22. Signati

U.S. Department of Labor

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					M	ine Safe	ety and	Health	Adminis	tration	//	***		
Section I-Violat	ion Data						Managar Policiana	\$4600 m	<u> </u>					
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 09/17/2009 1048							3. Citation/ Order Number 8090944							
						Operator		CE CO	AL COM	PANY	7	adayan ay 		
David Tara 6. Mine	czkozy, c	aner er	culcian	andra ana ang ang Militi kanamanang pilipinah ng anamang pilipinah na anang paggaga.		Mine ID				11 731 4 1				
	G BRAN	СН МІ	NE-SOUTH	ſ	/.	Mine ID	46-	0843	6			(Contractor)		
8. Condition o		······································		THE RESERVE THE PROPERTY OF TH			· · · · · · · · · · · · · · · · · · ·				8a. Written	Notice (103g)		
continu	ous m	iner	(JM5924	g to maintai), on the #4 methane, air	1 sec	tion,	in	a pro	oper c	pera	ting c	ondition.		
						·								
			***************************************	· · · · · · · · · · · · · · · · · · ·			········		See C	ontinuatio	n Form (MSH/	A Form 7000-3a)		
9. Violation	A. Health Safety Other	$\overline{\mathbf{v}}$	B. Section of Act			Section of 30 CFR	of		75.3	42(a)(4)			
Section II-Inspe	ctor's Evalua	tion												
 Gravity: A. Injury or 	· Iliness (ha	s) (is):	No Likelihood	Unlikely	Re	asonably	Likely	✓	Highly Like	ely 🗌	Оссил	red []		
	Illness cou be expecte		No Lost W	orkdays Lost \	Norkdays	Or Restr	icted Du	ty 🔲	Perman	ently Dis	abling 🗹	Fatal		
	ant and Sub		Yes 🗸	No 🗌					D. Number	of Pers	ons Affected	002		
11. Negligenc	e (check or	ne) ,	A. None 🗌	B. Low	C. Mode	rate 🗸	1	D. High		E. Recl	kless Disrega	ard 🗌		
12. Type of A	ction 10	4(a)		13. Type of Iss	uance (ch	eck one)	Cita	tion 📝	Order [Safe	eguard 🗌	Written Notice		
14. Initial Action A. Citation		ier 🔲	C. Safeguard (D. Written Notice		Citation/ Order Nu	mber				F. Dated	Mo Da Yr		
15. Area or Ed	uipment				***************************************		***************************************							
16. Terminatio	on Due	A. Date	Mo Da Yr 09/17/2009	B. Time (24 Hr. Cl	ock)	1130)							
Section IIITerm	nination Actio	n												
17. Action to 1	rerminate	The	methan	e monitor ha	as be	en ca	libr	rated	•					
18. Terminate Section IV-Auto	A. Date	09/1	a Yr 7/2009 B. 7	Fime (24 Hr. Clock	105	7		ور خواد المارات المارا		-Mo-man-				
		iii Dala	lan Fueres	<u> </u>		104 -	leluc ==	A 251				,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
19. Type of In (activity co		E01	20. Event Nur	^{mber} 411929	13	21. F	rimary o	OL LAINI	-					

MSHA Form
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 businesses. 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

23. AR Number

the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Vine	Citati	ion/C	rder

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

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	Mine Safety and Health Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/
09/17/2009 1125	Viugi ituliivai
4. Served To	5. Operator PERFORMANICE COAL COMPANIV
David Taraczkozy, chief electician 5. Mine	PERFORMANCE COAL COMPANY 7. Mine ID 46. 00426
UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)
B. Condition or Practice	8a. Written Notice (103g)
The operator is failing to maintain t	
	ction, in a proper operating condition.
When tested with a 2.5% methane, air mi	
······································	
	See Continuation Form (MSHA Form 7000-3a)
B. Violation A. Health B. Section C. P.	art/Section of
	He 30 CFR 75,342(a)(4)
Section IIInspector'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 Workday	ys Or Restricted Duty 🗌 Permanently Disabling 🗹 💮 Fatal 🗌
C. Significant and Substantial: Yes ✓ No ☐	D. Number of Persons Affected: 002
I1. Negligence (check one) A. None ☐ B. Łow ☐ C. Mo	derate 📝 D. High 🗌 E. Reckless Disregard 🗌
12. Type of Action 104(a) 13. Type of Issuance	(check one) Citation ☑ Order ☐ Safeguard ☐ Written Notice ☐
4. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number
5. Area or Equipment	
6. Termination Due A. Date Mo Da Yr 09/17/2009 B. Time (24 Hr. Clock)	1200
Section III-Termination Action	
17. Action to Terminate The methane monitor has b	een calibrated.
09/1//2009	130
Section IV-Automated System Data	
9. Type of Inspection (activity code) E01 20. Event Number 4119293	21. Primary or Mill
2. Signat	23. AR Number

MSHA Form (1996) 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.

22. Signat



wine Citation/Order							U.S. Department of Labor Mine Safety and Health Administration							
Section IViolat	ion Data								in waste and the second		OCCUPANTAL DESCRIPTION OF THE PARTY OF THE P			***************************************
1. Date	Mo Da 09/21/2		2. Time (24 Hr. Ci 090		<u>ne</u> příme m pásany m			,	3. Citatio	n/ Number	80909	46	
4. Served To	05/21/	2005				4	5. Operator	-Pad7-Administration and		<u> </u>		in 1000 September 1900 September 1900 September 1900 September 1900 September 1900 September 1900 September 19	630,000,000,000,000,000,000,000,000,000,	**************************************
Gary May,	Mine Fo	oremar	ı				PERFOR		CE COA	AL COM	PANY	-		
6. Mine					7) *** <u>********************************</u>		7. Mine ID						Paralle state of the state of t	(************************************
UPPER BIO	G BRAI	NCH M	INE-SOL	JТН				46-	-08436)			(Contr	ractor)
8. Condition o							<u></u>			, ,	····	8a. Written	Notice (103	
The o	perat	or i	s fail	ina	to maintai	n a	compl	ete	recor	rd of	smok			**************************************
					n. There i									
					ening shif							CH DGT	119	
9. Violation	A. Healti Safet	у□	B. Section of Act		1990 (San Cambridge and Anna San San San San San San San San San		Part/Section o	f			ontinuatio	n Form (MSH/	A Form 7000-	3a) 🗌
	Othe			o.,		<u>L</u>	· · · · · · · · · · · · · · · · · · ·	0.4.1						
Section IIInspe	ctor's Evalu	iation									····			····
10. Gravity: A. Injury or	· Illnooe /h	on) (in):	No Likelih	and le	Linibalu [Dagaanahk	Likabı		عادا والممانية		Coour	red 🗌	
B. Injury or				oog 🛂	Unlikely 🗍		Reasonably	Likely		Highly Like	iy 📋	Occur	.ea 🔲	
sonably	be expect	ed to be	: No Los	t Workd	lays 🗸 Lost V	Vorkd	ays Or Restri	cted Du		Perman			Fatal]
C. Significa	······	·····	il: Ye	> []	No 🗸					D. Number	of Pers	ons Affected	: 000	
11. Negligence		one)	A. None]	B. Low		oderate 🔽	2	D. High		E. Recl	less Disrega	ırd 🗌	
12. Type of Ac	ction 1	04(a)			13. Type of Iss	uance	(check one)	Cita	tion 🗹	Order [Safe	eguard 🗌	Written No	itice 🗌
14. Initial Action A. Citation		rder []	C. Safegu	ard 🗍	D. Written Notice [E. Citation/ Order Nu	mber				F. Dated	Mo Da	Yr
15. Area or Ec	quipment													
16. Terminatio	n Due	A. Date	Mo Da 09/22/2		B. Time (24 Hr. Clo	ock)	0800						·	
Section IIITerm	ination Act	ion												
17. Action to T	Ferminate													
18. Terminate	d A. Date	Mo	Da Yr	B. Time	(24 Hr. Clock							· · · · · · · · · · · · · · · · · · ·		
Section IVAuto	mated Syst	em Data		المبرية المبارية			·		***************************************				**************************************	
19. Type of In:		E01	20. Even	Numbe	^r 411929	3	21. P	rimary o	r Mill		·····	, <u>, , , , , , , , , , , , , , , , , , </u>	Providente de La Companya de La Comp	

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Falmess Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Falmess 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.

23. AR Number

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

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			William Carety with Trouble Tartiffication.						
Section ISubsequent Action/Continuation Data									
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/21/20	Yr 09	3. Citation/ Order Number	8090946 - 01				
4. Served To	12.00.00		Operate)r					
Gary May, Mine Foreman			PERFO!	RMANCE CO.	AL COMPANY	· · ·			
6. Mine			7. Mine ID	1.5.00.10		(Contractor)			
UPPER BIG BRANCH MINE-SOI	UTH			46-0843	6				
Section II-Justification for Action									
The state of the s	THE WALL WITH THE PROPERTY OF	CAN WELL STONE OF THE PROPERTY OF THE PROPERTY OF THE PARTY OF THE PAR	DANGER OF THE PROPERTY OF THE	anticophysical characters and the control of the co	granders to be the transfer which the property and middle to the property and the				

A smokers search has been conducted on both shifts and the results recorded.

			See Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	☐ C. Vacated 🔽	D. Terminated
Section IV-Inspection Data 9. Type of Inspection E01	10. Event Number 4119293		
11. Signa	AR Number 12. Date	Mo Da Yr 15 09/23/2009	3. Time (24 Hr. Clock) 0818

MSHA Form 7000-3a, Mar 85 (revised)

Mine	Cita	ition	/Or	der

Section IV-Automated System Data

E01

20. Event Number

19. Type of inspection

(activity code)

22. Signa

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Mine Citation/Order							U.S. Department of Labor Mine Safety and Health Administration							>>>
Section I-Violati	on Data	fan Nicher angere (h				<u> </u>			multiplicate state of the state			n der Stade in edig pay Polika		Parameter 1
1. Date	Mo Da 09/21/2		2. Time (24 Hr. C 09(3. Citation Order N		80909	47	
4. Served To			**************************************				5. Operator			**************************************			,	- Control of the Cont
Gary May,	Mine Fo	reman					PERFOR	MANO	CE CO	AL COMI	PANY			
6. Mine UPPER BIO	G BRAN	ICH M	INE-SOU	JTH	applyggibert-tell-mannenspronger betterheiden mannen geget betterh		7. Mine ID	46-	0843	6			(Contract	or)
8. Condition o					نطى <u>ىرى بى سىدىدىن ئىلىنى كەرىپ بىدىدىن ئىلىنى بىرى</u>		, and a second	<u>پيرنب</u>	····			8a. Written	Notice (103g)	
examina	tions	con	ducted	on	o maintain the #2 sec s not have	cti	on. The	pre	shif	t exam:	inat	ion co		•
9. Violation	A. Health Safety Other		B. Section of Act				Part/Section o Title 30 CFR	f			ntinuation	Form (MSH.	A Form 7000-3a)	
Section II-Inspe	ctor's Evalua	ation												
10. Gravity: A. Injury or	Illness (ha	ıs) (is):	No Likelih	ood 📝	Unlikely 🗌		Reasonably	Likely		Highly Likel	у 🔲	Occur	red []	
B. Injury or sonably	illness cou		No Los	t Worko	lays 🗸 Lost	Work	days Or Restri	cted Dut	y 🗌	Permanei	ntly Disa	bling 🗌	Fatal 🗌	mresum*
C. Significa				s []	No 🗸		7 White			D. Number	of Perso	ns Affected	000	***************************************
11. Negligence	e (check o	ne)	A. None [B. Low	C. N	/loderate ✓	C). High		E. Reckl	ess Disreg	D bne	
12. Type of Ac	tion 1)4(a)			13. Type of Iss	suanc	e (check one)	Citat	ion 🗹	Order 🗌	Safe	guard 🗌	Written Notice	
14. Initial Action A. Citation	on B. Or	der 🔲	C. Safegu	ard 🗌	D. Written Notice		E. Citation/ Order Nur	mber			1	F. Dated	Mo Da Y	ŕ
15. Area or Eq	uipment											· · · · · · · · · · · · · · · · · · ·		
16. Terminatio	n Due	A. Date	Mo Da 09/21/2		B. Time (24 Hr. C	lock)	1000							
Section IIITerm	ination Action	on .												
17. Action to T oxygen				has	since be	en	examine	d an	d th	ne resu	lts	of met	hane and	i
18. Terminate	A. Date		Da Yr 21/2009	B. Time	e (24 Hr. Clock		0910							744 -7

MSHA Form 7000-3, Apr 08 (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.

