

GENERAL INFORMATION COVER SHEET

Inspection Code E04 Event No. 4111127

Company Name Performance Coal Company

Mine Name Upper Big Branch Mine South

Mine I.D. Number 46-08436

Date(s) of Mine File Review 6-5-06

D Status Y Citation/Order No. 7250745 Date 3-22-06

Dates of Inspection: began 6/5/06 completed _____

Pre-Inspection Conference Date 6/5/06

Company Representative(s) _____

James Hancock, U President

Miners Representative(s) _____

None Trained

Post-Inspection Conference Date 6/5/06

Company Representative(s) _____

Wendell Wills, Supt.
James Hancock, U President

Miners Representative(s) Dempsey Petty, Foreman
Eddie Lester, Manager

None Trained

Comments: _____

Inspector's Initials _____ Supervisor's Initials and Date 6-22-06

DAILY COVER SHEET

Date 6-5-06 Event No. 411127

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked Pre-Shift

Hazardous Complaint

Accompanied By: Company Representative _____

Miners Representative MN Vaclik - Safety

James Hancock - U. Principal

AREAS OF INSPECTION ACTIVITY: 75-380(d)(2)

cit time 1300

Life line for attention not ordered. Only 1000' was ordered and about 48,000' is required.

(cit # 7256453)

Urbij LWD Moderate

Inspector's Initials _____

Supervisor's Initials and Date RR 6-22-06 Page No. _____

Date 6-5-06 411127

Traveled to the 015-02

030-0 Section to investigate

complaint received on 5-19-06

Discussed with James Hancock, Wendell Wiles, Dempsey Petteg.

Traveled on section and the

section ribs were very bad, but

were being controlled by 4', 6'

roof bolts, wire mesh at some

locations and metal straps

in some locations.

The company is controlling

the ribs as best as can, but

the conditions that were cited in

the 05-19-06 complaint were

present as shown on attach

map document.

Inspector's Initials _____

Supervisor's Initials and Date RR 6-22-06 Page No. 2

6-5-06 411127

LINE DIAGRAM OF THE MINE

cit # 7256453
7# Stopping 75.202(A)

015-0 - 030-0

X cut between NO 2

& NO. 3 entry

Top - cracked - broken

roof - Roof fell

away from roof

Roof bolts -

(one was damaged off)

RL - RD - Moderate

Inspector's Initials _____

Supervisor's Initials and Date RR 6-22-06

(3)

6-5-06 411127

LINE DIAGRAM OF THE MINE

Time 1400

(cit # 7256 455)

Timber broken about

(20) in the track

entry NO. 5 beginning

30' inly #20386

~~cut~~ inly the

end of track.

30' inly ~~20386~~ 20386

for a distance of

about 160' - this

area is 80' centers

note

(Section began 100' centers)

Inspector's Initials

RR-PD-Moderate

Supervisor's Initials and Date

RR-22-06 (4)

6-5-06 411127

LINE DIAGRAM OF THE MINE

Time 1700

NO. off. 001

75-360 (A)(1)

cit # 7256 456)

104-D1 order

Insufficient pre-slip

Exam for the track

entry - Transverse for

the 0150 + 030-0

Section

RR Fatal - High

Inspector's Initials

[Redacted]

Supervisor's Initials and Date

RR-22-06

Date 6-5-06 411127

The conditions cited in
Complaint on 5-19-06 were
present and were founded
(Positive Findings)

at this time Management is
taking extreme precautions to

control the ribs and the
section on this date 6-5-06

appears to becoming better.
Ribs are looking better

and the roof appears to
be mostly sandstone

and becoming better.

Held Class-air with
Washed Walls, Pumping
Petty, James Spruick
Eddie Lester

Inspector's Initials

[Redacted]

Supervisor's Initials and Date

RR-22-06

U. S. Department of Labor

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



DATE: 9/25/09
MESSAGE FOR: FIELD OFFICE SECRETARY - Lisa
FROM: KIM SOUTHERN
PAGES (INCLUDING COVER): 13
SUBJECT: CONTESTED VIOLATION DATA AT ID NO. 8436

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

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

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

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

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

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

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

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



to Kim 11/25/10

Initial Issuance Information (Source is IPAL)			
Violation Data			
Issue Date	Issue Time	Occurrence Date	Issuance Number
06/05/2006	1445	06/05/2006	7256454
Served To		Violator Name	
Wendel Wills, Mine Foreman		PERFORMANCE COAL COMPANY	
Mine Name		Mine ID	Contractor ID
UPPER BIG BRANCH MINE-SOUTH		4608436	
Condition Or Practice			
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 endangered off on both approaches.			
Enforcement Area		Section Of Act	30 CFR Part/Section
Safety			75.202 (a)
Written Notice 103G (Coal Only)			
N			
Inspector's Evaluation			
Gravity			
Injury or illness (has) (is)			
Reasonably			
Injury or illness could reasonably be expected to be			
Permanent			
Significant And Substantial Y			
No Of Persons Affected 1			
Negligence			
ModNegligence			
Type Of Action 104 (a) Type Of Issuance Citation			
Initial Action			
Initial Action Type		Initial Action Date	
Initial Action Number		Related Order	
Area Or Equipment			
Termination Due Date 06/06/2006			
Termination Due Time 0800			
Termination Action			
Action To Terminate			
Termination Date			
Termination Time			
Automated System Data			
Type Of Inspection (Activity Code) E04			
Event Number		4111127	
Primary Or Mill			
AR Number		23591	

