

Virginia Department of Mines, Minerals & Energy
Division of Mines

Accident Investigation Report

Surface Coal Mine

Fall of Highwall

Fatality Investigation Report

December 7, 2011

Fairbanks Coal Company, Inc

Fairbanks #4 Mine

Mine Index No. 14928AB

Wise County, Virginia

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Fall of Highwall
Fatality Investigation Report
Fairbanks Coal Company, Inc
Fairbanks #4 Mine

On December 7, 2011, at approximately 7:33 a.m., a fall of highwall material accident occurred at Fairbanks Coal Company #4 Mine. Richard Yonts, equipment operator, was fatally injured in the accident. Mr. Yonts was operating an excavator near the highwall when the fall occurred, striking and partially covering the excavator. He was in the process of loading spoil material into haul trucks. After being removed from the excavator, Mr. Yonts was transported to the Wellmont Lonesome Pine Hospital in Big Stone Gap, Virginia. Mr. Yonts, age 49, had approximately 20 years total surface mining experience with 2½ years at the Fairbanks Coal #4 Mine.

The Department of Mines, Minerals, and Energy's Division of Mines (DM) was notified of the accident at approximately 8 a.m. on December 7, 2011 and a joint investigation with the Federal Mine Safety and Health Administration (MSHA) was initiated the same day. The last regular inspection by DM personnel at the Fairbanks #4 Mine was completed on July 21, 2011.

Commentary

Fairbanks Coal Company, Mine No. 4 is located in Wise County, Virginia near the town of Appalachia. It is an open pit surface coal mine that operates at multiple seam levels. The accident occurred in a pit recovering the Red Wine coal seam. There are twenty-nine employees at the mine and the mine produces approximately 200,000 tons of coal per year.

On Wednesday, December 7, 2011, the day shift crew began to travel to their work locations and assigned equipment at approximately 6:00 a.m. The men were under the joint supervision of the Day Shift Foreman George Steele and Mine Superintendent Daniel Shortt. Mr. Steele and Mr. Shortt are both certified surface mine foremen. The supervisors used their respective vehicles to transport the men to their work locations and the equipment that they would be running. Mr. Shortt transported men, including Mr. Yonts, to the Redwine strip pit and gave them their initial instructions. Mr. Yonts was instructed to load trucks with the PC 400 excavator due to other equipment normally used for that purpose being out of service. Mr. Shortt also instructed Mr. Yonts where to load on what he believed was a pad for the excavator. It would have been several minutes after 6 a.m. by the time Mr. Yonts had been transported to his work location and received his instructions. At 7:30 a.m., Mr. Yonts had been loading trucks with the excavator for approximately one hour with no reported problems with the equipment or location.

Delbert Porter, also a Virginia Certified Surface Foreman, was operating a dozer in the strip pit adjacent to the pit in which Mr. Yonts was working. At approximately 7:33 a.m., Mr. Porter was backing his dozer toward Mr. Yonts in the excavator when Mr. Porter saw the wall above the excavator start to “rattle”.

He attempted to contact Mr. Yonts on the radio but there was not enough time before the highwall fell on the excavator. Mr. Porter witnessed the event as he tried to contact Mr. Yonts on the radio. He then began calling for help over the radio and tramping his dozer toward Mr. Yonts. Mr. Porter and Mr. Steele arrived at the scene at the same time. Mr. Porter kept an eye on the highwall while Mr. Steele checked on Mr. Yonts. Mr. Shortt also arrived very quickly to check on Mr. Yonts. With no signs of life evident, the men retreated to a safe location and began the process of safely extracting Mr. Yonts as quickly as possible. The Department of Mines, Minerals, and Energy's Division of Mines (DM) was notified of the accident at approximately 8 a.m. on December 7, 2011 and a joint investigation with the Federal Mine Safety and Health Administration (MSHA) was initiated the same day.