4119293

21. Primary or Mill

23. AR Number

22. Signa

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willie Ottation/Order	Mine Safety and Health Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 09/21/2009 0911	3. Citation/ Order Number 8090948
4. Served To	5. Operator
Gary May, Mine Foreman	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID 46-08436
UPPER BIG BRANCH MINE-SOUTH	(Contractor)
8. Condition or Practice	8a. Written Notice (103g)
	on. The preshift examination conducted any recorded of methane or oxygen tests.
	See Continuation Form (MSHA Form 7000-3a)
	Part/Section of Title 30 CFR 75.360(f)
Section IIInspector'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 Work	days Or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial: Yes ☐ No ✓	D. Number of Persons Affected: 000
11. Negligence (check one) A. None B. Low C. A.	Aoderate ☑ D. High ☐ E. Reckless Disregard ☐
12. Type of Action 104(a) 13. Type of Issuance	e (check one) Citation 🗹 Order 🗌 Safeguard 🗌 Written Notice 🗌
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr 09/21/2009 B. Time (24 Hr. Clock)	1000
Section III-Termination Action	
17. Action to Terminate The area has since been oxygen tests recorded.	examined and the results of methane and
09/21/2009	0915
Section IVAutomated System Data	
19. Type of Inspection (activity code) E01 20. Event Number 4119293	21. Primary or Mill

MSHA Form 7000-5, Apr 06 (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.

23, AR Number

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Mine Citation/Order	Mine Safety and Health Administration
Section I-Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr, Clock) 09/21/2009 0925	3. Citation/ Order Number 8090949
4. Served To	5. Operator
Gary May, Mine Foreman	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID 46-08436 (Contractor)
UPPER BIG BRANCH MINE-SOUTH	(Contractor)
8. Condition or Practice	8a. Written Notice (103g)
examinations conducted on the #	ntain a complete record of preshift 1 section set up. The preshift examination any recorded of an examination of the
9. Violation A. Health B. Section	See Continuation Form (MSHA Form 7000-3a)
Safety ☐ of Act Other ☑	Title 30 CFR 75.360(f)
Section II-Inspector's Evaluation	
10. Gravity:A. Injury or Illness (has) (is): No Likelihood ☑ Unl	ikely 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: 000
11. Negligence (check one) A. None B. Low	☐ C. Moderate ☑ D. High ☐ E. Reckless Disregard ☐
12. Type of Action 104(a) 13. Ty	ype of Issuance (check one) Citation 🗹 Order 🗌 Safeguard 🗌 Written Notice 🗌
14. Initial Action A. Citation B. Order C. Safeguard D. Writter	E. Citation/ F. Dated Mo Da Yr Notice Order Number
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr 09/21/2009 B. Time (24 Hr. Clock) 1000
Section IIITermination Action	
17. Action to Terminate The area has since examination of the lifeshelter	e been examined and the results of the recorded.
18. Terminated A. Date	olock 0930
Section IVAutomated System Data	
19. Type of Inspection 20. Event Number	110202 21. Primary or Mill

MSHA Form

the 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.

23. AR Number

4119293

E01

(activity code)

22. Signatu

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

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N. A.	

Section IV	iolation Data			
1. Date	Mo Da Yr 09/21/2009	2. Time (24 Hr. Clock) 0932	3. Citation/ Order Number 8090	950
4. Served	То		5. Operator	
Gary Ma	ay, Mine Foremar	ı	PERFORMANCE COAL COMPANY	
6. Mine			7. Mine ID 46-08436	
UPPER :	BIG BRANCH M	IINE-SOUTH	40-08430	(Contractor)
8. Conditio	n or Practice		8a. Writt	en Notice (103g)

The operator is failing to maintain a complete record of the weekly examination of the lifeshelters underground. The operator cannot produce a record of the weekly examination of the lifeshelter on the #1 section for the week of 9/7/09 or the week of 9/14/09.

		See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health B. Section Safety of Act Other ✓	C. Part/Section of Title 30 CFR	75.364(h)
Section IIInspector's Evaluation		
10. Gravity:		
A. Injury or Iliness (has) (is): No Likelihood 😿 Unlikel	y 🗌 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: 000
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 Written Notice
14. Initial Action A. Citation B. Order C. Safeguard D. Written No.	E. Citation/ Order Number	F. Dated Mo Da Yr
15. Area or Equipment		
16. Termination Due A. Date Mo Da Yr 09/22/2009 B. Time (24)	Hr. Clock) 0800	
Section IIITermination Action		
17. Action to Terminate		
18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock	k	
Section IVAutomated System Data		
19. Type of Inspection (activity code) E01 20. Event Number 411	9293 21. Primary or Mill	
22. Signa		23. AR Number

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Mine Citation/Order
Continuation

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



Section ISubsequent Action/Continuation Data	Santania de la Carta de Carta					and the state of t
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/21/20(., .	3. Citation/ Order Number	8090950 - 0	
4. Served To	Washington Company		5. Operato	r		
Gary May, Mine Foreman			PERFOR	RMANCE CO.	AL COMPANY	
6. Mine			7. Mine ID	46.00.40		(Contractor)
UPPER BIG BRANCH MINE-SO	UTH			46-0843	6	
Section IIJustification for Action	ter til ett til film gad det til til ett skriverigt til tillstede formande til ett blevere ett ett blevere til					N Company

The shelter has been examined and the results recorded.

Section IIISubsequent Action Taken			See Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	☐ C. Vacated ☑ D. Terminated	E. Modified
Section IVInspection Data			
9. Type of Inspection E01	10. Event Number 4119293		
11. Signat	AR Number 12. Date	Mo Da Yr 13. Time (24 Hr. Clo	ock)
not 7979 Messacon rapa de Malanta la transpor		09/23/2009 0817	

MSHA Form 7000-3a, Mar 85 (revised)

22. Signatur

U.S. Department of Labor

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* 1	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\

		Mine Safety and H	lealth Administration	' % //
Section IViolation Data		elemente summer ja progressi dele kilomente mengapa persona pengela kilomente mengepangan pengengan pengengan Pengengan pengengan	kakadi mininkong dang papanya dagi Gili dalah danim papandani prasaya 15 Pandah dani minina manang Gilima da p Pandah mininkong dang papanya dagi Gili dalah danim papandani prasaya 15 Pandah dani dani minina manang Gilima da Papanda Kalabi Mahala	
1. Date Mo Da Yr 09/21/2009	2. Time (24 Hr. Clock) 0935		3. Citation/ Order Number 809095	1
4. Served To		5. Operator	E COAL COMPANY	The second section is to the second section in the second section in the second section is the second section in the second section is the second section in the second section in the second section is the second section in the second section in the second section is the second section in the second section in the second section is the second section in the second section in the second section is the second section in the second section is the second section in the second section in the second section is the second section in the second section in the second section is the second section in the second section is the second section in the second section in the second section is the second section in the second section in the second section is the second section in the second section in the second section is the second section in the second section in the second section is the second section in the section is the second section in the second section is the second section in the second section is the second section in the second section is the second section in the section is the section in the section in the section is the section in the sectio
Gary May, Mine Foreman 5. Mine		7 16 10	and the second s	
D. MILTE UPPER BIG BRANCH MIL	NE-SOUTH	7. Mine ID 46-0	8436	(Contractor)
3. Condition or Practice			8a, Written N	otice (103g)
examination of th	kly examination of	rground. The op	ecord of the weekly perator cannot produ r on the #4 section	
D. Violation	3. Section	C. Part/Section of	See Continuation Form (MSHA F	Form 7000-3a)
Safety ☐ Other ✔	of Act	Title 30 CFR	75.364(h)	gen 41 m g-17 get minimization of physics access ²⁰⁰ 100 pm.
Section II-Inspector's Evaluation		Particle		
I 0. Gravity: A. Injury or Illness (has) (is):	No Likelihood 🗸 Unlikely 🗌	Reasonably Likely	Highly Likely \(\square	d []
B. Injury or illness could rea- sonably be expected to be:	No Lost Workdays ☑ Lost W	Vorkdays Or Restricted Duty	Permanently Disabling	Fatal
C. Significant and Substantial:	Yes ☐ No 🗹		D. Number of Persons Affected:	000
11. Negligence (check one)	A. None B. Low	C. Moderate 📝 D. I	High E. Reckless Disregard	
12. Type of Action 104(a)	13. Type of Issu	rance (check one) Citation	n ✔ Order 🗌 Safeguard 🗌 🛝	Written Notice 🗌
4. Initial Action A. Citation B. Order (C. Safeguard D. Written Notice	E. Citation/ Order Number	F. Dated	Mo Da Yr
5. Area or Equipment				
	Mo Da Yr 09/22/2009 B. Time (24 Hr. Clo	ock) 0800		gildakkishini imaka a sa
Section IIITermination Action			· · · · · · · · · · · · · · · · · · ·	
7. Action to Terminate				
8. Terminated A. Date Mo D	B. Time (24 Hr. Clock			
Section IVAutomated System Data				24.4
9. Type of Inspection (activity code) E01	20. Event Number 411929	3 21. Primary or N	Mill	

MSHA Form 7 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.

23. AR Number

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Market Control of the						
Section ISubsequent Action/Continuation Data			an and a second			
1. Subsequent Action 1a, Continuation	2. Dated (Original Issue)	Mo Da 09/21/20	1	3. Citation/ Order Number	8090951 - 01	
4. Served To			5. Operato	Г		
Gary May, Mine Foreman			PERFO	RMANCE CO	AL COMPANY	
6. Mine			7. Mine ID	460040		(Contractor)
UPPER BIG BRANCH MINE-SOL	JTH			46-0843	6	
Section II-Justification for Action						

The shelter has been examined and the results recorded.

						See Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IV-Inspection Data 9. Type of Inspection E01	10. Event Numl	per 4119293				
11. Signa		AR Number	12. Date	Mo Da Yr 09/23/2009	13. Time (24 Hr. Cl 0815	ock)
MCRA For	_ -1					Hilly aggregate control of aggregate control agg

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

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	wille Salety and Fleatin Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 09/21/2009 1005	3. Citation/ Order Number 8090952
1. Served To	5. Operator
Gary May, Mine Foreman	PERFORMANCE COAL COMPANY
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)
3. Condition or Practice	8a. Written Notice (103g)
	list of people certified and qualified
for duties under part 75 of 30 CFR.	
	Sea Continuation Form (MSHA Form 7000-3a)
	art/Section of
Safety of Act Ti	tle 30 CFR 75.159
Section IIInspector's Evaluation	
0. Gravity:	
A. Injury or Illness (has) (is): No Likelihood 🗸 Unlikely 📋	Reasonably Likely Highly Likely Occurred
B. Injury or illness could rea- sonably be expected to be. No Lost Workdays V Lost Workday	ays Or Restricted Duty Permanently Disabling Fatal
outlably be expected to be.	
C. Significant and Substantial: Yes ☐ No ✓	D. Number of Persons Affected: 000
1. Negligence (check one) A. None B. Low C. Mc	derate 🗹 D. High 🗌 E. Reckless Disregard 🗌
2. Type of Action 104(a) 13. Type of Issuance	
4. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number
5. Area or Equipment	
6. Termination Due Mo Da Yr	
A. Date 09/21/2009 B. Time (24 Hr. Clock)	1200
ection IIITermination Action	
	a list of qualified and certified
people.	a 1100 of qualities and outsilion
· · · · · · · · · · · · · · · · · · ·	
8. Terminated Mo Da Yr	
A. Date 09/21/2009 B. Time (24 Hr. Clock 1	100
ection IVAutomated System Data	
9. Type of Inspection (activity code) E01 20. Event Number 4119293	21. Primary or Mill
2. Signa	23. AR Number
- Advision requirement	
4SHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small B stablished a National Small Business and Agriculture Regulatory Ombudsman and 10 Re	usiness Regulatory Enforcement Falmess Act of 1996, the Small Business Administration has

MSHA Form 7000-3, Apr 08 (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.

