R11 1-3-05

Mine Activity Data

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

1. Action: a. New Entry ☐ b. Update ☑
2. Activity Code: E01
3. Event Number: 4110669
4. Date Event Started: 10/11/2005
5. Date Event Finished: 12/29/2005
6. Mine ID: 46-08436
7a. Organization Code (Mine Assignment): 20401
b. Work Group Identifier: 02
9. Company Name: PERFORMANCE COAL COMPANY
8a. Organization Code (AR Assignment): 20401
b. Work Group Identifier: 02
10. Mine Name: UPPER BIG BRANCH MINE-SOUTH
11. Report Type (check one): a. First ☐ b. Interim ☐ c. Last ☐ d. Not Applicable ☑
12. Area of Inspections: a. Active Sections 3 b. Idle Sections 2
c. Outby Areas ☑ d. Shafts/ Slopes ☐ e. Surface Areas (UG) ☑ f. Surface Workings ☐ g. Company Records ☑ h. ATF ☑ i. Impoundments ☐ j. Refuse Piles ☐
k. Major Construction ☐ (1) Shaft/ Slope Sinking 0 (2) Impoundment Construction 0 (3) Buildings 0 (4) Dragline/ Shovel: 0 (5) Other 0 l. Miscellaneous ☐
m. MMU/Pit Number
(1) 0080 (2) 0090 (3) 0150 (4) 0300 (5) 0310

13. Number of Samples Collected: a. Air Samples 9 b. Rock Dust Spot 0 c. Rock Dust Survey 3 d. Respirable Dust 37 e. Noise 0 f. Other 0

14. Impoundments/Refuse Piles:
a. Number b. FHC c. Configuration

15. Prime Independent Contractor Codes (Major Construction)

16. Inspection Results

	Citations		Orders		Safeguards		Other	
a. This Inspection	Coal Opr	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con
(1) New Issuances	42	0	0	0	1	0	0	0
(2) Terminations/Vacations	37/0	0/0	0/0	0/0	1/0	0/0	0/0	0/0
(3) Modifications/Extensions	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0
(4) Left Pending	2	0	0	0	0	0	0	0
b. Previously Issued								
(1) Modifications/Extensions	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0
(2) Terminations/Vacations	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0

18. Signature and Card Number of Authorized Representative/ Right of Entry Person(s) Responsible for Activity

Card Number

a. [redacted] 23855
b. [redacted] 23699
c.
d.

19. Key Entered By Date

17. Remarks:

THIS INSPECTION WAS CONDUCTED WITH THE ASSISTANCE OF DAVID MORRIS, JERRY COOK AND TERRY SCARBRO.

Activity Calendar Event Number: 4110669 Mine ID: 4608436

Shift	Sun 1	Sun 2	Sun 3	Mon 1	Mon 2	Mon 3	Tue 1	Tue 2	Tue 3	Wed 1	Wed 2	Wed 3	Thur 1	Thur 2	Thur 3	Fri 1	Fri 2	Fri 3	Sat 1	Sat 2	Sat 3
Week 0	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Week 0	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Week 1 10/9/2005	☐	☐	☐	☐	☐	☐	☐	☑	☐	☐	☑	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Week 2 10/23/2005	☐	☐	☐	☐	☑	☐	☐	☐	☑	☐	☐	☐	☐	☐	☑	☐	☐	☐	☐	☐	☐
Week 3 10/30/2005	☐	☐	☐	☐	☐	☑	☐	☐	☑	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Week 4 11/6/2005	☐	☐	☐	☐	☐	☑	☐	☐	☑	☐	☐	☑	☐	☐	☐	☐	☐	☐	☐	☐	☐
Week 5 11/27/2005	☐	☐	☐	☐	☐	☐	☐	☐	☑	☐	☐	☑	☐	☐	☑	☐	☐	☐	☐	☐	☐
Week 6 12/4/2005	☐	☐	☐	☐	☐	☑	☐	☐	☐	☐	☐	☑	☐	☐	☐	☐	☐	☐	☐	☐	☐
Week 7 12/11/2005	☐	☐	☐	☐	☑	☐	☐	☑	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Week 8 12/18/2005	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☑	☐	☐	☐	☐	☐	☐	☐
Week 9 12/25/2005	☐	☐	☐	☐	☐	☐	☐	☑	☐	☐	☑	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

Key Codes: 1- Owl Shift, 2- Day Shift & 3- Evening Shift (Mark "X" in appropriate Block to Indicate Shift)

Mine Activity Data

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

1. Action: a. New Entry ☐ b. Update ☑
2. Activity Code: E01
3. Event Number: 4110669
4. Date Event Started: 10/11/2005
5. Date Event Finished: 12/29/2005
6. Mine ID: 46-08436
7a. Organization Code (Mine Assignment): 20401
b. Work Group Identifier: 02
9. Company Name: PERFORMANCE COAL COMPANY
8a. Organization Code (AR Assignment): 20401
b. Work Group Identifier: 02
10. Mine Name: UPPER BIG BRANCH MINE-SOUTH
11. Report Type (check one): a. First ☐ b. Interim ☐ c. Last ☐ d. Not Applicable ☑
12. Area of Inspections: a. Active Sections 3 b. Idle Sections 2
c. Outby Areas ☑ d. Shafts/ Slopes ☐ e. Surface Areas (UG) ☑ f. Surface Workings ☐ g. Company Records ☑ h. ATF ☑ i. Impoundments ☐ j. Refuse Piles ☐
k. Major Construction ☐ (1) Shaft/ Slope Sinking 0 (2) Impoundment Construction 0 (3) Buildings 0 (4) Dragline/ Shovel: 0 (5) Other 0 l. Miscellaneous ☐
m. MMU/Pit Number
(1) 0080 (2) 0090 (3) 0150 (4) 0300 (5) 0310

13. Number of Samples Collected: a. Air Samples 9 b. Rock Dust Spot 0 c. Rock Dust Survey 3 d. Respirable Dust 37 e. Noise 0 f. Other 0

14. Impoundments/Refuse Piles:
a. Number b. FHC c. Configuration

15. Prime Independent Contractor Codes (Major Construction)

16. Inspection Results

	Citations		Orders		Safeguards		Other	
a. This Inspection	Coal Opr	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con
(1) New Issuances	42	0	0	0	1	0	0	0
(2) Terminations/Vacations	37/0	0/0	0/0	0/0	1/0	0/0	0/0	0/0
(3) Modifications/Extensions	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0
(4) Left Pending	2	0	0	0	0	0	0	0
b. Previously Issued								
(1) Modifications/Extensions	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0
(2) Terminations/Vacations	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0

18. Signature and Card Number of Authorized Representative/ Right of Entry Person(s) Responsible for Activity

Card Number
a. [redacted] 23855
b. 20053
c. 23972
d.

19. Key Entered By Date

17. Remarks:

THIS INSPECTION WAS CONDUCTED WITH THE ASSISTANCE OF DAVID MORRIS, JERRY COOK AND TERRY SCARBRO.

Activity Calendar Event Number: 4110669 Mine ID: 4608436

Shift	Sun 1	Sun 2	Sun 3	Mon 1	Mon 2	Mon 3	Tue 1	Tue 2	Tue 3	Wed 1	Wed 2	Wed 3	Thur 1	Thur 2	Thur 3	Fri 1	Fri 2	Fri 3	Sat 1	Sat 2	Sat 3
Week 0																					
Week 0																					
Week 1 10/9/2005								✓			✓										
Week 2 10/23/2005					✓				✓						✓						
Week 3 10/30/2005						✓			✓												
Week 4 11/6/2005						✓			✓			✓									
Week 5 11/27/2005									✓			✓			✓						
Week 6 12/4/2005						✓						✓									
Week 7 12/11/2005					✓			✓													
Week 8 12/25/2005								✓			✓										
Week 9																					

Key Codes: 1- Owl Shift, 2- Day Shift & 3- Evening Shift (Mark "X" in appropriate Block to Indicate Shift)

Mine Activity Data

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

1. Action: a. New Entry ☑ b. Update ☐
2. Activity Code: E01
3. Event Number: 4110669
4. Date Event Started: 10/11/2005
5. Date Event Finished:
6. Mine ID: 46-08436
7a. Organization Code (Mine Assignment) 20401
b. Work Group Identifier 01
9. Company Name PERFORMANCE COAL COMPANY
8a. Organization Code (AR Assignment) 20401
b. Work Group Identifier 01
10. Mine Name UPPER BIG BRANCH MINE-SOUTH
11. Report Type (check one) a. First ☐ b. Interim ☐ c. Last ☐ d. Not Applicable ☑
12. Area of Inspections a. Active Sections 5 b. Idle Sections
c. Outby Areas ☑ d. Shafts/ Slopes ☐ e. Surface Areas (UG) ☑ f. Surface Workings ☐ g. Company Records ☑ h. ATF ☐ i. Impoundments ☐ j. Refuse Piles ☐
k. Major Construction ☐ (1) Shaft/ Slope Sinking (2) Impoundment Construction (3) Buildings (4) Dragline/ Shovel: (5) Other l. Miscellaneous ☐
m. MMU/Pit Number
(1) 0080 (2) 0090 (3) 0150 (4) 0300 (5) 0310

13. Number of Samples Collected a. Air Samples b. Rock Dust Spot c. Rock Dust Survey d. Respirable Dust e. Noise f. Other

14. Impoundments/Refuse Piles:
a. Number b. FHC c. Configuration

15. Prime Independent Contractor Codes (Major Construction)

16. Inspection Results

	Citations		Orders		Safeguards		Other	
	Coal Opr	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con
a. This Inspection								
(1) New Issuances								
(2) Terminations/Vacations								
(3) Modifications/Extensions								
(4) Left Pending								
b. Previously Issued								
(1) Modifications/Extensions								
(2) Terminations/Vacations								

18. Signature and Card Number of Authorized Representative/ Right of Entry Person(s) Responsible for Activity

[redacted] Card Number

a. [redacted] 23855

b. [redacted]

c. [redacted]

d.

19. Key Entered By Date

17. Remarks:

MSHA Form 2000-22. Oct. 85 (Revised) Previous editions are Obsolete

Mine Citation/Order

11/15/05

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

RK 10-25-05

Section I—Violation Data

1. Date: Mo 10 Da 24 Yr 05
2. Time (24 Hr. Clock): 0915
3. Citation/Order Number: 4632513
4. Served To: Wendell Wills, Supt.
5. Operator: Performance Coal Company, Inc.
6. Mine: Upper Big Branch Mine - South
7. Mine ID: 46 - 08436 (Contractor)
8. Condition or Practice — 8a. Written Notice (103g) ☐

The operator was not complying with approved ventilation plan for the mine. A preshift examination was not being conducted at the 14" diameter borehole drilled into the upper Big Branch Mine, up & through the Castle Mine (I.D. #46-07009), connecting the two mines & providing a pilot hole for a 20' dia shaft to be raise drilled for a coal transfer shaft between the mines. An approved revision to the ventilation plan, dated 10/5/2005, required a preshift exam when the borehole penetrated the mine & through out the process.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation: A. Health ☐ Safety ☑ Other ☐ — B. Section of Act: — — C. Part/Section of Title 30 CFR: 75.370(a)(1)

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays or Restricted Duty ☑ Permanently Disabling ☐ Fatal ☐
C. Significant and Substantial (See Reverse): 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 Issuance (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. Date Mo 10 Da 24 Yr 05 — B. Time (24 Hr. Clock) 1230

Section III—Termination Action

17. Action to Terminate

A preshift exam was conducted and recorded.

18. Terminated: A. Date Mo 10 Da 24 Yr 05 — B. Time (24 Hr. Clock) 1215

Section IV—Automated System Data

19. Type of Inspection (activity code): E01
20. Event Number: 4110669
21. Primary or Mill
22. Signat[redacted]
23. AR Number: 23972

MSHA Form 7000-3, Mar 85 (Revised)

☆U.S.GOVERNMENT PRINTING OFFICE 1994-509-598

Mine Citation/Order

11/15/05

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

RK 10-13-05

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
10/12/2005	1145		7242993

4. Served To	5. Operator
JACK ROLES, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The operator is allowing the bottom rollers of the 2 north belt conveyor to turn in loose coal at 86 to tail, 79 to 80, 75 to 74, 73 to 65 and 60 to the drive. The belt is also running on loose coal in the take-up and drive.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	75.400

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	10/17/2005	0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4110669		

22. Signature [redacted] — 23. AR Number 23855

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 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.

RK
10-26-05

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	10/12/2005	7242993 - 01

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The loose coal has been cleaned up except in the take-up and the operator requested additional time and additional time is granted.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified
	10/27/2005	1500			

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E02	4110670

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	10/25/2005	2030

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

RIP
10-31-0

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	10/12/2005	7242993 - 02

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The take-up has been cleaned on the 1 north belt conveyor.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110669

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	10/27/2005	2300

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

Mine Citation/Order

12/14/05

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

RR 10-31-05

Section I--Violation Data

1. Date Mo Da Yr 10/27/2005	2. Time (24 Hr. Clock) 1815		3. Citation/ Order Number 7242996
4. Served To JIM GRISWOLD, FOREMAN		5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-08436 (Contractor)	

8. Condition or Practice — 8a. Written Notice (103g) ☐

The operator is not following the approved roof control plan in the HG 20 intake at 22 cross cut between HG 19 and HG 20 and 2x1 in HG 20. There are 16 loose bolts at 22 and 3 at 2x1 with loose broken roof.

See Continuation Form (MSHA Form 7000-3a) ☐

9 Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.220(a)(1)

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date Mo Da Yr 10/31/2005	B. Time (24 Hr. Clock) 0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 4110669	21. Primary or Mill	
22. Signature [redacted]		23. AR Number 23855	

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 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 Continuation

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

RR 11-28-05

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	10/27/2005	7242996 - 01

4. Served To	5. Operator
DEAN JONES, BLOCK SUPER	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

Section II--Justification for Action

The loose bolts have been timbered in the HG 20 intake at 22 and 2x1 cross cuts.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E02	4110673

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	11/22/2005	1245

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

Mine Citation/Order

11/15/05

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

LCK 10-31-05

Section I--Violation Data

1. Date Mo Da Yr 10/27/2005	2. Time (24 Hr. Clock) 1900		3. Citation/ Order Number 7242997
4. Served To JIM GRISWOLD, FOREMAN		5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-08436 (Contractor)	

8. Condition or Practice — 8a. Written Notice (103g) ☐

The number 2 shuttle car cat head was not grounded to the frame of the power center in the HG 20 section.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.701

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date Mo Da Yr 10/27/2005	B. Time (24 Hr. Clock) 2000	

Section III--Termination Action

17. Action to Terminate A ground strap was installed.

18. Terminated	A. Date Mo Da Yr 10/27/2005	B. Time (24 Hr. Clock) 1930	

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 4110669	21. Primary or Mill	
22. Signature [redacted]		23. AR Number 23855	

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 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.

RR
10-31-05

Mine Citation/Order 11/15/05

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

Section I--Violation Data

1. Date Mo Da Yr 10/27/2005	2. Time (24 Hr. Clock) 1950		3. Citation/ Order Number 7242998
4. Served To JIM GRISWOLD, FOREMAN		5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-08436 (Contractor)	

8. Condition or Practice — 8a. Written Notice (103g) ☐

There was two oxygen tanks and one acetylene tank laying on the mine floor in the scoop charging station in the HG 20 section.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.1106-3(a)(2)

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date Mo Da Yr 10/27/2005	B. Time (24 Hr. Clock) 2000	

Section III--Termination Action

17. Action to Terminate The tanks were secured in an up-right position.

18. Terminated	A. Date Mo Da Yr 10/27/2005	B. Time (24 Hr. Clock) 2000	

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 4110669	21. Primary or Mill	
22. Signature [redacted]			23. AR Number 23855

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 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 11/15/05

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

12R 10-31-05

Section I--Violation Data

1. Date Mo Da Yr 10/27/2005	2. Time (24 Hr. Clock) 2030		3. Citation/ Order Number 7242999
4. Served To JIM GRISWOLD, FOREMAN		5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-08436 (Contractor)	

8. Condition or Practice — 8a. Written Notice (103g) ☐

The HG 20 section scoop charger was not ventilated to the return.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.340(a)(1)(i)

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays Or Restricted Duty ☑ Permanently Disabling ☐ Fatal ☐

C. Significant and Substantial: Yes ☐ No ☑ — D. Number of Persons Affected: 003

11. Negligence (check one) A. None ☐ B. Low ☐ C. Moderate ☑ D. High ☐ E. Reckless Disregard ☐

12. Type of Action 104(a) — 13. Type of Issuance (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. Date Mo Da Yr 10/27/2005	B. Time (24 Hr. Clock) 2300	

Section III--Termination Action

17. Action to Terminate The charger was taken out of service until the owl shift could move it.

18. Terminated	A. Date Mo Da Yr 10/27/2005	B. Time (24 Hr. Clock) 2040	

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 4110669	21. Primary or Mill	
22. Signat[redacted]		23. AR Number 23855	

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 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

12/14/05

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

RK 11-1-05

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
10/31/2005	1930		7243000

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY
6. Mine	**7. Mine ID**
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The operator is allowing accumulation of loose coal to accumulate under the bottom rollers of the 1 south belt conveyor from the drive to the tailpiece in various locations, with some of the rollers turning in coal.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	75.400

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	11/07/2005	0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4110669		

22. Signature [redacted] — 23. AR Number 23855

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 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

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

KR 11-16-0-

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
11/15/2005	1920		7247494

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

There has been little effort to clean the loose coal under the bottom belt of the 1-south belt. There are several bottom rollers turning in coal and the belt running on coal in various locations from the drive to tailpiece with no one working on the violation.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	75.400

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays Or Restricted Duty ☐ Permanently Disabling ☐ Fatal ☐

C. Significant and Substantial: Yes ☐ No ☐ — D. Number of Persons Affected:

11. Negligence (check one) A. None ☐ B. Low ☐ C. Moderate ☐ D. High ☐ E. Reckless Disregard ☐

12. Type of Action 104(b) — 13. Type of Issuance (check one) Citation ☐ Order ☑ Safeguard ☐

14. Initial Action A. Citation ☑ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐ — E. Citation/ Order Number 7243000 — F. Dated (Mo Da Yr) 10/31/2005

15. Area or Equipment The 1-south belt conveyor from the drive to the tailpiece.

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E02	4110672		

22. Signatu[redacted] — 23. AR Number 23855

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 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 Continuation

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

Section I–Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	11/15/2005	7247494 - 01

4. Served To	5. Operator
DEAN JONES, BLOCK SUPER	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II–Justification for Action

The loose coal has been cleaned up under the bottom rollers of the 1 south belt conveyor.

See Continuation Form ☐

Section III–Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV–Inspection Data

9. Type of Inspection	10. Event Number
E02	4110673

11. Signatu[redacted]	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	11/22/2005	1300

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

Mine Citation/Order 11/2/05

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

RR 10-13-05 MTD

Section I--Violation Data

1. Date Mo Da Yr 10/12/2005	2. Time (24 Hr. Clock) 1215		3. Citation/ Order Number 7243134
4. Served To BILL DOWDY--LONGWALL MANAGER		5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-08436 (Contractor)	

8. Condition or Practice — 8a. Written Notice (103g) ☐

THE ENERGIZED HIGH VOLTAGE CABLE WAS CONTACTING LOW-VOLTAGE CABLES IN SEVERAL LOCATIONS ALONG THE LONGWALL (031-0) SECTION TRACK ENTRY STARTING INBY SWITCH AND EXTENDING INBY TO THE END OF TRACK.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.807

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays Or Restricted Duty ☐ Permanently Disabling ☑ Fatal ☐

C. Significant and Substantial: Yes ☐ No ☑ — D. Number of Persons Affected: 000

11. Negligence (check one) A. None ☐ B. Low ☐ C. Moderate ☑ D. High ☐ E. Reckless Disregard ☐

12. Type of Action 104(a) — 13. Type of Issuance (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. Date Mo Da Yr 10/13/2005	B. Time (24 Hr. Clock) 0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 4110669	21. Primary or Mill	
22. Signature [redacted]		23. AR Number 20083	

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 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.