STATEMENTS FROM MINE PERSONNEL AND OTHER FACTORS

Statements from mine personnel interviews and other factors determined during the investigation revealed the following:

1. During the preceding shift, dozer operator John Pennington, an experienced but no longer certified Surface Mine Foreman, used his radio to notify his foreman Tim Wright, the certified foreman in charge, of an area in the Redwine pit highwall that concerned him. Mr. Wright informed Mr. Pennington and everyone else to stay away from the spot until he could perform his own examination. After performing the examination, Mr. Wright ordered a berm to be constructed around the area and everyone to stay away from it. The onshift examination record listed a “bad spot” in the highwall and the action taken was “bermed off”. Mr. Pennington also stated that he considered the area in the highwall a very serious condition.
 2. The statements of the miners indicate that the area identified by the preceding shift was the same spot that fell causing the accident.
 3. Mr. Shortt was in possession of the day shift and evening shift examination record books at the beginning of the day shift and kept them with him but does not have a clear memory of whether or not he reviewed them.
 4. During their examinations that began at approximately 5:40 a.m., neither Mr. Shortt nor Mr. Steele noted the bad spot in the highwall that had been recorded as a hazardous condition during the previous shift.
 5. In order to load the trucks, Mr. Yonts positioned the excavator in a manner that placed his operator cab against the highwall.
-

6. Mr. Yonts had missed his annual retraining provided for the mine and had taken annual retraining with another trainer. The Approved Ground Control Plan for the Fairbanks #4 mine was not used in this training as required. However, a good example of a generic plan had been used.

PHYSICAL FACTORS

1. A significant amount of rainfall had occurred immediately preceding the time of the accident.
 2. The morning of December 7, 2011 was dark and rainy. Area lighting was seldom used at the mine and was not in use at the time of the accident.
 3. The highwall had multiple cracks and mud seams that ran parallel and perpendicular to the face at the location of the accident.
 4. The highwall at the location of the accident was poorly blasted due to the fact that they were shooting underneath a high voltage power transmission line. The holes had been loaded lighter near the surface to prevent damage to the lines. This caused large pieces of poorly blasted rock to be resting on smaller well blasted layers of rock.
 5. The excavator was being used to load the rock trucks on this particular morning because the wheel loaders were out of service except for one being used to load coal in another pit. It is not normal mining procedures to load large haul-back rock trucks with excavators.
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CONCLUSIONS

The Department of Mines, Minerals, and Energy's Division of Mines (DM) was notified of the accident at approximately 8 a.m. on December 7, 2011 and a joint investigation with the federal Mine Safety and Health Administration (MSHA) was initiated that day. The investigation revealed several factors that contributed to the accident.

The highwall in the area of the accident was found to be unstable. The highwall had multiple natural cracks and mud seams parallel with, and perpendicular to, the exposed face. This area was also located underneath a high voltage electrical transmission line and the blast design had been modified to protect the power line. The shot holes were loaded lighter near the surface which resulted in large, unbroken, sections of rock resting on more well blasted layers of rock. These well blasted layers did not provide adequate support for the larger sections of rock above.

Excavators are not normally assigned to load large rock haulers at surface coal mines. Typically, wheel loaders are utilized to load the large haulers. The wheel loaders have a higher lift and are more nimble in operation. With a shorter reach, an excavator can only load most large haulers from an elevated pad and since they are track mounted, cannot quickly move out of danger. Since all loaders, except for one used to load coal in another pit, were out of service on the day of the accident, Mr. Yonts had been assigned to load rock into the large haulers with the excavator.

The cab of the excavator operated by Mr. Yonts was located to the left of the boom arm. At the time of the accident, Mr. Yonts was rotating the excavator in

such a manner that the cab was adjacent to the highwall when he was retrieving rock to load into the haulers. The approved ground control plan for the Fairbanks No. 4 Mine specifically prohibited operating equipment with the cab oriented toward the highwall, no matter the condition of the highwall.

During the preceding shift, dozer operator John Pennington an experienced but no longer certified mine foreman, had notified his foreman Tim Wright, the certified mine foreman in charge, of a “bad spot” in the Redwine pit highwall that concerned him. Mr. Wright informed Mr. Pennington and everyone else to stay away from the area until he could perform his own examination. After performing the examination, Mr. Wright ordered a berm to be constructed around the area and everyone to stay away from it. The onshift examination record listed a “bad spot” in the highwall and the action taken was “bermed off”. Even though Mr. Wright’s actions were sufficient to protect the miners on his shift, no warning signs were posted and the “berm” that was constructed was not an effective barricade due to the fact that day shift employees entered the hazardous area without realizing that it had been blocked off for safety reasons.

