

RR  
 6-22-06

**Min Activity Data**

1. Action: a. New Entry  b. Update  2. Activity Code: E04 3. Event Number: 4111127

4. Date Event Started: 6/5/2006 5. Date Event Finished: 6/22/2006 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 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 2 b. Idle Sections 0

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) 015 (2) 030

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

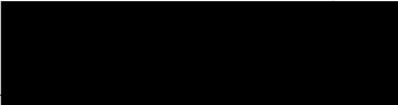
14. Impoundments/Refuse Piles:  
 a. Number b. FHC c. Configuration

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	2		1					
(2) Terminations/Vacations								
(3) Modifications/Extensions								
(4) Left Pending	2		1					
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

a.  Card Number 23591

b. \_\_\_\_\_

c. \_\_\_\_\_

d. \_\_\_\_\_

19. Key Entered By \_\_\_\_\_ Date \_\_\_\_\_

17. Remarks:

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 6/4/2006	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>															



MEMORANDUM FOR JESSE P. COLE

District Manager  
Coal Mine Safety and Health, District 4

THROUGH: LINCOLN L. SELFE, JR.  
Assistant District Manager  
Inspection Division I

THROUGH: *Roger Richmond*  
ROGER RICHMOND  
Supervisory CMS&H Inspector

FROM: [REDACTED]  
Coal Mine Safety and Health Inspector

Subject: Investigation of Hazardous Conditions Complaint No. D4-085,  
at Performance Coal Company, Upper Big Branch Mine- South,  
ID No. 46-08436, Montcoal, Raleigh County, West Virginia

On May 19, 2006, a complaint was received in the District 4 voice mail. The complaint alleged that: (1) the roof is bad, and (2) the ribs are bursting out. Due to technical difficulties, the voice mail was not retrieved until June 2, at which time the complaint was processed.

The investigation was conducted on June 5, 2006. A copy of the complaint was furnished to and discussed with the mine operator and a representative of the miners. MSHA personnel were accompanied by company representatives.

The investigation was conducted on the Headgate 18 section that was mining near an old longwall works. A complete examination was conducted of the active sections. Interviews were conducted with several of the employees that stated that the section ribs were bad at the time of the complaint. The rib conditions at this time were extremely bad outby the section and were being controlled with a variety of rib controls; 4' resins bolts, 6' torque tension bolts, wire mesh and some metal straps. The

rib and roof conditions on the section appeared to be improving and were acceptable at the time of this investigation.

The investigation resulted in positive findings for both allegations.

**Allegation: (1)** The roof is bad.

**Findings:** The investigation revealed that at the time of the complaint the conditions that were described in the complaint were valid. The area had been heavily bolted and timbered in an effort to control the roof and ribs. A copy of the mining map is attached to show the area of mining at the time of the complaint. Citation No. 7256455 was issued for badly damaged supplemental controls installed in the affected area. A 104 (d)(1) Order No. 7256456 was issued for inadequate examinations. **POSITIVE FINDINGS**

**Allegation: (2)** The ribs are bursting out.

**Findings:** The investigation revealed that these conditions existed on the date that the complaint was made. Citation No. 7256454 was issued for bad roof and loose, uncontrolled ribs in the intake off of the section in the same stressed area. A copy of the mining map is attached to show the area being mined at the time of the complaint. **POSITIVE FINDINGS**

Attachments:

Complaint Tracking Form

MSHA Form 7000-33

MSHA Form 7000-34

MSHA Form 7000-35

Copies of Relevant Investigation Notes

Copies of Citations

Copy of Mining Map

Copy of Legal Identity Report

Mine Citation/Order

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

RR  
6-6-06



6/26/06

Section I--Violation Data

1. Date Mo Da Yr 06/05/2006	2. Time (24 Hr. Clock) 1445	3. Citation/ Order Number 7256454
4. Served To Wendel Wills, Mine 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) <input type="checkbox"/>

The roof and ribs were not controlled in the crosscut at stopping # 9, between the no 2 primary intake escape way entry and the no 3 intake entry in that the roof was broken and had loose broken roof and several of the roof bolts had roof that had fallen away from the roof bolt and roof bolt bearing plate about 10 inches. This area has been dangered off on both approaches.

