

News Release



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6 Kentucky coal mines forced to halt production during inspection blitz *MSHA seeks injunction against 2 mines for interference with inspectors' duties*

ARLINGTON, Va. – The U.S. Department of Labor’s Mine Safety and Health Administration today announced that six underground coal mines in Kentucky received numerous citations and closure orders by federal inspectors as a result of the nationwide impact inspections that took place last month. Each of these operations was forced to suspend production until the violations were corrected. Fifty-seven underground coal mines were targeted for these impact inspections, and each was selected based on its history of significant and/or repeat violations of safety standards concerning methane, mine ventilation and rock dusting. In addition, two of the six Kentucky mines since have been sued by the Labor Department for illegally providing advance notice of a federal inspector’s presence on mine property.

Two hundred thirty-eight citations, 55 orders and one safeguard were issued to these six mines. In total, MSHA inspectors issued 109 withdrawal/failure to abate orders, 1,339 citations and six safeguards nationwide during the five-day inspection blitz that occurred April 19 to 23.

“After last month’s tragic reminder of the consequences of failing to make safety a priority, it is appalling that these operations continued to flout fundamental safety and health standards,” said Joseph A. Main, assistant secretary of labor for mine safety and health. “At the very least, they have failed to conduct their own mine examinations for hazards. Mine operators have a responsibility to provide for the safety and health of the miners they employ, and too many of the mines we inspected are failing to take that responsibility seriously.”

The six mines in Kentucky that ceased production are D&C Mining Corp.; Straight Creek #1 Mine, Left Fork Mining Co. Inc.; RB#12, Manalapan Mining Co.; Mine #1, Conshor Mining; Butcher Branch, Red Bird Coal Co.; and Mine #1, Cawood Enterprises LLC. The orders have been terminated at five of the six mines. Conshor Mining abated its orders but shut down production. Red Bird Coal Co. chose to shut down its own operations rather than comply with the citations and orders it was issued. (See below for a list of withdrawal and failure to abate orders.)

In addition, two mines are facing additional legal consequences for actions they took relating to the inspections. On April 27, the Labor Department filed a lawsuit against Manalapan Mining Co. and Left Fork Mining Co. to prohibit them from interfering with MSHA in carrying out its duties under the Federal Mine Safety and Health Act of 1977. On April 19, MSHA inspectors arrived at these two operations to conduct inspections. They immediately informed mine personnel that persons working underground should not be given advance notice that an inspection party was present on the surface. However, these instructions were ignored. In each case, MSHA inspectors monitoring phone lines heard the advance notice. The Mine Act is clear that “no advance notice of an inspection shall be provided to any person.”

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D&C Mining Corp. (50 total issuances – 43 citations, seven orders)

One 75.1714-(4) (b) person underground with no training for self rescue device/Terminated
One 75.1106-(3)(a)(2) compressed gas cylinder(s) not secured /Terminated
One 75.364(a) withdrawal order issued /Terminated
Two 75.400 accumulation citation not abated 104-b order issued/Terminated
One 75.202(a) unsafe roof/rib not abated 104-b order issued / Terminated

Straight Creek #1 Mine, Left Fork Mining Co. (78 total issuances – 65 citations, 13 orders)

Two 75.362(b) inadequate examination withdrawal order/Terminated
Eight 75.400 withdrawal orders for accumulations of combustible materials/Terminated

RB#12, Manalapan Mining Co. (25 total issuances – 19 citations, six orders)

Three 75.202(a), 75.202(b), 75.220(a)(1) withdrawal orders for roof control violations/Terminated
Two 75.400 withdrawal orders for accumulations of combustible material/Terminated
One 75.364(a)(1) citation issued and not abated for failure to conduct a weekly examination/Terminated

Mine #1, Conshor Mining LLC. (35 total issuances – 32 citations, two orders, one safeguard)

One 75.370(a)(1) 104(d)(1) citation for violation of the approved ventilation plan/Terminated
Two 75.400 withdrawal orders for accumulations of combustible material/Terminated

Butcher Branch, Red Bird Coal Co. (58 total issuances – 35 citations and 23 orders)

One 75.400 104-d-1 citation for accumulations of combustible material/Not terminated
One 75.400 withdrawal order for accumulations of combustible material/Not terminated
One 75.364(a)(1) withdrawal order for failure to examine a worked out area of the mine/Not terminated

Mine #1, Cawood Enterprises LLC. (48 total issuances – 44 citations, four orders)

One 75.400 104-d citation for accumulations of combustible material/Terminated
One 75.364(a)(2) withdrawal order for failure to examine bleeder system every seven days/Terminated
One 75.360(c)(1) withdrawal order for failure to take or record air reading every seven days on intake split/Terminated
Two 75.362(b) withdrawal orders for failure to examine for hazardous conditions along a belt conveyor each shift coal is produced/Terminated

Editor's Note: A chart detailing coal impact inspection results at the 57 mines follows this news release.