RX
20-26-05

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	10/12/2005	7243134 - 01

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The phone line was disconnected and moved away from the high voltage line and the other cables were not energized.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
[redacted] F01	4110669

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	10/25/2005	2030

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

K.K. 10-13-05

Mine Citation/Order 11/2/05

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

Section I--Violation Data

1. Date Mo Da Yr 10/12/2005	2. Time (24 Hr. Clock) 1145		3. Citation/ Order Number 7242992
4. Served To JACK ROLES, FOREMAN		5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-08436	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The operator is allowing the bottom rollers in the 3 north belt conveyor to turn in accumulation of loose coal at 114 to 115, 112 to 113, 108 to 109 and at 101 cross cuts.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.400

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date Mo Da Yr 10/13/2005	B. Time (24 Hr. Clock) 0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 4110669	21. Primary or Mill	
22. Signatu[redacted]			23. AR Number 23855

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 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.

KDC
10-26-05

Mine Citation/Order
Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	10/12/2005	7242992 - 01

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The operator has cleaned up the loose coal under the bottom rollers of the number 3 north main belt conveyor at 114 to 115, 112 to 113, 108 to 109 and 101.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E02	4110670

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	10/25/2005	2030

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

Mine Citation/Order

11/2/05

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

KR
10-13-05

Section I--Violation Data

1. Date Mo Da Yr 10/12/2005	2. Time (24 Hr. Clock) 1200		3. Citation/ Order Number 7242994
4. Served To JACK ROLES, FOREMAN		5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-08436	(Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The operator is allowing the bottom rollers of the 1 north belt conveyor to turn in loose coal from the tailpiece to 43 cross cut.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.400

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date Mo Da Yr 10/17/2005	B. Time (24 Hr. Clock) 0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 4110669	21. Primary or Mill	
22. Signatur[redacted]		23. AR Number 23855	

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 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.

RR 10-26-05

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	10/12/2005	7242994 - 01

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The loose coal has been cleaned up under the bottom rollers of the 1 north belt conveyor from the tail to 43.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E02	4110670

11. Si[redacted]	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
	23855	10/25/2005	2030

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

Mine Citation/Order

12/14/05

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

RR 11-1-05

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
10/31/2005	1930		7247481

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The operator is not maintaining the fire valves along the 1 south belt conveyor ever 300 feet. Some of the handles are frozen up and the valve can not be turned on from 18 cross cut to the drive.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	75.1100-2(b)

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	11/01/2005	1600	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4110669		

22. Signature [redacted] — 23. AR Number 23855

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 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

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

Section I--Violation Data

1. Date Mo Da Yr 11/15/2005	2. Time (24 Hr. Clock) 1920		3. Citation/ Order Number 7247495
4. Served To JIM GRISWOLD, FOREMAN		5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-08436 (Contractor)	

8. Condition or Practice — 8a. Written Notice (103g) ☐

There has been no apparent effort to repair the fire valves along the 1-south belt conveyor from the drive to 18 cross cut. The handles are still frozen up and can not be turned on.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.1100-2(b)

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays Or Restricted Duty ☐ Permanently Disabling ☐ Fatal ☐

C. Significant and Substantial: Yes ☐ No ☐ — D. Number of Persons Affected:

11. Negligence (check one) A. None ☐ B. Low ☐ C. Moderate ☐ D. High ☐ E. Reckless Disregard ☐

12. Type of Action 104(b) — 13. Type of Issuance (check one) Citation ☐ Order ☑ Safeguard ☐

14. Initial Action A. Citation ☑ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐ — E. Citation/ Order Number 7247481 — F. Dated Mo Da Yr 10/31/2005

15. Area or Equipment The 1-south belt conveyor from the drive to 18 cross cut.

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code) E02	20. Event Number 4110672	21. Primary or Mill	
22. Signature [redacted]		23. AR Number 23855	

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 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 Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	11/15/2005	7247495 - 01

4. Served To	5. Operator
DEAN JONES, BLOCK SUPER	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The fire valves have been repaired on the 1 south belt conveyor.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E02	4110673

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	11/22/2005	1300

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

Mine Citation/Order

12/14/05

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

PK 11-1-05

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
10/31/2005	2000		7247482

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The operator is allowing accumulation of loose coal to accumulate under the bottom rollers of the 1 north belt conveyor in various location from 30 cross cut to the drive, with some of the rollers turning in coal. Also accumulation of float coal dust is being allowed to accumulate on a rock dusted surface around the drive area and inby to 4 cross cut and from 28 to 18 cross cut.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	75.400

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	11/07/2005	0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4110669		

22. Signature [redacted] — 23. AR Number 23855

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 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.

RR
11-16-05

Mine Citation/Order
Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	10/31/2005	7247482 - 01

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY
6. Mine	**7. Mine ID** (Contractor)
UPPER BIG BRANCH MINE-SOUTH	46-08436

Section II--Justification for Action

The operator requested additional time to finish cleaning under the bottom rollers of the 1- north belt and additional time is granted due to the work that has been completed.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified
	11/21/2005	0800			

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E02	4110672

14. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	11/15/2005	2100

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

Mine Citation/Order Continuation

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

RR 11-28-05

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	10/31/2005	7247482 - 02

4. Served To	5. Operator
DEAN JONES, BLOCK SUPER	PERFORMANCE COAL COMPANY
6. Mine	**7. Mine ID** (Contractor)
UPPER BIG BRANCH MINE-SOUTH	46-08436

Section II--Justification for Action

The loose coal has been cleaned out from under the bottom rollers of the 1-north belt conveyor and the belt dusted.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E02	4110673

11. Signatur[redacted]	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	11/22/2005	1245

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

RR 11-2-05

Mine Citation/Order

12/14/05

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
11/01/2005	1600		7247483

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The primary escapeway in the HG 20 section is not being maintained in a safe condition. Gob, belt and trash has been pushed up in the entry blocking access from the only two open cross cuts.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	75.380(d)(1)

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays Or Restricted Duty ☑ Permanently Disabling ☐ Fatal ☐

C. Significant and Substantial: Yes ☑ No ☐ — D. Number of Persons Affected: 008

11. Negligence (check one) A. None ☐ B. Low ☐ C. Moderate ☑ D. High ☐ E. Reckless Disregard ☐

12. Type of Action 104(a) — 13. Type of Issuance (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. Date (Mo Da Yr) 11/01/2005	B. Time (24 Hr. Clock) 2300	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
F01	4110669		

22. Signatu[redacted] — 23. AR Number 23855

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 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.

PR
11-9-05

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	11/01/2005	7247483 - 01

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY
6. Mine	**7. Mine ID** (Contractor)
UPPER BIG BRANCH MINE-SOUTH	46-08436

Section II--Justification for Action

The primary escapeway has been cleaned and is now safe to travel in the HG 20 section.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110669

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	11/08/2005	2230

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

Mine Citation/Order

12/14/05

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

RR 11-2-05

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
11/01/2005	1740		7247484

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The number 2 shuttle car being used in the HG 20 section has accumulations of loose coal mixed with oil from 1/2" to 2" in depth on the frame and in the pump compartment.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	75.400

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	11/02/2005	0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4110669		

22. Signature [redacted] — 23. AR Number 23855

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 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.

RR
11-9-05

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	11/01/2005	7247484 - 01

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY
6. Mine	**7. Mine ID** (Contractor)
UPPER BIG BRANCH MINE-SOUTH	46-08436

Section II--Justification for Action

The number 2 shuttle car in the HG 20 section has been cleaned.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110669

11. Sign[redacted]	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	11/08/2005	2230

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

Mine Citation/Order

12/14/05

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

RK 11-2-05

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
11/01/2005	1745		7247485

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The feeder being used in the HG 20 section has accumulations of loose coal mixed with oil on the frame of 1" to 4" in depth.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.400

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date (Mo Da Yr) 11/02/2005	B. Time (24 Hr. Clock) 0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4110669		

22. Signature [redacted] — 23. AR Number 23855

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 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 Continuation

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

11-9-05

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	11/01/2005	7247485 - 01

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The feeder has been cleaned in the HG 20 section.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110669

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	11/08/2005	2230

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

Mine Citation/Order

12/14/05

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

11-10-05

Section I--Violation Data

1. Date Mo Da Yr 11/09/2005	2. Time (24 Hr. Clock) 1715		3. Citation/ Order Number 7247487
4. Served To JIM GRISWOLD, FOREMAN		5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-08436 (Contractor)	

8. Condition or Practice — 8a. Written Notice (103g) ☐

The mine roof in the north mains intake is not being controlled to protect persons from hazards related to falls of the roof. There are 11 loose bolts in two locations at 84, 8 loose bolts at 81 and 3 at 109. The roof is broken and cracked in these areas.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section 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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date Mo Da Yr 11/14/2005	B. Time (24 Hr. Clock) 0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 4110669	21. Primary or Mill	
22. Signature [redacted]			23. AR Number 23855

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 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 Continuation

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

RR 11-28-05

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	11/09/2005	7247487 - 01

4. Served To	5. Operator
DEAN JONES, BLOCK SUPER	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

Section II--Justification for Action

The loose bolts have been timbered in the north mains intake at 81, 84 and 109 cross cuts.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E02	4110673

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	11/22/2005	1245

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

Mine Citation/Order

12/14/05

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

KK 11-10-05

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
11/09/2005	1745		7247488

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

There is only one air lock door between the north mains intake and the track at spad 18659.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	75.333(d)(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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	11/14/2005	0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4110669		

22. Signature [redacted] — 23. AR Number 23855

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 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 Continuation

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

[redacted] 11-28-05

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	11/09/2005	7247488 - 01

4. Served To	5. Operator
DEAN JONES, BLOCK SUPER	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

Section II--Justification for Action

A stopping has been built at the air lock at spad 18659 between the north mains intake and track.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E02	4110673

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	11/22/2005	1245

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

Mine Citation/Order

12/14/05

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

RR 11-10-05

Section I--Violation Data

1. Date Mo Da Yr 11/09/2005	2. Time (24 Hr. Clock) 1830		3. Citation/ Order Number 7247489
4. Served To JIM GRISWOLD, FOREMAN		5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-08436 (Contractor)	

8. Condition or Practice — 8a. Written Notice (103g) ☐

The stoppings are not being maintained between the north mains intake and track entry. The stoppings have holes in them or crushing out at 46, 115, 129 and 130.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.333(b)(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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date Mo Da Yr 11/14/2005	B. Time (24 Hr. Clock) 0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 4110669	21. Primary or Mill	
22. Signature [redacted]		23. AR Number 23855	

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 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 Continuation

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

RR 11-28-05

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	11/09/2005	7247489 - 01

4. Served To	5. Operator
DEAN JONES, BLOCK SUPER	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The stoppings have been repaired between the north mains intake and track at 46, 115, 129 and 130 cross cuts.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E02	4110673

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	11/22/2005	1245

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

RK
11-10-05

Mine Citation/Order 12/14/05

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
11/09/2005	1900		7247490

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The last weekly examination conducted and recorded in the north mains intake was on 10/17/2005.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	75.364(b)(1)

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	11/09/2005	1900	

Section III--Termination Action

17. Action to Terminate The intake was examined and recorded.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	11/09/2005	1900	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4110669		

22. Signature [redacted] — 23. AR Number 23855

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 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

12/14/05

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

AR 11-10-05

Section I--Violation Data

1. Date Mo Da Yr 11/09/2005	2. Time (24 Hr. Clock) 2000		3. Citation/ Order Number 7247491
4. Served To JIM GRISWOLD, FOREMAN		5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-08436 (Contractor)	

8. Condition or Practice — 8a. Written Notice (103g) ☐

The mine map is not being kept up-to-date with temporary notation. The air lock door between the north mains intake and track entry at spad 18659 is not recorded on the mine map .

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.1202

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date Mo Da Yr 11/10/2005	B. Time (24 Hr. Clock) 0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 4110669	21. Primary or Mill	
22. Signat[redacted]			23. AR Number 23855

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 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 Continuation

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

RR 11-28-05

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	11/09/2005	7247491 - 01

4. Served To	5. Operator
DEAN JONES, BLOCK SUPER	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

Section II--Justification for Action

The mine map is now up-to-date, a stopping was built at spad 18659 in the north mains between the intake and the track.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E02	4110673

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	11/22/2005	1245

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

Mine Citation/Order

12/21/05

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

PR 12-1-05

Section I--Violation Data

1. Date Mo Da Yr 11/30/2005	2. Time (24 Hr. Clock) 1505		3. Citation/ Order Number 7247498
4. Served To JIM GRISWOLD, FOREMAN		5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-08436 (Contractor)	

8. Condition or Practice — 8a. Written Notice (103g) ☐

The oxygen tank one break outby the HG 20 section power center was laying on the rib not secured.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.1106-3(a)(2)

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date Mo Da Yr 11/30/2005	B. Time (24 Hr. Clock) 1800	

Section III--Termination Action

17. Action to Terminate The tank was secured.

18. Terminated	A. Date Mo Da Yr 11/30/2005	B. Time (24 Hr. Clock) 1700	

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 4110669	21. Primary or Mill	
22. Signature [redacted]		23. AR Number 23855	

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 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

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

RK 12-2-05

Section I--Violation Data

1. Date Mo Da Yr 12/01/2005	2. Time (24 Hr. Clock) 1900		3. Citation/ Order Number 7247502
4. Served To JIM GRISWOLD, FOREMAN		5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-08436 (Contractor)	

8. Condition or Practice — 8a. Written Notice (103g) ☐

The 128 track switch will not throw and align the rails without using a bar. This is a hazard of track equipment splitting the track switch and wrecking. This is a notice to provide safeguards requiring the 128 track switch to be repaired , serviced and maintained in a safe manner and all other track switches at this mine.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.1403

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays Or Restricted Duty ☐ Permanently Disabling ☐ Fatal ☐

C. Significant and Substantial: Yes ☐ No ☐ — D. Number of Persons Affected:

11. Negligence (check one) A. None ☐ B. Low ☐ C. Moderate ☐ D. High ☐ E. Reckless Disregard ☐

12. Type of Action 314(b) — 13. Type of Issuance (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. Date Mo Da Yr 12/02/2005	B. Time (24 Hr. Clock) 0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 4110669	21. Primary or Mill	
22. Signature [redacted]		23. AR Number 23855	

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 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.

RR
12-5-05

Mine Citation/Order
Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	12/01/2005	7247502 - 01

4. Served To	5. Operator
DEAN JONES, BLOCK SUPER	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

Section II--Justification for Action

The 128 track switch has been repaired and serviced.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110669

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	12/05/2005	1115

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

Mine Citation/Order

12/21/05

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

RR 12-2-05

Section I--Violation Data

1. Date Mo Da Yr 12/01/2005	2. Time (24 Hr. Clock) 1930		3. Citation/ Order Number 7247503
4. Served To JIM GRISWOLD, FOREMAN		5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-08436 (Contractor)	

8. Condition or Practice — 8a. Written Notice (103g) ☐

The number 1 Fairchild scoop being used in the old longwall tail area has accumulation of loose coal mixed with oil on the frame and in the deck of 1" to 4" in depth.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.400

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date Mo Da Yr 12/02/2005	B. Time (24 Hr. Clock) 0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 4110669	21. Primary or Mill	
22. Signature [redacted]		23. AR Number 23855	

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 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.

RR
12-5-05

Mine Citation/Order
Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	12/01/2005	7247503 - 01

4. Served To	5. Operator
DEAN JONES, BLOCK SUPER	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The scoop has been cleaned.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110669

11. Signatur[redacted]	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	12/05/2005	1115

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

Mine Citation/Order

12/21/05

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

RR 12-2-05

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
12/01/2005	1930		7247504

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY
6. Mine	**7. Mine ID**
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The fire extinguisher was discharged at the scoop charger in the old longwall tail area.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	75.1100-2(e)

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	12/01/2005	2000	

Section III--Termination Action

17. Action to Terminate: A fire extinguisher was provided.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	12/01/2005	1940	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4110669		

22. Signature [redacted] — 23. AR Number 23855

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 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

12/21/05

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

RR 12-2-05

Section I--Violation Data

1. Date Mo Da Yr 12/01/2005	2. Time (24 Hr. Clock) 1935		3. Citation/ Order Number 7247505
4. Served To JIM GRISWOLD, FOREMAN		5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-08436 (Contractor)	

8. Condition or Practice — 8a. Written Notice (103g) ☐

The cat head for the set up pump in the old longwall area is not marked for easy identification. The breaker was not marked and the receptacle was marker bolter.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.904

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date Mo Da Yr 12/02/2005	B. Time (24 Hr. Clock) 0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 4110669	21. Primary or Mill	
22. Signature [redacted]		23. AR Number 23855	

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 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 Continuation

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

IRR 12-5-05

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	12/01/2005	7247505 - 01

4. Served To	5. Operator
DEAN JONES, BLOCK SUPER	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The set up pump cat head has been marked.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110669

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	12/05/2005	1115

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

Mine Citation/Order 12/21/05

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

RR 12-2-05

Section I--Violation Data

1. Date Mo Da Yr	2. Time (24 Hr. Clock)		3. Citation/ Order Number
12/01/2005	1935		7247506

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The mule cat head in not identified in the old longwall area power center.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.809

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date Mo Da Yr 12/02/2005	B. Time (24 Hr. Clock) 0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 4110669	21. Primary or Mill	

22. Signature [redacted] — 23. AR Number 23855

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 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.

RR
12-5-05

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	12/01/2005	7247506 - 01

4. Served To	5. Operator
DEAN JONES, BLOCK SUPER	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

Section II--Justification for Action

The mule cat head has been marked.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110669

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	12/05/2005	1115

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

Mine Citation/Order

12/21/05

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

RR 12-2-05

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
12/01/2005	1940		7247507

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

Accumulation of loose coal mixed with oil is being allowed in the deck and on the frame of the mule being used in the old longwall tail area. There is about 1/2" of oil in the deck and 1" to 4" mixed with coal on the frame.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.400

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date (Mo Da Yr) 12/02/2005	B. Time (24 Hr. Clock) 0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4110669		

22. Signature [redacted] — 23. AR Number 23855

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AR
12-5-05

Mine Citation/Order
Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	12/01/2005	7247507 - 01

4. Served To	5. Operator
DEAN JONES, BLOCK SUPER	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The mule has been cleaned and taken outside .

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110669

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	12/05/2005	1115

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

Mine Citation/Order

12/21/05

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

RR 12-2-05

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
12/01/2005	1940		7247508

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY
6. Mine	**7. Mine ID**
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The mule in the old longwall tail area is not being maintained in a permissible condition. The left front panic switch is frozen up.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	75.503

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	12/02/2005	0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4110669		

22. Signature [redacted] — 23. AR Number 23855

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 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.

RR
12-5-05

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	12/01/2005	7247508 - 01

4. Served To	5. Operator
DEAN JONES, BLOCK SUPER	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The mule has been taken out of service and taken outside.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110669

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	12/05/2005	1115

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

Mine Citation/Order

12/21/05

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

RR 12-2-05

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
12/01/2005	1940		7247509

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The track bolter being used in the old longwall tail area has accumulation of loose coal mixed with oil on the frame, from 1" to 3" in depth.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.400

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date (Mo Da Yr) 12/02/2005	B. Time (24 Hr. Clock) 0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4110669		

22. Signature [redacted] — 23. AR Number 23855

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 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.

RR
12-5-05

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	12/01/2005	7247509 - 01

4. Served To	5. Operator
DEAN JONES, BLOCK SUPER	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The track bolter has been taken out of service and taken outside.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110669

11. Signature	R Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	3855	12/05/2005	1115

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

Mine Citation/Order

12/21/05

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

RR 12-2-05

Section I--Violation Data

1. Date Mo Da Yr 12/01/2005	2. Time (24 Hr. Clock) 1945		3. Citation/ Order Number 7247510
4. Served To JIM GRISWOLD, FOREMAN		5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-08436 (Contractor)	

8. Condition or Practice — 8a. Written Notice (103g) ☐

The area lights at the old longwall tail track were in contact with combustible material and 9 of them had the bulbs out and 2 did not have a guard on them.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.522-1(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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date Mo Da Yr 12/01/2005	B. Time (24 Hr. Clock) 1945	

Section III--Termination Action

17. Action to Terminate The lights were taken out of service.

18. Terminated	A. Date Mo Da Yr 12/01/2005	B. Time (24 Hr. Clock) 1945	

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 4110669	21. Primary or Mill	
22. Signature [redacted]		23. AR Number 23855	

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 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.