Mr. Wright regularly communicated important mine information with the day shift by using voicemail. On the night in question, Mr. Wright’s voicemail message to Mr. Shortt included various information from his shift and the numerous problems with equipment but did not include any mention of the hazardous condition on the highwall. The purpose of mine examinations is to ensure a safe work area and to identify hazardous conditions so they can be corrected and communicated. In this case the hazardous condition had been identified, blocked off (ineffectively), and documented, but poorly communicated.

The breakdown of communication between the evening and day shift began a series of actions and inactions that ultimately led to the accident. Mr. Shortt and Mr. Steele, both certified mine foremen, were performing mine examinations that morning and both had the opportunity to identify the bermed off area or the bad spot on the highwall. There was no area lighting in place to allow the men to better monitor their work area and examinations by the foremen were made using hand held lights. A thorough examination of the highwall would have identified the problem. With no hazards identified, Mr. Yonts entered the area to load spoil with the excavator. While it is unclear why he chose to position the excavator in the manner he did, the most likely hypothesis is that it would allow him to load the material and exit the area by using the ramp that was left by the evening shift and eliminating the need for him to construct his own ramp. Once Mr. Yonts began loading, he was working in violation of the Ground Control Plan for approximately 90 minutes before the accident occurred. The supervisors could have corrected his actions at any time during these timeframe and prevented the fatal accident.

ENFORCEMENT ACTIONS

There were a total of 5 violations and 1 closure order written as a result of the accident.



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINES
PO DRAWER 900 • BIG STONE GAP, VIRGINIA 24219

C-149172

ORDER OF CLOSURE

Company Name: FAIRBANKS COAL CO., INC.

Mine Name/Number: FAIRBANKS NO. 4 Mine Index: 14928AB

VIOLATION/CO NUMBER: C-149172 (DPM0008343)	INSPECTION NUMBER: 75379	ISSUED: 12/07/11 09:00 AM
PERSON WITH OVERALL RESPONSIBILITY: DANIEL SHORT		SECTION OF VIRGINIA MINING LAW: 45.1-161.91 A.(ii), REF. 45.1-161.91 A.(ii)
SERVED TO: DANIEL SHORT	DUE:	CORRECTED: 02/06/12 10:15 AM

CONDITION(Y)/PRACTICE(N): The Redwine pit area is closed pending an accident investigation. A fall of a highwall has occurred at this surface mine resulting in fatal injuries to an employee on the day shift on December 7, 2011. No work or travel is permitted in this pit area and the surrounding area to within 700 feet radius of the accident scene. A verbal closure order (CO) was issued at 9:00 a.m. by DM inspector Hershield Hayden. A written copy (of the CO) was issued to the operator at 1:50 p.m.

AREA/EQUIPMENT: The Redwine pit area of this surface mine

ACTION TO CORRECT:

RIGHT TO REVIEW OF CLOSURE ORDER UNDER SECTION 45.1-161.91D

The issuance of a closure order shall constitute a final order of the Department, and the owner or operator of the mine shall not be entitled to administrative review of such decision. However, the owner or operator of any mine or part thereof for which a closure order has been issued may, within ten (10) days following the issuance of the order, bring a civil action in the circuit court of the city or county in which the mine, or the greater portion thereof, is located for review of the decision.

