

11-28-05



Mine Activity Data

1. Action: a. New Entry b. Update 2. Activity Code: E02 3. Event Number: 4110673

4. Date Event Started: 11/22/2005 5. Date Event Finished: 11/22/2005 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 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

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

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

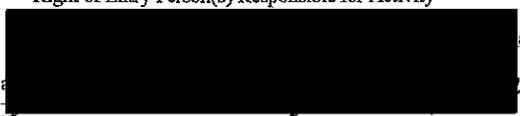
15. Prime Independent Contractor Codes (Major Construction)

16. Inspection Results

	Citations		Orders		Safeguards		Other	
	Coal Opr	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con
a. This Inspection								
(1) New Issuances	1	0	0	0	1	0	0	0
(2) Terminations/Vacations	0/0	0/0	0/0	0/0	0/0	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	1	0	0	0	1	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	8/0	0/0	2/0	0/0	0/0	0/0	0/0	0/0

17. Remarks:

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

 Card Number: 3855

b. _____

c. _____

d. _____

19. Key Entered By _____ Date _____

Shift	Sun			Mon			Tue			Wed			Thur			Fri			Sat		
	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3
Week 1 11/20/2005	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>																		

RR
 11/22/05


12/14/05

Section I--Violation Data

1. Date Mo Da Yr 11/22/2005	2. Time (24 Hr. Clock) 0845	3. Citation/ Order Number 7247496
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) <input type="checkbox"/>

The track on the surface is not being maintained in a safe manner. The switch throw barrel is broken on the first track switch going into the charging building.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 77.1605(m)
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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 11/23/2005	B. Time (24 Hr. Clock) 0800
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Section III--Termination Action

17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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Section IV--Automated System Data

19. Type of Inspection (activity code) E02	20. Event Number 4110673	21. Primary or Mill
22. Signature		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
12-1-05


Section I--Subsequent Action/Continuation Data

1. Subsequent Action <input checked="" type="checkbox"/>	1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue)	Mo Da Yr 11/22/2005	3. Citation/ Order Number	7247496 - 01
4. Served To JIM GRISWOLD, FOREMAN			5. Operator PERFORMANCE COAL COMPANY		
6. Mine UPPER BIG BRANCH MINE-SOUTH			7. Mine ID	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)	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection	E01	10. Event Number	4110669					
11. Signature		AR Number	23855	12. Date	Mo Da Yr	11/30/2005	13. Time (24 Hr. Clock)	2030

RR
11-2-05


Section I--Violation Data

1. Date Mo Da Yr 11/22/2005	2. Time (24 Hr. Clock) 1035	3. Citation/ Order Number 7247497
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) <input type="checkbox"/>

The track switch going into the tail of the longwall does not have a directional reflector, this is a hazard of track equipment traveling on the main line with no way to tell if the track switch is thrown for the side track and running into the side track and coming into contact with a parked mantrip. This is a notice to provide safeguards requiring the longwall tail track switch to be provided with a directional reflector and all other track switches at this mine.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.1403
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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 11/23/2005 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) E02 20. Event Number 4110673 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
12-1-05


Section I--Subsequent Action/Continuation Data

1. Subsequent Action <input checked="" type="checkbox"/>	1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue)	Mo Da Yr 11/22/2005	3. Citation/ Order Number	7247497 - 01
4. Served To JIM GRISWOLD, FOREMAN			5. Operator PERFORMANCE COAL COMPANY		
6. Mine UPPER BIG BRANCH MINE-SOUTH			7. Mine ID 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)	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection	E01	10. Event Number	4110669					
11. Signature		AR Number	23855	12. Date	Mo Da Yr	11/30/2005	13. Time (24 Hr. Clock)	2030

Mine Citation/Order
Continuation

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

11-28-05


Section I--Subsequent Action/Continuation Data

1. Subsequent Action <input checked="" type="checkbox"/>	1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue)	Mo Da Yr 11/15/2005	3. Citation/ Order Number	7247493 - 01
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)