RR 12-2-05

Mine Citation/Order 12/21/05

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

Section I--Violation Data

1. Date Mo Da Yr 12/01/2005	2. Time (24 Hr. Clock) 2030		3. Citation/ Order Number 7247511
4. Served To JIM GRISWOLD, FOREMAN		5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-08436 (Contractor)	

8. Condition or Practice — 8a. Written Notice (103g) ☐

The number 55 track switch is not being maintained in a safe manner. The switch will not throw and align the rails.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.1403

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (check one) Citation ☑ Order ☐ Safeguard ☐

14. Initial Action A. Citation ☐ B. Order ☐ C. Safeguard ☑ D. Written Notice ☐ — E. Citation/ Order Number 7247502 — F. Dated Mo Da Yr 12/01/2005

15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr 12/02/2005	B. Time (24 Hr. Clock) 0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 4110669	21. Primary or Mill	
22. Signature [redacted]		23. AR Number 23855	

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 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.

RR
12-5-05

Mine Citation/Order
Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	12/01/2005	7247511 - 01

4. Served To	5. Operator
DEAN JONES, BLOCK SUPER	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The number 55 track switch has been repaired and serviced.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110669

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	12/05/2005	1115

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

KH
12-5-05

Mine Citation/Order

12/21/05

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

Section I--Violation Data

1. Date Mo Da Yr 12/05/2005	2. Time (24 Hr. Clock) 0820		3. Citation/ Order Number 7247512
4. Served To DEAN JONES, BLOCK SUPER		5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-08436 (Contractor)	

8. Condition or Practice — 8a. Written Notice (103g) ☐

The second track switch from the main line track going into the supply yard is not being maintained in a safe manner. Tire tracks indicate that the fork lift has run over the switch and broke the throw.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 77.1605(m)

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date Mo Da Yr 12/06/2005	B. Time (24 Hr. Clock) 0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 4110669	21. Primary or Mill	
22. Signature [redacted]		23. AR Number 23855	

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 federal

RR
12-8-05

Mine Citation/Order
Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	12/05/2005	7247512 - 01

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The second track switch going into the supply yard has been repaired.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110669

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	12/07/2005	2340

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

Mine Citation/Order

1/4/06

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

KR 12-5-05

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
12/05/2005	0900		7247513

4. Served To	5. Operator
DEAN JONES, BLOCK SUPER	PERFORMANCE COAL COMPANY
6. Mine	**7. Mine ID**
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The operator is not providing a clear 24" travelway on the off side of the HG 20 belt conveyor. There is rib rolls, big rocks and belt in the travelway in various locations from the tailpiece to the drive.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	75.1403

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (check one) Citation ☑ Order ☐ Safeguard ☐

14. Initial Action A. Citation ☐ B. Order ☐ C. Safeguard ☑ D. Written Notice ☐ — E. Citation/ Order Number 4636403 — F. Dated (Mo Da Yr) 07/24/1996

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr) 12/12/2005	B. Time (24 Hr. Clock) 0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4110669		

22. Signature [redacted] — 23. AR Number 23855

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 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.

RR 12-26-05

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	12/05/2005	7247513 - 01

4. Served To	5. Operator
DEAN JONES, BLOCK SUPER	PERFORMANCE COAL COMPANY
6. Mine	**7. Mine ID** (Contractor)
UPPER BIG BRANCH MINE-SOUTH	46-08436

Section II--Justification for Action

The operator has cleaned a 24" travelway on the off side of the HG 20 belt conveyor.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E02	4110675

11. Sig[redacted]	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	12/19/2005	1200

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

Mine Citation/Order

12/21/05

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

RR 12-5-05

Section I--Violation Data

1. Date Mo Da Yr 12/05/2005	2. Time (24 Hr. Clock) 0900		3. Citation/ Order Number 7247514
4. Served To DEAN JONES, BLOCK SUPER		5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-08436 (Contractor)	

8. Condition or Practice — 8a. Written Notice (103g) ☐

The HG 20 belt drive and take-up is not guarded on the off side to prevent persons from coming into contact with the moving drive and take-up rollers.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.1722(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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date Mo Da Yr 12/06/2005	B. Time (24 Hr. Clock) 0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 4110669	21. Primary or Mill	
22. Signature [redacted]		23. AR Number 23855	

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 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.

RR
12-8-05

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	12/05/2005	7247514 - 01

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY
6. Mine	**7. Mine ID** (Contractor)
UPPER BIG BRANCH MINE-SOUTH	46-08436

Section II--Justification for Action

The HG 20 belt head and take-up has been guarded on the off side.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110669

11. [redacted]	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
	23855	12/07/2005	2340

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

Mine Citation/Order 1/4/06

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

RR 12-5-05

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
12/05/2005	0925		7247515

4. Served To	5. Operator
DEAN JONES, BLOCK SUPER	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The operator is not providing a clear 24" travelway on the off side of the 1n1w number 2 belt conveyor. The travelway has rib rolls and big rocks in the travelway in various locations from the tailpiece to the drive.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	75.1403

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (check one) Citation ☑ Order ☐ Safeguard ☐

14. Initial Action A. Citation ☐ B. Order ☐ C. Safeguard ☑ D. Written Notice ☐ — E. Citation/ Order Number 4636403 — F. Dated (Mo Da Yr) 07/24/1996

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	12/12/2005	0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4110669		

22. Signature [redacted] — 23. AR Number 23855

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 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.

RR 12-26-05

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	12/05/2005	7247515 - 01

4. Served To	5. Operator
DEAN JONES, BLOCK SUPER	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The operator has cleaned a 24" travelway on the off side of the 1N1W number 2 belt conveyor.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E02	4110675

11. [redacted]	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
	23855	12/19/2005	1200

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

RR
12-8-05

Mine Citation/Order

1/4/06

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
12/07/2005	1730		7247516

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY
6. Mine	**7. Mine ID**
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The sanding devices on the number 1 mantrip in the charging building are inoperative.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	75.1403

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (check one) Citation ☑ Order ☐ Safeguard ☐

14. Initial Action A. Citation ☐ B. Order ☐ C. Safeguard ☑ D. Written Notice ☐ — E. Citation/ Order Number 7192708 — F. Dated (Mo Da Yr) 05/20/2001

15. Area or Equipment

16. Termination Due	A. Date (Mo Da Yr) 12/08/2005	B. Time (24 Hr. Clock) 0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4110669		

22. Signat[redacted] — 23. AR Number 23855

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 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.

RK
12-27-05

Mine Citation/Order
Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	12/07/2005	7247516 - 01

4. Served To	5. Operator
BENNY PRESLEY, BLOCK SUPER.	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The sanding devices have been repaired on the number 1 mantrip.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110669

[redacted]	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
	23855	12/27/2005	1220

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

RR
12-8-05

Mine Citation/Order

1/4/06

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
12/07/2005	2010		7247517

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The oxygen bottle at 21 cross cut on HG 15 track was not secured.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	75.1106-3(a)(2)

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	12/07/2005	2100	

Section III--Termination Action

17. Action to Terminate The bottle was secured.

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	12/07/2005	2030	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4110669		

22. Signature [redacted] — 23. AR Number 23855

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 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

1/4/06

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

RR 12-8-05

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
12/07/2005	2120		7247518

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY
6. Mine	**7. Mine ID**
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The operator is not following the approved roof control plan in the intake of HG 15 at 18 cross cut. There are 4 loose bolts in the middle of the entry.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	75.220(a)(1)

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	
	12/08/2005	0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4110669		

22. Signature [redacted] — 23. AR Number 23855

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 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.

RK
12-27-05

Mine Citation/Order
Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	12/07/2005	7247518 - 01

4. Served To	5. Operator
BENNY PRESLEY, BLOCK SUPER.	PERFORMANCE COAL COMPANY
6. Mine	**7. Mine ID** (Contractor)
UPPER BIG BRANCH MINE-SOUTH	46-08436

Section II--Justification for Action

The loose bolts have been timbered in the intake of HG 15 at 18 cross cut.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110669

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	12/27/2005	1220

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

RR
12-8-05

Mine Citation/Order 1/4/06

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

Section I--Violation Data

1. Date Mo Da Yr 12/07/2005	2. Time (24 Hr. Clock) 2150		3. Citation/ Order Number 7247519
4. Served To JIM GRISWOLD, FOREMAN		5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-08436 (Contractor)	

8. Condition or Practice — 8a. Written Notice (103g) ☐

There are a set of tanks not secured in the miner boom at the mouth of HG 15 in the intake.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.1106-3(a)(2)

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date Mo Da Yr 12/08/2005	B. Time (24 Hr. Clock) 0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 4110669	21. Primary or Mill	
22. Signatur[redacted]		23. AR Number 23855	

MSHA Form 7000-3, Mar 85 (revised) [redacted] ss 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.

RR
12-27-05

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	12/07/2005	7247519 - 01

4. Served To	5. Operator
BENNY PRESLEY, BLOCK SUPER.	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

Section II--Justification for Action

The tanks have been moved to the surface out of the HG 15 primary in the miner boom,.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01 [redacted]	4110669

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	12/27/2005	1220

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

12-8-05
RR

Mine Citation/Order

1/4/06

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
12/07/2005	2150		7247520

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The primary escapeway of HG 15 is not being maintained in a safe condition at the mouth of the section at the air lock doors. There is not a 6' travelway provided because a continuous mine is setting in the entry .

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	75,380(d)(4)

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date (Mo Da Yr) 12/08/2005	B. Time (24 Hr. Clock) 0800	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4110669		

22. Signatu[redacted] — 23. AR Number 23855

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 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.

RR
12-27-05

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	12/07/2005	7247520 - 01

4. Served To	5. Operator
BENNY PRESLEY, BLOCK SUPER.	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

Section II--Justification for Action

The miner has been moved in the HG 15 primary escapeway.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110669

[redacted]	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
	23855	12/27/2005	1220

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

Mine Citation/Order 1/6/06

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

RR 12-27-05

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
12/27/2005	0630		7247532

4. Served To	5. Operator
BENNY PRESLEY, BLOCK SUPER.	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The operator reported a hazard in the longwall pre-shift examination book of low velocity air readings at 17 and 160 jacks on 12/25,26 and 27/2005 and no corrective action recorded. The operator produced coal on both the day and evening shifts on 12/26/2005.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☐ Other ☑	B. Section of Act	C. Part/Section of Title 30 CFR 75.360(f)

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays Or Restricted Duty ☑ Permanently Disabling ☐ Fatal ☐

C. Significant and Substantial: Yes ☐ No ☑ — D. Number of Persons Affected: 016

11. Negligence (check one) A. None ☐ B. Low ☐ C. Moderate ☑ D. High ☐ E. Reckless Disregard ☐

12. Type of Action 104(a) — 13. Type of Issuance (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. Date (Mo Da Yr) 12/27/2005	B. Time (24 Hr. Clock) 1600	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4110669		

22. Signature [redacted] — 23. AR Number 23855

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 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 Continuation

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

RK 12-29-05

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	12/27/2005	7247532 - 01

4. Served To	5. Operator
BENNY PRESLEY, BLOCK SUPER.	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The hazard condition, low velocity readings, in the longwall pre-shift book has been corrected. The readings are now more than the required 300 at #17 and 175 at #160.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110669

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	12/28/2005	1700

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

RR
12-29-05

Mine Citation/Order

1/25/06

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

Section I--Violation Data

1. Date (Mo Da Yr)	2. Time (24 Hr. Clock)		3. Citation/ Order Number
12/28/2005	1430		7247533

4. Served To	5. Operator
BOB ALDERMAN, FOREMAN	PERFORMANCE COAL COMPANY
6. Mine	**7. Mine ID**
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

8. Condition or Practice — 8a. Written Notice (103g) ☐

The north mains roof bolter has accumulations of loose coal mixed with oil from 1/2" to 4" in depth on the frame, In the deck and both drill stations.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.400

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays Or Restricted Duty ☑ Permanently Disabling ☐ Fatal ☐

C. Significant and Substantial: Yes ☐ No ☑ — D. Number of Persons Affected: 002

11. Negligence (check one) A. None ☐ B. Low ☐ C. Moderate ☑ D. High ☐ E. Reckless Disregard ☐

12. Type of Action 104(a) — 13. Type of Issuance (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. Date (Mo Da Yr) 12/29/2005	B. Time (24 Hr. Clock) 1600	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date (Mo Da Yr)	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code)	20. Event Number	21. Primary or Mill	
E01	4110669		

22. Signature [redacted] — 23. AR Number 23855

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 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.

RR
1-13-06

Mine Citation/Order
Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	12/28/2005	7247533 - 01

4. Served To	5. Operator
James Griswold, foreman	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The operator said that the roof bolting machine had been cleaned however there are still oil leaks existing in the deck and at both drill head control stations. The operator is granted an extension.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☐ D. Terminated	☐ E. Modified
	01/13/2006	1600			

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110068

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23675	01/12/2006	2210

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

PR
2-13-06

Mine Citation/Order
Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	12/28/2005	7247533 - 02

4. Served To	5. Operator
Wendell Wills, supt.	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The loose coal and oil was removed off the roof bolting machine.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110068

11. Signatur	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23675	01/19/2006	1650

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

PR
1-20-06

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	12/28/2005	7247533 - 02

4. Served To	5. Operator
Wendell Wills, supt.	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The loose coal and oil was removed off the roof bolting machine.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110068

11. Signat[redacted]	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
	23675	01/19/2006	1650

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

RR 12-29-0

Mine Citation/Order 1/25/06

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

Section I--Violation Data

1. Date Mo Da Yr 12/28/2005	2. Time (24 Hr. Clock) 1430		3. Citation/ Order Number 7247534
4. Served To BOB ALDERMAN, FOREMAN		5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-08436 (Contractor)	

8. Condition or Practice — 8a. Written Notice (103g) ☐

The north mains roof bolter is not being maintained in a permissible condition, the left front panic strip is not secured.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health ☐ Safety ☑ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR 75.503

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 reasonably be expected to be: No Lost Workdays ☐ Lost Workdays 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 Issuance (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. Date Mo Da Yr 12/29/2005	B. Time (24 Hr. Clock) 1600	

Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	

Section IV--Automated System Data

19. Type of Inspection (activity code) E01	20. Event Number 4110669	21. Primary or Mill	
22. Signature [redacted]		23. AR Number 23855	

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 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.

RR
1-13-06

Mine Citation/Order
Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	12/28/2005	7247534 - 01

4. Served To	5. Operator
James Griswold, foreman	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The panic strip was operative when tested.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110068

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23675	01/12/2006	2152

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

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	10/25/2005	7242995 - 01

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The communication line was repaired in the HG 20 section and communication restored on the track.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110669

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	10/27/2005	2300

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

Mine Citation/Order Continuation

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

RR 12-1-05

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	11/07/2005	7247486 - 01

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)

Section II--Justification for Action

The 1n1w belt head motors are now marked 1 and 2 at the power source.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110669

11 [redacted]	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
	23855	11/30/2005	2030

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

RR
12-1-05

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	11/22/2005	7247496 - 01

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The barrel has been replaced on the first track switch going into the charging building on the surface.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
E01	4110669	23855	11/30/2005	2030

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

Mine Citation/Order Continuation

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

12-1-05

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	11/22/2005	7247497 - 01

4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The track switch going into the tail of the longwall now has a directional reflector.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110669

11. S[redacted]	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	11/30/2005	2030

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

KM
12-5-05

Mine Citation/Order Continuation

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

Section I--Subsequent Action/Continuation Data

1. Subsequent Action	1a. Continuation	2. Dated (Original Issue) Mo Da Yr	3. Citation/ Order Number
☑	☐	12/01/2005	7247499 - 01

4. Served To	5. Operator
DEAN JONES, BLOCK SUPER	PERFORMANCE COAL COMPANY

6. Mine	7. Mine ID	
UPPER BIG BRANCH MINE-SOUTH	46-08436	(Contractor)

Section II--Justification for Action

The first track switch going into the charging building has been repaired.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated	☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection	10. Event Number
E01	4110669

11. Signature	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
[redacted]	23855	12/05/2005	1115

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

Plan Review

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

1. MSHA Office: MT Hope

2. Mine ID: 46-08436

3. Mine Name: UBB

4. Company Name: Performance Coal Co.

5. Location (No. and Street, City or town, State & Zip code)

Roof Control (briefly describe)

☑ Adequate

☐ Deficiencies in Plan

Discussed Roof Control plan with Employees and W. Wills (Super) Plan is adequate if followed.

Ventilation (briefly describe)

☑ Adequate

☐ Deficiencies In Plan

Discussed Vent. plan with Employees and W. Wills (Super.) plan is adequate if followed.

[redacted] 12/29/05

Issuing Inspector Signature — Date — Supervisor Signature — Date

Roger D. Richmond 1-3-06

MSHA Form 2000-204, Feb 89

KK
11-1-0-

UNITED STATES DEPARTMENT OF LABOR
MSHA LABORATORIES - MOUNT HOPE, WEST VIRGINIA
ANALYSIS OF AIR SAMPLES

Mine: UPPER BIG BRANCH MINE SOUTH
Company: PERFORMANCE COAL COMPANY

Mine ID: 4608436
Inspector: [redacted]

Date(s) Collected: 10/31/2005
Office: 401

BOTTLE NUMBER	LOCATION IN MINE	CARBON DIOXIDE	OXYGEN	METHANE	ETHANE	CUBIC FEET AIR PER MINUTE	CUBIC FEET METHANE IN 24 HOURS
K0519	RETURN 1 SOUTH PORTAL AT PORTAL	0.060	20.86	0.010	0.000	24420	3516
K0557	BELT - 1 SOUTH PORTAL AT PORTAL	0.050	20.70	0.020	0.000	34592	9962
K0555	TRACK 1 SOUTH PORTAL AT PORTAL	0.050	20.82	0.010	0.000	3752	540
K0526	NEUTRAL 1 SOUTH PORTAL AT PORTAL	0.050	20.80	0.010	0.000	3861	556

THE PERCENTAGE OF NITROGEN CAN BE DETERMINED BY SUBTRACTING THE SUM OF THE REPORTED VALUES FROM 100.00

3 Rec. 11/01/2005

RR
1-3-06

Rock Dust Sample Submission Form

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

☐ Spot ☑ Survey

Collector [redacted]23855)	Field Office Mt. Hope, WV	F.O. Code 0401
Inspector Email [redacted]	Supervisor Email richmond.roger@dol.gov	Clerk Email brooks.patricia@dol.gov
Mine ID 46-08436	Mine UPPER BIG BRANCH MINE-SOUTH	Company PERFORMANCE COAL COMPANY
Event Number 4110669	MMU Number 031-0	Date Collected 12/28/2005
Sampling Area LONGWALL	Zero Point	

Collector's Comments

☐ Advancing
☑ Retreating

Lab Number	Bag Number	Sample Type	Location in Mine	Intake/ Return	Methane Reading	Bottle No. (If App.)	Bottle Analysis	Analysis Results	Required	Compliant
		No Sample	LONGWALL	I	0.0					

For Laboratory Use Only

Date Received	Lab Numbers to	Date Emailed

Lab Comments

RR
1-3-06

Rock Dust Sample Submission Form

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

☐ Spot ☑ Survey

Collector [redacted] (23855)	Field Office Mt. Hope, WV	F.O. Code 0401

Inspector Email [redacted]	Supervisor Email richmond.roger@dol.gov	Clerk Email brooks.patricia@dol.gov

Mine ID 46-08436	Mine UPPER BIG BRANCH MINE-SOUTH	Company PERFORMANCE COAL COMPANY
Event Number 4110669	MMU Number 030-0	Date Collected 12/28/2005
Sampling Area north mains	Zero Point .	

Collector's Comments

☑ Advancing
☐ Retreating

Lab Number	Bag Number	Sample Type	Location in Mine	Intake/ Return	Methane Reading	Bottle No. (If App.)	Bottle Analysis	Analysis Results	Required	Compliant
	.	No Sample	north mains section not advanced enough to sample.	I	0.0					

For Laboratory Use Only

Date Received	Lab Numbers to	Date Emailed

Lab Comments

RR
1-3-06

Rock Dust Sample Submission Form

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

☐ Spot ☑ Survey

Collector [redacted] (23855)	Field Office Mt. Hope, WV	F.O. Code 0401
[redacted]	Supervisor Email richmond.roger@dol.gov	Clerk Email brooks.patricia@dol.gov
Mine ID 46-08436	Mine UPPER BIG BRANCH MINE-SOUTH	Company PERFORMANCE COAL COMPANY
Event Number 4110669	MMU Number 008-0	Date Collected 12/28/2005
Sampling Area HG 20	Zero Point .	