MANN, DANNY P., INSPECTOR/SPECIALIST



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINES
PO DRAWER 900 • BIG STONE GAP, VIRGINIA 24219

0081624

NOTICE OF VIOLATION - MODIFY

Individual Name: DANIEL C. SHORT Id #: 5025793
Company/Mine: FAIRBANKS COAL CO., INC., FAIRBANKS NO. 4 Mine Index: 14928AB

VIOL/CO NUMBER: V-149313	ACTIVITY NUMBER: 0081624	ACTIVITY: 01/10/12 08:00 AM	INSPECTION NUMBER: 75379
PERSON WITH OVERALL RESPONSIBILITY: DANIEL SHORT		ACTIVITY TYPE: MODIFY	
SERVED TO: DANIEL SHORT		EXTENDED DUE DATE: 03/01/12 08:00 AM	

CONDITION/PRACTICE: This modification is a re-writing of the Condition/Practice as described in the original violation issued to Mr. Daniel C. Short. The Condition/Practice should have read as follows: This individual violation is being issued to Mr. Daniel C. Short (DOB 04/22/62) due to the following facts related to a fatal mine investigation that occurred on December 7, 2011, at the Fairbanks No. 4 surface mine located in Wise County Virginia. The facts were discovered during the investigation. This individual, serving as Superintendent at the above reference mine, who is also a Virginia Certified surface foreman (certification # 43523), made decisions that conflicted with the Mine Safety Laws of Virginia. The evening shift foreman (Mr. Timothy Wright) identified the area as being hazardous and noted the condition in the on-shift/pre-shift record book. An area of the highwall contained fractures/mud seams and went undetected by Mr. Short. Due to the area not being effectively barricaded, and the hazardous condition not being recognized by the day shift supervisors, the victim (Mr. Richard Yonts) was instructed to perform work in the area of the hazardous condition.

MANN, DANNY P., INSPECTOR/SPECIALIST



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINES
PO DRAWER 900 • BIG STONE GAP, VIRGINIA 24219

0081625

NOTICE OF VIOLATION - MODIFY

Individual Name: GEORGE K. STEELE Id #: 5031477
Company/Mine: FAIRBANKS COAL CO., INC., FAIRBANKS NO. 4 Mine Index: 14928AB

VIOL/CO NUMBER: V-149314	ACTIVITY NUMBER: 0081625	ACTIVITY: 01/10/12 08:00 AM	INSPECTION NUMBER: 75379
PERSON WITH OVERALL RESPONSIBILITY: DANIEL SHORT		ACTIVITY TYPE: MODIFY	
SERVED TO: GEORGE K. STEELE		EXTENDED DUE DATE: 03/01/12 08:00 AM	

CONDITION/PRACTICE: This modification is a re-writing of the Condition/Practice as described in the original violation issued to Mr. George K. Steele. The Condition/Practice should have read as follows: This individual violation is being issued to Mr. George K. Steele (DOB 05/31/72) due to the following facts related to a fatal mine investigation that occurred on December 7, 2011, at the Fairbanks No. 4 surface mine located in Wise County Virginia. The facts were discovered during the investigation. This individual, serving as the day shift surface foreman at the above reference mine, who is also a Virginia Certified surface foreman (certification # 25047), made decisions that conflicted with the Mine Safety Laws of Virginia. The evening shift foreman (Mr. Timothy Wright) identified the area as being hazardous and noted the condition in the on-shift/pre-shift record book. An area of the highwall contained fractures/mud seams and went undetected by Mr. Steele. Due to the area not being effectively barricaded, and the hazardous condition not being recognized by the day shift supervisors, the victim (Mr. Richard Yonts) was instructed to perform work in the area of the hazardous condition.

MANN, DANNY P., INSPECTOR/SPECIALIST



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINES
PO DRAWER 900 • BIG STONE GAP, VIRGINIA 24219

V-149315

NOTICE OF VIOLATION

Individual Name: TIMOTHY R. WRIGHT Id #: 5026007
Company/Mine: FAIRBANKS COAL CO., INC., FAIRBANKS NO. 4 Mine Index: 14928AB

VIOLATION/CO NUMBER: V-149315 (DPM0008374)	INSPECTION NUMBER: 75379	ISSUED: 01/10/12 08:00 AM
PERSON WITH OVERALL RESPONSIBILITY: DANIEL SHORT		SECTION OF VIRGINIA MINING LAW: 45.1-161.257.C.
SERVED TO: TIMOTHY WRIGHT	DUE: 02/08/12 08:00 AM	CORRECTED: 02/08/12 11:00 AM

