



OFFICE OF MINE  
SAFETY & LICENSING  
CLOSURE ORDER

Date: 5/20/2006 Time: 1:00 AM License No. 81 State File No: 18355.1

Inspector/Analyst: SHERRILL FOUTS

District: HARLAN

Telephone No: 573/1260

Licensee KENTUCKY DARBY LLC

Mine No. DARBY MINE#1

Licensee Address: P. O. BOX 2561, MIDDLESBORO, KY. 40965

Telephone No: 837-9391

Principal Officer: RALPH NAPIER

Title: OPERATOR/SUPT.

Closure Order Served On: RALPH NAPIER

Title: OPERATOR/SUPT.

THE AREA LISTED BELOW IS HEREBY PROHIBITED FROM PRODUCING COAL OR PENDING  
OPERATING AN INVESTIGATION PURSUANT TO KRS 352.180.

AREA CLOSED: ENTIRE MINE

REASON (S) FOR CLOSURE: IGNITION/EXPLOSION.

SHERRILL FOUTS *Sherrill Fouts*  
Inspector/Analyst

*Ralph Napier*  
Receipt Acknowledged by Title

OFFICE OF MINE SAFETY & LICENSING



Date: 7/11/2006

Recommendations and/or remarks: \_\_\_\_\_

THE EB-40 CLOSURE ORDER THAT WAS ISSUED ON MAY, 20TH 2006; IS HEREBY MODIFIED, THE PLAN THAT WAS SUBMITTED ON 7/10/2006 IS APPROVED SO THAT THE STOPPING LINE MAY BE REBUILT TO RESTORE VENTLIATION TO THE SECTION AND TO ALL AREA'S OF THE MINE WHERE ANY TYPE OF WORK WILL BE PERFORMED. THE PLAN IS LISTED IN STEPS #1 THROUGH #7 AND SHALL BE FOLLOWED IN THAT ORDER WITHOUT ANY CHANGE UNLESS PRE-APPROVED BY THE OFFICE OF MINE SAFETY AND LICENSING.

REVIEWED: \_\_\_\_\_

SIGNED: Todd Middleton  
TODD MIDDLETON  
(Inspector/Analyst)

SIGNED: \_\_\_\_\_  
(District Supervisor)

SIGNED: Todd Middleton  
(Inspector/Analyst)



COMMONWEALTH OF KENTUCKY  
OFFICE OF MINE SAFETY & LICENSING

0629024

NOTICE OF NON-COMPLIANCE/CLOSURE ORDER

State File No. 18355-1

**TYPE OF ISSUANCE:**

Non-Compliance

Closure Order

Date: 11/8/06

Time: 9:00 AM  PM

Company Name Kentucky Darby LLC.

Address P O Box 2561 Middlesboro KY 40965

Mine Name/No. Darby Mine #1

Location Holmes Mill

Person Deemed Responsible Ralph Napier

Title Superintendent

Miner I.D. No. \_\_\_\_\_

Mine Foreman Certification No. A-705-81

Did an injury or fatality occur as a result of Non-Compliance?

Yes

No

**DESCRIPTION OF NON-COMPLIANCE/CLOSURE ORDER, CONDITION OR PRACTICE:**

Non-Compliance with: KRS 352.210

Physical evidence indicates that the No. 3 Intake seal was not constructed in accordance with the approved Ventilation seal plan. The Omega 384 blocks were not hitched six (6) inches into the rib and floor nor were the blocks bonded between the rows.

SAME SHIFT ABATEMENT

Date: \_\_\_\_\_ Time: \_\_\_\_\_ AM  PM

Remedial Measures Taken: \_\_\_\_\_

IED BY

*Ernie Hawkins*

INSPECTOR/ANALYST

HARLAN

DISTRICT



COMMONWEALTH OF KENTUCKY  
OFFICE OF MINE SAFETY & LICENSING

0629025

NOTICE OF NON-COMPLIANCE/CLOSURE ORDER

State File No. 18355-1

**TYPE OF ISSUANCE:**

Non-Compliance

Closure Order

Date: 11/8/06

Time: 9:10 AM  PM

Company Name Kentucky Darby LLC.

Address P O Box 2561 Middlesboro KY 40965

Mine Name/No. Darby Mine #1

Location Holmes Mill

Person Deemed Responsible Ralph Napier & Amon Brock

Title Superintendent & Foreman

Miner I.D. No. \_\_\_\_\_

Mine Foreman Certification No. A-705-81 & A-978-78

Did an injury or fatality occur as a result of Non-Compliance?