Collector's Comments

☐ Advancing
☑ Retreating

Lab Number	Bag Number	Sample Type	Location in Mine	Intake/ Return	Methane Reading	Bottle No. (If App.)	Bottle Analysis	Analysis Results	Required	Compliant
	.	No Sample	HG 20	I	. 0.0					

For Laboratory Use Only

Date Received	Lab Numbers to	Date Emailed

Lab Comments

1-3-06

UNITED STATES DEPARTMENT OF LABOR
MSHA LABORATORIES - MOUNT HOPE, WEST VIRGINIA
ANALYSIS OF AIR SAMPLES

Mine: UPPER BIG BRANCH MINE SOUTH
Company: PERFORMANCE COAL COMPANY

Mine ID: 4608436
Inspector: [redacted]

Date(s) Collected: 10/31/2005
Office: 401

BOTTLE NUMBER	LOCATION IN MINE	CARBON DIOXIDE	OXYGEN	METHANE	ETHANE	CUBIC FEET AIR PER MINUTE	CUBIC FEET METHANE IN 24 HOURS
K0519	RETURN 1 SOUTH PORTAL AT PORTAL	0.060	20.86	0.010	0.000	24420	3516
K0557	BELT - 1 SOUTH PORTAL AT PORTAL	0.050	20.70	0.020	0.000	34592	9962
K0555	TRACK 1 SOUTH PORTAL AT PORTAL	0.050	20.82	0.010	0.000	3752	540
K0526	NEUTRAL 1 SOUTH PORTAL AT PORTAL	0.050	20.80	0.010	0.000	3861	556

THE PERCENTAGE OF NITROGEN CAN BE DETERMINED BY SUBTRACTING THE SUM OF THE REPORTED VALUES FROM 100.00

3 Rec. 11/01/2005

KK
1-3-06

UNITED STATES DEPARTMENT OF LABOR
MSHA LABORATORIES - MOUNT HOPE, WEST VIRGINIA
ANALYSIS OF AIR SAMPLES

Mine: UPPER BIG BRANCH MINE SOUTH
Company: PERFORMANCE COAL COMPANY

Mine ID: 4608436
Inspector: [redacted]

Date(s) Collected: 12/22/2005
Office: 401

BOTTLE NUMBER	LOCATION IN MINE	CARBON DIOXIDE	OXYGEN	METHANE	ETHANE	CUBIC FEET AIR PER MINUTE	CUBIC FEET METHANE IN 24 HOURS
K0558	JARRELL BRANCH FAN	0.380	20.56	0.110	0.000	402192	637072
K0595	#5 ENTRY RETURN - NORTH PORTAL	0.050	20.92	0.000	0.000	66352	0
K0528	TRACK #2 ENTRY - NORTH PORTAL	0.050	20.92	0.000	0.000	9855	0
K0551	#1 ENTRY RETURN - NORTH PORTAL	0.060	20.92	0.000	0.000	13875	0
K0594	SOUTH PORTAL - #5 ENTRY AT PORTAL	0.060	20.92	0.000	0.000	8366	0

THE PERCENTAGE OF NITROGEN CAN BE DETERMINED BY SUBTRACTING THE SUM OF THE REPORTED VALUES FROM 100.00

5 Rec. 12/23/2005

AR
1-3-06

UNITED STATES DEPARTMENT OF LABOR
MSHA LABORATORIES - MOUNT HOPE, WEST VIRGINIA
ANALYSIS OF AIR SAMPLES

Mine: UPPER BIG BRANCH MINE SOUTH Mine ID: 4608436 Date(s) Collected: 12/22/2005
Company: PERFORMANCE COAL COMPANY Inspector: [redacted] Office: 401

BOTTLE NUMBER	LOCATION IN MINE	CARBON DIOXIDE	OXYGEN	METHANE	ETHANE	CUBIC FEET AIR PER MINUTE	CUBIC FEET METHANE IN 24 HOURS
K0558	JARRELL BRANCH FAN	0.380	20.56	0.110	0.000	402192	637072
K0595	#5 ENTRY RETURN - NORTH PORTAL	0.050	20.92	0.000	0.000	66352	0
K0528	TRACK #2 ENTRY - NORTH PORTAL	0.050	20.92	0.000	0.000	9855	0
K0551	#1 ENTRY RETURN - NORTH PORTAL	0.060	20.92	0.000	0.000	13875	0
K0594	SOUTH PORTAL - #5 ENTRY AT PORTAL	0.060	20.92	0.000	0.000	8366	0

THE PERCENTAGE OF NITROGEN CAN BE DETERMINED BY SUBTRACTING THE SUM OF THE REPORTED VALUES FROM 100.00

5 Rec. 12/23/2005

Respirable Dust Sampling And Monitoring Data

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

1. Type of Inspection: ☑ Regular ☐ Technical ☐ Monitoring
2. Date: 11/1/06
3. Field Office Code: 20401
4. Mine ID: 46-08436
5. Mine Name: UBB
6. Company Name: Performance Coal Co.
7. MMU/DA/SA: 006-0 – 006-0
8. Times Entity/Mine Cited for Excessive Dust Last 12 Months: _____
9. A[redacted] 23956
10. Supervisor Signature: Roger D. Richmond
11. [redacted]
12. Mining Ht: _____ in.

Inches of Rock Mined:

☐ A. Longwall
- ☐ I. Single Drum
- ☐ II. Double Drum
- ☐ III. Plow

Cut Sequence
- ☐ i. Tail-Head
- ☐ ii. Head-Tail
- ☐ iii. Both

☐ B. Continuous
- ☐ I. Ripper
- ☐ II. Auger
- ☐ III. Borer

☐ C. Conventional

Other (specify) _____

13. Remote Operation of Miner?: ☐ Yes ☐ No

14. Type of Mining:
- ☐ I. Development
- ☑ II. Retreating

15. Physical Conditions:
- Face Area ☐ Wet ☐ Damp ☑ Dry
- Roadways ☐ Wet ☐ Damp ☑ Dry ☐ Compacted

16. Type of Haulage Equipment:
☑ Electric ☐ Battery ☐ Diesel ☐ Other (specify) _____

17. Roof Bolter Type:

	Number of Bolters
☐ I. Twin Head	1
☐ II. Single Head	
☐ III. Integral	

A. Ventilation
- I. Operates on Separate Split of Air: ☑ Yes ☐ No
- II. Operates on Return-Side of DO: ☐ Yes ☑ No

B. Is Roof Bolter DA Established? ☑ Yes ☐ No

C. Type of Dust Control ☐ I. Wet Head ☑ II. Dust Collector

18. Dust Control Parameters – Ventilation System:

A. Method of Face Ventilation:
- ☑ I. Blowing
- ☐ II. Exhausting
- ☐ III. Both

B. Face Ventilation Device:
- ☑ I. Curtain
- ☐ II. Tubing
- ☐ III. Both

C. Line Curtain/Tubing Distance: 60' ft.

D. Is Face Area Ventilated with Belt Air? ☐ Yes ☑ No

E. If Yes, Quantity in Belt Entry: _____ cfm

F. Air Quantity: Longwall (Between 50 and 100 feet of Headgate and Tailgate)

Quantity (Q), cfm

Location	Observed	
Headgate		
Tailgate		

Velocity (V), fpm

Location	Plan	Observed	
Headgate			
Tailgate			

Continuous/Conventional/Handloading

	Plan		Observed				
Face (Q)	14000	17650					
MEAV (V)							
Scrubber*							

MEAV(V) – for exhausting only

* -operational cfm only

(Continued on Reversed Side)

Respirable Dust Sampling and Monitoring Data

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

1. Type of Inspection: ☑ Regular ☐ Technical ☐ Monitoring
2. Date: 10/12/05
3. Field Office Code: 20401
4. Mine I. D.: 46-08436
5. Mine Name: UBB
6. Company Name: Performance Coal Co.
7. MMU/DA/SA: 031-0 OHH
8. Times Entity/Mine Cited for Excessive Dust Last 12 Months: _____

[redacted] Number: 221855
10. Supervisor Signature: Roger D. Richmond

☑ A. Longwall — Cut Sequence: ☐ I. Single Drum ☑ II. Double Drum ☐ III. Plow
☐ B. Continuous — ☐ i. Tail-Head ☐ ii. Head-Tail ☑ iii. Both
N/A ☐ C. Conventional — ☐ I. Ripper ☐ II. Auger ☐ III. Borer
Other (specify) _____

12. Mining Ht.: _____ in.
Inches of Rock Mined: _____
13. Remote Operation of Miner?: ☐ Yes ☐ No

14. Type of Mining: ☐ I. Development ☑ II. Retreating
15. Physical Conditions:
Face Area: ☑ Wet ☐ Damp ☐ Dry
Roadways: ☐ Wet ☐ Damp ☐ Dry ☐ Compacted

16. Type of Haulage Equipment:
☐ Electric N/A ☐ Battery ☐ Diesel ☐ Other (specify) _____

17. Roof Bolter Type: Number of Bolters
☐ I. Twin Head _____
☐ II. Single Head _____
☐ III. Integral _____
N/A

A. Ventilation
I. Operates on Separate Split of Air: ☐ Yes ☐ No
II. Operates on Return-Side of DO: ☐ Yes ☐ No

B. Is Roof Bolter DA Established? ☐ Yes ☐ No
C. Type of Dust Control ☐ I. Wet Head ☐ II. Dust Collector

18. Dust Control Parameters - Ventilation System:

A. Method of Face Ventilation:
☐ I. Blowing
☐ II. Exhausting
☐ III. Both

B. Face Ventilation Device:
☐ I. Curtain
☐ II. Tubing
☐ III. Both

C. Line Curtain/Tubing Distance: _____ ft.
D. Is Face Area Ventilated with Belt Air? ☐ Yes ☐ No
E. If, Yes, Quantity in Belt Entry: _____ cfm

F. Air Quantity: Longwall (Between 50 and 100 feet of Headgate and Tailgate)

Quantity (Q), cfm

Location	Plan	Observed	
Headgate	60,000	62,440	
Tailgate			

Velocity (V), fpm

Location	Plan	Observed	
Headgate	117350		
Tailgate	160200		

Continuous/Conventional/Handloading

	Plan		Observed			
Face (Q)						
MEAV (V)						
Scrubber*						

N/A

MEAV (V) - for exhausting only
* - operational cfm only

(Continued on Reversed Side)

. Dust Control Parameters - Water Spray System:

Location	Number of Operating Sprays			Operating PSI		
	Plan	Observed		Plan	Observed	

Sprays Located per Plan

Yes ☑ No ☐

Sprays Angled per Plan

Yes ☑ No ☐

. Auxilliary Controls:

Scrubber Frequency Screen Checked: _____

Frequency Ductwork Checked: _____

Fan Spray Sprays Located per Plan ☐ Yes ☐ No Sprays Angled per Plan ☐ Yes ☐ No

Work Practices Describe: _____

Enclosures Describe: _____

Other (Wetting Agents; Wetting face, supports and roadways; ect.) Describe: _____

. Are Approved Respirators Being Worn?: ☑ Yes ☐ No If Yes, By Whom: Real Air Flow Helmets

Make: Allen Line Model: _____

. Do Miners Work Downwind of the Longwall Shearer?: ☐ Always ☐ Part of the Shift ☑ Never

. Was the Operator Cited for Violating the Dust Control Parameters of the Ventilation Plan?: ☐ Yes ☑ No

If Yes, specify: _____

4. Were Dust Control Parameters Changed During Sampling?: ☐ Yes ☐ No If Yes, specify: _____

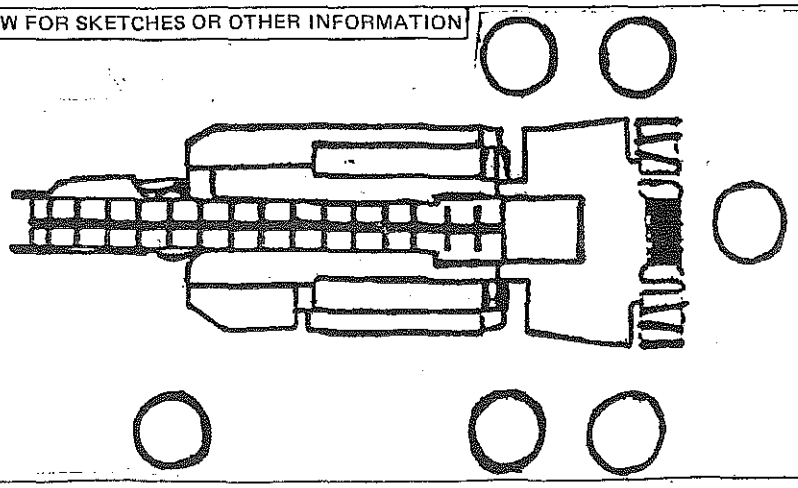
5. Production (tons): At Time of Sampling: 4900 tons At Time of Monitoring: _____ tons During Last 30 Shifts: 5,184 tons

6. Bi-monthly Sampling Conducted By: ☑ Operator ☐ Contractor Contractor I.D.: _____

7. Sampling Equipment: Provided By ☑ Operator ☐ Contractor Calibrated and Maintained By ☐ Operator ☐ Contractor

8. Inspector Recommendations and Comments: _____

USE SPACE BELOW FOR SKETCHES OR OTHER INFORMATION



Respirable Dust Sampling And Monitoring Data

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

1. Type of Inspection: ☑ Regular ☐ Technical ☐ Monitoring
2. Date: 11/08/05
3. Field Office Code: 20401
4. Mine ID: 46-08436
5. Mine Name: UBB
6. Company Name: Reliance Coal Co.
7. MMU/DA/SA: 008-0, 008-0
8. Times Entity/Mine Cited for Excessive Dust Last 12 Months: _____
9. AP Signature: [redacted] AP/Number: 276595
10. Supervisor Signature: Roger D. Richmond II

11. Type Mining System:
☐ A. Longwall
☐ I. Single Drum
☐ II. Double Drum
☐ III. Plow

Cut Sequence
☐ i. Tail-Head
☐ ii. Head-Tail
☐ iii. Both

☐ B. Continuous
☑ I. Ripper
☐ II. Auger
☐ III. Borer

☐ C. Conventional

Other (specify) _____

12. Mining Ht: 54" in.
Inches of Rock Mined: 8"

13. Remote Operation of Miner?:
☑ Yes
☐ No

14. Type of Mining:
☐ I. Development
☑ II. Retreating

15. Physical Conditions:
Face Area ☐ Wet ☐ Damp ☑ Dry
Roadways ☐ Wet ☐ Damp ☑ Dry ☐ Compacted

16. Type of Haulage Equipment:
☑ Electric ☐ Battery ☐ Diesel ☐ Other (specify) _____

17. Roof Bolter Type:
☑ I. Twin Head
☐ II. Single Head
☐ III. Integral

Number of Bolters
I. 1
II. _____
III. _____

A. Ventilation
I. Operates on Separate Split of Air: ☑ Yes ☐ No
II. Operates on Return-Side of DO: ☐ Yes ☑ No

B. Is Roof Bolter DA Established? ☑ Yes ☐ No

C. Type of Dust Control ☐ I. Wet Head ☑ II. Dust Collector

18. Dust Control Parameters – Ventilation System:

A. Method of Face Ventilation:
☑ I. Blowing
☐ II. Exhausting
☐ III. Both

B. Face Ventilation Device:
☑ I. Curtain
☐ II. Tubing
☐ III. Both

C. Line Curtain/Tubing Distance: 50' ft.

D. Is Face Area Ventilated with Belt Air? ☐ Yes ☑ No

E. If Yes, Quantity in Belt Entry: _____ cfm

F. Air Quantity: Longwall (Between 50 and 100 feet of Headgate and Tailgate)

Quantity (Q), cfm

Location	Observed	
Headgate		
Tailgate		

Velocity (V), fpm

Location	Plan	Observed	
Headgate			
Tailgate			

Continuous/Conventional/Handloading

	Plan	8AM 10/31/05	8AM 11/1/05	Observed			
Face (Q)	4000	14,500	13,300				
MEAV (V)	60						
Scrubber*	6000						

MEAV(V) – for exhausting only

* -operational cfm only

(Continued on Reversed Side)

19. Dust Control Parameters – Water Spray System:

Location	Number of Operating Sprays			Operating PSI		
	Plan	Observed		Plan	Observed	
Tract	4	5		75	100	
Head	20	20				
Side	12	13				
Roof	8	8				
	44	46				

Sprays Located per Plan: Yes ☑ No ☐

Sprays Angled per Plan: Yes ☑ No ☐

20. Auxiliary Controls

Scrubber Frequency Screen Checked: Not using

Frequency Ductwork Checked: Not used

Fan Spray Sprays Located per Plan ☐ Yes ☐ No Sprays Angled per Plan ☐ Yes ☐ No

Work Practices Describe:

Enclosures Describe:

Other (Wetting Agents; Wetting face, supports, and roadways, etc.) Describe:

21. Are Approved Respirators Being Worn?: ☐ Yes ☑ No If Yes, By Whom: Make: Model:

22. Do Miners Work Downwind of the Longwall Shearer?: ☑ Always ☐ Part of the Shift ☐ Never N/A

23. Was the Operator Cited for Violating the Dust Control Parameters of the Ventilation Plan?: ☐ Yes ☑ No
If Yes, specify:

24. Were Dust Control Parameters Changed During Sampling?: ☐ Yes ☑ No If Yes, specify:

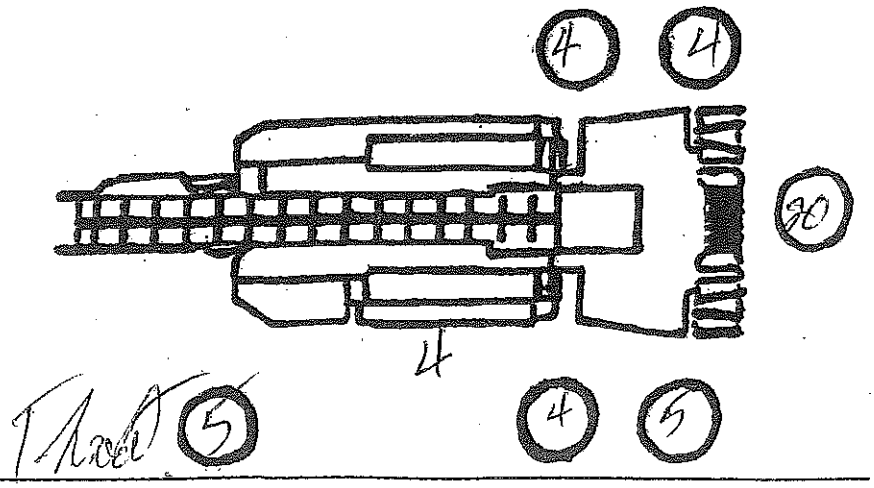
25. Production (tons): At Time of Sampling: 1104 tons At Time of Monitoring: tons During Last 30 Shifts: 1200 tons

26. Bi-monthly Sampling Conducted By: ☑ Operator ☐ Contractor Contractor ID:

27. Sampling Equipment: Provided By ☐ Operator ☑ Contractor Calibrated and Maintained By ☐ Operator ☐ Contractor

28. Inspector Recommendations and Comments:

USE SPACE BELOW FOR SKETCHES OR OTHER INFORMATION



Respirable Dust Sampling And Monitoring Data

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

1. Type of Inspection: ☑ Regular ☐ Technical ☐ Monitoring
2. Date: 11/1/05
3. Field Office Code: 2040
4. Mine ID: 46-08436
5. Mine Name: UBB
6. Company Name: Performance Coal Co.
7. MMU/DA/SA: 008-0 – 008-0
8. Times Entity/Mine Cited for Excessive Dust Last 12 Months: _____
9. AR Signature: [redacted] AR Number: 23856
10. Supervisor Signature: Roger D. Richmond
11. Type Mining System:
☐ A. Longwall
☐ I. Single Drum
☐ II. Double Drum
☐ III. Plow