CONDITION(Y)/PRACTICE(Y): This individual violation is being issued to Mr. Timothy Wright (DOB 09/30/62) due to the following facts related to a fatal mine investigation that occurred on December 7, 2011, at the Fairbanks No. 4 surface mine located in Wise County Virginia. The facts were discovered during the investigation. This individual, serving as the evening shift surface foreman at the above reference mine, who is also a Virginia Certified surface foreman (certification # 74352), failed to effectively barricade an area identified as a hazardous condition. The hazard was discovered by an equipment operator (dozer operator) and withdrew himself from the affected area. Mr. Wright did recognize the area as being hazardous and partially barricaded the area. Mr. Wright recorded the hazardous condition in the preshift/onshift book and under action taken it was recorded "bermed off". The left side of the partially barricaded area was left open and the day shift excavator operator (Mr. Richard Yonts/victim) entered the area unaware of the hazardous condition which resulted in fatal injuries to Mr. Yonts. This foreman (Mr. Timothy Wright) failed to effectively barricade the area that was identified as being hazardous.

AREA/EQUIPMENT: The area of the Redwine pit where the fatal accident occurred

ACTION TO CORRECT:**RIGHT TO APPEAL NOTICE OF VIOLATION UNDER SECTION 45.1-161.90D**

This Notice of Violation shall be subject to review by the applicable court or agency, if within twenty (20) days following its issuance the person to whom the Notice of Violation has been issued appeals its issuance by notifying the Department in writing that he intends to contest its issuance to:
Chief, Division of Mines, P.O. Drawer 900, Big Stone Gap, Va. 24219

The Department shall conduct informal conferences or consultation proceedings pursuant to § 45-1-11 of the Administrative Process Act, unless the party and the Department agree to waive such a conference or proceeding to go directly to a formal hearing. If such a conference or proceeding has been waived or if such a conference or proceeding has failed to dispose of the case by consent, the Department shall conduct a formal hearing pursuant to § 45-1-11 of the Administrative Process Act. The formal hearing shall be presided over by a hearing officer pursuant to § 45-1-14.1 of the Administrative Process Act who shall recommend findings and an initial decision, which shall be subject to review by the Department. Any party aggrieved by and claiming invalidity of the decision shall be entitled to judicial review pursuant to Article 3, § 4-14.17 of the Administrative Process Act.

MANN, DANNY P., INSPECTOR/SPECIALIST



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINES
PO DRAWER 900 • BIG STONE GAP, VIRGINIA 24219

V-149484

NOTICE OF VIOLATION

Company Name: FAIRBANKS COAL CO., INC.Mine Name/Number: FAIRBANKS NO. 4 Mine Index: 14928AB

VIOLATION/CO NUMBER: V-149484 (DPM0008375)	INSPECTION NUMBER: 75379	ISSUED: 02/06/12 10:00 AM
PERSON WITH OVERALL RESPONSIBILITY: DANIEL SHORT		SECTION OF VIRGINIA MINING LAW: 45.1-161.272.A
SERVED TO: DANIEL SHORT (SUPERINTENDENT)	DUE: 03/05/12 08:00 AM	CORRECTED: 02/14/12 10:00 AM

CONDITION(Y)\PRACTICE(Y): This mine has been operating in times of non-daylight hours without proper lighting. Statements made and observations made during a fatal mine investigation revealed this condition and practice. This was a contributing factor that led to a fatal accident.

AREA/EQUIPMENT: Redwine pit and highwall

ACTION TO CORRECT:**RIGHT TO APPEAL NOTICE OF VIOLATION UNDER SECTION 45.1-161.90D**

This Notice of Violation shall be subject to review by the applicable court or agency, if within twenty (20) days following its issuance the person to whom the Notice of Violation has been issued appeals its issuance by notifying the Department in writing that he intends to contest its issuance to Chief Division of Mines, P.O. Drawer 900, Big Stone Gap, Va. 24219.