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Section IViolation Data					
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 09/21/2009 1040	3. Citation/ Order Number 8090953				
4. Served To	5. Operator				
Gary May, Mine Foreman	PERFORMANCE COAL COMPANY				
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)				
8. Condition or Practice	8a. Written Notice (103g)				
The operator is failing to properly	maintain the mine check in/out system.				
	checked in, when he is actually not on				
the property.					
	See Continuation Form (MSHA Form 7000-3a)				
, <u> </u>	Part/Section of Fitle 30 CFR 75.1715				
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 Workd	days Or Restricted Duty Permanently Disabling Fatal				
C. Significant and Substantial: Yes 🔲 No 🗹	D. Number of Persons Affected: 000				
11. Negligence (check one) A. None B. Low C. M	loderate ☑ D. High ☐ E. Reckless Disregard ☐				
12. Type of Action 104(a) 13. Type of Issuano	e (check one) Citation 🗹 Order 🗌 Safeguard 🗍 Written Notice 🗍				
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number				
15. Area or Equipment					
16. Termination Due A. Date Mo Da Yr 09/21/2009 B. Time (24 Hr. Clock)	1100				
Section IIITermination Action					
17. Action to Terminate The operator has ensured	that the check in/out tags are				
correctly identifying the miners under	ground.				
18. Terminated A. Date Mo Da Yr 09/21/2009 B. Time (24 Hr. Clock	1048				
Section IVAutomated System Data					
19. Type of inspection (activity code) E01 20. Event Number 4119293	21. Primary or Mill				
22. Signa	23. AR Number				

MSHA Form 100 (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 1-868-REG-FAIR (1-688-734-3247), 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					U.S. Department of Labor Mine Safety and Health Administration				
Section IViola	ition Data	www.philodoleChodourinichahumanumungaying-weiddetsi	the second second construction of the second con	IVIII OAI	cty and mean	ui Mullialistia			
1. Date	Mo Da Yr 09/21/2009	2. Time (24 Hr. Cl			49-9-date-of-market-of-market-orange are not produced to the control of the contr	3. Citation/ Order Nun	nber 80909	54	
4. Served To		and the state of t	- HPAGAPA-Million Emission of memory consequences and page 1995 (1995) and hall by	5. Operato		de completion of the former of the second of			
and the second s	, Mine Foreman			PERFO	MANCE CO	DAL COMPA	NY		
6. Mine UPPER BI	IG BRANCH M	INE-SOUTH		7. Mine ID	46-0843	36		(Contractor)	
8. Condition	or Practice						8a. Written	Notice (103g)	
bathhou primary	ise. The e y escapewa	s failing scapeway may in the pay in the no	ap posted arallel no	in the barth mains	athhouse	shows ar	n additio	nal	
					. <u> </u>	See Conti	nuation Form (MSH/	4 Form 7000-3a) 🔃	
9. Violation	A. Health Safety V Other	B. Section of Act		C. Part/Section Title 30 CFR	of	75.1505	i(a)(3)		
	ector's Evaluation							***	
10. Gravity: A. Injury o	r Illness (has) (is):	No Likelihood	Unlikely 🔽	Reasonabl	y Likely 🔲	Highly Likely	Occur	red	
	or illness could rea- the expected to be:	No Lost Workd	ays 🗸 Lost V	Vorkdays Or Rest	ricted Duty	Permanently	y Disabling 🗌	Fatal 🗌	
C. Signific	ant and Substantial	Yes 🗌	No 🗸		- And Andrews	D. Number of	Persons Affected	942	
11. Negligend	ce (check one)	A. None	B. Low	C. Moderate 🔽	D. High	[] E .	Reckless Disrega	ırd 🗌	
12. Type of A	ction 104(a)		13. Type of Issu	iance (check one)	Citation 🗹	Order [Safeguard [Written Notice	
14. Initial Act A. Citation		C. Safeguard 🔲 I	D. Written Notice	E. Citation/ Order No			F. Dated	Mo Da Yr	
15. Area or E	quipment								
16. Terminati	on Due A. Date	Mo Da Yr 09/21/2009	B. Time (24 Hr. Clo	ck) 113	0			, 7 - 0 · · · · · · · · · · · · · · · · · ·	
Section III-Terr									
17. Action to		e map has l	oeen corre	cted.					
18. Terminate	1 0 11010	Da Yr 1/2009 B. Time	(24 Hr. Clock	1052					
	omated System Data								
19. Type of Ir	spection	20. Event Number	411020	21. 1	Primary or Mill				

MSHA Form 7 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.

23, AR Number

4119293

E01

(activity code)

22. Signatur

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

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Section IViolation Data	managang garaga panggang
I. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/ Order Number 8090955
09/21/2009 1110 Served To	Older Humber
Gary May, Mine Foreman	5. Operator PERFORMANCE COAL COMPANY
5. Mine	**************************************
JPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)
. Condition or Practice	8a. Written Notice (103g)
The operator is failing to maintain a	record of the training of any of the
AMS operators on the 3 shifts.	
···	•
	· .
	See Continuation Form (MSHA Form 7000-3a)
	Part/Section of
Safety of Act Ti	itle 30 CFR 75.351(g)
ection II-Inspector's Evaluation	
0. Gravity:	
A. Injury or Illness (has) (is): No Likelihood 📝 Unlikely 🗌	Reasonably Likely Highly Llkely Occurred
B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays	ays Or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial: Yes ☐ No ✓	D. Number of Persons Affected: 000
1. Negligence (check one) A. None B. Low C. Mc	oderate 🗹 D. High 🗌 E. Reckless Disregard 🗌
2. Type of Action 104(a) 13. Type of Issuance	(check one) Citation ✔ Order ☐ Safeguard ☐ Written Notice ☐
4. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number
5. Area or Equipment	
, ,	
6. Termination Due A D. Mo Da Yr D. T. (ALLIS Challs	
A. Date 09/22/2009 B. Time (24 Hr. Clock)	0800
ection III-Termination Action	
7. Action to Terminate	
8. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock	
ection IVAutomated System Data	
9. Type of Inspection (activity code) E01 20. Event Number 4119293	21. Primary or Mill
2 Signet	23, AR Number

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small 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.

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

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Section I-Subsequent Action/Continuation Data		variation population i processor i process				(jangaran ministra diperangan kanangan mengangan pengangan kanangan kanangan kanangan kanangan kanangan kanang
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/21/2		3. Citation/ Order Number	8090955 - 01	gaptining and the second s
4. Served To			5. Operat	Ot.		NAME OF TAXABLE PARTY O
Gary May, Mine Foreman			PERFO	RMANCE CO.	AL COMPANY	
6. Mine			7. Mine It)		(Contractor)
UPPER BIG BRANCH MINE-SO	UTH			46-0843	6	
Section II-Justification for Action						

Additional time is needed to train all AMS operators.

Section III-Subsequent Action Taken				See Continuation For	łm 🗌
8. Extended To A. Date Mo Da 09/28/2	Yr 2009 B. Time (24 Hr. Clock)	0800	☐ C. Vacated	D. Terminated E. Modified	
Section IVInspection Data		Y			
9. Type of Inspection E01	10. Event Number 4119293	egeneration y obtained and the state of the	and the communication and a series of the Communication Communication and the Communication Communication (Com		gang 44 katang ang pag-
11. Signa	AR Number	12. Date	Mo Da Yr 09/23/2009	13. Time (24 Hr. Clock) 1513	

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

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Section ISubsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/21/20	• • • • •	3. Citation/ Order Number	8090955 - ()2
4. Served To			5. Operato)[
Gary May, Mine Foreman			PERFO	RMANCE CO	AL COMPANY	<i>[</i>
6. Mine			7. Mine ID	46.0040		(Contractor)
UPPER BIG BRANCH MINE-SOUTH				46-0843	6	
Section IIJustification for Action						

The AMS operators have received proper training.

Section IIISubsequent Action Taken						See Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time ((24 Hr. Clock)	elli Cariffendi in muunoi issa pyöseneys (ja markis ta piirikki ta k	☐ C. Vacated	✓ D. Terminated	E. Modified
Section IVInspection Data						
9. Type of Inspection E01	10. Event Numb	oer 4119293				
11. S	The state of the s	AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Ck	ock)
	de la contraction de			09/28/2009	1030	
MSHA Form 7000-3a, Mar 85 (revised)					-	

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

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	Mine Safety and Health Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 09/21/2009 1130	3. Citation/ Order Number 8090956
4. Served To	5. Operator
Gary May, Mine Foreman	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID 46-08436
UPPER BIG BRANCH MINE-SOUTH	(Contractor)
8. Condition or Practice	8a. Written Notice (103g)
	a complete record of weekly electrical
	nation of the mother drive bobcat or the
120 break mantrip charger.	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health B. Section	C. Part/Section of
Safety of Act	Title 30 CFR 75.512
Other √	
Section IIInspector'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	rkdays Or Restricted Duty Permanently Disabling Fatal
C Clariffornia and Culcularities	
C. Significant and Substantial: Yes No 🗸	D. Number of Persons Affected: 000
11. Negligence (check one) A. None 🗌 B. Low 🗌 C.	Moderate ☑ D. High ☐ E. Reckless Disregard ☐
12. Type of Action 104(a) 13. Type of Issuar	nce (check one) Citation 🗸 Order 🗌 Safeguard 🗍 Written Notice 🗌
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr A. Date 00/20/2000 B. Time (24 Hr. Clock	ΛΩΛΩ
09/22/2009 B. Time (24 Hr. Clock) 0800
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) E01 20. Event Number 4119293	21. Primary or Mill
22. Signa	23. AR Number

MSHA Form 1888, 1988 (Subset) In december, and 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

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

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Section I-Subsequent	Action/Continuation Data						
1. Subsequent Actio	on 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/21/20	Yr)09	3. Citation/ Order Number	8090956 - 01	
я́. Served To	, <u>, , , , , , , , , , , , , , , , , , </u>			lā, Oper			
Gary May, Mine	e Foreman			PERF	ORMANCE CO	AL COMPANY	
6. Mine				7. Mine ID			(Contractor)
UPPER BIG BR	RANCH MINE-SC	UTH		Ì			
Section IIJustification	for Action						
Change	Fr	om		,	То		
e. Condition Or Pro-							
Reason Add "f	or the week of 9/14/	09" to the last sente	nce.				

See Continuation Form Section III--Subsequent Action Taken 8. Extended To C. Vacated D. Terminated ✓ E. Modified A. Date B. Time (24 Hr. Clock) Section IV--Inspection Data 9. Type of Inspection E01 10. Event Number 4119293 11. Signatu AR Number 12. Date Mo Da Yr 13. Time (24 Hr. Clock) 09/21/2009 1420 MSHA Form

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

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Section I-Subsequent Action/Continuation Data					Vice and an extension of the Control	and the second and th
1. Subsequent Action 1a. Continuation 2.	. Dated (Original Issue)	Mo Da 09/21/20	., 1	3. Citation/ Order Number	8090956 -	02
4. Served To			5. Operato	ſ		
Gary May, Mine Foreman			PERFO	RMANCE CO.	AL COMPAN	Y
6. Mine			7. Mine ID	46.0040	-	(Contractor)
UPPER BIG BRANCH MINE-SOUT	TH			46-0843	6	
Section IIJustification for Action	of some according to the second					

The equipment has been examined and the results recorded.