Cut Sequence
☐ i. Tail-Head
☐ ii. Head-Tail
☐ iii. Both

☐ B. Continuous
☐ I. Ripper
☐ II. Auger
☐ III. Borer

☐ C. Conventional

Other (specify) _____

12. Mining Ht: _____ in.
Inches of Rock Mined:
13. Remote Operation of Miner?:
☐ Yes
☐ No

14. Type of Mining:
☐ I. Development
☑ II. Retreating

15. Physical Conditions:
Face Area ☐ Wet ☐ Damp ☑ Dry
Roadways ☐ Wet ☐ Damp ☑ Dry ☐ Compacted

16. Type of Haulage Equipment:
☑ Electric ☐ Battery ☐ Diesel ☐ Other (specify) _____

17. Roof Bolter Type:
☐ I. Twin Head
☐ II. Single Head
☐ III. Integral

Number of Bolters
I. _____
II. _____
III. ✓

A. Ventilation
I. Operates on Separate Split of Air: ☑ Yes ☐ No
II. Operates on Return-Side of DO: ☐ Yes ☑ No

B. Is Roof Bolter DA Established? ☑ Yes ☐ No

C. Type of Dust Control ☐ I. Wet Head ☑ II. Dust Collector

18. Dust Control Parameters – Ventilation System:

A. Method of Face Ventilation:
☑ I. Blowing
☐ II. Exhausting
☐ III. Both

B. Face Ventilation Device:
☑ I. Curtain
☐ II. Tubing
☐ III. Both

C. Line Curtain/Tubing Distance: 60' ft.

D. Is Face Area Ventilated with Belt Air? ☐ Yes ☑ No

E. If Yes, Quantity in Belt Entry: _____ cfm

F. Air Quantity: Longwall (Between 50 and 100 feet of Headgate and Tailgate)

Quantity (Q), cfm

Location	Observed	
Headgate		
Tailgate		

Velocity (V), fpm

Location	Plan	Observed	
Headgate			
Tailgate			

Continuous/Conventional/Handloading

	Plan		Observed				
Face (Q)	4000	17680					
MEAV (V)							
Scrubber*							

MEAV(V) – for exhausting only

* -operational cfm only

(Continued on Reversed Side)

19. Dust Control Parameters – Water Spray System:

Location	Number of Operating Sprays			Operating PSI			Sprays Located per Plan
	Plan	Observed		Plan	Observed		Yes ☑ No ☐
T Mark	4	4		110	110		
Head	20	21					Sprays Angled per Plan
Gate	17	17					Yes ☑ No ☐
Pan	8	8					
	HH	51					

20. Auxiliary Controls

Scrubber Frequency Screen Checked: Not using

Frequency Ductwork Checked: NOT using

Fan Spray Sprays Located per Plan ☐ Yes ☐ No Sprays Angled per Plan ☐ Yes ☐ No

Work Practices Describe:

Enclosures Describe:

Other (Wetting Agents; Wetting face, supports, and roadways, etc.) Describe:

21. Are Approved Respirators Being Worn?: ☐ Yes ☑ No If Yes, By Whom: Make: Model:

22. Do Miners Work Downwind of the Longwall Shearer?: ☐ Always ☐ Part of the Shift ☐ Never N/A

23. Was the Operator Cited for Violating the Dust Control Parameters of the Ventilation Plan?: ☐ Yes ☑ No
If Yes, specify:

24. Were Dust Control Parameters Changed During Sampling?: ☐ Yes ☑ No If Yes, specify:

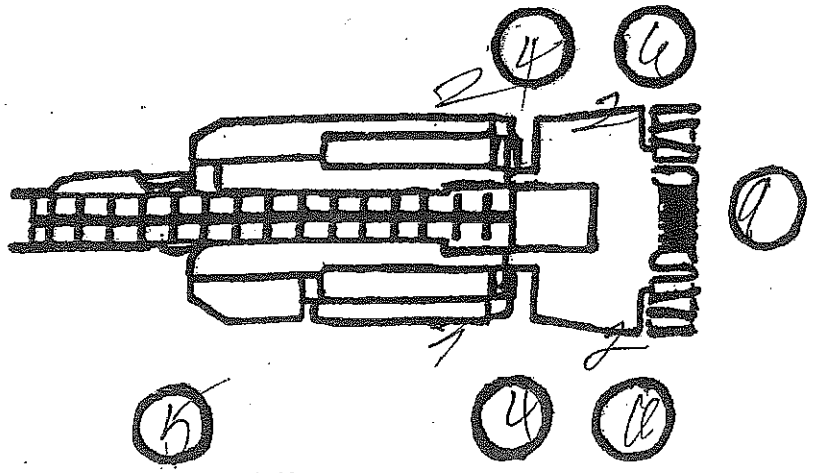
25. Production (tons): At Time of Sampling: 0 tons At Time of Monitoring: tons During Last 30 Shifts: tons

26. Bi-monthly Sampling Conducted By: ☑ Operator ☐ Contractor Contractor ID:

27. Sampling Equipment: Provided By ☑ Operator ☐ Contractor Calibrated and Maintained By ☐ Operator ☐ Contractor

28. Inspector Recommendations and Comments:
North Belt Broke

USE SPACE BELOW FOR SKETCHES OR OTHER INFORMATION



FO Supr

**0401-0001
REPORT NO: MSD014

RESPIRABLE DUST SAMPLING INSPECTION RESULTS

NOVEMBER 18, 2005

MINE ID NUMBER

46-08436

MINE NAME - UPPER BIG BRANCH MINE-SOUTH

COMPANY NAME - PERFORMANCE COAL COMPANY

ENTITY ID 008-0

SAMPLING DATE 11-08-2005

PRODUCTION THIS SHIFT
1104

SHIFT: 14

AVG. PROD. (FOR LAST 30 PROD. SHIFTS) _____

SURVEY CONDUCTED BY _____

TYPE OF SAMPLE	OCCUPATION CODE	CASSETTE	TIME	DUST CONC	INITIAL WEIGHT	FINAL WEIGHT	CF WGT	CF VOID	DUST STANDRD	VOID CODE	CITATION NO
1	036	57569443	480	0.449	493.165	493.486	0.008		1.70		_____
2	002	57569330	480	0.212	492.746	492.902	0.008		1.70		_____
2	037	57569431	480	0.369	498.898	499.163	0.008		1.70		_____
2	050	57569351	480	0.323	502.061	502.294	0.008		1.70		_____
2	053	57569388	480	0.195	495.668	495.812	0.008		1.70		_____
2	050	57569389	480	0.287	497.708	497.916	0.008		1.70		_____
2	054	57569341	480	0.178	500.922	501.054	0.008		1.70		_____

F. O. Super
RR
10-20-05

**0401-0001
REPORT NO: MSD014

RESPIRABLE DUST SAMPLING INSPECTION RESULTS

OCTOBER 18, 2005

MINE ID NUMBER

46-08436

MINE NAME - UPPER BIG BRANCH MINE-SOUTH

COMPANY NAME - PERFORMANCE COAL COMPANY

ENTITY ID 031-0

SAMPLING DATE 10-12-2005

PRODUCTION THIS SHIFT
4900

SHIFT: 06

AVG. PROD. (FOR LAST 30 PROD. SHIFTS) _____

SURVEY CONDUCTED BY _____

TYPE OF SAMPLE	OCCUPATION CODE	CASSETTE	TIME	DUST CONC	INITIAL WEIGHT	FINAL WEIGHT	CF WGT	CF VOID	DUST STANDRD	VOID CODE	CITATION NO
1	044	57569113	480	0.892	492.509	493.134	0.004		1.70		
2	002	57569118	480	0.291	499.045	499.252	0.004		1.70		
2	040	57569141	480	0.506	495.734	496.090	0.004		1.70		
2	041	57569155	480	1.558	500.354	501.442	0.004		1.70		
2	064	57569177	480	1.771	494.984	496.220	0.004		1.70		
7	000	57569137	480	0.115	499.533	499.617	0.004		1.00		

**0401-0002
REPORT NO: MSD014

RESPIRABLE DUST SAMPLING INSPECTION RESULTS

OCTOBER 18, 2005

MINE ID NUMBER

46-08436

MINE NAME - UPPER BIG BRANCH MINE-SOUTH

COMPANY NAME - PERFORMANCE COAL COMPANY

ENTITY ID 831-0

SAMPLING DATE 10-12-2005

PRODUCTION THIS SHIFT
4900

SHIFT: 06

AVG. PROD. (FOR LAST 30 PROD. SHIFTS) _____

SURVEY CONDUCTED BY _____

TYPE OF SAMPLE	OCCUPATION CODE	CASSETTE	TIME	DUST CONC	INITIAL WEIGHT	FINAL WEIGHT	CF WGT	CF VOID	DUST STANDRD	VOID CODE	CITATION NO
3	000	57569099	480	0.373	500.732	500.996	0.004		1.00		_____

F. O. Supv 12-9-05

**0401-0003
REPORT NO: MSD014

RESPIRABLE DUST SAMPLING INSPECTION RESULTS

DECEMBER 5, 2005

MINE ID NUMBER

46-08436

MINE NAME - UPPER BIG BRANCH MINE-SOUTH

COMPANY NAME - PERFORMANCE COAL COMPANY

ENTITY ID 030-0

SAMPLING DATE 11-29-2005

PRODUCTION THIS SHIFT
00

SHIFT: 14

AVG. PROD. (FOR LAST 30 PROD. SHIFTS) _____

SURVEY CONDUCTED BY _____

TYPE OF SAMPLE	OCCUPATION CODE	CASSETTE	TIME	DUST CONC	INITIAL WEIGHT	FINAL WEIGHT	CF WGT	CF VOID	DUST STANDRD	VOID CODE	CITATION NO
1	036	57569509	213	0.472	495.604	495.741	- 0.009		1.00	PRO	_____
2	053	57569430	213	0.391	495.470	495.582	- 0.009		1.00	PRO	_____
2	054	57569468	211	0.506	497.726	497.872	- 0.009		1.00	PRO	_____
2	046	57569398	214	0.802	498.459	498.699	- 0.009		1.00	PRO	_____
2	050	57569530	213	0.547	499.639	499.799	- 0.009		1.00	PRO	_____
2	050	57569500	212	0.592	499.791	499.964	- 0.009		1.00	PRO	_____

**0401-0004
REPORT NO: MSD014

RESPIRABLE DUST SAMPLING INSPECTION RESULTS

DECEMBER 5, 2005

MINE ID NUMBER

46-08436

MINE NAME - UPPER BIG BRANCH MINE-SOUTH

COMPANY NAME - PERFORMANCE COAL COMPANY

ENTITY ID 930-0

SAMPLING DATE 11-29-2005

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*************************************************************
*                                                           *
* AVG. PROD. (FOR LAST 30 PROD. SHIFTS) _________           *
*                                                           *
* SURVEY CONDUCTED BY ___________________________           *
*                                                           *
*************************************************************
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PRODUCTION THIS SHIFT
00

SHIFT: 14

TYPE OF SAMPLE	OCCUPATION CODE	CASSETTE	TIME	DUST CONC	INITIAL WEIGHT	FINAL WEIGHT	CF WGT	CF VOID	DUST STANDRD	VOID CODE	CITATION NO
3	046	57569505	212	0.501	499.022	499.167	- 0.009		0.40	PRO	_____

F. D. Supv 12-9-05

**0401-0005
REPORT NO: MSD014

RESPIRABLE DUST SAMPLING INSPECTION RESULTS

DECEMBER 6, 2005

MINE ID NUMBER

46-08436

MINE NAME - UPPER BIG BRANCH MINE-SOUTH

COMPANY NAME - PERFORMANCE COAL COMPANY

ENTITY ID 030-0

SAMPLING DATE 11-30-2005

PRODUCTION THIS SHIFT
00

SHIFT: 14

AVG. PROD. (FOR LAST 30 PROD. SHIFTS) _____

SURVEY CONDUCTED BY _____

TYPE OF SAMPLE	OCCUPATION CODE	CASSETTE	TIME	DUST CONC	INITIAL WEIGHT	FINAL WEIGHT	CF WGT	CF VOID	DUST STANDRD	VOID CODE	CITATION NO
1	036	57569347	347	0.234	497.631	497.757	0.008		1.00	PRO	
2	053	57569469	347	0.210	497.059	497.173	0.008		1.00	PRO	
2	046	57569338	342	0.290	500.242	500.394	0.008		1.00	PRO	
2	050	57569326	346	0.297	500.933	501.090	0.008		1.00	PRO	
2	053	57569528	348	0.164	499.378	499.469	0.008		1.00	PRO	
2	050	57569344	349	0.379	494.259	494.459	0.008		1.00	PRO	
2	054	57569320	349	0.247	503.029	503.162	0.008		1.00	PRO	

**0401-0006
REPORT NO: MSD014

RESPIRABLE DUST SAMPLING INSPECTION RESULTS

DECEMBER 6, 2005

MINE ID NUMBER

46-08436

MINE NAME - UPPER BIG BRANCH MINE-SOUTH

COMPANY NAME - PERFORMANCE COAL COMPANY

ENTITY ID 930-0

SAMPLING DATE 11-30-2005

PRODUCTION THIS SHIFT
00

SHIFT: 14

AVG. PROD. (FOR LAST 30 PROD. SHIFTS) _____

SURVEY CONDUCTED BY _____

TYPE OF SAMPLE	OCCUPATION CODE	CASSETTE	TIME	DUST CONC	INITIAL WEIGHT	FINAL WEIGHT	CF WGT	CF VOID	DUST STANDRD	VOID CODE	CITATION NO
3	000	57569542	348	0.277	495.883	496.031	0.008		0.40	PRO	_____

UNDERGROUND AIR COMPRESSORS

" "
1-7-06

I gave Larry Cool a copy of this.

District	*Mine ID	Mine Name	Operator Name	Identify if compressor is attended or unattended	List Manufacturer and HP of Compressor. Also List if Electric or Diesel	List Manufacturer of Fire Suppression System Used	List Type of Fire Suppression System Used (water, dry chemical, etc.)	List Manufacturer of Fire Sensor Used
#2	46-08436	4 B	Performance Coal Co.	attended	Electric 75HP ALLEE	APEX	DRY	APEX

46-08436

DAILY COVER SHEET

DATE 10/12/05 EVENT NO. 4110669

ARRIVED AT THE MINE _____ DEPARTED FROM THE MINE _____

LIST RECORD BOOKS CHECKED Preshift/onshift

ACCOMPANIED BY: COMPANY REP. [redacted]

MINERS REP. None

AREAS OF INSPECTION ACTIVITY:

Arrived at mine site accompanied by Phillip Lindahl (out of health division in Arlington) to observe Longwall operations. Talked to Wendall Willis-supt. Informed him to what area would be traveling. Then talked to [redacted] Phillip talked to [redacted] on why he was observing longwall operations (to update best practices book on longwall dust-respirable. The old book was about 15 years old). Then reviewed books listed above.

Traveled with [redacted] from outside to longwall section. Would finish dust survey that [redacted] has started. Talked to [redacted] upon arrival on headgate. He has checked water sprays, pressure, took head and tail velocities. Informed write what occupations being sampled. He had

PAGE NO 1 INSP INITIAL [redacted] RR 10-13-05 SUPERVISOR D&I MTD 10/13/05

MSHA Form 7000-10II, June 93 (revised) *U.S.GPO:1993-0-709-551

DATE 10/12/05

already checked all pumps within 1st and 2nd hour of shift. All pumps were OK.

Writer travled to stage loader area. Observed the head gate operator located at tail of belt and back of stage loader. Observed some dust present at dumping point of stage loader onto belt. They had 14 sprays located at this location and had misting bar with 7 sprays infront of crusher. Talked to operator and he stated that it is worst when they mine more rock than what they are mining today. Asked about scrubber. He stated they normally run scrubber. Writer checked scrubber off. The scrubber was started and you could see the difference on visible dust.

Checked pumps from 245 to 275 (minutes on pump) All were OK. Writer observed some dust being produced at the discharge end of chain into stage loader. What dust was producing traveled down face line. The cause of this dust was rock being crushed at discharge end that was in chain line.

Observed the shear in operation. At this time did not observe any occupation in return of dust. Both head and tail operators upwind of dust.

Writer took head velocity and had 414 LPM.

INSP. INITIALS [redacted] SUPV. D&I RR 10-13-05 PAGE NO. 2

MTO 10/13/05

DATE 10/12/05

Writer traveled back to mantrip Station and observed That The energized high voltage cable was contacting low voltage cables. Issued Citation 7243134. Appears That condition has existed for some time. Should have been known. Would not cause accident.

Then observe more mining operations. Removed pumps from miners checked pumps from 445 To 450 All were ok.

Traveled back to surface. Turned pumps off and gave Them to Mike at end of shift.

Issued citation. Served to [redacted] No Comment.

Then left mine site.

INSP. INITIALS [redacted] SUPV. D&I RR 10-13-05 PAGE NO. 3

MTO 10/13/05

Mine Safety and Health Administration

Coal Inspection Tracking Report

Mine ID: 46-08436
Company Name: PERFORMANCE COAL COMPANY
Mine Name: UPPER BIG BRANCH MINE-SOUTH
Activity Code: E01
Event Number: 4110669

Mining Height (inches): 58
Number Employees: 195
Number Production Shifts: 2
Number Maintenance Shifts: 1

The undersigned certify that they have completed the minimum inspection requirements as defined by the procedural requirments listed within this tracking system and the Coal General Inspection Procedures Handbook. All AR's who participated in this inspection event must sign this cover sheet and initial each report page where their AR number indicates participation on this investigation or inspection activity.

AR Signature	AR #	Date
[redacted]	23855	12/29/2005

The undersigned supervisor certifies that the documentation contained in this set of Inspection Tracking reports indicates that the minimum requirements for this event have been completed. Each report page must also be initialed to certify review.

Roger D. Richmond — Reviewing Supervisor Signature

1/13/06 — Date

MSHA Form 2000-xxx draft - rgh

MineID: 4608436 **Event Number:** 4110669

Inspector(s) Initials: [redacted]

Supervisor Initials: RDR

Coal Inspection Tracking System

General

Advised of Conference Rights (Miner Rep)

Required= Yes

Upon taking any enforcement action, the inspector advised the miners representative of procedures for requesting a conference under 30 CFR 100.6(b). The purpose of the conference is to submit any additional information relating to action taken by the inspector.

Date	AR #	Shift	Complete
10/11/2005	23855	2	☑
10/12/2005	23855	2	☑

Advised of Conference Rights (Operator)

Required= Yes

Upon taking any enforcement action, the inspector advised the operator of procedures for requesting a conference under 30 CFR 100.6(b). The purpose of the conference is to submit any additional information relating to action taken by the inspector.

Date	AR #	Shift	Complete
10/11/2005	23855	2	☑
10/12/2005	23855	2	☑

Check In And Out System

Required= Yes

The inspector has determined if the system being used at the mine complies with 30 CFR.

Date	AR #	Shift	Complete
10/12/2005	23855	2	☑

First Day Arrival In Advance Of Starting Time

Required= Yes

During a regular inspection, the inspector arrived at the mine on the first day of the inspection in advance of starting time. Sufficient time was allowed for pre-inspection contacts, a preliminary review of record books and an overview of the mine map to determine which area of the mine to begin the inspection. A physical inspection of the mine began immediately after the pre-inspection contacts were made.

Date	AR #	Shift	Complete
10/11/2005	23855	2	☑
10/12/2005	23855	2	☑

General

Interim Conference

Required= Yes

Regularly scheduled interim conferences should be held to provide an overview of the inspection activities and also to provide opportunity for operator and miner representatives to express any concerns and provide comments where daily conferences are not possible.

Date	AR #	Shift	Complete
11/29/2005	23855	3	☑

Mine Map Reviewed (First Day For Hazards)

Required= Yes

The inspector, prior to going underground on the first day of the inspection, studied the mine map with special attention given to mining in proximity to worked-out areas, oil and gas wells, fuel transmission lines, surface water that could present an underground flood hazard, mines located adjacent to, above and below active workings and any danger that surface mining may present to underground miners.

Date	AR #	Shift	Complete
10/11/2005	23855	2	☑

Notification of Inspection (Miner Representative)

Required= Yes

On the first day of the inspection, the inspector notified the miner representative of the type of inspection to be conducted and scheduled a time for a pre-inspection conference. On subsequent days of the inspection, the inspector notified the representative of the continuing inspection and advised the representative of their rights under 103(f) of the Mine Act.

Date	AR #	Shift	Complete
10/11/2005	23855	2	☑
10/12/2005	23855	2	☑

Notification of Inspection (Operator)

Required= Yes

On the first day of the inspection, the inspector notified the operator of the type of inspection to be conducted and scheduled a time for a pre-inspection conference. On subsequent days of the inspection, the inspector notified the representative of the continuing inspection and advised the representative of their rights under 103(f) of the Mine Act.

Date	AR #	Shift	Complete
10/11/2005	23855	2	☑
10/12/2005	23855	2	☑

General

Observed Man-trips In And Out Of Mine

Required= Yes

The inspector evaluated mantrip operating practices for safety by observing at least one mantrip in and out of the mine.

