

GENERAL INFORMATION COVER SHEET

INSPECTION CODE E01 EVENT NO. 4118290

COMPANY NAME Performance Coal Co

MINE NAME Upper B.3 Branch

MINE I.D. NUMBER 4608436

DATE(S) OF MINE FILE REVIEW 07-01-08

D STATUS Y CITATION/ORDER NO. _____ DATE _____

DATES OF INSPECTION: began 07-23-08 completed 07-23-08

PRE-INSPECTION CONFERENCE DATE 07-23-08

COMPANY REPRESENTATIVE(S) Bill Marless

MINERS REPRESENTATIVE(S) _____

POST-INSPECTION CONFERENCE DATE 07-23-08

COMPANY REPRESENTATIVE(S) Bill Marless

MINERS REPRESENTATIVE(S) _____

COMMENTS: 103 CID spot 15-Day

INSPECTOR INITIAL



SUPERVISOR D & I RR 7-28-08

DAILY COVER SHEET

DATE 07-23-08

EVENT NO. 4118290

ARRIVED AT THE MINE 0600 DEPARTED FROM THE MINE _____

LIST RECORD BOOKS CHECKED Pre-shift Record #18#2 Section
Track 2 B&T

ACCOMPANIED BY: COMPANY REP. [REDACTED]

MINERS REP. _____

AREAS OF INSPECTION ACTIVITY:

Traveled to Performance Coal Co, UBB
46-08436 E02 inspection (15-day Spd)

Traveled Outby Area Walkie from
NO 68X-cut LBB to NO 5X-cut 4 NO. 4
The intake. Safe for travel all the time of
the examination

Check SCSP's intake Along the way

Check Life Line Telephone All
phone working,

PAGE NO. 1

INSP INITIAL [REDACTED]

SUPERVISOR D&I RQ7-28-08

DATE July 23, 2008

Traveled to No. 2 Section Chunks
Lanes (7) Chy-o. O₂ 20.8

Section Damp to wet.

Air - OK

Ventilation Controls in place, Backup. Fan
curtains

Chuck A. & LOB, Left & Right

1 - Citation issued on low air

1 - C/m being operated

1 - Roof bolt

INSP. INITIALS



SUPV. D&I

RR 7, 28-08

PAGE NO.

832

DATE July 23, 2008

Traveled to No. 2 Section Chunks
Lanes (7) Chy-o. O₂ 20.8

Section Damp to wet.

Air - OK

Ventilation Controls in place, Backup. Fan
curtains

Chuck A. & LOB, Left & Right

1 - Citation issued on low air

1 - C/m being operated

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INSP. INITIALS



SUPV. D&I

RR 7, 28-08

PAGE NO.

832

DATE July 23, 08

NO-1 SSS 10:15 10:45

CIT# 7183884

The required quantity of Air was not passing through the right-side LAST Open Crosscut, The Crosscut connecting NO 6 entry with NO 7 entry, on the No. 2 Section, mmh-04/0, when measured only with an approved Anemometer. only 6,600 Cfm could be measured. The LAST Open Crosscut is not the line of crosscut with survey station no 22,568, No. 5 entry.

10 person affected, This mine lubricate the haul and is on a 15 day spot, event would be serious. The foreman stated that he had taken a reading at 08:28 AM and had 10,640 Cfm my reading was taken approximately 2 hours later after production had started. And equipment had run through the ventilation controls during this time frame. The Cfm was being operated in the No. 6 fan upon arrival on the Section.

INSP. INITIALS



SUPV. D&I RR 7-28-08

PAGE NO.

3

AIR READINGS

DATE 7-23-06

LOCATION Right side LOB X-cut connecting no 6

8 No. 7 entries Corroded reading #1 84/11

WIDTH 20.

