

RR
 1-23-08

Mine Activity Data

1. Action: a. New Entry b. Update 2. Activity Code: E02 3. Event Number: 4120609
 4. Date Event Started: 1/23/2008 5. Date Event Finished: 1/23/2008 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) 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 I. Miscellaneous

m. MMU/Pit Number

13. Number of Samples Collected a. Air Samples 2 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

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

a.  Card Number 24329
 b. _____
 c. _____
 d. _____

17. Remarks:

Examined work out area off of No. 2 section left return at EP 1,4 and 7, DPP'S, DPP regulator and main return from EP'S to DPP regulator.
 Bottle Samples:
 1. W0470
 2. W0467

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 1/20/2008	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>																		

02/25/08

RR
1-27-08


Section I--Violation Data

1. Date Mo Da Yr 01/23/2008	2. Time (24 Hr. Clock) 0730	3. Citation/ Order Number 7279711
4. Served To Rick Hodge; Superintendent	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 left return for the No. 2 Section (MMU 040,041) could not be examined in its entirety. Water had been permitted to accumulate in the face of the No. 3 DPP (Deepest Point of Penetration) in the worked out area. The water was over one break long, including crosscuts and in excess of 24 inches.

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 75.364(a)(1)
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Section II--Inspector's Evaluation

10. Gravity:					
A. Injury or Illness (has) (is):	No Likelihood <input type="checkbox"/>	Unlikely <input checked="" type="checkbox"/>	Reasonably Likely <input type="checkbox"/>	Highly Likely <input type="checkbox"/>	Occurred <input type="checkbox"/>
B. Injury or illness could reasonably be expected to be:	No Lost Workdays <input type="checkbox"/>	Lost Workdays Or Restricted Duty <input checked="" type="checkbox"/>	Permanently Disabling <input type="checkbox"/>	Fatal <input type="checkbox"/>	
C. Significant and Substantial:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	D. Number of Persons Affected: 001		
11. Negligence (check one)					
A. None <input type="checkbox"/>	B. Low <input type="checkbox"/>	C. Moderate <input checked="" type="checkbox"/>	D. High <input type="checkbox"/>	E. Reckless Disregard <input type="checkbox"/>	
12. Type of Action 104(a)		13. Type of Issuance (check one)			
		Citation <input checked="" type="checkbox"/>		Order <input type="checkbox"/>	Safeguard <input type="checkbox"/>
14. Initial Action			E. Citation/ Order Number		F. Dated Mo Da Yr
A. Citation <input type="checkbox"/>	B. Order <input type="checkbox"/>	C. Safeguard <input type="checkbox"/>	D. Written Notice <input type="checkbox"/>		

15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr 01/26/2008	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)

Section IV--Automated System Data

19. Type of Inspection (activity code) E02	20. Event Number 4120609	21. Primary or Mill
22. Signature		23. AR Number 24329

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
2-4-08

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 <input checked="" type="checkbox"/> <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 01/23/2008	3. Citation/ Order Number 7279711 - 01
4. Served To Rick Hodge; Superintendant	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 was pump and the DPP'S were examined.

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 4120607		
11. Signa [Redacted]	AR Number 24329	12. Date Mo Da Yr 02/01/2008	13. Time (24 Hr. Clock) 1246

Mine Citation/Order

3/14/08

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

RR
1-23-08


Section I--Violation Data

1. Date Mo Da Yr 01/23/2008	2. Time (24 Hr. Clock) 0920	3. Citation/ Order Number 7279712
4. Served To Rick Hodge; Superintendent	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 No. 3 LBB Belt Drive was not being maintained in safe operating condition. The bearings in the stationary return roller, located 6 feet from the return take-up roller, had failed and the inner bar was turning on the metal roll. There was visible smoke coming off the roller and after the operator took the belt out of service the roller was too hot to touch without safety gloves.

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 75.1725(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
01/23/2008 B. Time (24 Hr. Clock) 1100

Section III--Termination Action

17. Action to Terminate The stationary return roller was replaced.

18. Terminated A. Date Mo Da Yr
01/23/2008 B. Time (24 Hr. Clock) 0930

Section IV--Automated System Data

19. Type of Inspection (activity code) E02 20. Event Number 4120609 21. Primary or Mill

22. Signature [Redacted] 23. AR Number 24329

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.

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	3. Citation/ Order Number	7	2	7	9	7	1	2	-	0	1		
			0	1	2		3	0	8									

4. Served To Mike Vaught	By Certified Mail <input type="checkbox"/>	5. Operator Performance Coal Company
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6. Mine Upper Big Branch Mine - South	7. Mine ID 4 6 - 0 8 4 3 6 -	(contractor)
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Section II -- Justification for Action

Upon further review at conference, this citation is modified.

- Item No. 10A shall read "Unlikely"
- Item No. 10B shall read "Lost Workdays or Restricted Duty"
- Item No. 10C shall read "No"
- Item No. 11 shall read "None"

This condition occurred after the inspector and a representative of the company traveled through this area. On their return out of the mine, they found this condition. There was no indication that anyone else had traveled through this area.

See Continuation Form

Section III -- Subsequent Action Taken

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

Section IV -- Inspection Data

9. Type of Inspection	10. Event Number	AR Number	12. Date	Mo	Da	Yr	13. Time (24 Hr. Clock)
T 0 2	9 8 3 2 2 4 8	2 0 8 3 7		0	3	1	2 0 8 1 1 4 5