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MSHA Coal Impact Inspection Results
(04/19/2010 - 04/23/2010)

State	Mine ID	Mine Name	Operator Name	Controller Name	Citations	Orders	Safeguards	Total Issuances	S&S Y	S&S N	NA *	S&S Rate
AL	0100759	North River #1 Underground Mine	Chevron Mining Inc	Chevron Corporation	6			6	2	4		33.33%
AL	0100851	Oak Grove Mine	Oak Grove Resources LLC	Cleveland-Cliffs Inc	29			29	14	15		48.28%
AL	0102901	Shoal Creek Mine	Drummond Company Inc	Drummond Company Inc	8			8	1	7		12.50%
AL	0101401	No 7 Mine	Jim Walter Resources Inc	Walter Energy Incorporated	18			18	9	9		50.00%
CO	0503836	Foidel Creek Mine	Twentymile Coal Company	Peabody Energy	16			16	3	13		18.75%
IL	1102632	Crown III Mine	Tri County Coal, LLC	Gary J Ronald; Archibald C Parker	32	1		33	7	26		21.21%
IL	1103054	Willow Lake Portal	Big Ridge Inc	Peabody Energy	33			33	5	28		15.15%
IL	1102752	Galatia Mine	American Coal Company	Robert E Murray	26		1	27	14	12	1	53.85%
IN	1202215	Gibson Mine	Gibson County Coal LLC	Alliance Resource Partners LP	23			23	2	21		8.70%
IN	1202249	Prosperity Mine	Five Star Mining Inc	Donald Blankenberger	17	1		18	6	12		33.33%
IN	1202010	Air Quality #1 Mine	Peabody Midwest Mining, LLC	Peabody Energy	9			9	4	5		44.44%
KY	1508079	Mine No 3	Excel Mining LLC	Alliance Resource Partners LP	46			46	13	33		28.26%
KY	1512564	Straight Creek #1 Mine	Left Fork Mining Co Inc	Ben Bennett	65	13		78	48	27	3	64.00%
KY	1518771	RB #12	Manalapan Mining Co., Inc.	Ben Bennett	19	6		25	19	5	1	79.17%
KY	1518924	Butcher Branch	Red Bird Coal Co.	Donnie Wagers; Onzie Sizemore	35	23		58	26	11	21	70.27%
KY	1518182	D & C Mining Corp,	D & C Mining Corp	Horace Garrison Hill	43	7		50	46		4	100.00%
KY	1518991	Flint Ridge Mine #2	ICG Hazard, LLC	International Coal Group Inc (ICG)	29			29	2	27		6.90%
KY	1519080	Liggett #5	Liggett Mining LLC	James C Justice II	25		1	26	11	14	1	44.00%
KY	1518861	Mine No 1	Conshor Mining LLC	James H Hurley	32	2	1	35	34		1	100.00%
KY	1509636	#77	Blue Diamond Coal Company	James River Coal Company	49	2		51	13	38		25.49%
KY	1518264	Mine #1	Cawood Enterprises LLC	Jimmy D Robbins	44	4		48	37	11		77.08%
KY	1507082	Mine #1	Freedom Energy Mining Company	Massey Energy Company	30	3	1	34	6	27	1	18.18%
KY	1517651	Mine #1	Rockhouse Energy Mining Company	Massey Energy Company	43			43	14	29		32.56%
KY	1502709	Highland 9 Mine	Highland Mining Company LLC	Patriot Coal Corporation	34	1		35	8	26	1	23.53%
KY	1518911	Mine #28	CAM Mining LLC	Wexford Capital LLC	41	1		42	13	29		30.95%
PA	3605018	Cumberland Mine	Cumberland Coal Resources LP	Alpha Natural Resources LLC	9	1		10	6	4		60.00%
PA	3605466	Emerald Mine No 1	Emerald Coal Resources LP	Alpha Natural Resources LLC	12			12	4	8		33.33%
TN	4003272	Mine No. 14	National Coal Corporation	National Coal Corporation	23	2		25	7	18		28.00%
TN	4003333	Tri-State One	Wilcoal Mining, Inc.	Wilma Wagner	26	7		33	23	10		69.70%
UT	4202074	Horizon Mine	Hidden Splendor Resources Inc	Alexander H Walker III	18	1		19	7	12		36.84%
UT	4202335	Bear Canyon #4	C W Mining Company	Kenneth A Rushton	3			3	1	2		33.33%
UT	4202233	West Ridge Mine	West Ridge Resources Inc	Robert E Murray	21			21	5	16		23.81%
VA	4404856	Buchanan Mine #1	Consolidation Coal Company	CONSOL Energy Inc	10			10	5	5		50.00%
VA	4406804	Tiller No 1	Knox Creek Coal Corporation	Massey Energy Company	4	2		6	4	2		66.67%
WV	4609180	Apache Mine	The New West Virginia Mining Company, Inc.	Brandy M Horvath	5			5	3	2		60.00%
WV	4609086	Brody Mine No 1	Brody Mining LLC	Brody Trust	26			26	15	11		57.69%