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 75.202(a)
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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 06/06/2006	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) E04	20. Event Number 4111127	21. Primary or Mill
22. Signature		23. AR Number 23591

MSHA Form 7000-3 (Rev. 04-2005) 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  
6-13-06  


Section I--Subsequent Action/Continuation Data

1. Subsequent Action <input checked="" type="checkbox"/> 1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue) 06/05/2006	Mo Da Yr	3. Citation/ Order Number 7256454 - 01
4. Served To Wendel Wills, Mine 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 area had cribs installed on both sides of the crosscut between the no 2 and no 3 intake entry .

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 4111118		
11. Signature 	R Number 3591	12. Date Mo Da Yr 06/12/2006	13. Time (24 Hr. Clock) 1010

RR  
 6-6-06

622606

Section I--Violation Data

1. Date Mo Da Yr 06/05/2006	2. Time (24 Hr. Clock) 1400	3. Citation/ Order Number 7256455
4. Served To Wendel Wills, Mine 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) <input type="checkbox"/>

The end of the track entry beginning 30 feet inby spad # 20386, which had been mined around May 19, 2006 had at least 25 ,10 to 11 foot high, 8" by 8" timbers that were bowed out and were broken due to the roof weight and had not been replaced with additional supports. This area is traveled daily by about 25 men.

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 75.202(a)
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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 06/06/2006	B. Time (24 Hr. Clock) 1400
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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) E04	20. Event Number 4111127	21. Primary or Mill
22. Signature	23. AR Number 23591	

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  
6-13-06



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 06/05/2006	3. Citation/ Order Number 7256455 - 01
4. Served To Wendel Wills, Mine Foreman	5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436	(Contractor)

Section II--Justification for Action

Props were installed, cribs were installed and twin sets of mine timbers were all installed in this area.

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 4111118		
11. Signature [Redacted]	AR Number 23591	12. Date Mo Da Yr 06/12/2006	13. Time (24 Hr. Clock) 1000

Special Assessment  
Review Form

AUG 14 2006

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



1. MSHA District Office 4 - Mt. Hope, WV	2. Field Office 0401 - Mt. Hope, WV	
3. Mine ID/Contractor ID 46-08436	4. Mine Name UPPER BIG BRANCH MINE-SOUTH	
5. Operator Name PERFORMANCE COAL COMPANY	6. Citation/Order Number 7256456	7. Citation/Order Issue Date 6/5/2006

8. Accident Related Violation?  Yes  No If yes, all violations must be submitted together with any accident report or memorandum.

9. A. Operator Notified of Special Assessment?  Yes  No B. Health and Safety Conference Held on Special Assessment?  Yes  No

10. Inspector's Recommendation

Special Assessment?  Yes  No If yes, explain below the serious or aggravating circumstances involved.

This area was so obvious and was not reported in the examination book and no one was assigned to report the walkway from the track to the section for pre-shift examination. This area was in need of major roof control.

See Continuation Sheet

Signature

Date

6-27-06

11. Supervisor's Review

Special Assessment?  Yes  No

Comments:

See Continuation Sheet

Signature

Date

*Roger D. Richmond*

6-27-06

12. Subdistrict Manager's/Assistant District Manager's Review

Special Assessment?  Yes  No

Comments:

See Continuation Sheet

Signature

Date

*Rory T. Seaman*

6-27-06

13. District Manager's Review (Mandatory for Metal/Nonmetal, Optional for Coal)

Special Assessment?  Yes  No

Comments:

See Continuation Sheet

Signature

Date

AUG 14 2006

RK  
6-6-06



Section I--Violation Data

1. Date Mo Da Yr 06/05/2006	2. Time (24 Hr. Clock) 1700	3. Citation/ Order Number 7256456
4. Served To Wendel Wills, Mine 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) <input type="checkbox"/>

The 015-0 and 030-0 section track entry where men travel in and out on two shifts each day was not adequately examined prior to entering in that citation # 7256456 was issued for damaged supplemental roof supports. No record of damaged roof supports of excessive roof weight was recorded in the examination records book. The records were examined from this date back to 05-19-2006 and all entries related to the track entry stated that the track was "ok" or clear.

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 75.360(a)(1)
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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(d)(1)

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 7254896

F. Dated Mo Da Yr  
06/03/2006

15. Area or Equipment The area inby the track at apad # 20386 for a distance of 200 feet on the 015-0 and 030-0 section.

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) E04

20. Event Number 4111127

21. Primary or Mill

22. Signature

23. AR Number 23591

MSHA Form 7000-3a (Rev. 05/2005) 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  
6-6-06  


Section I--Subsequent Action/Continuation Data

1. Subsequent Action <input checked="" type="checkbox"/>	1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue) 06/05/2006	Mo Da Yr	3. Citation/ Order Number 7256456 - 01
4. Served To Wendel Wills, Mine Foreman			5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH			7. Mine ID 46-08436 (Contractor)	

Section II--Justification for Action

Change	From	To
14. Initial Action	Citation	Order
<b>Reason</b>		
14. E. Citation/Order Number	7254896	7254895
<b>Reason</b>		
Change 14.	14E	

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

9. Type of Inspection E04	10. Event Number 4111127		
11. Signa	AR Number 23591	12. Date Mo Da Yr 06/05/2006	13. Time (24 Hr. Clock) 1800

KK  
6-8-06

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 06/05/2006	3. Citation/ Order Number 7256456 - 02
4. Served To Wendel Wills, Mine Foreman	5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436	(Contractor)

Section II--Justification for Action

Change	From	To
8. Condition Or Practice		
<b>Reason</b>	Change in the body the word "citation # 7256456 " to Read: citation # 7256455	
15. Area or Equipment		
<b>Reason</b>	Change the word apad to read: spad	
Modify 8. Condition or Practice and 15. Area or Equipment		

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

9. Type of Inspection E04	10. Event Number 4111127		
11. Signature [Redacted]	AR Number 23591	12. Date Mo Da Yr 06/06/2006	13. Time (24 Hr. Clock) 1522

Mine Citation/Order  
Continuation

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

RR  
6-13-06  


Section I--Subsequent Action/Continuation Data

1. Subsequent Action <input checked="" type="checkbox"/>	1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue) 06/05/2006	Mo Da Yr	3. Citation/ Order Number 7256456 - 03
4. Served To Wendel Wills, Mine 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 area has had a multitude of additional supports installed in this area and the examiners have been re-trained on hazardous recognition.

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 4111118		
11. Signature 	R Number 3591	12. Date Mo Da Yr 06/12/2006	13. Time (24 Hr. Clock) 1000



Section I—Subsequent Action/Continuation Data

1. Subsequent Action <input checked="" type="checkbox"/>	1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue) Mo: 06 Da: 05 Yr: 06	3. Citation/Order Number 7256456-04
4. Served To <i>By Mail</i>		5. Operator <i>Performance Coal Company</i>	
6. Mine <i>Upper Big Branch Mine - South</i>		7. Mine ID 46-08436- (Contractor)	

Section II—Justification for Action

*Modify line 14 E to read 7250745*  
*Change line 14 F to read 3-22-06*  
*Change initial action A from order to citation.*

See Continuation Form

Section III—Subsequent Action Taken

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

9. Type of Inspection <i>T02</i>	10. Event Number <i>9832268</i>		
11. Signature <i>[Redacted]</i>	AR Number <i>23764</i>	12. Date Mo: 06 Da: 14 Yr: 06	13. Time (24 Hr. Clock) <i>1505</i>