Date	AR #	Shift	Complete
10/11/2005	23855	2	☑
10/12/2005	23855	2	☑

Post-Inspection Conference

Required= Yes

The inspector scheduled and held a post-inspection conference with both the mine operator and miners representative (where applicable). The conference covered all enforcement action taken and conditions and practices observed during the inspection. Accidents that occurred at the mine (and in industry with similar mining conditions), a comparison to the national accident incident rates, and results of any samples or surveys taken during the inspection were also be discussed.

Date	AR #	Shift	Complete
12/28/2005	23855	2	☑

close out with mine foreman.

Pre-Inspection Conference

Required= Yes

The inspector scheduled and held a pre-inspection conference with both the mine operator and miners representative (where applicable). The conference covered enforcement actions and accident history at the mine (and in industry with similar mining conditions), a comparison to the national accident incident rates, and results of pertinent samples or surveys taken during previous inspections.

Date	AR #	Shift	Complete
10/11/2005	23855	2	☑

Travel with Mine Examiner - On-shift

Required= Yes

The inspector accompanied at least one mine examiner during his or her required on-shift examination of the mine to detect any unsafe practices and determine that adequate examinations were being conducted.

Date	AR #	Shift	Complete
11/1/2005	23855	3	☑

also traveled on11/8,29,30/2005

MineID: 4608436 **Event Number:** 4110669

Inspector(s) Initials: [redacted]

Supervisor Initials: RDR

Coal Inspection Tracking System

General

Travel With Mine Examiner - Preshift

Required= Yes

The inspector accompanied at least one mine examiner during his or her required pre-shift examination of the mine to detect any unsafe practices and determine that adequate examinations were being conducted.

Date	AR #	Shift	Complete
10/12/2005	23855	2	☑

also traveled on 11/1,8,29,30/2005

Travel With Mine Examiner - Weekly

Required= Yes

The inspector accompanied at least one mine examiner during his or her required weekly examination of the mine to detect any unsafe practices and determine that adequate examinations were being conducted.

Date	AR #	Shift	Complete
10/27/2005	23855	3	☑

HG 20 INTAKE

Uniform Mine File Reviewed

Required= Yes

The inspector reviewed the Uniform Mine File (UMF) just prior to conducting the inspection. The type of event and the area to be inspected dictated the extent of the review per Uniform Mine File Procedures Handbook.

Date	AR #	Shift	Complete
10/11/2005	23855	2	☑

MineID: 4608436 **Event Number:** 4110669 Inspector(s) Initials: [redacted] Supervisor Initials: RDR

Coal Inspection Tracking System

Records

All Required Noise Exposure Records (Reviewed)

Required= Yes

The inspector determined if the operator was maintaining applicable records required by 30 CFR Part 62.110(e), 62.130(a), 62.171(c), 62.180(b), and 62.190.

Date	AR #	Record Location	Shift	Complete
12/29/2005	23855	SURFACE	2	☑

ALL OTHER SURFACE AND RECORDS WERE INSPECTED BY [redacted] on 12/12/2005 and 12/13/2005, see [redacted] notes.

ATRS Certification (Available)

Required= Yes

The inspector determined if the operator had available a certification, by a registered engineer for each ATRS system at the mine, stating that the ATRS system meets the structural capacity as required by 30 CFR 75.209(e)(1) and 75.209(e)(2).

Canopies And Cabs; Self-Propelled Equipment

Required= Yes

The inspector determined if the operator had available a certification, by a registered engineer for each canopy or cab system at the mine, stating that it meets the structural capacity as required by 30 CFR 75.1710(d).

Certifications And Records Of Daily Hoist

Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Clean Up Program

Required= Yes

The inspector reviewed the program and determined if it was posted.

Daily And Monthly Examination Of Ventilation Fans

Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Daily Examination Of Hoist Shaft Sinking

Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Diesel Exhaust Gas Records (Exceeding The TLV)

Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Records

Diesel Training And Qualification List

Required= Yes

The inspector determined if the operator was maintaining records required by 30 CFR Part 75.1915(c).

Electrical Map (Reviewed)

Required= Yes

The inspector reviewed the electrical map and questioned the person responsible for its maintenance to determine the location of each electrical unit. The map accuracy was evaluated by comparing the electrical unit locations recorded on the map to actual locations encountered during the inspection.

Emergency Medical Assistance Review

Required= Yes

The inspector reviewed and compared the emergency medical assistance agreement with the information posted at the mine.

Evaluate The Operator Ventilation Plan

Required= Yes

The inspector reviewed the operators currently approved mine ventilation plan and determined if it was suitable to conditions observed in the mine during this inspection. This evaluation included information obtained from the miners installing the ventilation controls, equipment operators in the area, and the mine operator. The results of this evaluation was recorded on MSHA Form 2000-204 and submitted with completed inspection report for this event.

Date	AR #	Record Location	Shift	Complete
12/28/2005	23855		2	☑
	discussed with employee's and super.			

Evaluate The Operator's Roof Control Plan

Required= Yes

The inspector reviewed the operators current roof control plan and evaluated the plan by making on site observation of the effectiveness of controls being installed. This evaluation included information obtained from the miners installing the roof support materials and the operator. The results of this evaluation was recorded on MSHA Form 2000-204 and submitted with completed inspection report for this event.

Date	AR #	Record Location	Shift	Complete
10/27/2005	23855		3	☑
12/28/2005	23855		2	☑
	discussed with employee's and super.			

Examinations Of Impoundments

Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Records

Fire Doors
Required= Yes

The operator's compliance with recording examinations required by 30 CFR 75.1708 was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations were recorded.

Fire Drills (90 Day)
Required= Yes

The inspector has reviewed the records to determine if required fire drills were recorded. The inspector compared the records with information obtained from polling the miners about the fire drills.

Fire Suppression Systems/Permanent Diesel Storage
Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations were recorded.

First-Aid Training Supervisory Employees
Required= Yes

The inspector reviewed MSHA 5000-23 forms for supervisory personnel at the mine to determine if required training was provided. A representative number of supervisors were polled to determine the quality of the training.

Hazardous Conditions Postings And Corrections
Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Date	AR #	Record Location	Shift	Complete
12/27/2005	23855		2	☑
	cited longwall book			

High Voltage Longwall Equipment
Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Inspection And Test Of Automatic Fire Sensors
Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Maintenance Record Diesel Engine Performance
Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Records

Methane Monitor Calibration Test
Required= Yes

The operator's compliance with recording required tests was evaluated by reviewing prior records back to the ending date of the last regular safety and health inspection and by polling miners.

Mine Emergency Evacuation and FF Program
Required= Yes

The inspector reviewed records of mine evacuation drills and polled miners to determine if all miners on all shifts have participated at intervals of not more than 90 days. The effectiveness of the program was evaluated by polling miners on their familiarity with the program.

Mine Map (Reviewed)
Required= Yes

The inspector reviewed the up-to-date mine map relative to approved mining methods and gave special attention concerning ventilation controls, air-flow direction and required temporary notations to determine its accuracy.

Date	AR #	Record Location	Shift	Complete
12/27/2005	23855		2	☑

reviewed every day at mines that I was there.

Monthly Examination Of Surface Electrical Equip
Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Monthly Examination Of Surface HV Circuits
Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Monthly Examination Of Surface LMV Circuits
Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Monthly Testing Of UG High Voltage CB
Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Monthly Testing Of UG Low And Medium Voltage CB
Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

MineID: 4608436 **Event Number:** 4110669

Inspector(s) Initials: [redacted] Supervisor Initials: RDR

Coal Inspection Tracking System

Records

Noise Program (Reviewed) (Surface) ***Required= Yes***	The inspector determined the operator was maintaining all records required by his current Hearing Conservation Program. Noise surveys were conducted in accordance with current health inspection procedures.
Noise Program (Reviewed) (Underground) ***Required= Yes***	The inspector determined the operator was maintaining all records required by his current Hearing Conservation Program.
Operator's Respirable Dust Program (Sur) ***Required= Yes***	[redacted] note should reflect all surface activity. n. An onsite evaluation was made samples collected pursuant to current
Operator's Respirable Dust Program (UG) ***Required= Yes***	t control portion of the mine ust samples to determine if they
Part 48 Training Records (5000-23 Forms) ***Required= Yes***	required training was provided and e the quality of the training.
Part 49 Training Records (Mine Rescue Teams) ***Required= Yes***	required training was provided and members to evaluate the quality of
Part 50 Records (7000-1) Accident Forms ***Required= Yes***	compared the information with that ns was compared to information obtained from miners polled to determine if accidents were properly reported.
Part 50 Records (7000-2) Empl/Prod ***Required= Yes***	The inspector reviewed MSHA 7000-2 forms to determine if they were submitted in a timely manner and properly maintained at the mine office nearest to the mine.
Petitions For Modifications Granted For Mine ***Required= Yes***	The inspector reviewed petitions for modifications to determine if circumstances under which they were granted were still valid and if they were posted on the mine bulletin board per 30 CFR 44.5(b) and 44.9.

Records

Preshift & On-Shift Examination

Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Date	AR #	Record Location	Shift	Complete
10/12/2005	23855		2	☑
10/27/2005	23855		3	☑

Preshift & On-Shift Examination (Belts)

Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Date	AR #	Record Location	Shift	Complete
10/12/2005	23855		2	☑
10/27/2005	23855		3	☑

Preshift & On-Shift Examination (Slope & Shafts)

Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Record Of AMS Alarm Activation

Required= Yes

The AMS signal device or alarm activation records were reviewed back to the ending date of the last regular safety and health inspection to evaluate compliance with 30 CFR 75.351(h).

Record Of Certified And Qualified Persons Surface

Required= Yes

The inspector reviewed and compared the qualification list with copies of individual training records.

Record Of Certified And Qualified Persons UG

Required= Yes

The inspector reviewed and compared the qualification list with copies of individual training records.

Records

Record Of Inspections For Thermal Dryers
Required= Yes

Thermal dryer control instrument records were reviewed to evaluate compliance with 30 CFR 77.314.

Recorded Measurements For Initial Rope Stretch
Required= Yes

The inspector reviewed the record book and determined if the results of all required measurements were recorded.

Required Hoist Rope Tests
Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Respirable Dust Control Plan (Posted)
Required= Yes

The inspector reviewed records required by the current respirable dust control plan and analysis reports of operator's respirable dust samples to determine if they were maintained and posted as required.

Roof Bolt Manufacturer's Certification (Available)
Required= Yes

The inspector determined if the operator has available a certification stating that the roof bolts used at the mine were manufactured in accordance with the specifications of ASTM F432-95.

Roof Bolt Torque Measurements Recorded
Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Roof Control Plan (Available)
Required= Yes

The inspector determined if the current roof control plan was available to the miners and representative of miners at the mine.

Self-Rescue Devices (Records)
Required= Yes

The inspector reviewed the records and determined if the results of all required tests were recorded. If possible, the inspector determined if the operator followed the manufacturer's test procedures.

Date	AR #	Record Location	Shift	Complete
12/27/2005	23855		2	☑

reviewed list and checked rescuers underground on different shifts.

Records

Smokers Articles (Program)

Required= Yes

The inspector reviewed the records to evaluate compliance with the record keeping requirements of the current smoking program. The inspector compared the records with information obtained from polling the miners.

Date	AR #	Record Location	Shift	Complete
12/27/2005	23855		2	☑

observed smoker search on each shift and talked to employee's underground.

Surface Bathhouse Waiver (Posted)

Required= Yes

The inspector determined if the operator posted the current surface bathhouse waiver.

Surface Safety Program Instruction (Posted)

Required= Yes

The inspector determined if the operator maintained a Safety Program of Instruction and posted it in conspicuous places throughout the mine pursuant to 30 CFR 77.1708.

Test Of Hoist Safety Catches

Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Tests Of Fire Hydrants And Fire Hose

Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Trolley Overcurrent Protection Tests/Examinations

Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Ventilation Plan (Posted)

Required= Yes

The inspector determined if proposed and current ventilation plans or revisions were posted on the mine bulletin board as required by 30 CFR 75.370(a)(3)(iii) and 75.370(f)(3).

Records

Weekly Examination For Methane And Hazards

Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Date	AR #	Record Location	Shift	Complete
10/27/2005	23855		3	☑

Weekly Examination Record Of Diesel Equipment

Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Weekly Inspection Of Fire Suppression Devices

Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Weekly Tests Of Underground Electrical Equipment

Required= Yes

The operator's compliance with recording required examinations was evaluated by comparing information recorded in the record book with actual conditions in the area inspected. Prior recordings were reviewed back to the ending date of the last regular safety and health inspection to determine if the results of all required examinations, including corrective actions, were recorded.

Date	AR #	Record Location	Shift	Complete
10/27/2005	23855		3	☑

X- Ray Plan

Required= Yes

The inspector reviewed and compared the X-Ray Plan agreement with the information posted at the mine.

MineID: 4608436 **Event Number:** 4110669

Inspector(s) Initials: [redacted] _____ Supervisor Initials: RDR

Coal Inspection Tracking System

Surface

Aerial Tramways
Required=Yes

An inspection was conducted of all aerial tramways for existing and potential hazards, including: structure condition, guarding, accumulations, lighting, electrical installation, and fire protection.

Date	AR #	Location	Shift	Complete
12/29/2005	23855		2	☑

ALL THE REST OF SURFACE WAS INSPECTED BY [redacted] ON 12/12/2005 AND 12/13/2005. THERE ARE NO AERIAL TRAMWAYS.

All Shifts (Surface)
Required=Yes

The inspector made an inspection during each shift. The inspector discussed matters concerning health and safety and work practices with miners encountered.

Auger Openings
Required=Yes

Auger openings were inspected for potential hazards.

Blasting Practices (Surface)
Required=Yes

An inspection was conducted of all areas where explosives were being used on mine property, including: an observation of work practices, the blasting cycle, storage security, combustible materials, fire protection, and record keeping. The inspector completed the appropriate ATF forms.

Coal Stock Pile
Required=Yes

The coal stockpile was inspected for adequate identification of underground coal feeders, persons working in close proximity to active underground feeders and any other potential hazards such as fires.

Communications Installations
Required=Yes

An inspection was conducted of all communication installations for compliance with applicable standards, including attention to: grounding, insulation, lighting protection, proper operation, and safe access.

Draw-Off Tunnels
Required=Yes

An inspection was conducted of draw-off tunnels for existing and potential hazards, such as fire hazards, accumulations, and inadequate escapeways, air quality, guarding, and ventilation.

Drilling Practices
Required=Yes

An inspection was conducted of all drill sites on mine property and the inspector observed a complete drilling cycle to evaluate work practices, examination of equipment, safe access, equipment condition, accumulation of combustible materials, fire protection, and noise and respirable dust controls.

MineID: 4608436 **Event Number:** 4110669 Inspector(s) Initials: [redacted] Supervisor Initials: RDR

Coal Inspection Tracking System

Surface

Dumping Facilities
Required=Yes

An inspection was conducted of conditions and practices at all dumping facilities in accordance with guidance provided in the Dump Point Inspection Handbook, including the adequacy of stop blocks, berms, access road grades, warning signs, posted speed limits, and the presence of stress cracks.

Electrical Installation
Required=Yes

An inspection was conducted of all electrical installations for existing and potential hazards, such as: structure condition, guarding, accumulations, lighting, fire protection, safety devices, and safe access

Equipment
Required=Yes

An inspection was conducted of each piece of in-use or available-for-use equipment to determine if hazards or potential hazards existed. The inspection evaluated compliance with applicable standards including: safe access, guards, equipment condition, fire detection systems, combustible materials, fire protection, condition of electrical cables, wiring, and circuit protection.

Date	AR #	Location	Shift	Complete
12/22/2005	23855	*CHECKED FORK LIFTS, ALL OK*	2	☑

Escapeways
Required=Yes

An inspection was conducted of all work areas to determine if escapeways were adequate. The inspection evaluated compliance with applicable standards for safe access, lighting, escapeway maintenance, and included discussions with miners working in each area.

Explosives Storage
Required=Yes

An inspection was conducted of all areas where explosives were stored on mine property, including: an observation of storage security, combustible materials, handling, fire protection, and record keeping. The inspector completed the appropriate ATF forms.

Fire Fighting Equipment Surface
Required=Yes

An inspection was conducted of all surface fire fighting equipment, including an evaluation of: equipment maintenance, placement for safe access if needed, and equipment identification.

Fuel Storage
Required=Yes

An inspection was conducted of all areas where fuel was being stored for compliance with applicable standards including: safe access, combustible materials, handling, and fire protection.

Ground Control
Required=Yes

The inspector evaluated compliance with the current ground control plan. The inspector also evaluated the adequacy of the plan for conditions and polled the operator and miners as to their knowledge of the plan.

Surface

Haulage Facilities (Including Belts) ***Required=Yes***	An inspection was conducted of each haulage facility to determine compliance with applicable standards, including: safe access, guards, equipment condition, fire hazards, combustible materials, fire protection, and electrical installations.
High Walls And Spoil Banks ***Required=Yes***	An inspection was conducted of high walls and spoil banks in all active areas for existing and potential hazards, such: loose material, over hanging rock, or unstable spoil banks.
Hoisting Equipment ***Required=Yes***	An inspection was conducted of all hoisting equipment to determine compliance with applicable standards, including: structure condition, guarding, accumulations, lighting, electrical installations, rope condition, fire protection, safety devices, and safe access.
Illumination Of Work Areas ***Required=Yes***	An inspection was conducted of all work areas to evaluate illumination adequacy. The evaluation included observation of lighting and information obtained from polling miners.
Independent Contractors Observed And Listed ***Required=Yes***	All independent contractors encountered were inspected for compliance with applicable standards, including: observations of work practices, comparing training records with information received from workers, and inspection of equipment. MSHA Form 2000-208 (inspection notes page) was complete and submitted as part of the inspection report.
Methane Tests In Required Locations (Surface) ***Required=Yes***	The inspector conducted a test for methane in all structures and areas where there was a potential for a hazardous accumulations of methane.
Non-Major Construction Sites ***Required=Yes***	All independent contractors encountered at non-major construction sites were inspected for compliance with applicable standards, including: observations of work practices, comparing training records with information received from workers, and inspection of equipment. MSHA Form 2000-208 (inspection notes page) was completed and submitted as part of the inspection report.
Other Places Where Miners Work Or Travel ***Required=Yes***	Other work areas and travelways were inspected for compliance with applicable standards, including: observations of work practices, illumination, safe access, combustible material accumulations, workplace maintenance, and air quality.
Potable Water (Surface) ***Required=Yes***	The inspector determined if potable water was made available. This evaluation included information obtained from the miners and the operator.

Surface

Preparation Plant

Required=Yes

An inspection was conducted of all preparation plants for compliance with applicable standards, including: structure condition, guarding, accumulations, lighting, electrical installation, air quality, fire protection, and safe access.

Refuse Pile And Impoundments

Required=Yes

The inspector made an inspection in accordance with the Coal Mine Impoundment Inspection Procedures Handbook to determine compliance with applicable standards, including: safe access, berms, proximity to underground mines, drainage, combustible materials around site, equipment condition, and fire protection. A comparison was made between the operator's examination records and the inspector's observations.

Safety Talks With Surface Crews

Required=Yes

The inspector held safety discussions with miners at the mine, including topics such as: recent accidents, accident history, mine-specific hazards, and occupation-specific health and safety concerns

Date	AR #	Location	Shift	Complete
10/11/2005	23855		2	☑

Sanitary Facilities (Bathhouse)

Required=Yes

An inspection was conducted of all sanitary facilities for compliance with applicable standards, including attention to: location, structure, cleanness, safe access, and compliance with a bathing facilities waiver.

Date	AR #	Location	Shift	Complete
12/22/2005	23855		2	☑

SCSR's In Required Locations (Surface)

Required=Yes

An inspection was conducted of all locations where SCSR's were required to be maintained and/or carried and compliance evaluated, including: comparing the data from inspection records with inspector observations and physical inspection of each unit. The inspector discussed donning of the devices with a sufficient number of miners to determine if they were knowledgeable in the donning procedures.

MineID: 4608436 **Event Number:** 4110669

Inspector(s) Initials: [redacted] _____ Supervisor Initials: RDR

Coal Inspection Tracking System

Surface

Shop

Required=Yes

An inspection was conducted of all shops to determine compliance with applicable standards, including attention to: structure condition, guarding, accumulations, lighting, electrical installation, air quality, fire protection, safety devices, and safe access.

Date	AR #	Location	Shift	Complete
12/22/2005	23855	*CHECKED ALL CHARGERS, ALL OK*	2	☑

Surface First Aid Kit

Required=Yes

An inspection was conducted of all surface first-aid kits.