The Department shall conduct informal conference or consultation proceedings pursuant to 9-6 (4-1) of the Administrative Process Act unless the person and the Department agree to waive such a conference or proceeding to go directly to a formal hearing. If such a conference or proceeding has been waived or if such a conference or proceeding has failed to dispose of the case by consent, the Department shall conduct a formal hearing pursuant to 9-6 (4-2) of the Administrative Process Act. The formal hearing shall be presided over by a hearing officer pursuant to 9-6 (4-1-1) of the Administrative Process Act, who shall recommend findings and an initial decision, which shall be subject to review by the Department. Any party aggrieved by and claiming injunctiveness of the decision shall be entitled to judicial review pursuant to Article 4, 9-6 (4-15) et seq. of the Administrative Process Act.

MANN, DANNY P., INSPECTOR/SPECIALIST



COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINES
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V-149485

NOTICE OF VIOLATION

Company Name: FAIRBANKS COAL CO., INC.Mine Name/Number: FAIRBANKS NO. 4 Mine Index: 14928AB

VIOLATION/CO NUMBER: V-149485 (DPM0008376)	INSPECTION NUMBER: 75379	ISSUED: 02/06/12	10:00 AM
PERSON WITH OVERALL RESPONSIBILITY: DANIEL SHORT		SECTION OF VIRGINIA MINING LAW: 45.1-161.287.	
SERVED TO: DANIEL C. SHORT (SUPERINTENDENT)		DUE: 03/05/12 08:00 AM	CORRECTED: 02/14/12 10:00 AM

CONDITION(Y)/PRACTICE(Y): The approved ground control plan for this mine was not being complied with in that several areas of the plan were not being complied with. This failure to comply with the plan was discovered during a fatal mine investigation. The parts of the plan that were not being complied with were as follows:"

Item 6 (a): The blasting procedures being practiced, at this surface mine in the area of the high voltage transmission lines, caused adverse effects on the highwall where the fatal accident occurred "Item 6 (f): The Komatsu excavator (PC400) being operated at this surface mine did not have adequate protection, for the purpose the machine was being used, from falling material resulting in fatal injuries to the machine operator"

Item 6 (g): The cab of the Komatsu excavator (PC 400), involved in a fatal accident, was positioned with the cab located directly against the highwall "Item 6 (h): The Komatsu excavator (PC400), involved in a fatal accident, was not properly positioned in the safest location away from the highwall" Item 7 (b): The persons exposed to the highwall failed to visually examine the wall before starting work. Conditions (darkness and the lack of proper lighting) prohibited an adequate visual examination. "Item 12 (b): Requires that the approved ground control plan be reviewed with all miners during their annual re-training. It was determined (during the fatal investigation) that Mr. Richard Yonts (victim) did not receive mine specific training on the plan during his annual re-training class.

AREA/EQUIPMENT: Ground Control Plan

ACTION TO CORRECT:

RIGHT TO APPEAL NOTICE OF VIOLATION UNDER SECTION 45.1-161.90D

This Notice of Violation shall be subject to review by the applicable court or agency, if within twenty (20) days following its issuance the person to whom the Notice of Violation has been issued appeals its issuance by notifying the Department in writing that he intends to contest its issuance to Chief Division of Mines, P.O. Drawer 900, Big Stone Gap, Va. 24219.

The Department shall conduct informal conferences or conference proceedings pursuant to 45.1-161.1 of the Administrative Process Act, unless the person and the Department agree to waive such a conference or proceeding or to proceed to a formal hearing. If such a conference or proceeding has been waived, or if such a conference or proceeding has failed to dispose of the case by consent, the Department shall conduct a formal hearing pursuant to 45.1-161.2 of the Administrative Process Act. The formal hearing shall be presided over by a hearing officer pursuant to 45.1-161.4 of the Administrative Process Act, who shall recommend findings and an initial decision, which shall be subject to review by the Department. Any party aggrieved by and claiming invalidity of the decision shall be entitled to judicial review pursuant to Article 4, 45.1-161.5 of the Administrative Process Act.