* S&S NA = some issuances do not have an S&S designation (All Safeguards and the following orders:103(k), 103(j), 104(b), 107(a))

** Mine ID 4608812 changed ownership and name to Upper Cedar Grove No. 4 after Impact Inspections

MSHA Coal Impact Inspection Results
(04/19/2010 - 04/23/2010)

State	Mine ID	Mine Name	Operator Name	Controller Name	Citations	Orders	Safeguards	Total Issuances	S&S Y	S&S N	NA *	S&S Rate
WV	4608812	No 21 **	Marshall Mining Incorporated	Carl Kirk	6			6	6			100.00%
WV	4608949	Winifrede 12 Mine	Laurel Coal Corp.	Clarence R Peters; Richard N Nester	9			9	2	7		22.22%
WV	4601816	Pinnacle Mine	Pinnacle Mining Company LLC	Cleveland-Cliffs Inc	32			32	9	23		28.13%
WV	4609136	Broad Run Mine	Big River Mining LLC	Coalfield Transport Inc	30	2		32	12	20		37.50%
WV	4601318	Robinson Run No 95	Consolidation Coal Company	CONSOL Energy Inc	40			40	17	23		42.50%
WV	4601433	Loveridge No 22	Consolidation Coal Company	CONSOL Energy Inc	33	3		36	12	24		33.33%
WV	4601968	Blacksville No 2	Consolidation Coal Company	CONSOL Energy Inc	17	1		18	12	5	1	70.59%
WV	4601437	McElroy Mine	McElroy Coal Company	CONSOL Energy Inc	47			47	13	34		27.66%
WV	4609217	Powellton #1 Mine	INR-WV Operating LLC	INR-I Holdings LLC	18	5		23	12	11		52.17%
WV	4608801	Aracoma Alma Mine #1	Aracoma Coal Company Inc	Massey Energy Company	9	10		19	13	6		68.42%
WV	4607009	Castle Mine	Elk Run Coal Company Inc	Massey Energy Company	7			7	1	6		14.29%
WV	4607273	Justice #1	Independence Coal Company Inc	Massey Energy Company	42			42	25	17		59.52%
WV	4608808	Ruby Energy	Spartan Mining Co., Inc.	Massey Energy Company	29	4		33	12	21		36.36%
WV	4601544	Road Fork #51 Mine	Spartan Mining Company	Massey Energy Company	12	3		15	3	12		20.00%
WV	4609020	No 65	Double Bonus Coal Company	Mechel Oao	19	3		22	12	10		54.55%
WV	4601456	Federal No 2	Eastern Associated Coal LLC	Patriot Coal Corporation	14			14	4	10		28.57%
WV	4601271	Harris No 1	Eastern Associated Coal LLC	Patriot Coal Corporation	13		1	14	7	6	1	53.85%
WV	4607908	Big Mountain No 16	Pine Ridge Coal Company LLC	Patriot Coal Corporation	15	1		16	5	11		31.25%
WV	4605437	American Eagle Mine	Speed Mining, LLC	Patriot Coal Corporation	9			9	4	5		44.44%
WV	4608570	Coalburg No 2 Mine	Rio Group, Inc.	Richard H Abraham	7			7	2	5		28.57%
WV	4608759	Eagle Mine	Newtown Energy Inc	Robert E Ellis	22		1	23	3	19	1	13.64%
Totals					1,339	109	6	1,454	623	794	37	43.97%

Note: Total Issuances not final decisions of the Federal Mine Safety and Health Review Commission (FMSHRC)

* S&S NA = some issuances do not have an S&S designation (All Safeguards and the following orders:103(k), 103(j), 104(b), 107(a))

** Mine ID 4608812 changed ownership and name to Upper Cedar Grove No. 4 after Impact Inspections