Continue VII. Contract Addition Tolland					See Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	ananggasi pilaban madanga baga baga b	☐ C. Vacated	✓ D. Terminated [E. Modified
Section IVInspection Data			<u> </u>		
9. Type of Inspection E01	10. Event Number 4119293				
11. Sign	AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clock	<)
laka-ka-a-pagamandika			09/23/2009	0730	

MSHA Form 7000-3a, Mar 85 (revised)

é Citation/Order

16. Termination Due

18. Terminated

22. Signat

Section III--Termination Action 17. Action to Terminate

A. Date

Section IV--Automated System Data

19. Type of Inspection

(activity code)

Mo Da Yr

09/22/2009

20. Event Number

B. Time (24 Hr. Clock)

4119293

B. Time (24 Hr. Clock

A. Date

E01

Mo Da Yr

U.S. Department of Labor

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				Mine Safety an	d Health Admini	stration	
Section IViola							
1. Date	Mo Da Yr 09/21/2009	2. Time (24 Hr. Clo 1158			3. Citation Order	on/ Number 8090	957
4. Served To			, , , , , , , , , , , , , , , , , , , 	5. Operator		, <u>, , , , , , , , , , , , , , , , , , </u>	
Gary May,	Mine Foreman			PERFORMAN	ICE COAL COM	MPANY	
6. Mine	G BRANCH MI	NE SOUTH		7. Mine ID 46	-08436	<u>ng kanalakan kanalakan permapanggap^{ang per}terbahan kanalakan di di diankan di </u>	(Contractor)
8. Condition of		NE-SOUTH	angangan "Milindi dalah aya asa asa 1929 intella asa ada aya ng		The state of the s	8a, Writte	n Notice (103g)
		failing to	maintain	a complete	record of		
	nd dual li	_	s for the	of an exami week of 9/1	4/09.	the outby Continuation Form (MS	
	Safety ☐ Other ✔	of Act		Title 30 CFR	,	75.512	
Section II-Inspe	ctor's Evaluation						
	r Illness (has) (is): r illness could rea-	No Likelihood 🔽	Unlikely 🗌	Reasonably Likely	☐ Highly Llk	cely [] Occ	urred
	be expected to be:	No Lost Workday	ys 🔽 Lost Wo	rkdays Or Restricted D	uty 🗌 Permar	nently Disabling 🔲	Fatel 🗌
C. Signific	ant and Substantial:	Yes 🗌	No 🗹		D. Numbe	er of Persons Affecte	ed: 000
11. Negligeno	e (check one)	A. None 🗌 💮 I	3. Low 🗌 C	. Moderate 🔽	D, High 🗌	E. Reckless Disre	gard 🗌
12. Type of A	ction 104(a)	·	13. Type of Issua	nce (check one) Cit	ation 🕢 Order [] Safeguard []	Written Notice
14. Initial Acti A. Citation		C. Safeguard 🔲 D	. Written Notice	E. Citation/ Order Number	angle angle and the second	F. Dated	Mo Da Yr
15. Area or E	quipment						

MSHA Form rood-s, Apr of (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency in accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has 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.

0800

21. Primary or Mill

23. AR Number

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

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dille	

Section I-Subsequent Action/Continuation Data		endelessaarielessa ja	vianjini kalifini na anaza a anazava v			
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/21/20		3. Citation/ Order Number	8090957 - 01	
4. Served To			5. Operato	Г		
Gary May, Mine Foreman			PERFOR	MANCE CO	AL COMPANY	
6. Mine			7. Mine ID	460040	*	(Contractor)
UPPER BIG BRANCH MINE-SOU	TH			46-0843	6	
Section IIJustification for Action						

The equipment has been examined and the results recorded.

Section III-Subsequent Action Taken	and the same of the same					See Continuation Form
Programme in the contract of t	Yr	B. Time (24 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IV-Inspection Data	, in the second					
9. Type of Inspection E01	10. Ey	ent Number 4119293	A CONTRACTOR OF THE CONTRACTOR			ang
11. Signat		AR Number	12. Date	Mo Da Yr 09/23/2009	13. Time (24 Hr. Clock 0731	()
MSHA Form 7000-3a, Mar 85 (revised)		•				

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

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Section IVi	olation Data			
1. Date	Mo Da Yr 09/23/2009	2. Time (24 Hr. Clock) 0935	3. Citation/ Order Number 8090958	
4. Served 7	ro		5. Operator	
David Ta	araczkozy, chief	electician	PERFORMANCE COAL COMPANY	
6. Mine UPPER I	BIG BRANCH N	MINE-SOUTH	7. Mine ID 46-08436 (Contracto	r)
A commence of the comment	n or Dractice		Re Written Notice (103a)	

The operator is failing to adequately protect miners from falls of the roof and rib in the area of the #37 seal. The mine roof has fallen out from between the majority of the roof bolts for a break each inby and outby the seal. The mine roof has also fallen completely away from at least 8 roof bolts, leaving them hanging 2' from the mine roof.

This condition has been reported in the weekly exam for hazardous conditions for the weeks of 8/27/09/, 9/2/09, 9/12/09 and 9/19/09. These reports had all been countersigned by the mine foreman. The operator engaged in aggravated conduct by knowing about these conditions and failing to take action on a known hazard. This violation is unwarrantable failure to comply with a mandatory standard.

					See Conti	inuation Form (MSH.	A Form 7000-3a)
9. Violation A. Health Safety Other	of Act		C. Part/Section o Title 30 CFR	f	75.20)2(a)	
Section II-Inspector's Evalu-	ation						
10. Gravity:							
A. Injury or Illness (ha		od Unlikely	Reasonably	Likely 🗸	Highly Likely	Occur	red 🗍
B. Injury or illness co sonably be expected		Workdays ☐ Lost	Workdays Or Restri	cted Duty 🗌	Permanenti	ly Disabling 🗸	Fatal 🗌
C. Significant and Su	bstantial: Yes	✓ No 🗌			D. Number of	Persons Affected	: 001
11. Negligence (check o	ne) A. None	B. Low 🗌	C. Moderate	D. High	✓ E.	Reckless Disrega	ard 🗌
12. Type of Action 1	04(d)(2)	13. Type of Is	suance (check one)	Citation	Order 🗸	Safeguard 🗌	Written Notice
14. Initial Action A. Citation B. Or	der 🗹 C. Safegua	rd D. Written Notice	E. Citation/ Order Nu	mber 8	082692	F. Dated	Mo Da Yr 03/17/2009
15. Area or Equipment	-	y for 1 break	on each s	ide or (.ne #3/	seal.	·
16. Termination Due	A. Date Mo Da	B. Time (24 Hr. C	lock)	÷			
Section III-Termination Action	n						
17. Action to Terminate							
18. Terminated A. Date	Mo Da Yr	B, Time (24 Hr. Clock					
Section IV-Automated Syste	m Data						
19. Type of Inspection (activity code)	E01 20. Event	Number 411929	93 ^{21. P}	rimary or Mill			
22. Signati					23. AR	Number	

MSHA Form a stabilished 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 businesse. 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
Conti	nuation

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

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Section ISubsequent Action/Continuation Data	inga pandika ang mangunang panganya panganya pangang pangang pangang pangang pangang pangang pangang pangang p				engo opacionisto montana administrativa de la composita de la	ezanesanian esenen ur ur en aprocumen soloren di di melipunyi di kechi izalamilin di mbanan esenen a
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/23/20	.,	3. Citation/ Order Number	8090958 - 01	
4. Served To			5. Operat	or		
David Taraczkozy, chief electician			PERFO	RMANCE CO.	AL COMPANY	
6. Mine			7. Mine II)		(Contractor)
UPPER BIG BRANCH MINE-SO	UTH			46-0843	6	
Section IIJustification for Action		kannannan yn general sepan penelen dingereda	Barry Control of the		maditish sakasist samana istika milaga kan ini kata kan ana samana ini	A TABOR TABOR TO THE TOTAL AS A STATE OF THE TABLE TO THE TABOR TO THE TABOR TO THE TABOR TABLE TO THE TABOR T

The area, inby and outby, seal 37 has been timbered.

Property and the second		uuda vajamees vala mija kalkinistoo Taraksidada kalkinis vala dharaksida kalkinis kalkinis kalkinis kalkinis k	iinaanitaaliamaaniinaaniinaa	Se	e Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. C	Clock)	C. Vacated	D. Terminated	E. Modified
Section IV-Inspection Data	themisphenistiken neumannen serven in in mennym parapuni a veneran arapaa seri kanpan sempeni	क्षेत्रस्य स्वतंत्रस्य स्वतंत्रस्य विकालका स्वतंत्रस्य स्वतंत्रस्य स्वतंत्रस्य स्वतंत्रस्य स्वतंत्रस्य स्वतंत्र स्वतंत्रस्य स्वतंत्रस्य स्वतंत्रस्य स्वतंत्रस्य स्वतंत्रस्य स्वतंत्रस्य स्वतंत्रस्य स्वतंत्रस्य स्वतंत्रस्य स्	izyminograpyy zacopunacy nazypuora za transverunty on	ostepennese en mino commune provincia su provincia commune destino de minorio de la la fina Selección de la la	
Control of the contro	10. Event Number	4119293			
11. Signat	ARN	Number 12. Date	Mo Da Yr 09/24/2009	13. Time (24 Hr. Clock) 1202	the bound of the state of the s
MSHA Form 7000-3a, Mar 85 (revised)					,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,

1/24	19
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Mile Citation Order	Mine Safety and Health Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 09/23/2009 1115	3. Citation/ Order Number 8090959
4. Served To	5. Operator
David Taraczkozy, chief electician	PERFORMANCE COAL COMPANY
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)
8. Condition or Practice	8a. Written Notice (103g)
	y protest miners from fall of the roof
	ion, on the left inby corner, the roof
bolts are from 4' 6" to 7' from the co	rner.
	See Continuation Form (MSHA Form 7000-3a)
	Part/Section of Title 30 CFR 75.202(a)
Section II-Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood ☐ Unlikely ☐	Reasonably Likely Highly Likely Occurred
B. Johny or illness could rea-	
sonably be expected to be: No Lost Workdays Lost Work	days 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. N	foderate ✓ D. High ☐ E. Reckless Disregard ☐
12. Type of Action 104(a) 13. Type of Issuance	e (check one) Citation ✔ Order ☐ Safeguard ☐ Written Notice ☐
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr 09/23/2009 B. Time (24 Hr. Clock)	1200
Section III-Termination Action	
17. Action to Terminate The corner has been timb	ered.
18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock	1230
Section IV-Automated System Data	
19. Type of Inspection 20. Event Number 4110000	
(activity code) E01 4119293	21. Primary or Mill
(activity code) E01 4119293	21. Primary or Mill 23. AR Number

MSHA Form 7000-3, Apr 08 (reviseo) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1998, 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.

16. Termination Due

18. Terminated

22, Signal

(activity code)

Section III-Termination Action 17. Action to Terminate

A. Date

Section IV--Automated System Data 19. Type of Inspection

9/25/9

Mine Citat	tion/Order				rtment of La ly and Health	bor Administration		
Section IViol	ation Data	n specifyr yn fysfol yn ys dei fai ddi ddi ddi ddi ddi ddi ddi ddi ddi d	description of the second second	ka anjanja dinguntuna jum andim			<u> </u>	araman mili samusid vallat kirkis kirkis kirkis periodi antakis kirkis k
1. Date	Mo Da Yr	2. Time (24 Hr. Clock)				3. Citation/	80909	<u>د</u> ۸
	09/23/2009	1200				Order Number	00707	00
4. Served To)			5. Operator				
David Tar	raczkozy, chief el	ectician		PERFORM	MANCE COA	AL COMPANY	<i>"</i>	
6. Mine UPPER B	IG BRANCH MI	NE-SOUTH		7. Mine ID	46-08436	5		(Contractor)
8. Condition	or Practice						8a. Written	Notice (103g)
sectio	n in an ade	failing to mainta equately insulated cut in the outer	and	fully p	protected	d condition	on. The	stinger
						See Continuati	on Form (MSH	A Form 7000-3a)
9. Violation	Safety √ Other □	B. Section of Act		art/Section of itle 30 CFR	<u></u>	75.517		
-	pector's Evaluation							
		No Likelihood Unlikely		Reasonably	Likely 🔽	Highly Likely	Occui	red 🗌
	or illness could rea- y be expected to be:	No Lost Workdays 🗌 💮 Los	st Workd	ays Or Restric	ted Duty	Permanently Dis	abling 🗌	Fatal 🗸
C. Signifi	cant and Substantial:	Yes 🗹 No 🗌				D. Number of Pers	sons Affected	001
11. Negligen	ice (check one)	A. None B. Low	C. Mo	oderate 🗸	D. High	E. Red	kless Disreg	ard 🗍
12. Type of	Action 104(a)	13. Type of	Issuance	(check one)	Citation 🗸	Order Sa	feguard 🗌	Written Notice
14. Initial Ac A. Citation		C. Safeguard D. Written Notice	e []	E. Citation/ Order Num	nber		F. Dated	Mo Da Yr
15. Area or l	Equipment							

MSHA Form 7000-3, Apr 08 (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.