BOTTLE SAMPLE NO. ØX 2875

HEIGHT 7.5

CH4 DETECTED Ø

AREA 150

MEAN ENTRY Ø

VELOCITY 77

TIME 1045

QUANTITY 11,500

LOCATION Left S. de LOB X-cut connecting

no. 2 & no 3 entries

WIDTH 16

BOTTLE SAMPLE NO. Ø

HEIGHT 6.5

CH4 DETECTED Ø

AREA 124

MEAN ENTRY Ø

VELOCITY 83

TIME 11:00

QUANTITY 10,292

PAGE NO. 4 INSP INITIAL [REDACTED] SUPERVISOR D&I RR 7-28-08

AIR READINGS

DATE 07-23-08

LOCATION No 5 entry intake, Survey Station No 22,521
#2 section

WIDTH	<u>20</u>	BOTTLE SAMPLE NO.	<u>Ø</u>
HEIGHT	<u>7</u>	CH4 DETECTED	<u>Ø</u>
AREA	<u>140</u>	MEAN ENTRY	<u>Ø</u>
VELOCITY	<u>105</u>	TIME	<u>1030</u>
QUANTITY	<u>14,700</u>		

LOCATION No 6 entry intake, Survey Station No. 22,519
#2 section

WIDTH	<u>20</u>	BOTTLE SAMPLE NO.	<u>Ø</u>
HEIGHT	<u>7</u>	CH4 DETECTED	<u>Ø</u>
AREA	<u>140</u>	MEAN ENTRY	<u>Ø</u>
VELOCITY	<u>115</u>	TIME	<u>1075</u>
QUANTITY	<u>16,100</u>		

Total intake No 2 section 30,800

PAGE NO. 5 INSP INITIAL [REDACTED] SUPERVISOR D&I RR 7-28-08

U. S. Department of Labor

Mine Safety and Health Administration
100 Bluestone Road
Mount Hope, WV 25880-1000



DATE:

10/21/08

MESSAGE FOR:

FIELD OFFICE SECRETARY -

Lisa

FROM:

KIM SOUTHERN

PAGES (INCLUDING COVER):

10

SUBJECT:

CONTESTED VIOLATION DATA AT ID NO.

8436

The violations shown below have been contested by the mine operator:

<u>VIOL #</u>	<u>ISSUED</u>	<u>VIOL#</u>	<u>ISSUED</u>
<u>See attached</u>			
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

These documents go before lawyers and judges. It is important that all copies be clean and clearly legible.

Please provide a copy of each violation and all subsequent actions for that violation.

I also need a copy of the inspector's notes (including the Daily Cover Sheet) for each violation, as well as any special assessment forms and a copy of appropriate plans related to those violations.

If there are any related violations, such as 107(a) Orders, I need a copy of them too.

Please fax your response back to me today or tomorrow - I have a very short turn-around time to get this material in to the Solicitor's Office in Arlington.

If you have any questions, call me on extension 148. Thank you for your help.



11/2/08
✓
NR

Citations

Record Count: 5

Selection Criteria:

4608436

718387*

MineID	Type	Mine Off.	WG	Mg Off.	WG	AR #	Cont ID	C/O #	Issue Date	Issuance	SS	Type Action	30 CFR Std	Activity Code	Event Number
4608436	U	0401	01	0401	01	20643		7183876	7/10/2008	C	Y	104-A	75.220A	E01	4118287
4608436	U	0401	01	0401	01	20643		7183875	7/10/2008	C	Y	104-A	75.202A	E01	4118287
4608436	U	0401	01	0401	01	20643		7183879	7/14/2008	C	N	104-A	75.333B2	E01	4118287
4608436	U	0401	01	0401	01	20643		7183878	7/14/2008	C	N	104-A	75.333C2	E01	4118287
4608436	U	0401	01	0401	01	20643		7183877	7/14/2008	C	N	104-A	75.807	E01	4118287

DATE July 23, 08

NO-1 SSS 10:15 10:45

CIT# 7183884

The required quantity of Air was not passing through the right-side LAST Open Crosscut, The Crosscut connecting NO 6 entry with NO 7 entry, on the No. 2 Section, mmh-04/0, when measured only with an approved Anemometer. only 6,600 Cfm could be measured. The LAST Open Crosscut is not the line of crosscut with survey station no 22,568, No. 5 entry.

