

7/19/09



Mine Activity Data

1. Action: a. New Entry  b. Update  2. Activity Code: E02 3. Event Number: 4123487

4. Date Event Started: 9/15/2009 5. Date Event Finished: 9/15/2009 6. Mine ID: 46-08436

7a. Organization Code (Mine Assignment) 20401 b. Work Group Identifier 01 9. Company Name PERFORMANCE COAL COMPANY

8a. Organization Code (AR Assignment) 20401 b. Work Group 01 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 1 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 1. Miscellaneous

m. MMU/Pit Number  
 (0) 065

13. Number of Samples Collected a. Air Samples 1 b. Rock Dust Spot c. Rock Dust Survey d. Respirable Dust e. Noise f. Other

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	0	0	1	0	0	0	0	0
(2) Terminations/Vacations	0/0	0/0	1/0	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	0	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 

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

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

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

17. Remarks:  
 D8595 LOB

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 9/13/2009	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>																		



Section I--Violation Data

1. Date Mo Da Yr 09/15/2009	2. Time (24 Hr. Clock) 0820	3. Citation/ Order Number 8086180
4. Served To Hagar, Mine Supt.		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)

There fan alarm for the Bandy Town fan is not operational due to a telephone outage and the fan is not being monitored to notify this mine if an fan stoppage occurs. The phone lines have not been in operation since 2:00 am this date according to midnight management.

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 75.310(a)(3)
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Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" 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 type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: 037	
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"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>			E. Citation/ Order Number	
F. Dated Mo Da Yr				

15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr 09/15/2009	B. Time (24 Hr. Clock) 0900
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Section III--Termination Action

17. Action to Terminate A responsible person has been posted at the fan with radio communications to this mine site to monitor the fan until the phone communications are restored.

18. Terminated	A. Date Mo Da Yr 09/15/2009	B. Time (24 Hr. Clock) 0850
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Section IV--Automated System Data

19. Type of Inspection (activity code) E02	20. Event Number 4123487	21. Primary or Mill
22. Signature		23. AR Number

Mine Citation/Order  
Continuation

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

9/15/09

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 09/15/2009	3. Citation/ Order Number 8086180 - 01
4. Served To [Redacted] Mine Supt.	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

Reason The first word of the first sentence in this citation should be "The".

Wrong word entered.

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 E02	10. Event Number 4123487	
11. Sig [Redacted] AR Number [Redacted]	12. Date Mo Da Yr 09/15/2009	13. Time (24 Hr. Clock) 1500

*High*

Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 09/15/2009	3. Citation/ Order Number 8086180 - 02
4. Served To [Redacted] Mine Supt.	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
11. Negligence	Moderate	High
Reason	The operator waited for at least six hours to post an individual at the fan.	
12. Type of Action1	104(a)	104(d)(2)
Reason	After further review of the situation and a discussion with my supervisor, I feel the modification is justified.	

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

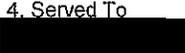
9. Type of Inspection E02 E01	10. Event Number 4123487- 4119293	
11. [Redacted] AR Number	12. Date Mo Da Yr 09/17/2009	13. Time (24 Hr. Clock) 0650

Mine Citation/Order  
Continuation

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

9/27/09 

Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 09/15/2009	3. Citation/ Order Number 8086180 - 03
4. Served To  Mine Supt.	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
13. Type of Issuance	Citation	Order
<b>Reason</b>	Citation changed to an order	
14. Initial Action		Citation <i>v</i>
<b>Reason</b>		
14. E. Citation/Order Number		8074834
<b>Reason</b>	Additional information is needed for this order.	
14. F. Initial Action Dated		03/17/2009
<b>Reason</b>	Additional information needed	
15. Area or Equipment		
<b>Reason</b>	The No. 1, No. 2, and Longwall sections, as well as all belts and outby areas ventilated by the Bandy Town fan are affected.	
16. A. Termination Due Date	09/15/2009	
<b>Reason</b>		
16. B. Termination Due Time	09:00	
<b>Reason</b>		

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

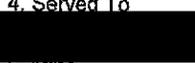
9. Type of Inspection E02 E01	10. Event Number <del>4123487</del> 4119293		
11. S 	AR Number 	12. Date Mo Da Yr 09/23/2009	13. Time (24 Hr. Clock) 1340

Mine Citation/Order  
Continuation

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

10/1/09 

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 09/15/2009	3. Citation/ Order Number 8086180 - 04
4. Served To  Mine Supt.	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		Order
Reason	Corrected information needed	
14. E. Citation/Order Number		8082692
Reason		

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	T02	10. Event Number	9832268		
11. 	AR Number	12. Date Mo Da Yr	10/01/2009	13. Time (24 Hr. Clock)	1230

UNITED STATES DEPARTMENT OF LABOR  
MSHA LABORATORIES - MOUNT HOPE, WEST VIRGINIA  
ANALYSIS OF AIR SAMPLES

10-21-09

Mine: UPPER BIG BRANCH MINE SOUTH  
Company: PERFORMANCE COAL COMPANY

Mine ID: 4608436  
Inspector: [REDACTED]

Date(s) Collected: 09/15/2009  
Office: 401

BOTTLE NUMBER	LOCATION IN MINE	CARBON				CUBIC FEET	CUBIC FEET
		DIOXIDE	OXYGEN	METHANE	ETHANE	AIR PER MINUTE	METHANE IN 24 HOURS
D8595	L.O.B. - IMMEDIATE RETURN	0.090	20.90	0.040	0.000	31650	18230

THE PERCENTAGE OF NITROGEN CAN BE DETERMINED BY SUBTRACTING THE SUM OF THE REPORTED VALUES FROM 100.00