1205

1230

21. Primary or Mili

23. AR Number

Mo Da Yr

09/23/2009

20. Event Number

B. Time (24 Hr. Clock)

B. Time (24 Hr. Clock

The damaged area has been reinsulated.

4119293

A. Date

E01

Mo Da Yr

09/23/2009

22. Signa

U.S. Department of Labor

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				Mine S	afety and	d Health A	dministration	1 117		
Section IViolat	ion Data			 					Jacobski karalista ka	
1. Date	Mo Da Yr 09/24/2009	2. Time (24 Hr. 0 09:	•		3. Citation/ Order Number 8090961					
4. Served To		day and a survey of the survey		5. Oper		, , , , , , , , , , , , , , , , , , , 		···	A THE STATE OF THE	
Everette H	agar, Supt.			PERF	ORMAN	CE COAL	COMPAN	Y		
6. Mine				7. Mine	^{ID} 46	-08436		,		
	G BRANCH MI	NE-SOUTH	 				 	0- 11/24	(Contractor)	
8. Condition o			to maintai			.1 1	. C. N		Notice (103g)	
current uses be conditi	mining practite air in ons in and	ractices. the face l around t	The operat and uses a he longwal training	or has n AMS s l. The	starte ystem currer	ed a lo	ngwall itor th	section e atmos	that pheric	
9. Violation	A. Health 🗌	B. Section		C. Part/Secti		· · · · · · · · · · · · · · · · · · ·		tion Form (MSH	A Form 7000-3a)	
	Safety ☐ Other ✔	of Act		Title 30 Cf	R		48.3			
	ctor's Evaluation		·			``	·			
10. Gravity:	r tilness (has) (is):	No Likelihood	Unlikely 🗌	Doggon	ahlu i ikalu	رزون اهـ	shiu Likatu 🗔	Occur	red	
B. Injury or	illness could rea-	No Lost Work	· · · · · · · · · · · · · · · · · · ·	Vorkdays Or R	ably Likely		phly Likely Permanently D		Fatal	
•	be expected to be: ant and Substantial:	Yes ✓	No 🗌				Number of Per	· · · · · · · · · · · · · · · · · · ·		
11. Negligenc	e (check one)	A. None	B. Low	C. Moderate		D. High 🔽	E. Re	ckless Disrega	ard [
12. Type of A	ction 104(d)(2))	13. Type of issu	iance (check o	ne) Cita	ation 🗌 C	Order 🗸 Sa	rfeguard 🗌	Written Notice	
14. Initial Acti A. Citation		C. Safeguard	D. Written Notice	E. Citati Order	on/ Number	8082	2692	F. Dated	Mo Da Yr 03/17/2009	
15. Area or Ed	quipment Th∈	longwall	inby the	belt ta	ilpie	ce.				
16. Termination	on Due A. Date	Mo Da Yr	B. Time (24 Hr. Clo	ock)	· · · ·			 		
Section IIITern	nination Action									
17. Action to	Terminate									
18. Terminate	A. Date	B. Time	e (24 Hr. Clock							
Section IVAuto	enection	20. Event Number			1. Primary	or Baili	1			
activity co		בט. בייסוונ זינעוווספ	" 411929:	3 2	i. riimary	O1 IABH				

MSHA Form 7000-5, Apr on (revised) in accordance start 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 20418. 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.

23. AR Number

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

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Section I-Subsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/24/20	'''	3. Citation/ Order Number	8090961 - 01	
4. Served To			5. Operat	10		
Everette Hagar, Supt.			PERFO	RMANCE CO	AL COMPANY	
6. Mine			7. Mine IC)	**************************************	(Contractor)
UPPER BIG BRANCH MINE-SO	UTH			46-0843	6	
Section IIJustification for Action	The second secon		TO THE OWNER OF THE OWNER OF THE OWNER OF THE OWNER	A STATE OF THE PARTY OF THE PAR	THE RESERVE THE PROPERTY OF TH	

A training plan concerning the AMS system has been approved by MSHA.

Section III-Subse	nuent Antion Take	kra	100 may 2 may 2				unconsistent and the second	See Continuation Form
		Da	Υr	B. Time (24 Hr. Clock)	Anno de la companya del la companya de la companya	C. Vacated	D. Terminated	E. Modified
Section IV-Inspec 9. Type of Inspec	STANDARD CONTRACTOR OF THE PROPERTY OF THE PRO		10. E	vent Number 4119293				
11. Signal				AR Number	12. Date	Mo Da Yr 09/24/2009	13. Time (24 Hr. Cl	ock)

U.S. Department of Labor



Continuation				Mine Sa	fety and Health A	Administration	
Section ISubsequent Action					· · · · · · · · · · · · · · · · · · ·		
 Subsequent Action 1a 	. Continuation	2. Dated (Original Issue)	Mo Da 09/24/20(3. Citation/ Order Number	3090961 - 02	
4. Served To		-		5. Operato			
Everette Hagar, Sup	t.				RMANCE COA	L COMPANY	
6. Mine UPPER BIG BRAN	CH MINE COI	TTTT		7. Mine ID	46-08436		(Contractor)
Section IIJustification for Ac		JIH			10 00 100		a contract of the contract of
Change	Fro	m			То		
8. Condition Or Practice	110				10		
	look of AMS trai	ning avantly incres	one the hazar	dafavna	sura ta fira and/ar	smoke. The operat	or has angaged in
aggravated o							ole failure to comply
							•
							See Continuation Form
Section IIISubsequent Actio							
8. Extended To A. Date	Mo Da Yr	B. Time (24 Hr. Clo	ck)		C. Vacated	D. Terminated	✓ E. Modified
Section IVInspection Data							
9. Type of Inspection	01 10. E	vent Number 4	119293		and the second s		
11. Signatu		AR Nu	mber 1	2. Date	Mo Da Yr	13. Time (24 Hr. C	lock)

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09/28/2009

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

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Section IViolation Data	, , , , , , , , , , , , , , , , , , , ,
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/ 900062
09/24/2009 0945	Order Number 8090962
4. Served To	5. Operator
Everette Hagar, Supt.	PERFORMANCE COAL COMPANY
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)
8. Condition or Practice	8a. Written Notice (103g)
36 miners are working on the longwal	l and 4 AMS operators are working on the
surface without receiving any AMS train	
operators are ordered withdrawn until a	a training plan is approved and thev
receive the required AMS training	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health B. Section C.	Part/Section of
Safety of Act	Fitle 30 CFR 75.350(b)(2)
Other 🗸	
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 rea-	
sonably be expected to be: No Lost Workdays Lost Workd	days Or Restricted Duty Permanently Disabling 🗸 Fatal 🗌
C. Significant and Substantial: Yes ✔ No ☐	D. Number of Persons Affected: 040
11. Negligence (check one) A. None B. Low C. M	oderate ☐ D. High ☑ E. Reckless Disregard ☐
12. Type of Action $104(g)(1)$ 13. Type of Issuance	e (check one) Citation Order 🗸 Safeguard Written Notice
14. Initial Action	E. Citation/ F. Dated Mo Da Yr
A. Citation B. Order C. Safeguard D. Written Notice	Order Number
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)	
Section IIITermination Action	
17. Action to Terminate	
77.7 Olon to Tollingto	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr. Clock	
Section IVAutomated System Data	
19. Type of Inspection (activity code) E01 20. Event Number 4119293	21. Primary or Mill

MSHA Form 7000-3, Apr 08 (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.

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

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Section ISubseque	ent Action/Continuation Data				The state of the s	# 100 mm m m m m m m m m m m m m m m m m
1. Subsequent A	ction 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/24/20	Yr 09	3. Citation/ Order Number 8090962	
4. Served To	-			5. Opera	tor	
Everette Haga	ar, Supt.			PERFO	DRMANCE COAL COMPANY	
6. Mine UPPER BIG I	BRANCH MINE-SO	UTH		7. Mine I	46-08436	(Contractor)
Section IIJustificat	ion for Action	garagana karagan sa		<u> </u>		
Continuation of 1	5. Area or Equipment					

			See Continuation Form
Section IIISubsequent Action Taken			
8. Extended To A. Date Mo Da	B. Time (24 Hr. Clock)	C. Vacated D. Terminated	E. Modified
Section IVInspection Data			
9. Type of Inspection E01	10. Event Number 4119293		gggggggggggggggggggggggggggggggggggggg
11. Signatu	AR Number 12. Date	Mo Da Yr 13. Time (24 Hr. Ct 09/24/2009 0945	ock)

MSHA Form 7000-3a, Mar 85 (revised)

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

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Section ISubsequent Action/Continuation Data		A Contract of Cont	TO SAN STAN STAN STAN STAN STAN STAN STAN			
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/24/20	1	3. Citation/ Order Number 8090962 - 01		
4. Served To			5. Operato	or		
Everette Hagar, Supt.			PERFO	RMANCE COAL COMPANY		
6. Mine			7. Mine ID	16.00.406	(Contractor)	
UPPER BIG BRANCH MINE-SOL	UTH			46-08436		
Section IIJustification for Action						
	UTH			*V-V07J0		

The miners have received AMS training.

			See Continuation Form
Section IIISubsequent Action Taken			
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	☐ C. Vacated ☑ D. Terminated	E. Modified
Section IVinspection Data			
9. Type of Inspection E01	10. Event Number 4119293		
11. Sigr	AR Number 12. Date	Mo Da Yr 13. Time (24 Hr. Cid	ock)
		09/28/2009 1030	
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U.S. Department of LaborMine Safety and Health Administration



Section IS	Subsequent Action/Continuation Data						
1. Subsec	quent Action 1a. Continuation	2. Dated	Mo E	a Yr	3. Citation/	0000000	
		(Original Issue)	09/24/	2009	Order Number	8090962 - 02	
4. Served	То			5. Operat	or	:	
Everette	Hagar, Supt.			PERFC	RMANCE COA	AL COMPANY	
6. Mine				7. Mine II)		(Contractor)
UPPER	BIG BRANCH MINE-SOU	JTH			46-0843	6	
Section II	Justification for Action					ene (d. 1 content et el 1964). El tent en el miner tenne le mantet a tent el mantet el mite de la telem	
Change	Fro	n			То		
8. Conditi	on Or Practice						
Reason	Add the sentence" The miner mine until they receive the re		red to be a	a hazard to t	heir selves and o	thers and are to be wit	hdrawn from the
15. Area	or Equipment						
Reason	Add the sentence, " The mine	rs named are with	drawn fro	m the mine	and prohibited fr	om performing any du	ıties."