Yes

No

**DESCRIPTION OF NON-COMPLIANCE/CLOSURE ORDER, CONDITION OR PRACTICE:**

Non-Compliance with: KRS 352.210

**Physical evidence and witness statements indicate that the No. 1 return seal was not constructed in accordance with the approved ventilation seal plan. The Omega 384 blocks, were not hitched six (6) inches into the rib and floor, nor were the blocks bonded between the rows. The type of bonding agent used on the outside of the seals, was also not approved by the seal plan.**

SAME SHIFT ABATEMENT

Date: \_\_\_\_\_ Time: \_\_\_\_\_ AM  PM

Remedial Measures Taken: \_\_\_\_\_

ISSUED BY

*Ernie Harlan*

INSPECTOR/ANALYST

HARLAN

DISTRICT



COMMONWEALTH OF KENTUCKY  
OFFICE OF MINE SAFETY & LICENSING

0629026

NOTICE OF NON-COMPLIANCE/CLOSURE ORDER

State File No. 18355-1

TYPE OF ISSUANCE: Non-Compliance  Closure Order

Date: 11/8/06 Time: 9:20 AM  PM

Company Name Kentucky Darby LLC.

Address P O Box 2561 Middlesboro KY 40965

Mine Name/No. Darby Mine #1 Location Holmes Mill

Person Deemed Responsible Ralph Napier & Amon Brock Title Superintendent & Foreman

Miner I.D. No. \_\_\_\_\_ Mine Foreman Certification No. A-705-81 & A-978-78

Did an injury or fatality occur as a result of Non-Compliance? Yes  No

DESCRIPTION OF NON-COMPLIANCE/CLOSURE ORDER, CONDITION OR PRACTICE:

Non-Compliance with: KRS 352.210

Physical evidence and witness statements indicate that the No. 2 return seal was not constructed in accordance with the approved ventilation seal plan. The Omega 384 blocks were not hitched six (6) inches into the rib and floor nor were the blocks bonded between rows. The type of bonding agent used on the outside of the seal was also not approved by the seal plan.

SAME SHIFT ABATEMENT Date: \_\_\_\_\_ Time: \_\_\_\_\_ AM  PM

Remedial Measures Taken: \_\_\_\_\_

ISSUED BY

*Ernie Hawkins*

INSPECTOR/ANALYST

HARLAN  
DISTRICT



COMMONWEALTH OF KENTUCKY  
OFFICE OF MINE SAFETY & LICENSING

0629027

NOTICE OF NON-COMPLIANCE/CLOSURE ORDER

State File No. 18355-1

TYPE OF ISSUANCE: Non-Compliance  Closure Order

Date: 11/8/06 Time: 9:30 AM  PM

Company Name Kentucky Darby LLC.

Address P O Box 2561 Middlesboro KY 40965

Mine Name/No. Darby Mine #1 Location Holmes Mill

Person Deemed Responsible Ralph Napier & Mark A. Sizemore Title Superintendent & Foreman

Miner I.D. No. \_\_\_\_\_ Mine Foreman Certification No. A-705-81 & A-32-02

Did an injury or fatality occur as a result of Non-Compliance? Yes  No

DESCRIPTION OF NON-COMPLIANCE/CLOSURE ORDER, CONDITION OR PRACTICE:

Non-Compliance with: KRS 352.210

Physical evidence and witness statements indicate that the No. 3 return seal was not constructed in accordance with the approved ventilation seal plan. The Omega 384 blocks were not hitched six (6) inches into the rib and floor nor were the blocks bonded between rows. The type of bonding agent used on the outside of the seal was also not approved by the seal plan.

SAME SHIFT ABATEMENT Date: \_\_\_\_\_ Time: \_\_\_\_\_ AM  PM

Remedial Measures Taken: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ISSUED BY

*Ernie Hawkins*

INSPECTOR/ANALYST

HARLAN

DISTRICT



COMMONWEALTH OF KENTUCKY  
OFFICE OF MINE SAFETY & LICENSING

0629028

NOTICE OF NON-COMPLIANCE/CLOSURE ORDER

State File No. 18355-1

**TYPE OF ISSUANCE:**

Non-Compliance

Closure Order

Date: 11/8/06

Time: 9:40 AM  PM

Company Name Kentucky Darby LLC.