Thermal Dryer

Required=Yes

An inspection was conducted of all thermal dryers for compliance with applicable standards, including attention to: structure condition, guarding, accumulations, lighting, electrical installation, air quality, fire protection, safety devices, and safe access.

Travelways And Active Roadways

Required=Yes

An inspection was conducted of all travelways and active roadways for compliance with applicable standards, including attention to: road grades and design, visibility, and traffic control.

Ventilation Facilities

Required=Yes

An inspection was conducted of all ventilation facilities for compliance with applicable standards, including attention to: airway heaters, safe access, guards, equipment condition, fire detection systems, combustible materials, fire protection, condition of electrical cables and wiring, and circuit capacity.

Date	AR #	Location	Shift	Complete
12/22/2005	23855	*CHECKED FAN AT JARRELL BRANCH AND AT UBB, BOTH OK*	2	☑

MineID: 4110669 **Event Number:** 4110669

Inspector(s) Initials: [redacted]

Supervisor Initials: RDR

Coal Inspection Tracking System

Air Quality/Quantity

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
12/22/2005	11:45	2	23855	# 1 NORTH RETURN	185	13,875	20.8	0.0			☑	K0551

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
10/12/2005	8:35	2	23855	# 17 JACK LONGWALL	610		20.8	0.0			☑	

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
12/22/2005	11:40	2	23855	# 2 NORTH TRACK	135	9,855	20.8	0.0			☑	K0528

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
12/22/2005	11:30	2	23855	# 5 NORTH RETURN	754	66,352	20.8	0.0			☑	K0595

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
10/12/2005	8:50	2	23855	#160 JACK ON LONGWALL	540		20.8	0.0			☑	

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
12/1/2005	19:50	3	23855	EP 128 TAIL	2660	2,394	20.8	0.0			☐	

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
12/1/2005	15:00	3	23855	EP 20	722	81,586	20.8	0.0			☐	

MineID: 4110669 **Event Number:** 4110669

Inspector(s) Initials: [redacted]

Supervisor Initials: RDR

Coal Inspection Tracking System

Air Quality/Quantity

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
12/1/2005	20:20	3	23855	EP 21	3124	3,436	20.8	0.0			☐	

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
12/1/2005	20:30	3	23855	EP 22	1098	2,196	20.8	0.0			☐	

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
12/1/2005	20:35	3	23855	EP 39	1712	2,739	20.8	0.0			☐	

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
12/7/2005		3	23855	EP 40	1084	1,192	20.8	0.0			☑	

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
12/1/2005	20:50	3	23855	EP 41	960	2,880	20.8	0.0			☐	

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
12/1/2005	21:10	3	23855	EP 42	1529	7,033	20.8	0.0			☐	

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
12/7/2005	22:20	3	23855	EP 43	1037	3,973	20.8	0.0			☑	

MineID: 4110669 **Event Number:** 4110669

Inspector(s) Initials: [redacted]

Supervisor Initials: RDR

Coal Inspection Tracking System

Air Quality/Quantity

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
12/7/2005	22:00	3	23855	EP 50	838	5,195	20.8	0.0			☑	

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
12/27/2005	9:30	2	23855	EP 52	564	325	20.8	0.0			☐	

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
12/27/2005	9:45	2	23855	EP 53	2132	15,137	20.8	0.0			☐	

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
12/27/2005	9:10	2	23855	EP 54	478	4,780	20.8	0.0			☐	

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
11/8/2005	15:30	3	23855	INTAKE HG 20	196	25,480	20.8	0.0			☑	

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
10/27/2005		3	23855	INTAKE HG 20 PILLARS	222	31,080	20.8	0.0			☑	

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
12/22/2005	10:10	2	23855	JARRELL BRANCH RETURN FAN	3024	402,492	20.8	0.0			☑	K0558

MineID: 4110669 **Event Number:** 4110669

Inspector(s) Initials: [redacted]

Supervisor Initials: RDR

Coal Inspection Tracking System

Air Quality/Quantity

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
10/12/2005	8:30	2	23855	LONGWALL INTAKE	446	62,440	20.8	0.0			☑	
12/27/2005	10:30	2	23855	LONGWALL INTAKE	326	58,680	20.8	0.0			☐	

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
10/12/2005	8:30	2	23855	LONGWALL INTAKE	446	62,440	20.8	0.0			☑	
12/27/2005	10:30	2	23855	LONGWALL INTAKE	326	58,680	20.8	0.0			☐	

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
10/31/2005	18:35	3	23855	NUMBER 1 RETURN SOUTH PORTAL	296	24,420	20.8	0.0			☑	K0519

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
10/31/2005	18:35	3	23855	number 1 TL AT 1 SOUTH PORTALS, RET	296	24,420	20.8	0.0			☑	K0519

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
11/1/2005	16:15	3	23855	NUMBER 2 ENTRY ON PILLAR LINE IN H	149	17,880	20.8	0.0			☑	

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
10/31/2005	19:00	3	23855	NUMBER 2 TL, BELT AT I SOUTH PORTA	184	34,592	20.8	0.0			☑	K0551

MineID: 4110669 **Event Number:** 4110669 Inspector(s) Initials: [redacted] Supervisor Initials: RDR

Coal Inspection Tracking System

Air Quality/Quantity

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
10/31/2005	19:05	3	23855	NUMBER 3 TL, TRACK AT 1 SOUTH POR	469	3,752	20.8	0.0			☑	K0555

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
10/31/2005	19:10	3	23855	NUMBER 4 TL, NEUTRAL AT 1 SOUTH P	429	3,861	20.8	0.0			☑	K0526

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
12/22/2005	12:00	2	23855	OLD SOUTH FAN	94	8,366	20.8	0.0			☑	K0594

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
11/8/2005	16:00	3	23855	PILLAR SPLIT BETWEEN 39 AND 40 BLO	112	14,560	20.8	0.0			☑	

Date	Time	Shift	AR#	Measurement Location	Velocity	Quantity	O2	CH4	CO	NO2	TL Sample	Bottle #
11/8/2005	17:55	3	23855	PILLARS BETWEEN 40 AND 41 BLOCK IN	100	13,300	20.8	0.0			☑	

MineID: 4608436 **Event Number:** 4110669

Inspector(s) Initials: [redacted] _____ Supervisor Initials: RDR

Coal Inspection Tracking System

Haulage

AMS Alarm Systems (Including CO)

Required= Yes

The inspector examined the AMS records and system components and observed the operator making a required calibration of system sensors. To determine the accuracy of the system, the inspector compared the data and times obtained during his observation with information recorded by the system on the surface.

Date	AR #	Location	Shift	Complete
12/28/2005	23855		2	☑

Belts, Skip Shaft Facilities, Bunkers

Required= Yes

An inspection was conducted of each belt flight, skip shaft, or bunker and all associated equipment to determine if a hazard or potential hazard existed, including safe access, improper guards, inoperative fire detection systems, combustible materials, fire protection, condition of electrical cables and wiring, power source capacity, and general operating condition. The inspector compared information from examination records with observations made during the inspection.

Date	AR #	Location	Shift	Complete
12/28/2005	23855	*ALL NORTH MAINS BELTS*	3	☑

MineID: 4608436 **Event Number:** 4110669 Inspector(s) Initials: [redacted] Supervisor Initials: RDR

Coal Inspection Tracking System

Haulage

Outby Equipment

Required= Yes

An inspection was conducted of each piece of in-use or available for use equipment to determine if any hazards or potential hazardous condition existed, including safe access, improper guards, equipment condition, inoperative fire suppression systems, combustible materials, fire protection, condition of trailing or inter-machine electrical cables, cable conduit, safety devices, and diesel compliance.

Date	AR #	Location	Shift	Complete
10/27/2005	23855	*CHECKED NUMBER 4 AND `12 JEEPS*	3	☑
11/1/2005	23855	*CHECKED ALL POWER CENTERS ALONG TRACK FROM SURFACE TO HG 15 SECTION*	3	☑
12/1/2005	23855	*128 TAIL SWCOOP AND CHARGER ,MULE, PC, PUMP AND ROOF BOLTER.*	3	☑
12/5/2005	23855	*CHECK 4 AND 6 MOTOR*	2	☑
12/5/2005	23855	*NUMBER 3 AND 8 MOTORS*	2	☑
12/7/2005	23855	*CHECKED 6 AND 12 JEEPS AND 5 AND 10 MANTRIPS*	3	☑
12/27/2005	23855	*NUMBER 3 JEEP*	2	☑
12/27/2005	23855	*NUMBER 4 AND 1 MANTRIPS*	2	☑
12/28/2005	23855	*# 7 AND 1 MANTRIP*	2	☑
12/28/2005	23855	*ALL POWER CENTERS HG 15 TO NORTH MAINS*	3	☑

MineID: 4608436 **Event Number:** 4110669

Inspector(s) Initials: [redacted] _____ Supervisor Initials: RDR

Coal Inspection Tracking System

Haulage

Trackways

Required= Yes

The inspector made an inspection of each track way to determine if a hazards or potential hazards existed including clearance, switches, bonding, trolley guards, equipment, combustible materials, fire protection, and condition of electrical cables and wiring. The inspector compared information from examination records with observations made during the examination.

Date	AR #	Location		Shift	Complete
11/1/2005	23855	SURFACE	HG 15 SECTION	3	☑
11/8/2005	23855	SURFACE	HG 20	3	☑
12/28/2005	23855	SURFACE	NORTH MAINS	2	☑

MineID: 4608436 **Event Number:** 4110669 Inspector(s) Initials: [redacted] Supervisor Initials: RDR

Coal Inspection Tracking System

Underground MMU

MMU Number(s): 030-0

Air Measurements Taken

Required=Yes

The inspector measured air quantity at locations required on working sections in the Coal General Inspection Procedure Handbook.

Date	AR #	Location	Shift	Complete
11/29/2005	23855	030-0	3	☑

All Shifts (Working Section)

Required=Yes

The inspector made an inspection during each shift. The inspector discussed matters concerning health and safety and work practices with miners encountered.

Date	AR #	Location	Shift	Complete
11/29/2005	23855	030-0	3	☑

Blasting Practices (Working Section)

Required=Yes

An inspection was conducted of all areas where explosives were being used on the section, including: an observation of work practices, the blasting cycle, storage security, combustible materials, fire protection, and record keeping. The inspector completed the appropriate ATF forms

Communication Installations Checked

Required=Yes

An inspection was conducted of all communication installations for compliance with applicable standards, including attention to: grounding, insulation, lighting protection, proper operation, and safe access.

Date	AR #	Location	Shift	Complete
11/29/2005	23855	030-0	3	☑

Compliance Of Dust Control Parameters

Required=Yes

Dust controls used on the section were inspected to determine compliance with the approved mine ventilation plan. Miners were polled to determine if conditions observed were representative of normal mining conditions. Respirable dust samples were collected pursuant to current health inspection procedures.

Date	AR #	Location	Shift	Complete
11/29/2005	23855	030-0	3	☑

Compliance With Hearing Conservation Plans

Required=Yes

The inspector determined operator compliance with the stipulations contained in the current hearing conservation program, including administrative controls such as hearing protection, exposure time limitations, and a discussion with enrolled miners to ascertain their knowledge of the program. Noise surveys were conducted in accordance with current health inspection procedures.

Date	AR #	Location	Shift	Complete
11/29/2005	23855	030-0	3	☑

Dates, Times, and Initials

Required=Yes

The inspector examined all faces on each working section and determined if the mine examiner had certified with dates, times and initials that the required examinations were conducted.

Date	AR #	Location	Shift	Complete
11/29/2005	23855	030-0	3	☑

Escapeway Map

Required=Yes

The inspector determined if an up-to-date escapeway map was maintained on each working section. Discussions were conducted with the miners to determine if they were familiar with the map location, the designated escape routes, and evacuation procedures.

Date	AR #	Location	Shift	Complete
11/29/2005	23855	030-0	3	☑

Evaluated Operator's Smoker Search Program

Required=Yes

The inspector determined compliance by observing an operator's smoking program and compared information in the record book with information obtained from discussions with the miners.

Date	AR #	Location	Shift	Complete
11/29/2005	23855	030-0	3	☑

Face Areas Inspected (For Imminent Dangers)

Required=Yes

All the working faces on each active working section were inspected to determine if imminent dangers existed.

Date	AR #	Location	Shift	Complete
11/29/2005	23855	030-0	3	☑

Face Illumination

Required=Yes

An inspection was conducted of illumination in all working places to determine compliance with applicable standards.

Date	AR #	Location	Shift	Complete
11/29/2005	23855	030-0	3	☑

Fire Protection Checked

Required=Yes

All fire fighting equipment available for use on the section was inspected for compliance with applicable standards, including attention to: equipment maintenance, placement for safe access, inspection record, and adequate capacity.

Date	AR #	Location	Shift	Complete
11/29/2005	23855	030-0	3	☑

First-Aid Equipment Checked

Required=Yes

An inspection was conducted of all underground first-aid kits for compliance with applicable standards.

Date	AR #	Location	Shift	Complete
11/29/2005	23855	030-0	3	☑

Gas Test Documented Or Statements Of Abnormalities

Required=Yes

The inspector tested air quality at locations required on working sections in the Coal General Inspection Procedure Handbook.

Date	AR #	Location	Shift	Complete
11/29/2005	23855	030-0	3	☑

Location Of Last Open Crosscut

Required=Yes

The last open crosscut identified by it's location in relation to a permanent marker that appears on the mine map; such as a survey spad number or crosscut number.

Date	AR #	Location	Shift	Complete
11/29/2005	23855	030-0	3	☑

MineID: 4608436 **Event Number:** 4110669 Inspector(s) Initials: [redacted] Supervisor Initials: RDR

Coal Inspection Tracking System

Underground MMU

MMU Number(s): 030-0

Mining Cycle Observed And Method Listed

Required=Yes

The inspector observed the mining cycle on each working section to determine compliance with applicable standards and evaluated work practices for health and safety.

Date	AR #	Location	Shift	Complete
11/29/2005	23855	030-0	3	☑

Observed Haulage Practices

Required=Yes

The inspector observed haulage practices to determine compliance with applicable standards and evaluate work practices for health and safety.

Date	AR #	Location	Shift	Complete
11/29/2005	23855	030-0	3	☑

Potable Water (Working Section)

Required=Yes

The inspector determined that potable water was available. This evaluation included information obtained from the miners and the operator.

Date	AR #	Location	Shift	Complete
11/29/2005	23855	030-0	3	☑

Required Ventilation Controls Adequate

Required=Yes

Temporary and permanent ventilation controls were inspected on each working section during normal mining cycles to determine effectiveness and compliance with applicable standards, including attention to information obtained from the miners installing the ventilation controls, equipment operators, and the mine operator.

Date	AR #	Location	Shift	Complete
11/29/2005	23855	030-0	3	☑

Rock Dust Applications Checked

Required=Yes

The inspector examined the working section and determined if rock dust application was adequate Spot samples were collected where compliance could not be clearly determined by visual observation.

Rock Dust Survey Taken

Required=Yes

The inspector conducted a rock dust survey to within 50 feet of the section dumping point on each advancing active working section in the mine. All previously surveyed wet areas were revisited to determine if samples could be collected.

Date	AR #	Location	Shift	Complete
12/28/2005	23855	030-0	3	☑

Roof & Ribs Evaluated

Required=Yes

The inspector observed roof and rib conditions on each active working section to determine compliance with applicable standards, including attention to: roof control failures, roof control plan requirements, and information obtained from the miners installing the roof supports and the mine operator.

Date	AR #	Location	Shift	Complete
11/29/2005	23855	030-0	3	☑

Safety Talks With Miners

Required=Yes

The inspector held safety discussions with miners on the section, including topics such as: recent accidents, accident history, mine-specific hazards, and occupation-specific health and safety concerns.

Date	AR #	Location	Shift	Complete
11/29/2005	23855	030-0	3	☑

Sanitary Facilities

Required=Yes

An inspection was conducted of sanitary facilities for compliance with applicable standards, including attention to location and cleanness.

Date	AR #	Location	Shift	Complete
11/29/2005	23855	030-0	3	☑

Section Equipment (Including Face Equipment)

Required=Yes

An inspection was conducted of each piece of in-use or available for use equipment to determine compliance with applicable standards, with attention to: permissibility, safe access, guards, equipment condition, fire suppression systems, combustible materials, fire protection, condition of trailing or other machine electrical cables, cable conduit, circuit breaker capacity and identification, methane monitors (where applicable), and safety devices.

Date	AR #	Location	Shift	Complete
12/28/2005	23855	030-0 ALL SECTION EQUIPMENT	3	☑

Self-Rescue Devices (Working Section)

Required=Yes

The operator's compliance with approved self-rescuer condition-of-use requirements shall be evaluated by inspecting a representative number of each type of device in use at the mine, but no less than ten percent. A higher percentage should be inspected when devices are worn, carried, or machine-mounted. These inspections should be conducted in accordance with the manufacturer's approved daily inspection procedures. The inspector shall evaluate the adequacy of SCSR training by discussing donning procedures with a representative number of individual miners to ascertain their understanding of how to use the SCSR. If inspectors are made aware of any self-rescuer training deficiencies, they should report them to the District training/liaison/specialist.

Date	AR #	Location	Shift	Complete
11/29/2005	23855	030-0	3	☑

MineID: 4608436 **Event Number:** 4110669 Inspector(s) Initials: [redacted] Supervisor Initials: RDR

Coal Inspection Tracking System

Underground MMU

MMU Number(s): 008-0

Air Measurements Taken

Required=Yes

The inspector measured air quantity at locations required on working sections in the Coal General Inspection Procedure Handbook.

Date	AR #	Location	Shift	Complete
10/27/2005	23855	008-0 HG 20	3	☑

All Shifts (Working Section)

Required=Yes

The inspector made an inspection during each shift. The inspector discussed matters concerning health and safety and work practices with miners encountered.

Date	AR #	Location	Shift	Complete
10/27/2005	23855	008-0 EVENING AND MIDNIGHT-	3	☑

Blasting Practices (Working Section)

Required=Yes

An inspection was conducted of all areas where explosives were being used on the section, including: an observation of work practices, the blasting cycle, storage security, combustible materials, fire protection, and record keeping. The inspector completed the appropriate ATF forms

Communication Installations Checked

Required=Yes

An inspection was conducted of all communication installations for compliance with applicable standards, including attention to: grounding, insulation, lighting protection, proper operation, and safe access.

Date	AR #	Location	Shift	Complete
11/8/2005	23855	008-0 HG 20	3	☑

Compliance Of Dust Control Parameters

Required=Yes

Dust controls used on the section were inspected to determine compliance with the approved mine ventilation plan. Miners were polled to determine if conditions observed were representative of normal mining conditions. Respirable dust samples were collected pursuant to current health inspection procedures.

Date	AR #	Location	Shift	Complete
11/8/2005	23855	008-0	3	☑

Compliance With Hearing Conservation Plans

Required=Yes

The inspector determined operator compliance with the stipulations contained in the current hearing conservation program, including administrative controls such as hearing protection, exposure time limitations, and a discussion with enrolled miners to ascertain their knowledge of the program. Noise surveys were conducted in accordance with current health inspection procedures.

Date	AR #	Location	Shift	Complete
11/8/2005	23855	008-0	3	☑

Dates, Times, and Initials

Required=Yes

The inspector examined all faces on each working section and determined if the mine examiner had certified with dates, times and initials that the required examinations were conducted.

Date	AR #	Location	Shift	Complete
11/8/2005	23855	008-0	3	☑

Escapeway Map

Required=Yes

The inspector determined if an up-to-date escapeway map was maintained on each working section. Discussions were conducted with the miners to determine if they were familiar with the map location, the designated escape routes, and evacuation procedures.

Date	AR #	Location	Shift	Complete
11/8/2005	23855	008-0	3	☑

Evaluated Operator's Smoker Search Program

Required=Yes

The inspector determined compliance by observing an operator's smoking program and compared information in the record book with information obtained from discussions with the miners.

Date	AR #	Location	Shift	Complete
11/8/2005	23855	008-0	3	☑

Face Areas Inspected (For Imminent Dangers)

Required=Yes

All the working faces on each active working section were inspected to determine if imminent dangers existed.

Date	AR #	Location	Shift	Complete
11/8/2005	23855	008-0	3	☑

Face Illumination

Required=Yes

An inspection was conducted of illumination in all working places to determine compliance with applicable standards.

Date	AR #	Location	Shift	Complete
11/8/2005	23855	008-0	3	☑

Fire Protection Checked

Required=Yes

All fire fighting equipment available for use on the section was inspected for compliance with applicable standards, including attention to: equipment maintenance, placement for safe access, inspection record, and adequate capacity.