								See Continuation Form
Section IIISubsequ	ent Action Tak	en						
8. Extended To	A. Date Mo	Da	Υr	B. Time (24 Hr. Clock)		C. Vacated	D. Terminated	✓ E. Modified
Section IVInspection	on Data							The second secon
9. Type of Inspec	tion E01	echanic ee diminat dimense d	10. E	vent Number 4119293	ot pend a serie larra en recessar municipal en alconer e series			
11. Sigr				AR Number	12. Date	Mo Da Yr 09/28/2009	13. Time (24 Hr. Cl 1350	ock)

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		Mine Safety and Health Administration				
Section IViolation Data	akkuunin kata kata kata kata kata kata kata an mada kanyada ya manga ya manga manga ya manga ya manga ya manga Manga kata kata kata kata kata kata kata ka					
1. Date Mo Da Yr	2. Time (24 Hr. Clock)		3. Citation/ Order Number	8090963		
09/28/2009 4. Served To	1 0940	E Operator	Order Manager			
		5. Operator PERFORMANCE (VIAL COMPANY			
Everette Hagar, Supt.	equation quick description of the property of		OAL COMPANT			
UPPER BIG BRANCH M	IINE-SOUTH	7. Mine ID 46-084	136	(Contractor)		
8. Condition or Practice				Ba. Written Notice (103g)		
There is no reco	annot produce a reco rd of any experience training for this m	d miner training		resher		
			See Continuation	Form (MSHA Form 7000-3a)		
9. Violation A. Health ☐ Safety ✔ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	48.9			
Section IIInspector's Evaluation						
10. Gravity:				. —		
A. Injury or Illness (has) (is):	No Likelihood ✓ Unlikely ☐	Reasonably Likely	Highly Likely	Occurred		
B. Injury or illness could rea-						

No Lost Workdays 📝 Lost Workdays Or Restricted Duty Permanently Disabling Fatal 🔲 sonably be expected to be: C. Significant and Substantial: D. Number of Persons Affected: Yes 🔲 000 No 🗸 11. Negligence (check one) A. None C. Moderate 📝 E. Reckless Disregard B. Low 🗌 D. High 12. Type of Action Safeguard 13. Type of Issuance (check one) Citation 🗸 Order -Written Notice 104(a) 14. Initial Action E. Citation/ F. Dated Mo Da Yr A. Citation C. Safeguard B. Order D. Written Notice Order Number 15. Area or Equipment Mo Da Yr 16. Termination Due A. Date B. Time (24 Hr. Clock) 0800 09/29/2009 Section III--Termination Action 17. Action to Terminate 18. Terminated Mo Da Yr A. Date B. Time (24 Hr. Clock Section IV--Automated System Data 19. Type of Inspection 20. Event Number 21. Primary or Mill 4119293 E01 (activity code) 22. Signa 23. AR Number

MSHA For 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.

U.S. Department of Labor

Mine Safety and Health Administration

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Continuation		ivine Safety and Health Administration						
Section ISubseque	nt Action/Continuation Data				,			
1. Subsequent Ac ✓	ction 1a. Continuation	Dated (Original Issue)	Mo D 09/28/2		3. Citation/ Order Number	8090963 - 01		
4. Served To				5. Opera				
Everette Haga	r, Supt.			PERFC	RMANCE CO	AL COMPANY		
6. Mine			7. Mine I	D 46 00 40		(Contractor)		
UPPER BIG E	BRANCH MINE-SOU	JTH			46-0843	<u> </u>		
Section IIJustification	on for Action							

The training records have been provided.

								See Continuation Form
Section IIISubse	quent Action Take	en						
8. Extended To	A. Date Mo	Da	Υr	B. Time (24 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IVInspec	tion Data							
9. Type of Inspection E01			10. Ev	vent Number 4119293	77.77.77.77.77.77.77.77.77.77.77.77.77.			
11. Signa				AR Number	12. Date	Mo Da Yr 09/29/2009	13. Time (24 Hr. Cloc 0914	k)

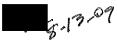


U.S. Department of Labor Mine Safety and Health Administration



					Mine S	arety ar	id Healtr	ı Administr	ation	•	1
Section IViolat	ion Data	And the state of t	and the second			And an organization of The Company	The state of the s	A THE COLUMN TWO IS NOT THE PARTY OF THE PAR			zanimi dinamenta
1. Date	Mo Da Yr 08/12/2009	2. Time (24	Hr. Clos 0815				Vv, xmm/mm/m - good	3. Citation/ Order N		70	
4. Served To	, , , , , , , , , , , , , , , , , , ,	——————————————————————————————————————	5. Opera	5. Operator							
Steve Harra	ah, section for		PERFO	PERFORMANCE COAL COMPANY							
6. Mine UPPER BI	G BRANCH N		7. Mine I	D 46	5-0843	6		(Contrac	ctor)		
8. Condition o				THE TAXABLE PARTY OF THE PARTY					8a. Writter	Notice (103g)	
section metal p bent up curtain	, MMU 064 plate that wards on hooks an	1-0, is in identification in the side one side the side one side one side one side one one one one one one one one one on	not fies e, a ng o	ing machir being mair lever fur nd moves : n the leve raulic mac	ntained nctions freely a er for k	in a is c aroun	safe omple d the swing	operat tely of levers	ing condi f its' mo a. Also, 7	tion. Tounts, 'inch	
9. Violation	A. Health	B. Section		T	C. Part/Sectio	n of	and the second s	See Co	ntinuation Form (MSH	A Form 7000-3a)) []
	Safety 🗸 Other	of Act			Title 30 CF			75.1	725(a)	-	
	ctor's Evaluation			, , , , , , , , , , , , , , , , , , ,			·			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	······································
10. Gravity:	. Illano (boo) (b)	Mad O. Bhas	. :	I taktests .	Dansau	h l ! :[e a [.	. TT	t Balaba i Baab		rred	
B. Injury or	Illness (has) (is): illness could rea-	Alatas l		Unlikely	Reasona orkdays Or Re			Highly Likely	itly Disabling 🔽	Fatal	
sonably be expected to be: No Lost Workdays ☐						Jirrolled L	outy !		of Persons Affected		-000/d
11. Negligence (check one) A. None B. Low C. M						7	D. Hìgh		E. Reckless Disreg	ard []	
12. Type of A	ance (check or	ıe) Ci	tation 🔽	Order [Safeguard [Written Notic	ре []				
14. Initial Action A. Citation	E. Citatio Order	n/ Number	, , , , , , , , , , , , , , , , , , ,	Transmitting.	F. Dated	Mo Da `	Υr				
15. Area or Ed	quipment										
16. Terminatio	on Due A. Dat	Mo Da Yr 08/12/200	9 E	3. Time (24 Hr. Cloc	:k) 09	00					
Section IIITern										, <u>, , , , , , , , , , , , , , , , , , </u>	
17. Action to 1 were re		The p	late	was stra	ightened	1 and	l moun	ted. Th	ne curtair	1 hooks	
18. Terminate	IA Dote	Da Yr 12/2009 B.	Time (24 Hr, Clock	0900		**************************************			A	i i na man n
Section IVAuto	mated System Data			**************************************	And the state of t		·		· · · · · · · · · · · · · · · · · · ·		
19. Type of In (activity co		20. Event N	umber	4119293	21	. Primary	or Mill				0070.202 0
22. Signatu								123 AF	R Number		

MSHA Form stabilished 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.



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



			₹	Mine Safe	ety and Health A	\dministration		\\/
Section IViolat	lion Data							
1. Date	Mo Da Yr 08/12/2009	2. Time (24 Hr. Cl 100				3. Citation/ Order Number	8091971	
Served To			776 4 - 70mman - 7	5. Operator			-3 ************************************	
The second secon	ah, section fore	man		J.	MANCE COA	L COMPANY		
6. Mine UPPER BI	G BRANCH M	IINE-SOUTH		7. Mine ID	46-08436		(0	Contractor)
8. Condition o						8	a. Written Notice	(103g)
route c		of the pri	ap is not bei mary and seco	-	-			
9. Violation	A. Health ☐ Safety ▽	B. Section of Act	1	Part/Section o	f	See Continuation (75.1505(b)	Form (MSHA Form 7	000-3a) <u> </u>
THE PERSON NAMED AND ADDRESS OF THE PERSON NAMED AND ADDRESS O	Other _							
Section IIInspe 10, Gravity:	ector's Evaluation	TO THE REAL PROPERTY OF THE PR						
,	r Illness (has) (is):	No Likelihood	Unlikely 🔽	Reasonably	Likelv 🗀 H	ighly Likely	Occurred	
B. Injury o	r illness could rea- be expected to be	No. 1 and Market		E	cted Duty	Permanently Disab	· · · · · · · · · · · · · · · · · · ·	al 🗌
**************************************	ant and Substantia		No 🗸		D	. Number of Person	s Affected: 0	08
11. Negligeno	e (check one)	A. None	B. Low 🗸 C. Mo	oderate []	D. High	E. Reckle	ss Disregard	
12. Type of A	ction 104(a)		13. Type of Issuance	(check one)	Citation 🗸	Order 🗌 🛮 Safeg	uard 🗌 Writte	n Notice 🗌
14. Initial Acti A. Citation		C. Safeguard	D. Written Notice	E. Citation/ Order Nu	mber	F	. Dated Mo	Da Yr
15. Area or Ed	quipment		THE TAXABLE PROPERTY OF TAXABLE PR		A A A A A A A A A A A A A A A A A A A			
16. Terminatio	on Due A. Date	Mo Da Yr 08/12/2009	B. Time (24 Hr. Clock)	1030				
Section IIITern								
17. Action to a seconda	Terminate Cur ury escape		map was updat	ted sho	wing all	changes to	primary	and
18. Terminate	I A 11216	Da Yr 12/2009 B. Time	(24 Hr. Clock	1015			· · · · · · · · · · · · · · · · · · ·	THE PARTY OF THE P
	omated System Data				A			**************************************
19. Type of In (activity co		20. Event Number	4119293	21. P	rimary or Mill			The state of the s
22. Signatui					······································	23. AR Numbe	r P	

MSHA Form a stabilished a National Strain 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 businesses. 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.

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

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Programme and the second secon	mile odici) dita i locali i la milotadori
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 09/01/2009 0720	3. Citation/ Order Number 8091972
4. Served To	5. Operator
Brandon Bowling, section foreman	PERFORMANCE COAL COMPANY
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)
8. Condition or Practice	8a. Written Notice (103g)
curtain is in the face of the #4 entr 20 feet from flush and bolted. Under the MMU 065 Methane and Dust Control curtain shall be advanced during bolt	ing operations, until it is within 10
teet of the face. After that, on the DUST CONTROL PLAN, under FACE VENTILA	page titled SECTION SPECIFIC METHANE AND
DOOT COULTION THIM, CHICK THOU ADMITTHE	TION, TOOM O DOGGED CHAC A MINIMUM OF

3000 cfm will be maintained in all idle faces.

•									See Con	tinuation Form	(MSHA Form	ı 7000-3a) []
9. Violation	A. Health Safety Other	<u>v</u>	B. Section of Act			C. Part/S Title 30			75.370	O(a)(1)	Communication Co		
Section IIInspe	ector's Evalua	tìon											
10. Gravity:													
-	r Illness (ha		No Likelih	ood 🔲	Unlikely 🗸	Rea	sonably	Likely []	Highly Likely		Occurred [.)	
	r illness cou be expecte		No Los	Workda	ays 🗌 Lost V	Vorkdays C	r Restric	ted Duty 🗌	Permanen	tly Disabling	√ Fε	atal 🗍	
C. Signific	ant and Sul	ostantial	: Ye:		No 🗸				D. Number o	f Persons Aff	ected:	001	
11. Negligeno	ce (check o	1e)	A. None		B. Low	C. Modera	te 🗸	D, High	E	. Reckless D	isregard _]	
12. Type of A	ction [()4(a)			13. Type of Issu	ance (che	ck one)	Citation 🗸	Order	Safeguard	☐ Writ	ten Noti	се
14. Initial Acti A. Citation		ier 🔲	C. Safegua	ırd 🔲 l	D. Written Notice	3	itation/ rder Nun	nber		F. Dat	ed A	vio Da	Yr
16. Terminati	on Due	A. Date	Mo Da 09/01/2	1	B, Time (24 Hr. Clo	ck)	0820			STYLKES SPRINGERSKARE STYLKESKERE	THE PERSON NEWSFELD FOR SECURIOR SECURI	wennesseromanow	/807AJ7700A.CWY-w-w-w-w-
Section III-Terr	nination Actio	in	09/01/2	JU9						 			
17. Action to	Terminate		A li	ne ci	urtain was	hung	•	and the second				DAGRAGA LOS COLLAS	
18. Terminate	A. Date		Da Yr 01/2009	B. Time	(24 Hr. Clock	0810		No. Western Co.	TO SECURITION OF THE SECURITIO				
Section IVAuto		m Data									,		
19. Type of In (activity c		E01	20. Event	Number	411929	3	21. Pr	imary or Mill			V		
22. Signature				A CONTRACTOR OF THE CONTRACTOR	A Partie and a state of the sta		/	The second secon	23. AR	Number	V		

MSHA Form 7000-3, Apr 08 (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.

