



State of West Virginia
Joe Manchin III, Governor

WV Office of Miners' Health, Safety & Training
Ronald L. Wooten, Director
1615 Washington Street East • Charleston, West Virginia • 25311-2126
Telephone 304-558-1425 • Fax 304-558-1282
www.wvminingsafety.org

IN THE MATTER OF:

**THE INVESTIGATION OF THE
APRIL 5, 2010 MINE EXPLOSION
AT UPPER BIG BRANCH MINE.**

SUBPOENA

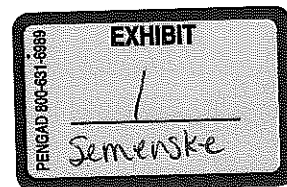
TO: Charles Semenske
% John McCuskey, Esq.
Shuman, McCuskey & Slicer, PLLC
P.O. Box 3953
Charleston, WV 25339

You are hereby **COMMANDED**, pursuant to W. Va. Code Section 22A-2-66(d), to appear and give testimony regarding the above referenced investigation on October 26, 2010 at 8:00 a.m. in classroom 121 at the Mine Academy located at 1301 Airport Road, Beaver, West Virginia 25813. The West Virginia Office of Miners' Health, Safety and Training, the Mine Safety and Health Administration, and the Governor's Independent Investigation Team will participate in the interview.

Given under my hand this 21th day of October, 2010.

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✓ Ronald L. Wooten, Director



Hazardous Conditions

Had 3 busted lines on 71 break. Shut pump off and repaired then turned pump back on at 71 break. also worked on pump at 85 break water is deep and being pumped 12-14-09

From 42 BK To 71 BK on 1 section Return Behind Longwall in #3 Entry Has Cribbs pushing out Replacing Cribbs From 50BK-55BK Set SAND JACKS 49BK Bad Top over walk-way, Cleaned WALK-way where Rock Fell making Tripping Hazard.

Have water at 56 BK, 58 BK, 61 BK, 64-71 BK water is From 6-11in Deep in places, + Tripping Hazards in water CAN'T see, Bad Ribs Thru 60 To 71 BK,

Stopping Crush out From 49BK To 71 BK, putting panels up, making One Long wall, Conditions Changing From One hour To Next Hour. R.H. 12-14-09

12-15-09 WATER IN RETURN AT 125BK AT Bandytown #1 ENTRY OVER YOUR BOO

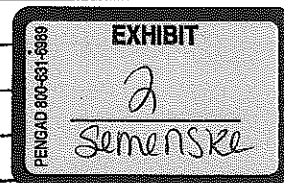
12-16-09 WATER IN RETURN IN 4th section over Boots at 65 BK (C.S)

12-16-09 water in return in #3 1 section. water over boots 65 BK and 72 BK to 74 BK. Stoppings crushing from 49 BK to 71 BK.

Cribbs rolling-crilling 56 BK to 71 BK. Rib rolls found in various places. Walkways in fair condition. (BB)

12-17-09 From 74BK - Borehole water in various places Stoppings Need Repaired. (JT)

Corrections From Week of _____



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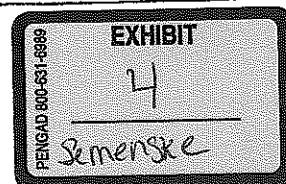
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Air Way Travels

1-18-10 Travel Return Air Ways from #75hd to Bandytown fan
1-19-10 TRAVELED INTAKE FROM 5BK TO 85BK N MAINS (CS)
1-19-10 TRAVELED INTAKE FROM 78BK TO MOUTH OF 2 section (CS)
1-19-10 TRAVELED RETURN FROM 32BK TO 75BK (CS)
1-19-10 TRAVELED INTAKE OFF OF LONG WALL TAIL TO RETURN ON 2 sec (CS)
1-19-10 TRAVELED RETURN ON 2 section to overcast at Longwall Belt
1-19-10 TRAVELED PRIMARY ESCAPEWAY FROM 2 section to 5BK N MAINS (CS)
1-20-10 TRAVELED INTAKE FROM 85BK NORTH MAINS to 187BK (CS)
1-20-10 TRAVELED RETURN FROM 167 to 10BK Longwall Belt (CS)
1-20-10 TRAVELED PRIMARY ESCAPEWAY FROM 10BK to 1 section (CS)
1-20-10 TRAVELED RETURN ON 1 section FROM FACE to 10BK (CS)
1-20-10 TRAVELED PRIMARY ESCAPEWAY FROM 10BK to 81BK (CS)
1-20-10 TRAVELED INTAKE ON RIGHT SIDE OF TRACK FROM 75 to 30BK
1-20-10 TRAVELED Secondary Escapeway from Longwall Face to Mouth of Wall (SH)
1-21-10 TRAVELED INTAKE ON RT side OF TRACK FROM 30BK to 131BK (CS)
1-22-10 TRAVELED PRIMARY ESCAPEWAY FROM 5BK to Ellis punchout (CS)
1-22-10 TRAVELED INTAKE FROM Ellis punchout to 67BK AT OVERCAST (CS)
1-22-10 Phone IN DRIFT FOR PRIMARY ESCAPEWAY NOT WORKING (CS)

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Signature_

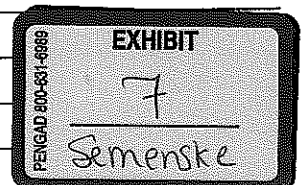
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Superintendent of Company

(b) (7)(C)

Air Readings

3-30-10 INTAKE AIR Reading AT 84 BK (83,780 CFM) (20.8-0-0) (CS)
3-30-10 RETURN AIR Reading AT 32 BK OVERCAST (141,600 CFM) (20.8-0-0) (CS)
3-30-10 LOB AIR Reading ON TG 22 (61,310 CFM) (20.8-0-0) (CS)
3-31-10 INTAKE AIR Reading (67,580 CFM) (20.8-0-0) (CS)
4-1-10 AIR Reading AT 131 BK (95,810 CFM) (20.8-0-0) (CS)



Signature_

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Mine Foreman

Certificate No.

(b) (7)(C)

Superintendent of Company