10 person affected, This mine lubricate the haul and is on a 15 day spot, event would be serious. The foreman stated that he had taken a reading at 08:28 AM and had 10,640 Cfm my reading was taken approximately 2 hours later after production had started. And equipment had run through the ventilation controls during this time frame. The Cfm was being operated in the No. 6 fan upon arrival on the Section.

INSP. INITIALS



SUPV. D&I RR 7-28-08

PAGE NO.

3

Citations

Record Count: 5

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718387*

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4608436	U	0401	01	0401	01	20643		7183876	7/10/2008	C	Y	104-A	75.220A	E01	4118287
4608436	U	0401	01	0401	01	20643		7183875	7/10/2008	C	Y	104-A	75.202A	E01	4118287
4608436	U	0401	01	0401	01	20643		7183879	7/14/2008	C	N	104-A	75.333B2	E01	4118287
4608436	U	0401	01	0401	01	20643		7183878	7/14/2008	C	N	104-A	75.333C2	E01	4118287
4608436	U	0401	01	0401	01	20643		7183877	7/14/2008	C	N	104-A	75.807	E01	4118287

Citations

Record Count: 10

Selection Criteria:

4608436

718388*

MineID	Type	Mine Off.	WG	Mg Off.	WG	AR #	Cont ID	C/O #	Issue Date	Issuance	SS	Type Action	30 CFR Std	Activity Code	Event Number
4608436	U	0401	01	0401	01	20643		7183880	7/14/2008	C	N	104-A	75.370A	E01	4118287
4608436	U	0401	01	0401	01	20643		7183881	7/16/2008	C	N	104-A	77.502	E01	4118287
4608436	U	0401	01	0401	01	20643		7183882	7/17/2008	C	Y	104-A	75.400	E01	4118287
4608436	U	0401	01	0401	01	20643		7183883	7/21/2008	C	Y	104-A	75.503	E01	4118287
4608436	U	0401	01	0401	01	20643		7183889	7/23/2008	C	N	104-A	75.400	E01	4118287
4608436	U	0401	01	0401	01	20643		7183888	7/23/2008	C	Y	104-A	75.601	E01	4118287
4608436	U	0401	01	0401	01	20643		7183887	7/23/2008	C	N	104-A	75.701	E01	4118287
4608436	U	0401	01	0401	01	20643		7183886	7/23/2008	C	N	104-A		E01	4118287
4608436	U	0401	01	0401	01	20643		7183885	7/23/2008	C	Y	104-A	75.380D7I	E01	4118287
4608436	U	0401	01	0401	01	20643		7183884	7/23/2008	C	Y	104-A	75.325B	E02	4118290

Citations

Record Count: 10

Selection Criteria:
4608436

718389*

MineID	Type	Mine Off.	WG	Mg Off.	WG	AR #	Cont ID	C/O #	Issue Date	Issuance	SS	Type Action	30 CFR Std	Activity Code	Event Number
4608436	U	0401	01	0401	01	20643		7183891	7/24/2008	C	N	104-A	75.1714-4C1	E01	4118287
4608436	U	0401	01	0401	01	20643		7183890	7/24/2008	C	N	104-A	75.380D1	E01	4118287
4608436	U	0401	01	0401	01	20643		7183894	7/25/2008	C	Y	104-A	75.363A	E01	4118287
4608436	U	0401	01	0401	01	20643		7183893	7/25/2008	O	Y	104-D-2	75.380G	E01	4118287
4608436	U	0401	01	0401	01	20643		7183892	7/25/2008	O	Y	104-D-2	75.220A	E01	4118287
4608436	U	0401	01	0401	01	20643		7183899	7/30/2008	C	N	104-A	75.517	E01	4118287
4608436	U	0401	01	0401	01	20643		7183898	7/30/2008	C	Y	104-A	75.503	E01	4118287
4608436	U	0401	01	0401	01	20643		7183897	7/30/2008	C	N	104-A	75.400	E01	4118287
4608436	U	0401	01	0401	01	20643		7183896	7/30/2008	C	Y	104-A	75.503	E01	4118287
4608436	U	0401	01	0401	01	20643		7183895	7/30/2008	C	N	104-A	75.512	E01	4118287