23. AR Number

22. Signature

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



				Mine Safe	ty and He	ealth Ad	lministre	ation		
Section IViolat	ion Data							112		
1. Date	Mo Da Yr 09/01/2009	2. Time (24 Hr. Clock) 0720				3.	Citation/ Order Nu	_{mber} 8091	973	
4. Served To				5. Operator						
	owling, section	foreman		PERFORI	MANCE	COAL	COMP	ANY	man and the second	
6. Mine UPPER BI	G BRANCH M	INE-SOUTH		7. Mine ID	46-08	3436			(Contra	
8. Condition o									en Notice (103g))
curtain 22 feet the MMU curtain feet of DUST CC	is in the from flust 065 Methods shall be the face	r is not following a face of the #5 esh and bolted. Undane and Dust Contradvanced during A fiter that, on the maintained in all	entry der th rol Pl boltin the pa TILATI	on the ne page an, items operated to the control of	#3 se title em #4 ations led SE em d s	ction d "Sa state , un CTIO	n. Th afety es th til i N SPE	e face i Precaut at the l t is wit CIFIC ME	s driver ions", c ine hin 10 THANE AN	of
							See Cont	tinuation Form (MS	HA Form 7000-3a	a)
9. Violation	A. Health ☐ Safety ✓ Other ☐	B. Section of Act		art/Section of title 30 CFR			75.370	O(a)(1)		***************************************
Section IIInspe	ctor's Evaluation									
10. Gravily: A. Injury or	· Iliness (has) (is):	No Likelihood Unlikely	V	Reasonably	Likely 🗌	Hìg	hly Llkely	Occ	urred 🗌	
	illness could rea- be expected to be:	No Lost Workdays 🗌 L	ost Workda	ays Or Restric	ted Duty] P	ermanent	ly Disabling 🗸	Fatal (
C. Signific	ant and Substantial	Yes [] No 🗸		Orker 1149 1149 1149 1149 1149 1149 1149 1149 1149 1149 1149 1149 1149 1149 1149		D. 1	Number of	Persons Affecto	ed: 001	
11. Negligenc	e (check one)	A. None B. Low	C. Mo	oderate 🗸	D. H	igh 📋	E	. Reckless Disre	gard 🗍	**************************************
12. Type of A	ction 104(a)	13. Type o	of Issuance	(check one)	Citation	√ 0	rder 🔲	Safeguard 📋	Written Notic	се
14. Initial Acti A. Citation	on [] B. Order []	C. Safeguard D. Written Not	ice 📋	E. Citation/ Order Nur	nber		3/2	F. Dated	Mo Da	Yr
15. Area or E	quipment									
16. Terminatio	on Due A. Date	Mo Da Yr 09/01/2009 B. Time (24 H	ir. Clock)	0820			200			2×10×10×10×10×10×10×10×10×10×10×10×10×10×
Section IIITern		rome ^{nt} - seconda ^{nt} - secondant - response - response - response								
17. Action to	Terminate	A line curtain	was hu	ing.						
18. Terminate	A. Date 09/0	Da Yr 1/2009 B. Time (24 Hr. Clock	0	0810	· · · · · · · · · · · · · · · · · · ·				aga gaga da	***************************************
	omated System Data	Too en and the second								
19. Type of In		20. Event Number 4119	9293	21. Pr	imary or M	W				

MSHA Form 7000-3, Apr 08 (refised) 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.

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22. Signatu

wille Citation/Order	Mine Safety and Health Administration				
Section IViolation Data					
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 09/01/2009 0900	3. Citation/ Order Number 8091974				
4. Served To	5. Operator				
Brandon Bowling, section foreman	PERFORMANCE COAL COMPANY				
6. Mine	7. Mine ID 46-08436				
UPPER BIG BRANCH MINE-SOUTH	40-06430 (Contractor)				
8. Condition or Practice	8a. Written Notice (103g)				
A dewatering pump at the end of	the track on the #3 section is not				
properly labeled for identification. "#18 break track pump". The in line b	The cathead at the power center reads reaker for that pump reads " #1 pump".				
	See Continuation Form (MSHA Form 7000-3a)				
9. Violation A. Health B. Section of Act Other Other	C. Part/Section of Title 30 CFR 75,904				
Section IIInspector's Evaluation					
10. Gravity: A. Injury or Illness (has) (is): No Likelihood ☐ Unlikely ✓	Reasonably Likely				
B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays	rkdays 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 Issuar	nce (check one) Citation 🗹 Order 🗌 Safeguard 🗍 Written Notice 🗍				
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number				
15. Area or Equipment					
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock	3) 0910				
Section IIITermination Action					
17. Action to Terminate The pump was accura	tely labeled.				
18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock	0910				
Section IV-Automated System Data					
19. Type of Inspection (activity code) E01 20. Event Number 4119293	21. Primary or Mill				

MSHA Form 7000-3, Apr 08 (ref)ised) 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.

23. AR Number

Mine	Ci	tat	ion	IO.	rd	Αľ

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BAYSAN AN A			Mine Safety and	d Health Administration	
Section IViolation Data					
1. Date Mo Da Yr 07/20/2009	2. Time (24 Hr. Cl 130			3. Citation/ Order Numbe	, 8094521
4. Served To			5. Operator		emains (Colong Section (Colong Section Colong Secti
ANDY COALSON (M	NE FOREMAN)		PERFORMAN	CE COAL COMPAN	Y
6. Mine			7. Mine ID 46	-08436	
UPPER BIG BRANCH	MINE-SOUTH		TV	-VUTJV	(Contractor)
8. Condition or Practice		and the state of 	82-111-2-1-1152-p-1112-p-111-2	\$2 0 	8a. Written Notice (103g)
	ALLOWED TO A SECTION.	ACCUMULATE OV	ER TOP OF	THE TRACK RAI	LS AT CROSS CUT
,					
					_
				See Continuat	lon Form (MSHA Form 7000-3a)
9. Violation A. Health ☐ Safety ✔ Other ☐	B. Section of Act		art/Section of tie 30 CFR	75.1403	•
Section II-Inspector's Evaluation					
10. Gravity:					
A. Injury or Illness (has) (is		Unlikely 🔽	Reasonably Likely	Highly Likely	Occurred
B. Injury or illness could rea sonably be expected to it	a- No Lost Workd	ays Lost Workda	ays Or Restricted Di	uty 🗸 Permanently Di	sabling Fatal
C. Significant and Substant		No 🔽	- Herpitaldische St. (1970–1974 d. S. Lababatha (1984) de	D. Number of Per	sons Affected: 010
11. Negligence (check one)	A. None	B. Low C. Mo	derate 🗸	D. High E. Red	ckless Disregard 🗌
12. Type of Action 104(a)	· ·	13. Type of Issuance	(check one) Cita	ation 🗸 Order 🗌 Sa	feguard Written Notice
14. Initial Action A. Citation B. Order	C. Safeguard ✓	D. Written Notice	E. Citation/ Order Number	4636403	F. Dated Mo Da Yr 07/24/1996
15. Area or Equipment				×.	
16. Termination Due A. Da	Mo Da Yr te 07/21/2009	B. Time (24 Hr. Clock)	0800		
Section IIITermination Action					
17. Action to Terminate					
A. Date	ŀ	(24 Hr. Clock)	alukata arsi-takuntu arsa hankat kanakat arsa na arawa sa asa arsa ar		
Section IVAutomated System Dat	8				
19. Type of Inspection (activity code) E0	20. Event Number	4119293	21. Primary	or Mill	The state of the s
22. Signature				23. AR Nun	nber

MSHA Form 7000-3, Apr 08 (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

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Section I-Subsequent Action/Continuation Data								
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo E 07/20/	a Yr 2009	3. Citation/ Order Number	8094521 - 01			
4. Served To	- 1, - 2,	5. Opera	5. Operator					
ANDY COALSON (MINE FOREMAN)				PERFORMANCE COAL COMPANY				
6. Mine				D 46 0042	(Contractor)			
UPPER BIG BRANCH MINE-SOUTH				46-08436				
Section IIJustification for Action								

THE TRACK HAS BEEN BLOCKED UP OUT OF THE WATER IN THIS AREA.

Cooling III. Culpage up to Aption Tolon			See Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	☐ C. Vacated ☑ D. Terminated	E. Modified
Section IV-Inspection Data			
9. Type of Inspection E01	10. Event Number 4119293		
«ЛОННЯ» «Найтония «Айодоти» «Надвору в настановатий урганизатору, т. таков бымо	AR Number 12. Date	Mo Da Yr 13. Time (24 Hr. Clo	ck)
		07/21/2009 1010	·

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



							Mine Safe	ty and	Health	n Administra	ation		,	
Section I-Violat			The state of the s	na - Mariana a service	THE REAL PROPERTY OF THE PROPE			Mindred Mary Market Mary Control	A SECTION AND ASSESSMENT OF THE PARTY OF THE	, , , , , , , , , , , , , , , , , , ,				
1. Date	Mo Da 07/20/2		2. Time (2	4 Hr. Cl 124	-					3. Citation/ Order Nu	mber 80	09452	.2	
4. Served To							5. Operator						,	
ANDY CO	ALSON	(MINI	E FOREN	AAN)	Pillentine and Williams and Pillentine and Pillenti			MAN	CE CO	AL COMP.	ANY	***************************************	·	
6. Mine UPPER BIO	G RRAN	існ мі	NE-SOL	TH			7. Mine ID	46-	0843	6			(Contract	OL)
8. Condition o		(CII IVII	115-000	111							8a.	Written N	iotice (103g)	
FROM CR INCHES	OSS C IN DE	UT #1 PTH ,	31 TO 150 F	CRO T. I	L WAS PRES SS CUT #12 N LENGTH, AS TURNING	28. AND	THIS M.	ATER 18	IAL INCH		ROXIM	ATELY		-
										See Cont	linuation For	m (MSHA	Form 7000-3a)	
9. Violation	A. Health		B. Section	****		C. P.	art/Section o	f					· · · · · · · · · · · · · · · · · · ·	
	Safety Othe		of Act			Ti	lie 30 CFR			75.	400			
Section II-Inspe														
10. Gravity:					14 85 1 5				()		F			
A injury or			No Likelih	od	Unlikely 🗌	·	Reasonably	Likely	✓	Highly Likely	Ц	Occurre	ed 📋	
B. Injury or sonably	be expecte		No Los	t Workd	lays 🗌 💮 Lost V	Vorkd 8	ays Or Restri	cted Du	ty 🗸	Permaneni	lly Disablin	g 🗌	Fatal 🗍	
C. Significa	ant and Su	bstantial:	Yes	: V	No 🗌					D. Number of	Persons A	Affected:	004	
11. Negligenc	e (check o	ne)	A. None]	B. Low	C. Mo	derate 🔽	C). High	E	. Reckless	Disregar	d 🗌	
12. Type of A	ction 1	04(a)			13. Type of Iss	uance	(check one)	Cita	tion 🗹	Order 🗌	Safegua	rd 🗌	Written Notice	• 🗌
14. Initial Acti A, Citation		der [C. Safegue	ırd 🗍	D. Written Notice [E. Citation/ Order Nur	nber			F. D	ated	Mo Da Y	ſ
15. Area or Ed	quipment	*************							<u></u>	نائنوا په جمعه خارجه د			· · · · · · · · · · · · · · · · · · ·	
		magana ¹⁷⁰⁰ labayah magana /1700 laba					allen mangkappa, gama dan mengappaga Habababan		Marine managery (Militation			· · · · · · · · · · · · · · · · · · ·	P. 1741 — alon — 1744 W. 4 — 1777 144	
16. Terminatio		A. Date	Mo Da 07/20/2		B. Time (24 Hr. Clo	ock)	1600				-			والمستحدث والمراوات
Section III-Tem		on						<u> </u>						
17. Action to 1	i erminate											,		
18. Terminate	A. Date		Da Yr	B. Time	(24 Hr. Clock)									
Section IV-Auto		em Data	20 5000	Alumb -	·	<u></u>	104 15	rimen:	e Mili					
(activity co	oge) shacdou	E01	20. Event	Numbe	411929	3	[23. P	rimary o	or IAIIII		The state of the s	9mg-1m/m-1m		وبنسسيون
22. Signature							and the state of t	hannan (Parlamento)	000 januari 1800 ja	23. AR	Number		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	

MSHA Form 70 Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a Number of the stable of the stab

Mine Citation/Order Continuation

U.S. Department of Labor

Mine Safety and Health Administration



Section ISubsequent Action/Continuation Dat	а							
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 07/20/2	• • •	3. Citation/ Order Number	8094522 - 01			
4. Served To			5. Operator					
ANDY COALSON (MINE FOI		PERFORMANCE COAL COMPANY						
6. Mine			7. Mine II		·	(Contractor)		
UPPER BIG BRANCH MINE-S	OUTH	46-08436						
Section II-Justification for Action		and the second state of the second	Vesto Verental Contrativo de California de C		<u> 1900-langungan di pang-banka, antara pangka antara k</u>			

THE SCOOP HAS BEEN CLEANED AND WASHED.