Date	AR #	Location	Shift	Complete
11/8/2005	23855	008-0	3	☑

First-Aid Equipment Checked

Required=Yes

An inspection was conducted of all underground first-aid kits for compliance with applicable standards.

Date	AR #	Location	Shift	Complete
11/8/2005	23855	008-0	3	☑

Gas Test Documented Or Statements Of Abnormalities

Required=Yes

The inspector tested air quality at locations required on working sections in the Coal General Inspection Procedure Handbook.

Date	AR #	Location	Shift	Complete
11/8/2005	23855	008-0	3	☑

Location Of Last Open Crosscut

Required=Yes

The last open crosscut identified by it's location in relation to a permanent marker that appears on the mine map; such as a survey spad number or crosscut number.

Date	AR #	Location	Shift	Complete
11/8/2005	23855	008-0	3	☑

Mining Cycle Observed And Method Listed

Required=Yes

The inspector observed the mining cycle on each working section to determine compliance with applicable standards and evaluated work practices for health and safety.

Date	AR #	Location	Shift	Complete
11/8/2005	23855	008-0	3	☑

Observed Haulage Practices

Required=Yes

The inspector observed haulage practices to determine compliance with applicable standards and evaluate work practices for health and safety.

Date	AR #	Location	Shift	Complete
11/8/2005	23855	008-0	3	☑

Potable Water (Working Section)

Required=Yes

The inspector determined that potable water was available. This evaluation included information obtained from the miners and the operator.

Date	AR #	Location	Shift	Complete
11/8/2005	23855	008-0	3	☑

Required Ventilation Controls Adequate

Required=Yes

Temporary and permanent ventilation controls were inspected on each working section during normal mining cycles to determine effectiveness and compliance with applicable standards, including attention to information obtained from the miners installing the ventilation controls, equipment operators, and the mine operator.

Date	AR #	Location	Shift	Complete
11/8/2005	23855	008-0	3	☑

Rock Dust Applications Checked

Required=Yes

The inspector examined the working section and determined if rock dust application was adequate Spot samples were collected where compliance could not be clearly determined by visual observation.

Date	AR #	Location	Shift	Complete
11/8/2005	23855	008-0	3	☑

Rock Dust Survey Taken

Required=Yes

The inspector conducted a rock dust survey to within 50 feet of the section dumping point on each advancing active working section in the mine. All previously surveyed wet areas were revisited to determine if samples could be collected.

Date	AR #	Location	Shift	Complete
12/28/2005	23855	008-0	2	☑

Roof & Ribs Evaluated

Required=Yes

The inspector observed roof and rib conditions on each active working section to determine compliance with applicable standards, including attention to: roof control failures, roof control plan requirements, and information obtained from the miners installing the roof supports and the mine operator.

Date	AR #	Location	Shift	Complete
11/8/2005	23855	008-0	3	☑

Safety Talks With Miners

Required=Yes

The inspector held safety discussions with miners on the section, including topics such as: recent accidents, accident history, mine-specific hazards, and occupation-specific health and safety concerns.

Date	AR #	Location	Shift	Complete
11/8/2005	23855	008-0	3	☑

Sanitary Facilities

Required=Yes

An inspection was conducted of sanitary facilities for compliance with applicable standards, including attention to location and cleanness.

Date	AR #	Location	Shift	Complete
11/8/2005	23855	008-0	3	☑

Section Equipment (Including Face Equipment)

Required=Yes

An inspection was conducted of each piece of in-use or available for use equipment to determine compliance with applicable standards, with attention to: permissibility, safe access, guards, equipment condition, fire suppression systems, combustible materials, fire protection, condition of trailing or other machine electrical cables, cable conduit, circuit breaker capacity and identification, methane monitors (where applicable), and safety devices.

Date	AR #	Location	Shift	Complete
11/1/2005	23855	008-0 ALL SECTION EQUIPMENT AND SELF RESCUERS	3	☑

MineID: 4608436 **Event Number:** 4110669

Inspector(s) Initials: [redacted]

Supervisor Initials: RDR

Coal Inspection Tracking System

Underground MMU

MMU Number(s): 008-0

Self-Rescue Devices (Working Section)

Required=Yes

The operator's compliance with approved self-rescuer condition-of-use requirements shall be evaluated by inspecting a representative number of each type of device in use at the mine, but no less than ten percent. A higher percentage should be inspected when devices are worn, carried, or machine-mounted. These inspections should be conducted in accordance with the manufacturer's approved daily inspection procedures. The inspector shall evaluate the adequacy of SCSR training by discussing donning procedures with a representative number of individual miners to ascertain their understanding of how to use the SCSR. If inspectors are made aware of any self-rescuer training deficiencies, they should report them to the District training/liaison/specialist.

Date	AR #	Location	Shift	Complete
11/1/2005	23855	008-0	3	☑
11/8/2005	23855	008-0	3	☑

MineID: 4608436 **Event Number:** 4110669 Inspector(s) Initials: [redacted] Supervisor Initials: RDR

Coal Inspection Tracking System

Underground MMU

MMU Number(s): 031-0

Air Measurements Taken

Required=Yes

The inspector measured air quantity at locations required on working sections in the Coal General Inspection Procedure Handbook.

Date	AR #	Location	Shift	Complete
10/12/2005	23855	031-0	2	☑

All Shifts (Working Section)

Required=Yes

The inspector made an inspection during each shift. The inspector discussed matters concerning health and safety and work practices with miners encountered.

Date	AR #	Location	Shift	Complete
10/12/2005	23855	031-0 12/7/2005 EVEN AND MID	2	☑

Blasting Practices (Working Section)

Required=Yes

An inspection was conducted of all areas where explosives were being used on the section, including: an observation of work practices, the blasting cycle, storage security, combustible materials, fire protection, and record keeping. The inspector completed the appropriate ATF forms

Communication Installations Checked

Required=Yes

An inspection was conducted of all communication installations for compliance with applicable standards, including attention to: grounding, insulation, lighting protection, proper operation, and safe access.

Date	AR #	Location	Shift	Complete
10/12/2005	23855	031-0	2	☑

Compliance Of Dust Control Parameters

Required=Yes

Dust controls used on the section were inspected to determine compliance with the approved mine ventilation plan. Miners were polled to determine if conditions observed were representative of normal mining conditions. Respirable dust samples were collected pursuant to current health inspection procedures.

Date	AR #	Location	Shift	Complete
10/12/2005	23855	031-0	2	☑

MineID: 4608436 **Event Number:** 4110669 Inspector(s) Initials: [redacted] Supervisor Initials: RDR

Coal Inspection Tracking System

Underground MMU

MMU Number(s): 031-0

Compliance With Hearing Conservation Plans

Required=Yes

The inspector determined operator compliance with the stipulations contained in the current hearing conservation program, including administrative controls such as hearing protection, exposure time limitations, and a discussion with enrolled miners to ascertain their knowledge of the program. Noise surveys were conducted in accordance with current health inspection procedures.

Date	AR #	Location	Shift	Complete
10/12/2005	23855	031-0	2	☑

Dates, Times, and Initials

Required=Yes

The inspector examined all faces on each working section and determined if the mine examiner had certified with dates, times and initials that the required examinations were conducted.

Date	AR #	Location	Shift	Complete
10/12/2005	23855	031-0	2	☑

Escapeway Map

Required=Yes

The inspector determined if an up-to-date escapeway map was maintained on each working section. Discussions were conducted with the miners to determine if they were familiar with the map location, the designated escape routes, and evacuation procedures.

Date	AR #	Location	Shift	Complete
10/12/2005	23855	031-0	2	☑

Evaluated Operator's Smoker Search Program

Required=Yes

The inspector determined compliance by observing an operator's smoking program and compared information in the record book with information obtained from discussions with the miners.

Date	AR #	Location	Shift	Complete
10/12/2005	23855	031-0	2	☑

Face Areas Inspected (For Imminent Dangers)

Required=Yes

All the working faces on each active working section were inspected to determine if imminent dangers existed.

Date	AR #	Location	Shift	Complete
10/12/2005	23855	031-0	2	☑

MineID: 4608436 **Event Number:** 4110669 Inspector(s) Initials: [redacted] Supervisor Initials: RDR

Coal Inspection Tracking System

Underground MMU

MMU Number(s): 031-0

Face Illumination

Required=Yes

An inspection was conducted of illumination in all working places to determine compliance with applicable standards.

Date	AR #	Location	Shift	Complete
10/12/2005	23855	031-0	2	☑

Fire Protection Checked

Required=Yes

All fire fighting equipment available for use on the section was inspected for compliance with applicable standards, including attention to: equipment maintenance, placement for safe access, inspection record, and adequate capacity.

Date	AR #	Location	Shift	Complete
10/12/2005	23855	031-0	2	☑

First-Aid Equipment Checked

Required=Yes

An inspection was conducted of all underground first-aid kits for compliance with applicable standards.

Date	AR #	Location	Shift	Complete
11/1/2005	23855	031-0	3	☑

Gas Test Documented Or Statements Of Abnormalities

Required=Yes

The inspector tested air quality at locations required on working sections in the Coal General Inspection Procedure Handbook.

Date	AR #	Location	Shift	Complete
10/12/2005	23855	031-0	2	☑

Location Of Last Open Crosscut

Required=Yes

The last open crosscut identified by it's location in relation to a permanent marker that appears on the mine map; such as a survey spad number or crosscut number.

Date	AR #	Location	Shift	Complete
10/12/2005	23855	031-0	2	☑

Mining Cycle Observed And Method Listed

Required=Yes

The inspector observed the mining cycle on each working section to determine compliance with applicable standards and evaluated work practices for health and safety.

Date	AR #	Location	Shift	Complete
10/12/2005	23855	031-0	2	☑

Observed Haulage Practices

Required=Yes

The inspector observed haulage practices to determine compliance with applicable standards and evaluate work practices for health and safety.

Date	AR #	Location	Shift	Complete
10/12/2005	23855	031-0	2	☑

Potable Water (Working Section)

Required=Yes

The inspector determined that potable water was available. This evaluation included information obtained from the miners and the operator.

Date	AR #	Location	Shift	Complete
10/12/2005	23855	031-0	2	☑

Required Ventilation Controls Adequate

Required=Yes

Temporary and permanent ventilation controls were inspected on each working section during normal mining cycles to determine effectiveness and compliance with applicable standards, including attention to information obtained from the miners installing the ventilation controls, equipment operators, and the mine operator.

Date	AR #	Location	Shift	Complete
10/12/2005	23855	031-0	2	☑

Rock Dust Applications Checked

Required=Yes

The inspector examined the working section and determined if rock dust application was adequate Spot samples were collected where compliance could not be clearly determined by visual observation.

Date	AR #	Location	Shift	Complete
10/12/2005	23855	031-0	2	☑
11/29/2005	23855	031-0	3	☑

Rock Dust Survey Taken

Required=Yes

The inspector conducted a rock dust survey to within 50 feet of the section dumping point on each advancing active working section in the mine. All previously surveyed wet areas were revisited to determine if samples could be collected.

Date	AR #	Location	Shift	Complete
12/28/2005	23855	031-0	2	☑

Roof & Ribs Evaluated

Required=Yes

The inspector observed roof and rib conditions on each active working section to determine compliance with applicable standards, including attention to: roof control failures, roof control plan requirements, and information obtained from the miners installing the roof supports and the mine operator.

Date	AR #	Location	Shift	Complete
10/12/2005	23855	031-0	2	☑

Safety Talks With Miners

Required=Yes

The inspector held safety discussions with miners on the section, including topics such as: recent accidents, accident history, mine-specific hazards, and occupation-specific health and safety concerns.

Date	AR #	Location	Shift	Complete
10/12/2005	23855	031-0	2	☑

Sanitary Facilities

Required=Yes

An inspection was conducted of sanitary facilities for compliance with applicable standards, including attention to location and cleanness.

Date	AR #	Location	Shift	Complete
10/12/2005	23855	031-0	2	☑

Section Equipment (Including Face Equipment)

Required=Yes

An inspection was conducted of each piece of in-use or available for use equipment to determine compliance with applicable standards, with attention to: permissibility, safe access, guards, equipment condition, fire suppression systems, combustible materials, fire protection, condition of trailing or other machine electrical cables, cable conduit, circuit breaker capacity and identification, methane monitors (where applicable), and safety devices.

Date	AR #	Location	Shift	Complete
12/7/2005	23855	031-0 ALL EQUIPMENT	3	☑

MineID: 4608436 **Event Number:** 4110669

Inspector(s) Initials: [redacted] _____ Supervisor Initials: RDR

Coal Inspection Tracking System

Underground MMU

MMU Number(s): 031-0

Self-Rescue Devices (Working Section)

Required=Yes

The operator's compliance with approved self-rescuer condition-of-use requirements shall be evaluated by inspecting a representative number of each type of device in use at the mine, but no less than ten percent. A higher percentage should be inspected when devices are worn, carried, or machine-mounted. These inspections should be conducted in accordance with the manufacturer's approved daily inspection procedures. The inspector shall evaluate the adequacy of SCSR training by discussing donning procedures with a representative number of individual miners to ascertain their understanding of how to use the SCSR. If inspectors are made aware of any self-rescuer training deficiencies, they should report them to the District training/liaison/specialist.

Date	AR #	Location	Shift	Complete
10/12/2005	23855	031-0	2	☑

MineID: 4608436 **Event Number:** 4110669

Inspector(s) Initials: [redacted]

Supervisor Initials: RDR

Coal Inspection Tracking System

UG Outby Areas

Alternate Escapeway (Including Facilities)

Required=Yes

Alternate escapeway entries and facilities were inspected in their entirety to determine compliance with applicable standards, including attention to: ventilation controls, man door condition and placement, markings showing the route of travel, mine roof conditions, rock dust application, postings of examination certification dates, times, and initials, and any equipment being operated in the alternate escapeway or facilities. The inspector made tests and measurements of air quality and quantity at locations required in the Coal Inspection Procedures Handbook and compared information in the operator's examination records with actual conditions in the area inspected.

Date	AR #	Location	Travel Begin	Travel End	Shift	Complete
10/12/2005	23855		surface	longwall	2	☑
10/27/2005	23855		surface	hg 20	3	☑
12/28/2005	23855		SURFACE	NORTH MAINS	2	☑

MineID: 4608436 **Event Number:** 4110669

Inspector(s) Initials: [redacted] _____ Supervisor Initials: RDR

Coal Inspection Tracking System

UG Outby Areas

Belt Entries

Required=Yes

Belt entries were inspected in their entirety to determine compliance with applicable standards, including attention to: ventilation controls, man door condition and placement, mine roof conditions, rock dust application, postings of examination certification dates, times, and initials, and any equipment being operated in the belt aircourse. The inspector made tests and measurements of air quality and quantity at locations required in the Coal Inspection Procedures Handbook and compared information in the operator's examination records with actual conditions in the area inspected.

Date	AR #	Location	Travel Begin	Travel End	Shift	Complete
10/12/2005	23855		TAIL OF 1 NORTH	TRACK AT PLUMLEY'S SWITCH	2	☑
10/12/2005	23855		TAIL NOF 2 NORTH	DRIVE	2	☑
10/12/2005	23855		LONGWALL DRIVE ON 3 NORTH	DRIVE	2	☑
12/28/2005	23855		NORTH MAIN # AT OLD LONGWALL HEAD	NORTH MAINS SECTION	2	☑
10/12/2005	23855		TAIL OF LONWALL	DRIVE	2	☑
10/31/2005	23855	1 NORTH BELT	DRIVE	PLUMLEY SWITCH	3	☑
10/31/2005	23855	1 SOUTH BELT	TOP OF CYCLO	TAILPIECE	3	☑
12/5/2005	23855	1N1W 1	TAIL	DRIVE	2	☑
12/5/2005	23855	1N1W 2	TAIL	DRIVE	2	☑
12/5/2005	23855	HG 20 BELT	TAIL	DRIVE	2	☑

MineID: 4608436 **Event Number:** 4110669

Inspector(s) Initials: [redacted]

Supervisor Initials: RDR

Coal Inspection Tracking System

UG Outby Areas

Bleeders Including Each Check Point

Required=Yes

At least one entry in each set of bleeder entries was inspected in its entirety or to evaluation points approved in the mine ventilation plan to determine compliance with applicable standards, including attention to: ventilation controls, mine roof conditions, rock dust application, postings of examination certification dates, times, and initials, and any equipment being operated in the bleeder entries. The inspector made tests and measurements of air quality and quantity at locations required in the Coal Inspection Procedures Handbook and compared information in the operator's examination records with actual conditions in the area inspected.

Intake Air Courses

Required=Yes

At least one entry in each Intake aircourse was inspected in its entirety to determine compliance with applicable standards, including attention to: ventilation controls, man door condition and placement, mine roof conditions, rock dust application, postings of examination certification dates, times, and initials, and any equipment being operated in the intake aircourses. The inspector made tests and measurements of air quality and quantity at locations required in the Coal Inspection Procedures Handbook and compared information in the operator's examination records with actual conditions in the area inspected.

Date	AR #	Location	Travel Begin	Travel End	Shift	Complete
10/27/2005	23855		SURFACE	HG 20	3	☑
11/9/2005	23855		LBB INTAKE	NORTH MAINS	3	☑
12/22/2005	23855		SURFACE	LONGWALL	2	☑
12/7/2005	23855	HG 15	SECTION	HG 16	3	☑

MineID: 4608436 **Event Number:** 4110669

Inspector(s) Initials: [redacted] Supervisor Initials: RDR

Coal Inspection Tracking System

UG Outby Areas

Return Air Courses

Required=Yes

At least one entry in each return aircourse was inspected in its entirety to determine compliance with applicable standards, including attention to: ventilation controls, man door condition and placement, mine roof conditions, rock dust application, postings of examination certification dates, times, and initials, and any equipment being operated in the return aircourses. The inspector made tests and measurements of air quality and quantity at locations required in the Coal Inspection Procedures Handbook and compared information in the operator's examination records with actual conditions in the area inspected.

Date	AR #	Location	Travel Begin	Travel End	Shift	Complete
12/1/2005	23855					☐
12/27/2005	23855	LOWER BIG BRANCH RETURN *CHECKED EP'S, 52,53 AND 54*	SWITCH	BACK TO SAME SWITCH OF LBB	2	☑
12/1/2005	23855	NORTH MAINS LEFT RETURN	73 X CUT	NORTH MAINS	3	☑
12/1/2005	23855	NORTH MAINS RIGHT RETURN	NORTH MAINS		3	☐
10/31/2005	23855	RETURN AND SEALS *INSPECTED ALL PUMPS AND FIRE PROTECTION*	SURFACE AT UBB	SURFACE AT 1 SOUTH PORTALS	3	☑

Seals (List Each Set)

Required=Yes

All mine seals were inspected to determine compliance with applicable standards, including attention to: seal condition, water traps, test pipes, postings of examination certification dates, times, and initials, and seal ventilation. The inspector made tests and measurements of air quality and quantity at locations required in the Coal Inspection Procedures Handbook and compared information in the operator's examination records with actual conditions in the area inspected.

MineID: 4608436 **Event Number:** 4110669

Inspector(s) Initials: [redacted] Supervisor Initials: RDR

Coal Inspection Tracking System

UG Outby Areas

Track Entries

Required=Yes

Track entries were inspected in their entirety to determine compliance with applicable standards, including attention to: ventilation controls, man door condition and placement, mine roof conditions, rock dust application, postings of examination certification dates, times, and initials, and any equipment being operated in the track aircourse. The inspector made tests and measurements of air quality and quantity at locations required in the Coal Inspection Procedures Handbook and compared information in the operator's examination records with actual conditions in the area inspected.

Date	AR #	Location	Travel Begin	Travel End	Shift	Complete
10/12/2005	23855		SURFACE	LONGWALL 031-0	2	☑
10/27/2005	23855		SURFACE	HG 20	3	☑
11/9/2005	23855	*CHECKED ALL POWER BOXES*	NORTH MAINS	LONGWALL SWITCH	3	☑
12/7/2005	23855	HG 15 TRACK	HG 15 MOUTH	END OF TRACK	3	☑

MineID: 4608436 **Event Number:** 4110669 E01 Inspector(s) Initials: [redacted] Supervisor Initials: RDR

Coal Inspection Tracking System

Compliance Assistance/Special Initiative

Date	Shift	AR#	Type	Description	# Miners Contacted
10/11/2005	2	23855	*WINTER ALERT TALKS*		58