**U. S. Department of Labor**

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



June 27, 2006

Mr. Craig Boggs  
 President  
 Performance Coal Company  
 POB 69  
 Naoma, WV 25140

Dear Mr. Boggs:

In accordance with Part 100, Title 30, a review of the following Citation(s)/Order(s) issued at Upper Big Branch Mine - South, ID No. 46-08436, Performance Coal Company, is being made to determine whether the regular assessment formula should be waived and a special assessment proposed.

CITATION/ORDER NO.      DATE ISSUED

7256456

06/05/06

You have the right to request a safety and health conference regarding this action. To exercise this right, you must submit your request for a conference to this office within 10 calendar days of the date of receipt of this letter. If you do not wish to conference this action, a response is not required.

Sincerely,

Lincoln L. Selfe, Jr.  
 Assistant District Manager  
 Coal Mine Safety & Health

cc: Files/pab

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature: X <i>C Hull</i> <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span>	
1. Article Addressed to: <i>46-08436</i>		B. Received by (Printed Name) <i>C Hull</i>	C. Date of Delivery <i>6-28-06</i>
2. Article Number (Transfer from service label) <i>E04-411127</i>		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
Mr. Craig Boggs, President Performance Coal Company POB 69 Naoma, WV 25140		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PAB		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
7002 3150 0005 2902 6965			



VERBAL COMPLAINT INFORMATION

Name of Person Taking Call: District 4 voice mail

Date: 05-19-2006 Time: 0900 Office: Mt. Hope Office

Complainant Name: Anonymous

Address: \_\_\_\_\_

Telephone No: \_\_\_\_\_ Job Title: \_\_\_\_\_

Contractor Name: \_\_\_\_\_

Operator Name: Performance Coal Company, Inc

Mine Name: Upper Big Branch Mine South

MSHA Identification Number: 4608436

COMPLAINT: (1) Roof is bad

(2) Ribs are bursting out

NOTIFICATION OF HAZARDOUS CONDITIONS

Complaint ID: D4-085

Date of Complaint: 05-19-2006

System Assigned ID: \_\_\_\_\_

Mine ID: 46-08436

Name: Anonymous

Operator: Performance Coal Company

Address: \_\_\_\_\_

Mine Name: Upper Big Branch Mine-South

Phone: \_\_\_\_\_

Contractor ID: \_\_\_\_\_

Contractor: \_\_\_\_\_

COMPLAINT: (1) Roof is bad

(2) Ribs are busting up

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

COMPLAINT ALLEGATIONS AND FINDINGS

Complaint ID: D4-085

Mine ID: 4608436

Date of Complaint: 05-19-2006

Operator: Performance Coal Company, Inc

System Assigned ID: \_\_\_\_\_

Mine Name: Upper Big Branch Mine-South

Contractor ID: \_\_\_\_\_

Event No. 4111127

Contractor: \_\_\_\_\_

**Allegation/s:** (1) Roof is bad

(2) Ribs are busting out

**Findings:** To allegation # 1

An interview was conducted of several employees outside prior to entering the mine that stated that the 015-0 and 030-0 super section has had real bad ribs and roof.

Bad roof was found in the crosscut between no. 2 and no. 3 entry at crosscut # 9 off the primary intake escape way. Citations # 7256455 was issued for roof and rib control. An additional 104D-1 order # 7256456 was issued for inadequate examinations of this area. *Positive findings*

**Findings: To allegation # 2**

When entering the section at the end of the track entry was found to have very badly broken ribs that had been previously bolted.. Some of the ribs had wire screen installed to hold them in place. This same area had about forty to fifty, ten foot timbers installed to help protect the entry. Approximately twenty of the timbers were bowed out and broken. Citation # 7256454 was issued for damaged roof controls. *Positive findings*