Address P O Box 2561 Middlesboro KY 40965

Mine Name/No. Darby Mine #1

Location Holmes Mill

Person Deemed Responsible Ralph Napier & Amon Brock

Title Superintendent & Foreman

Miner I.D. No. \_\_\_\_\_

Mine Foreman Certification No. A-705-81 & A-978-78

Did an injury or fatality occur as a result of Non-Compliance?

Yes

No

**DESCRIPTION OF NON-COMPLIANCE/CLOSURE ORDER, CONDITION OR PRACTICE:**

Non-Compliance with: KRS 352.210

Physical evidence indicates that an Acetylene and Oxygen Cutting Torch with both Acetylene and Oxygen

Tanks were taken into, and used in, the Return Air Course at and or near the No.3 Return Seal. A Methane Explosion  
was set into motion as a result of this act.

SAME SHIFT ABATEMENT

Date: \_\_\_\_\_ Time: \_\_\_\_\_ AM  PM

Remedial Measures Taken: \_\_\_\_\_

ISSUED BY

*Ernie Hawkins*

INSPECTOR/ANALYST

HARLAN

DISTRICT





COMMONWEALTH OF KENTUCKY  
OFFICE OF MINE SAFETY & LICENSING

0629030

NOTICE OF NON-COMPLIANCE/CLOSURE ORDER

State File No. 18355-1

**TYPE OF ISSUANCE:**

Non-Compliance

Closure Order

Date: 11/8/06

Time: 10:00 AM  PM

Company Name Kentucky Darby LLC.

Address P O Box 2561 Middlesboro KY 40965

Mine Name/No. Darby Mine #1

Location Holmes Mill

Person Deemed Responsible Amon Brock

Title Foreman

Miner I.D. No. \_\_\_\_\_

Mine Foreman Certification No. A-978-78

Did an injury or fatality occur as a result of Non-Compliance?

Yes

No

**DESCRIPTION OF NON-COMPLIANCE/CLOSURE ORDER, CONDITION OR PRACTICE:**

Non-Compliance with: KRS 352. 230 (1)

The battery-powered Personnel Buggy (Johnson Industries) taken into and operated in the Return Air Course on May 20<sup>th</sup>, 2006 was not of the permissible type to be operated and or used in the Return Air Course of an Underground Coal Mine. The Personnel Buggy mentioned above was used on the May 20<sup>th</sup>, 2006 to transport an Acetylene and Oxygen Cutting Torch with both Acetylene and Oxygen Tanks into the Return Air Course.

SAME SHIFT ABATEMENT

Date: \_\_\_\_\_ Time: \_\_\_\_\_ AM  PM

Remedial Measures Taken: \_\_\_\_\_

IED BY

Ernie Humber

INSPECTOR/ANALYST

HARLAN

DISTRICT



COMMONWEALTH OF KENTUCKY  
OFFICE OF MINE SAFETY & LICENSING

0629031

NOTICE OF NON-COMPLIANCE/CLOSURE ORDER

State File No. 18355-1

TYPE OF ISSUANCE: Non-Compliance  Closure Order

Date: 11/15/06 Time: 8:30 AM  PM

Company Name Kentucky Darby LLC.

Address P O Box 2561 Middlesboro KY 40965

Mine Name/No. Darby Mine #1 Location Holmes Mill

Person Deemed Responsible Ralph Napier Title Superintendent

Miner I.D. No. \_\_\_\_\_ Mine Foreman Certification No. A-705-81

Did an injury or fatality occur as a result of Non-Compliance? Yes  No

DESCRIPTION OF NON-COMPLIANCE/CLOSURE ORDER, CONDITION OR PRACTICE:

Non-Compliance with: 805 KAR 7:050 Section 1. (1) and Section 1. (2) (d) and (e)

During the interview process for a Fatal Mine Explosion, that occurred on May 20<sup>th</sup>, 2006, mine management personnel Ralph Napier A-705-81, Mark Sizemore A-32-02 and James Philpot A-133-00 stated that they were not familiar with the approved ventilation plan (seal construction requirements). Therefore the employees constructing the Return Seals, were not properly task trained as required in 805 KAR 7:050 Section 1. (1) and Section 1. (2) (d) and (e)

SAME SHIFT ABATEMENT Date: \_\_\_\_\_ Time: \_\_\_\_\_ AM  PM

Remedial Measures Taken: \_\_\_\_\_

ISSUED BY

Ernie Haubert

INSPECTOR/ANALYST

HARLAN  
DISTRICT