Yr 09/10/2004	B. Time (24 Hr. Cl	lock) 1530			· · · · · · · · · · · · · · · · · · ·	
Section III-Termination Act	tion							
17. Action to Terminate	1							
18. Terminated A. Dat	Mo Da	Yr B. Time	e (24 Hr. Clock					

MSHA Form 7000-3, Mar 85 (revised) In accordance with the profisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Combudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement actions are the comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at 500 W. Madison Street, Suite 1240, Chicago, Illinois 60661. 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.

4054300

21 Primery or Mill

CC ET TIT ALS

AAA

20. Event Number

Section IV-Automated System Data

19. Type of Inspection

(activity code)

22. Signature



23. AR Number



Continuation		U.S. I Mine	ion 23 TIM	
1. Subsequent Action 1a. Cor		Mo Da Yr 09/07/2004	3. Citation/ Order Number 7147814	- 01
4. Served To Al SCHOONOVER, SA	FETY	5. Ope	rator ER WEST VIRGINIA MININ	NG COMPANY
6. Mine SAGO MINE		7, Mine		(Contractor)
Section II-Justification for Action				
Change	From		To	
8. Condition Or Practice				

Reason take out one (was not) in bodily of citation on line (2).

The words (was not) duplicated in the body of citation.

Section III-Subsequent Action Taken				See Continuation Form
8. Extended To A. Date Mo Da Yr	B. Time (24 Hr. Clock)	C. Vacat	ed D. Terminated	☑ E. Modified
Section IVinspection Data  9. Type of inspection AAA   10. E	vent Number 4054300			y ()
11-Bigrature 6	AR Number 1	2. Date Mo Da Y 09/08/200	7r 13. Time (24 Hr. Cl 04 0719	ock)

Mine	Citation/0	Order
A 45		

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

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Continuation			Willie Sa	iety and nealth Adi	mistation	.//
Section ISubsequent Action/Continuation	Data		1			
1. Subsequent Action 1a. Continuatio	on 2. Dated (Original Issue)	Mo Da 09/07/20		3. Citation/ Order Number 714	17814 - 02	
4. Served To AI SCHOONOVER, SAFETY	?		5. Operat ANKE		MINING COMPANY	
6. Mine SAGO MINE			7. Mine II	46-08791	(Contrac	tor)
Section II—Justification for Action						
Change	From			То		

8. Condition Or Practice

Reason The words (was not) duplicated in the body of citation.

Take out one (was not) in the body of citation on line (2)

I-Subsequent Action Taken  A. Date	B. Time (24 Hr. Clock)		C. Vacated	D. Terminated E. Modified
V-Inspection Data of Inspection PAA	10. Event Number 4054	300		
17000				13. Time (24 Hr. Clock)

### Mine Citation/Order Continuation

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

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⇎	

Section I-Subsequen	it Action/Continuation Data					
1. Subsequent Act	tion 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/07/2	4.5	3. Citation/ Order Number 7147814	- 03
4. Served To				5. Operato	or	
Al Schoonover			ANKER WEST VIRGINIA MINING COMPANY			
6. Mine				7. Mine ID		(Contractor)
SAGO MINE					46-08791	
Cootion II Justification	o for Action			-		

A smokers search was conducted for the weekend crew afternoon shift and properly recorded in the book used for that purpose.

Section IV-Inspection Data  9. Type of Inspection AAA  10. Event Number 4054300  AB Number 12. Date Mo Da Yr 13. Tir	
11. Signature 12. Date Mo Da Yr 13. Tir	me (24 Hr. Clock)
09/13/2004	1247