Section II--Justification for Action

The stuck and broken rollers have been replaced 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)	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection	E02	10. Event Number	4110673	
11. Signature		AR Number	23855	
12. Date	Mo Da Yr	11/22/2005	13. Time (24 Hr. Clock)	1300

Mine Citation/Order
Continuation

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

11-28-05


Section I--Subsequent Action/Continuation Data

1. Subsequent Action <input checked="" type="checkbox"/>	1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue)	Mo Da Yr 11/15/2005	3. Citation/ Order Number	7247494 - 01
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)

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)	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection	E02	10. Event Number	4110673					
11. Signature		AR Number	23855	12. Date	Mo Da Yr	11/22/2005	13. Time (24 Hr. Clock)	1300

Mine Citation/Order
Continuation

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

7-28-05
MSHA

Section I--Subsequent Action/Continuation Data

1. Subsequent Action <input checked="" type="checkbox"/>	1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue)	Mo Da Yr 11/15/2005	3. Citation/ Order Number	7247495 - 01
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)	

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)	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection	E02	10. Event Number	4110673		
AR Number	23855	12. Date	Mo Da Yr 11/22/2005	13. Time (24 Hr. Clock)	1300

Mine Citation/Order
Continuation

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

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Section I—Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 10/27/2005	3. Citation/Order Number 7242996 - 01
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)

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)	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV—Inspection Data

9. Type of Inspection E02	10. Event Number 4110673	
AR Number 23855	12. Date Mo Da Yr 11/22/2005	13. Time (24 Hr. Clock) 1245

Mine Citation/Order
Continuation

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

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26-28-01


Section I--Subsequent Action/Continuation Data

1. Subsequent Action <input checked="" type="checkbox"/> 1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 10/31/2005	3. Citation/ Order Number 7247482 - 02
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)

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)	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E02	10. Event Number 4110673	
AR Number 23855	12. Date Mo Da Yr 11/22/2005	13. Time (24 Hr. Clock) 1245

Mine Citation/Order
Continuation

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

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Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 11/09/2005	3. Citation/Order Number 7247487 - 01
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)

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)	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E02	10. Event Number 4110673	
AR Number 23855	12. Date Mo Da Yr 11/22/2005	13. Time (24 Hr. Clock) 1245

Mine Citation/Order
Continuation

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

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11-29-05


Section I--Subsequent Action/Continuation Data

1. Subsequent Action <input checked="" type="checkbox"/>	1a. Continuation <input type="checkbox"/>	2. Dated (Original issue)	Mo Da Yr 11/09/2005	3. Citation/ Order Number	7247488 - 01
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)

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)	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection	E02	10. Event Number	4110673
AR Number	23855	12. Date	Mo Da Yr 11/22/2005
		13. Time (24 Hr. Clock)	1245

Mine Citation/Order
Continuation

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

11-28-05


Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>		2. Dated (Original Issue) Mo Da Yr 11/09/2005		3. Citation/Order Number 7247489 - 01	
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)

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)	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E02	10. Event Number 4110673	AR Number 23855	12. Date Mo Da Yr 11/22/2005	13. Time (24 Hr. Clock) 1245
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Mine Citation/Order
Continuation

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

11-28-05



Section I--Subsequent Action/Continuation Data

1. Subsequent Action <input checked="" type="checkbox"/> 1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 11/09/2005	3. Citation/ Order Number 7247491 - 01
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)

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)	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E02	10. Event Number 4110673	AR Number 23855	12. Date Mo Da Yr 11/22/2005	13. Time (24 Hr. Clock) 1245
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Mine Citation/Order
Continuation

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

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Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 11/15/2005	3. Citation/Order Number 7247492 - 01
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)

Section II--Justification for Action

The water has been pumped off the east mains track between 28 and 29 cross cuts.

See Continuation Form

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E02	10. Event Number 4110673	
AR Number 23855	12. Date Mo Da Yr 11/22/2005	13. Time (24 Hr. Clock) 1245