Initial Issuance Information (Source is IPAL)			
Violation Data			
Issue Date	Issue Time	Occurrence Date	Issuance Number
06/05/2006	1400	06/05/2006	7256455
Served To	Violator Name		
Wendel Wills, Mine Foreman	PERFORMANCE COAL COMPANY		
Mine Name	Mine ID	Contractor ID	
UPPER BIG BRANCH MINE-SOUTH	4608436		
Condition Or Practice			
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.			
Enforcement Area	Section Of Act	30 CFR Part/Section	
Safety		75.202 (a)	
Written Notice 103G (Coal Only)			
N			
Inspector's Evaluation			
Gravity			
Injury or illness (has) (is)			
Reasonably			
Injury or illness could reasonably be expected to be			
Fatal			
Significant And Substantial Y			
No Of Persons Affected 1			
Negligence			
ModNegligence			
Type Of Action 104 (a) Type Of Issuance Citation			
Initial Action			
Initial Action Type		Initial Action Date	
Initial Action Number		Related Order	
Area Or Equipment			
Termination Due Date 06/06/2006			
Termination Due Time 1400			
Termination Action			
Action To Terminate			
Termination Date			
Termination Time			
Automated System Data			
Type Of Inspection (Activity Code) E04			
Event Number	4111127		
Primary Or Mill			
AR Number	23591		

GENERAL INFORMATION COVER SHEET

Inspection Code E04 Event No. 4111127
 Company Name Performance Coal Company
 Mine Name Upper Big Branch Mine South
 Mine I.D. Number 46-08436
 Date(s) of Mine File Review 6-5-06
 D Status Y Citation/Order No. 7250745 Date 3-22-06
 Dates of Inspection: began 6/5/06 completed _____
 Pre-Inspection Conference Date 6/5/06
 Company Representative(s) _____
James Hancock, V. President
 Miners Representative(s) _____
Newe Travel
 Post-Inspection Conference Date 6/5/06
 Company Representative(s) _____
Wendell Wills, Supt.
James Hancock, V. President
 Miners Representative(s) Dempsey Petty, Foreman
Eddie Luster, Manager
Name Traveler
 Comments: _____
 Inspector's Initials _____ Supervisor's Initials and Date RR 6-22-06

DAILY COVER SHEET

Date 6-5-06 Event No. 4111127
 Arrived at the Mine _____ Departed from the Mine _____
 List Records Books Checked Pre Shift
Hazardous Complaint
 Accompanied By: Company Representative _____
 Miners Representative MR Vaidt - Safety
James Hancock - V. President
 AREAS OF INSPECTION ACTIVITY: 75-380 (d) (2)
cit time 1300 no off
Life line for aluminum
not ordered. Only 1000'
was ordered and about
48,000' is required.
(cit # 7256453)
Very Low Moderate
 Inspector's Initials _____ Supervisor's Initials and Date RR 6-22-06 Page No. 1

Date 6-5-06 4111127
Traveled to the 015-01
030-0 Section to investigate
complaint received on 5-15-06
Discussed with James Hancock,
Wendell Wills, Dempsey Petty.
Traveled on section and the
section ribs were very bad, but
were being controlled by 4'6"
neef bolts, wire mesh at some
locations and metal straps
in some locations.
The company is controlling
the ribs as best as can be, but
the conditions that were cited in
the 05-15-06 complaint were
present as shown on attached
map document.
 Inspector's Initials _____ Supervisor's Initials and Date RR 6-22-06 Page No. 2

6-5-06 4111127
 LINE DIAGRAM OF THE MINE
cit # 7256453
7# Stopping
015-0 - 030-0
X cut between 102
& NO. 3 entry
Top - cracked - broken
roof - Roof fell
away from roof
Roof bolts -
(area was damaged
off)
RL - RD - Moderate
 Inspector's Initials _____ Supervisor's Initials and Date RR 6-22-06

6-5-06 4111127
 LINE DIAGRAM OF THE MINE
Time 1400
(cit # 7256455)
Timber broken about
(20) in the track
entry NO. 5 beginning
30' into #20386
cut only the
end of track.
30' into ~~20386~~ 20386
for a distance of
about 160' - this
area is 80' centers
note
(Section began 100' centers)
 Inspector's Initials RL - PD - Moderate Supervisor's Initials and Date RR 6-22-06

6-5-06 4111127
 LINE DIAGRAM OF THE MINE
Time 1700
NO. off. 001
75-360 (A)(1)
cit # 7256456
104-D1 order
Insufficient pre-shift
Exam for the track
entry - Traveling for
the 0150 + 030-0
Section
RL Fatal - High
 Inspector's Initials _____ Supervisor's Initials and Date RR 6-22-06

Date 6-5-06 411127

The conditions cited in
Complaint on 5-19-06 were
present and were founded
(Positive Findings)
At this time Management is
taking Extreme precautions to
control the risks and the
situation on this date 6-5-06
appears to be coming better.
Risks are looking better
and the roof appears to
be mostly Sandstone
and coming better.

Held Close-out with
Wanda Wills, Perry
Cotton, James Spruick
Eddie Lester

Inspector's Initials 
Supervisor's Initials and Date KK 6-22-06 Page No. 6