Section     No   Like     No   Like   No   Like   No   Like   No   Like   No   Like   No   Like   No   Like   Li	Mine Citati	ion/Order		U.S. Department of L Mine Safety and Healt	abor 88 July 2	in Turk		
A Servet TO   ANKER WEST VIRGINIA MINING COMPANY	Section I-Viola	rtion Data						
A SCHOONOVER, SAFETY  ANKER WEST VIRGINIA MINING COMPANY  7. Mine ID  46-08791  (Contractor  5a. Written Notice (1039)  The operator's record of the required daily examination of the Main fan being checked and recorded in the following day the mine work: 09/06/2004. Men traveled underground to Pre-shift the mine.  See Continuation Form (MSHA Form 7000-3a)  9. Violation	1) Date		·		114/01	5		
SAGO MINE  7. Mine ID 46-08791  Contractor SAGO MINE  The operator's record of the required daily examination of the Main fan was not conducted on the following day the mine work: 09/06/2004. Men traveled underground to Pre-shift the mine.  See Continuation Form (MSHA Form 7000-3a)  9. Violation Safety   B. Section	4. Served To			1 ·	1 '			
SAGO MINE  The operator's record of the required daily examination of the Main fan war not conducted on the following day the mine work: 09/06/2004. Men traveled underground to Pre-shift the mine.  See Continuation Form (MSNA Form 7000-3e)  9 Violation				2 Mine ID	7 Mins ID			
The operator's record of the required daily examination of the Main fan was not conducted on the following day the mine work: 09/06/2004. Men traveled underground to Pre-shift the mine.    See Continuation Form (MSHA Form 7000-3e)	SAGO MI	NE		40-08/9	1	(Contractor)		
See Continuation Form (MSHA Form 7000-3e)  9 Violation   A. Health   Safety   Socion   Safety   Safety   Socion   Safety   Safety   Socion   Safety   Safety   Safety   Socion   Safety   Safety   Safety   Socion   Safety   Safety	- '				8a. Written N	Notice (103g)		
Section     A Health   Safety   Other   Othe						, cred		
Cother   Section   IIII   Section   Section   IIII   IIIII   Section   IIII   IIIII   Section   IIIII   IIIII   IIIIII   IIIII   IIIII   IIIII   IIIII   IIIII   IIIII   IIIII   IIIIII	9. Violation	1 =				Form 7000-3a)		
Section III—Inspector's Eveluation   10. Gravity: A. Injury or Illness (has) (is): No Likelihood   Unlikely   Reasonably Likely   Highly Likely   Occurred			OI ACC	THUE SO OF IX	13.312(a)			
A. Injury or Illness (has) (ie): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred Highly Likely Occurred Highly or Illness could reasonably be expected to be: No Lost Workdays Or Restricted Duty Permanently Disabling Fatal D. Number of Persons Affected: 001  11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard D. High E. Reckless Disregard D. High E. Reckless Disregard D. High D. High E. Reckless Disregard D. High D. High E. Reckless Disregard D. Written Notice D. High D. High E. Reckless Disregard D. Written Notice D. High D. High E. Reckless Disregard D. Written Notice D. High D. High E. Reckless Disregard D. Written Notice D. Written Notice D. Written Notice D. Written Notice D. High	Section II—Insp	1						
Section III—Termination Due   A. Date   Mo Da Yr   09/07/2004   B. Time (24 Hr. Clock)   1045   Section IV—Automated System Data   23. AR Number   23. AR Numb	•	or Iliness (has) (is):	No Likelihood 🗌 Unlikely 💆	Reasonably Likely	Highly Likely Occum	ed 🗌		
11. Negligence (check one)  A. None B. Low C. Moderate D. D. High E. Reckless Disregard 12. Type of Action 104(a)  13. Type of Issuance (check one)  Citation Order Safeguard D. Written Notice E. Citation/Order Number  14. Initial Action B. Order C. Safeguard D. Written Notice D. High D			. No Lost Workdays . Lost	t Workdays Or Restricted Duty 🗹		Fatal 🗌		
12. Type of Action 104(a)  13. Type of Issuance (check one)  14. Initial Action	C. Signific	ant and Substantia	il: Yes 🗌 No 🔽		D. Number of Persons Affected:	001		
14. Initial Action A Citation B. Order C. Safeguard D. Written Notice E. Citation/ Order Number  F. Dated Mo Da Yr Order Numbe	11. Negligeno	ce (check one)	A. None B. Low	C. Moderate 🗹 D. High	E. Reckless Disrega	rd 🗌		
A. Citation B. Order C. Safeguard D. Written Notice Order Number  16. Termination Due A. Date Mo Da Yr 09/07/2004 B. Time (24 Hr. Clock) 1045  Section III-Termination Action  17. Action to Terminate Terminated due to the Main fan being checked and recorded in the book for that purpose.  18. Terminated A. Date Mo Da Yr 09/07/2004 B. Time (24 Hr. Clock 1045)  Section IV-Automated System Data  19. Type of inspection (activity code) AAA 20. Event Number 4054300 21. Primary cr Mill (23 AR Number 123 AR Number 124 AR Number 125 AR Num	12. Type of A	action 1046	(a) 13, Type	of Issuance (check one)	citation 🔽 Order 🗌	Safeguard		
16. Termination Due  A. Date Mo Da Yr 09/07/2004  B. Time (24 Hr. Clock) 1045  Section III-Termination Action  17. Action to Terminate Terminated due to the Main fan being checked and recorded in the book for that purpose.  18. Terminated A Date Mo Da Yr 09/07/2004  B. Time (24 Hr. Clock 1045  Section IV-Automated System Data  19. Type of Inspection (activity code) AAA 20. Event Number 4054300  123. AR Number 123. AR Numbe	CARRESTON OF REPORT AND PROPERTY.		C. Safeguard D. Written Notice		F. Dated	Mo Da Yr		
Section III—Termination Action  17. Action to Terminate Terminated due to the Main fan being checked and recorded in the book for that purpose.  18. Terminated A Date Mo Da Yr 09/07/2004 B. Time (24 Hr. Clock 1045  Section IV—Automated System Data  19. Type of Inspection (activity code) AAA 20. Event Number 4054300 21. Primary Cr. Mill 23. AR Number 23. AR Number 24. AR Number 24. AR Number 25. AR Number 25. AR Number 26. AR Number			Ma Do. Vr.					
17. Action to Terminate Terminated due to the Main fan being checked and recorded in the book for that purpose.  18. Terminated A Date Mo Da Yr 09/07/2004 B. Time (24 Hr. Clock 1045  Section N-Automated System Data  19. Type of Inspection (activity code) AAA 20. Event Number 4054300 21. Primary cr Mill 23. AR Number 23. AR Number 24. AR Number 25. AR Number 25. AR Number 26. AR		A. Dau	IR Time (24 Hr (	Clock) 1045				
Section IV—Automated System Data  19. Type of Inspection (activity code)  AAA  20. Event Number  4054300  21. Primary cr Mill  23. AR Number	17. Action to	Terminate Ter		Main fan being ch	ecked and recorde	d in the		
19. Type of Inspection (activity code) AAA 20. Event Number 4054300 - 21. Primary cr Mill		A. Date 09/	IR Time (24 Hr Clock	1045				
(activity code) 7 th III	19. Type of I	nspection	44114	600 - 21, Primary or Mill	T			
					23. AR Number	67		

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AL 5 9/7/2004

# Citations 7096971 & 7096972 being withheld under FOIA Exemption 7(A)