Citations

Record Count: 10

Selection Criteria:

4608436

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MineID	Type	Mine Off.	WG	Mg Off.	WG	AR #	Cont ID	C/O #	Issue Date	Issuance	SS	Type Action	30 CFR Std	Activity Code	Event Number
4608436	U	0401	01	0401	01	20643		7183880	7/14/2008	C	N	104-A	75.370A	E01	4118287
4608436	U	0401	01	0401	01	20643		7183881	7/16/2008	C	N	104-A	77.502	E01	4118287
4608436	U	0401	01	0401	01	20643		7183882	7/17/2008	C	Y	104-A	75.400	E01	4118287
4608436	U	0401	01	0401	01	20643		7183883	7/21/2008	C	Y	104-A	75.503	E01	4118287
4608436	U	0401	01	0401	01	20643		7183889	7/23/2008	C	N	104-A	75.400	E01	4118287
4608436	U	0401	01	0401	01	20643		7183888	7/23/2008	C	Y	104-A	75.601	E01	4118287
4608436	U	0401	01	0401	01	20643		7183887	7/23/2008	C	N	104-A	75.701	E01	4118287
4608436	U	0401	01	0401	01	20643		7183886	7/23/2008	C	N	104-A		E01	4118287
4608436	U	0401	01	0401	01	20643		7183885	7/23/2008	C	Y	104-A	75.380D7I	E01	4118287
4608436	U	0401	01	0401	01	20643		7183884	7/23/2008	C	Y	104-A	75.325B	E02	4118290

Citations

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4608436

718389*

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4608436	U	0401	01	0401	01	20643		7183891	7/24/2008	C	N	104-A	75.1714-4C1	E01	4118287
4608436	U	0401	01	0401	01	20643		7183890	7/24/2008	C	N	104-A	75.380D1	E01	4118287
4608436	U	0401	01	0401	01	20643		7183894	7/25/2008	C	Y	104-A	75.363A	E01	4118287
4608436	U	0401	01	0401	01	20643		7183893	7/25/2008	O	Y	104-D-2	75.380G	E01	4118287
4608436	U	0401	01	0401	01	20643		7183892	7/25/2008	O	Y	104-D-2	75.220A	E01	4118287
4608436	U	0401	01	0401	01	20643		7183899	7/30/2008	C	N	104-A	75.517	E01	4118287
4608436	U	0401	01	0401	01	20643		7183898	7/30/2008	C	Y	104-A	75.503	E01	4118287
4608436	U	0401	01	0401	01	20643		7183897	7/30/2008	C	N	104-A	75.400	E01	4118287
4608436	U	0401	01	0401	01	20643		7183896	7/30/2008	C	Y	104-A	75.503	E01	4118287
4608436	U	0401	01	0401	01	20643		7183895	7/30/2008	C	N	104-A	75.512	E01	4118287

Citations

Record Count: 1

Selection Criteria:

4608436

7278812

MineID	Type	Mine Off.	WG	Mg Off.	WG	AR #	Cont ID	C/O #	Issue Date	Issuance	SS	Type Action	30 CFR Std	Activity Code	Event Number
4608436	U	0401	01	0401	01	24320		7278812	6/25/2008	C	N	104-A	75.403	E01	4120376

Citations

Record Count: 10

Selection Criteria:

4608436

727969*

MineID	Type	Mine Off.	WG	Mg Off.	WG	AR #	Cont ID	C/O #	Issue Date	Issuance	SS	Type Action	30 CFR Std	Activity Code	Event Number
4608436	U	0401	01	0401	01	24329		7279691	12/10/2007	C	N	104-A	75.400	E01	4116771
4608436	U	0401	01	0401	01	24329		7279690	12/10/2007	C	N	104-A	75.400	E01	4116771
4608436	U	0401	01	0401	01	24329		7279692	12/17/2007	C	N	104-A	75.523-3C2	E01	4116771
4608436	U	0401	01	0401	01	24329		7279694	1/8/2008	C	N	104-A	75.202A	E01	4120607
4608436	U	0401	01	0401	01	24329		7279693	1/8/2008	C	Y	104-A	75.220A1	E01	4120607
4608436	U	0401	01	0401	01	24329		7279698	1/9/2008	C	N	104-A	75.517	E01	4120607
4608436	U	0401	01	0401	01	24329		7279697	1/9/2008	C	N	104-A	75.400	E01	4120607
4608436	U	0401	01	0401	01	24329		7279696	1/9/2008	C	N	104-A	75.1403	E01	4120607
4608436	U	0401	01	0401	01	24329		7279695	1/9/2008	C	N	104-A	77.208E	E01	4120607
4608436	U	0401	01	0401	01	24329		7279699	1/11/2008	C	Y	104-A	75.220A	E01	4120607

Citations

Record Count: 9

Selection Criteria:

4608436

727970*

MineID	Type	Mine Off.	WG	Mg Off.	WG	AR #	Cont ID	C/O #	Issue Date	Issuance	SS	Type Action	30 CFR Std	Activity Code	Event Number
4608436	U	0401	01	0401	01	24329		7279700	1/14/2008	C	N	104-A	75.1725A	E01	4120607
4608436	U	0401	01	0401	01	24329		7279704	1/15/2008	C	Y	104-A	75.364B5	E01	4120607
4608436	U	0401	01	0401	01	24329		7279703	1/15/2008	C	N	104-A	75.333H	E01	4120607
4608436	U	0401	01	0401	01	24329		7279702	1/15/2008	C	Y	104-A	75.202A	E01	4120607
4608436	U	0401	01	0401	01	24329		7279705	1/18/2008	C	Y	104-A	75.220A1	E01	4120607
4608436	U	0401	01	0401	01	24329		7279709	1/22/2008	C	N	104-A	75.342A4	E01	4120607
4608436	U	0401	01	0401	01	24329		7279708	1/22/2008	C	N	104-A	75.517	E01	4120607
4608436	U	0401	01	0401	01	24329		7279707	1/22/2008	C	N	104-A	75.523-3C2	E01	4120607
4608436	U	0401	01	0401	01	24329		7279706	1/22/2008	C	N	104-A	75.523-3C2	E01	4120607

Citations

Record Count: 1

Selection Criteria:

4608436

7279719

MineID	Type	Mine Off.	WG	Mg Off.	WG	AR #	Cont ID	C/O #	Issue Date	Issuance	SS	Type Action	30 CFR Std	Activity Code	Event Number
4608436	U	0401	01	0401	01	24329		7279719	1/28/2008	C	Y	104-A	75.400	E01	4120607

Citations

Record Count: 1

Selection Criteria:

4608436

7278812

MineID	Type	Mine Off.	WG	Mg Off.	WG	AR #	Cont ID	C/O #	Issue Date	Issuance	SS	Type Action	30 CFR Std	Activity Code	Event Number
4608436	U	0401	01	0401	01	24320		7278812	6/25/2008	C	N	104-A	75.403	E01	4120376

Citations

Record Count: 10

Selection Criteria:

4608436

727969*

MineID	Type	Mine Off.	WG	Mg Off.	WG	AR #	Cont ID	C/O #	Issue Date	Issuance	SS	Type Action	30 CFR Std	Activity Code	Event Number
4608436	U	0401	01	0401	01	24329		7279691	12/10/2007	C	N	104-A	75.400	E01	4116771
4608436	U	0401	01	0401	01	24329		7279690	12/10/2007	C	N	104-A	75.400	E01	4116771
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4608436	U	0401	01	0401	01	24329		7279693	1/8/2008	C	Y	104-A	75.220A1	E01	4120607
4608436	U	0401	01	0401	01	24329		7279698	1/9/2008	C	N	104-A	75.517	E01	4120607
4608436	U	0401	01	0401	01	24329		7279697	1/9/2008	C	N	104-A	75.400	E01	4120607
4608436	U	0401	01	0401	01	24329		7279696	1/9/2008	C	N	104-A	75.1403	E01	4120607
4608436	U	0401	01	0401	01	24329		7279695	1/9/2008	C	N	104-A	77.208E	E01	4120607
4608436	U	0401	01	0401	01	24329		7279699	1/11/2008	C	Y	104-A	75.220A	E01	4120607

Citations

Record Count: 9

Selection Criteria:

4608436

727970*

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4608436	U	0401	01	0401	01	24329		7279700	1/14/2008	C	N	104-A	75.1725A	E01	4120607
4608436	U	0401	01	0401	01	24329		7279704	1/15/2008	C	Y	104-A	75.364B5	E01	4120607
4608436	U	0401	01	0401	01	24329		7279703	1/15/2008	C	N	104-A	75.333H	E01	4120607
4608436	U	0401	01	0401	01	24329		7279702	1/15/2008	C	Y	104-A	75.202A	E01	4120607
4608436	U	0401	01	0401	01	24329		7279705	1/18/2008	C	Y	104-A	75.220A1	E01	4120607
4608436	U	0401	01	0401	01	24329		7279709	1/22/2008	C	N	104-A	75.342A4	E01	4120607
4608436	U	0401	01	0401	01	24329		7279708	1/22/2008	C	N	104-A	75.517	E01	4120607
4608436	U	0401	01	0401	01	24329		7279707	1/22/2008	C	N	104-A	75.523-3C2	E01	4120607
4608436	U	0401	01	0401	01	24329		7279706	1/22/2008	C	N	104-A	75.523-3C2	E01	4120607

Citations

Record Count: 1

Selection Criteria:

4608436

7279719

MineID	Type	Mine Off.	WG	Mg Off.	WG	AR #	Cont ID	C/O #	Issue Date	Issuance	SS	Type Action	30 CFR Std	Activity Code	Event Number
4608436	U	0401	01	0401	01	24329		7279719	1/28/2008	C	Y	104-A	75.400	E01	4120607

Citations

Record Count: 5

Selection Criteria:

4608436

727972*

MineID	Type	Mine Off.	WG	Mg Off.	WG	AR #	Cont ID	C/O #	Issue Date	Issuance	SS	Type Action	30 CFR Std	Activity Code	Event Number
4608436	U	0401	01	0401	01	24329		7279726	2/4/2008	C	N	104-A	75.400	E01	4120607
4608436	U	0401	01	0401	01	24329		7279725	2/4/2008	C	N	104-A	75.1101-1A	E01	4120607
4608436	U	0401	01	0401	01	24329		7279727	2/6/2008	C	Y	104-A	75.202A	E01	4120607
4608436	U	0401	01	0401	01	24329		7279729	2/11/2008	C	Y	104-A	75.400	E01	4120607
4608436	U	0401	01	0401	01	24329		7279728	2/11/2008	C	Y	104-A	75.400	E01	4120607

Citations

Record Count: 1

Selection Criteria:

4608436

7279734

MineID	Type	Mine Off.	WG	Mg Off.	WG	AR #	Cont ID	C/O #	Issue Date	Issuance	SS	Type Action	30 CFR Std	Activity Code	Event Number
4608436	U	0401	01	0401	01	24329		7279734	2/21/2008	C	Y	104-A	75.517	E01	4120607