MANN, DANNY P., INSPECTOR/SPECIALIST

RECOMMENDATIONS

- Thorough examinations of highwalls must be conducted with special attention paid during adverse weather conditions.
 - A foreman should always begin each shift with an examination of the record book to see if any problems had been identified.
 - When hazardous conditions are found, they must be properly corrected, recorded, and communicated.
 - The operator's cab must always be positioned away from the highwall.
 - Proper lighting must always be provided to allow thorough examinations and monitoring of the work area.
 - The results of blasting practices must be continuously monitored and any adverse effects eliminated.
 - The operator must ensure that employee training meets the requirements of the various plans in effect at the operation.
-

SIGNATURE SHEET

This report is hereby submitted by Chris Whitt and approved by Randy Moore.

Chris Whitt 8/1/12
Chris Whitt, Emergency Response Coordinator Date

M. Randy Moore 8/3/2012
Randy Moore, Chief – Virginia Division of Mines Date

APPENDIX





COMMONWEALTH OF VIRGINIA

Department of Mines, Minerals and Energy

South Street Office Building - 8th Floor
202 North South Street
Richmond, Virginia 23219
(804) 697-2100 FAX (804) 697-1207
www.dmm.virginia.gov

DM-11C-01
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10/2007

THIS LICENSE IS NOT TRANSFERABLE

LICENSE TO OPERATE A MINE

Mine Index No. 14928AB

This is to certify that on this date a license to operate a mine
was issued to (Company) **FAIRBANKS COAL CO., INC.**

Address: **P.O. BOX 950, COEBURN, VA, 24230**

for the operation of (Mine Name/Number) **FAIRBANKS NO. 4
SURFACE**

Person with overall responsibility for operating decisions at the mine:
DANIEL SHORT

County: **WISE**

Expiration Date: **JANUARY 21, 2013**
Issue Date: **JANUARY 20, 2012**
Receipt #: **060194**

*Pursuant to 45.1-161.57 B of the Coal Mine Safety Laws of Virginia, you are required to renew
this license within 15 days of the above expiration date.*

ORIGINAL LICENSE MUST BE POSTED NEAR THE MINE ENTRANCE

DEPARTMENT'S FILE COPY

DM-11C-01
Rev 1/07

EQUAL OPPORTUNITY EMPLOYER
The Commonwealth of Virginia
Department of Mines, Minerals and Energy

List of persons involved with investigation:

Fairbanks Coal Company

Wesley D. Burke	President/Owner
Robert W. Kyle	Secretary/Treasurer
Donnie E. Maine	Vice Pres/Owner
Daniel C. Short	Superintendent
George K. Steele	Foreman
Timothy R. Wright	Foreman

Mine Safety and Health Administration

Ray McKinney	District Manager
Wade Gardner	CMS&H Surface Inspector
Ben Harding	Asst District Manager
Daniel Johnson	Staff Assistant
Dennis Carter	CMS&H Inspector
Garnie Decl	Acting Supervisor, CMS&H Inspector
Scott Beverly	Supervisory CMS&H Inspector
Carlton D. Beggs	Civil Engineer
Gary Hall	Supervisory CMS&H Inspector
Mike Colley	Supervisory CMS&H Inspector
Lloyd Robinette Jr	Family Liason
Steve J. Vamossy P.E.	Technical Support
Toney Argisakis	Technical Support

Virginia Department of Mines, Minerals, and Energy

Marshall Moore	Chief, DMME Division of Mines
Mike Willis	Mine Safety Engineer
Sammy Fleming	Inspector Supervisor
Carroll Greene	Inspector Supervisor
Chris Whitt	Emergency Manager
Anthony Sturgill	Technical Engineer
Gary Cutting	Technical Specialist
Danny Mann	Mine Inspector/Emergency Response Team
Hersh Hayden	Mine Inspector/Emergency Response Team
Glendon Sturgill	Mine Inspector/Emergency Response Team
Ken Johnson	Mine Inspector/Emergency Response Team

List of Persons Interviewed

Daniel Short	Superintendent
George Steele	Foreman
Timothy Wright	Foreman
Mark Boggs	Hauler Driver
Brian Pennington	Hauler Driver
Nathaniel Vanover	Hauler Driver
Richard Steele	Hauler Driver
Delbert Porter	Bulldozer Operator
Hank Ketron	Bulldozer Operator
John Davis	Loader Operator
John Pennington	Bulldozer Operator
Dale Caudill	Mechanic