Section III—Subsec	nuent Action Tak	en e	santa en en el en con el		enere a suiven que esta esta de construir en esta disposare de la construir de la construir de la construir de	nenenada polo (adaministi (Ciliada) que es espera este e con servicio.		See Continuation Form
			Y٢	B. Time (24 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IV-Inspec 9. Type of Inspe	PRINTER COLLEGE CONTRACTOR CONTRA		10. E	vent Number 4119293			operation in the contract of t	
				AR Number	12. Date	Mo Da Yr 07/21/2009	13. Time (24 Hr. Cl 1020	ock)

Mine Citation/Order
Continuation

AREA.

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

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	t Action/Continuation Data		ing to the control of	(Вотоминационностического порти	Market of the state of the stat						
1. Subsequent Act ✓	ion 1a. Continuation	2. Dated (Original Issue)	Mo 07/2(Da Yr 0/2009	3. Citation/ Order Number	8094522 - 02					
4. Served To				5. Ope	5. Operator						
ANDY COALS	SON (MINE FORE)	MAN)		PERF	PERFORMANCE COAL COMPANY						
6. Mine				7. Mine	ID 46 00 40	(Contractor)					
UPPER BIG B	RANCH MINE-SOU	JTH			46-0843						
Section IIJustification	n for Action	and has the second and the second			A Variantificity is a most the size in graph of the first transfer and property or a size in the left		nd kolomina sa sa sa ili kunjulim pramaza o vanca minindi profesili ka vaza zama maji priklipsa se masa kungujuje Vi I				
Change From					То						
8. Condition Or Pra	actice										
Doggon THE T	PERMINIATION CHAI	TITS HAVE DEAD	n. THE	TOOPE CO	AT HAC DEEN (TELEVISION FOR THE	OR ARRECTED				

			ano piano para							See Continuation Form
Section III-Subse		en								
8. Extended To	A. Date Mo	Da	Υr	B, Time (24 H	r. Cłock)	A STATE OF THE PROPERTY OF THE	☐ c.	Vacated	D. Terminated	✓ E. Modified
Section IVInspec	tion Data	ennersijk een	orenegotoj istorovi					operatore de principal de la composición dela composición de la composición de la composición dela composición dela composición dela composición de la composición dela composición de la composición dela		
9. Type of Inspe	ection E01		10, E	vent Number	4119293	ing at the property of the state of the stat	and the second s		on a second and the s	engel kanasansusus päärinna minin saaniili kolonyas en suuris kahikeen suuren (A
11 Signature	(data a a a para gaga da a a a a a a a a gaga da a a a		<u> </u>	A	R Number	12. Date	Mo Da	Yr 1/2000	13. Time (24 Hr. Cl	ock)

MSHA Form 1000-3a, Mar 85 (revised)

22. Signature

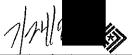
U.S. Department of Labor Mine Safety and Health Administration



					Mi	ne Safety	/ and Heal	th Administra	ation		>//	
Section I-Violat	ion Data	Name of the Control o				,	Secretary of the second					
1. Date	Mo Da Yr		2. Time (24 Hr. Cl				·····	3. Citation/	. 809	94523	}	
4 A 3 P	07/21/200)9	103	<u> </u>		Older Number						
4. Served To	AT CONT. O	A ATKITZ	EODEMAND			Operator	TANOR O	OAL COMB	4 % T V			
	ALSON (MINE	FOREMAN)				IAINCE C	OAL COMP	ANI			
6. Mine	G DD ANIC	LI MITN	NE-SOUTH]′.	Mine ID	46-084	36			(Contractor)	
8. Condition of		I I IVIII	NE-SOUTH						8a W	ritten No	otice (103g)	
		MEN	T STOPPIN	G LOCATED	1 CRO	OSS CU	T OUTE	Y SPAD #	23700	ON	#1	
				TAINED FOR		PURPO					ALLED.	
				E INTAKE F					± 11110			
11120 01	0111110	N434.	11417700 111	THE THEFT				01414				
								00		######################################	7000 o.v. []	
9. Violation	A. Health	1 10	. Section		C Post/	Section of		See Con	tinuation Form	(MOTA F	omii 7000-3a) 📋	
a. Violation	Safety 🗸		of Act			30 CFR	•	75.3	33(h)			
	Other							, 5 (5)	55(11)			
 	ctor's Evaluation	n										
10. Gravity:				_						_	. ==	
	Illness (has)		to Likelihood 🗌	Unlikely 🔽	Re	asonably L	ikely 📋	Highly Likely		Occurred		
	illness could		No Lost Workd	avs 🐼 Lost W	orkdavs	Or Restrict	ed Duty 🗌	Permanen	tly Disabling		Fatal 🗌	
Parama adaight	be expected t											
C. Significa	ant and Substa	antial:	Yes 🗌	No 🗸				D. Number of	r Persons Aff	ectea:	010	
11. Negligenc	e (check one)	А	. None 🗌	B. Low 🗌 🤇	C. Modei	ate 🗸	D. High	- C	. Reckless D	isregard		
12. Type of A	ction 104((a)		13. Type of Issu	ance (ch	eck one)	Citation 🗸	Order [Safeguard	V	Vritten Notice	
14. Initial Action A. Citation	on B. Order	· 🗆 . a	. Safeguard 🗀	D. Written Notice		Citation/ Order Numi	ber		F. Dat	ed	Mo Da Yr	
	 	<u>. —, </u>						 				
15. Area or Ed	imbinaur											
16. Termination	on Due	11212	Mo Da Yr	B. Time (24 Hr. Clos	~k\	1040			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
			07/21/2009	5. Tano (24 Til. Olor	J1()	1040						
Section III-Tem			,					,			 	
17. Action to	Terminate T	HIS	STOPPING	WAS REPAI	RED.							
18. Terminate	מופנו בנו	Mo Da	IR Time	(24 Hr. Clock)	104	0						
	<u> </u>	07/21.	/2009	(27 til. OlOOK)	104	<u> </u>		<u> </u>	·			
	mated System I											
19. Type of In (activity co		E01	20. Event Numbe	4119293	3	21. Prir	mary or Mill					

MSHA Form 7000-3, Apr 08 (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.

23. AR Number



Mine Citation/Order	U.S. Department of Labor Mine Safety and Health Administration
Section I-Violation Data	paramaghan madyanganganganganganganganganganganganganga
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 07/21/2009 1115	3. Citation/ Order Number 8094524
4. Served To	5. Operator
ANDY COALSON (MINE FOREMAN)	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID 46-08436
UPPER BIG BRANCH MINE-SOUTH	(Contractor)
8. Condition or Practice	8a. Written Notice (103g)
APPROXIMATELY 31 BOTTOM BELT ROLLERS V	WERE OFF THE RAILS ON OF THE #3 SECTION
	RE LYING IN ACCUMULATIONS OF LOOSE COAL ELT RAILS ON THE OTHER END ALLOWING THE
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health B. Section of Act Other	Part/Section of Title 30 CFR 75.1731(a)
Section IIInspector'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	kdays Or Restricted Duty Permanently Disabling 🗸 Fatal 🗌
C. Significant and Substantial: Yes ✓ No □	D. Number of Persons Affected: 004
11. Negligence (check one) A. None B. Low C.	Moderate ☑ D. High ☐ E. Reckless Disregard ☐
12. Type of Action 104(a) 13. Type of Issuand	ce (check one) Citation ✓ Order ☐ Safeguard ☐ Written Notice ☐
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr 07/21/2009 B. Time (24 Hr. Clock)	1600
Section III—Termination Action	
17. Action to Terminate	
18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)	
Section IVAutomated System Data	
19. Type of Inspection (activity code) E01 20. Event Number 4119293	21. Primary or Mill
22. Signature	23. AR Number

MSHA Form 700 siness Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a Natural Street of 1996, the Small Business Administration has established a Natural Street of 1996, the Small Business Administration has established a Natural Street of 1996, the Small Business 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.

U.S. Department of Labor

Mine Safety and Health Administration

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Continuation			17	Wife Calety and Feath Administration						
Section ISubsequent Action/Continuation Data			maga, day haman	te also 1994 in Plane Market and Sil		1	dimensional basis			
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo 07/2	Da 1/2009	Υr)	3. Citation/ Order Number 8094524 - 01		- Harris -			
4. Served To				5. Operator						
Andy Coalson, Mine Foreman			P	ERFC	RMANCE COAL COMPANY					
				7. Mine ID (Contract						
UPPER BIG BRANCH MINE-SOUTH					46-08436					
Section IIJustification for Action										

The rollers have been removed'

							**************************************			See Continuation Form
Section IIISubse	quent Action Take	n								
8. Extended To	A. Date Mo	Da	Y٢	B. Time (24	Hr. Clock)		☐ c.	Vacated	D. Terminated	E. Modified
Section IVInspec	ction Data	***************************************								Marie III
9. Type of Insp	ection E02		10. E	vent Number	4123479					
1					AR Number	12. Date	Mo Da 07/2:	Yr 2/2009	13. Time (24 Hr. Cl	ock)
1					AR Number	12. Date		• • •		ock)

Mine	Cifa	tion	/O	der
IVIII	Ulla	UVII	<i>.</i> •	uoi

7/24/	(S)
į.	-4/

Section IViolation Data	tamo outry and rioder ranning and					
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/ Order Number 8094525					
07/21/2009 1130	Order Number 8094323					
4. Served To	5. Operator					
ANDY COALSON (MINE FOREMAN) 6. Mine	PERFORMANCE COAL COMPANY					
UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)					
8. Condition or Practice	8a. Written Notice (103g)					
ACCUMULATIONS OF LOOSE COAL WAS PRESEN	T ALONG THE #3 SECTION FOR #1 SECTION					
	BELT HEAD. THIS MATERIAL WAS MITHE TRACK RAIL TO THE OFFSIDE RIB ON HIS BELT LIST NEEDS SPOT CLEANED AND					
·	See Continuation Form (MSHA Form 7000-3a)					
9. Violation A. Health ☐ B. Section C. Safety ✔ of Act	Part/Section of Title 30 CFR 75.400					
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 rea-						
sonably be expected to be: No Lost Workdays Lost Work	kdays Or Restricted Duty 🗌 Permanently Disabling 🗹 Fatal 🗌					
C. Significant and Substantial: Yes ✓ No ☐	D. Number of Persons Affected: 004					
11. Negligence (check one) A. None B. Low C.	Moderate ☐ D. High ☑ E. Reckless Disregard ☐					
12. Type of Action 104(d)(2) 13. Type of Issuand	ce (check one) Citation ☐ Order ✔ Safeguard ☐ Written Notice ☐					
14. Initial Action A. Citation ☐ B. Order ✔ C. Safeguard ☐ D. Written Notice ☐	E. Citation/ Order Number 8082692 F. Dated Mo Da Yr 03/17/2009					
15. Area or Equipment THE #3 BELT CONVEYOR FOR	THE #1 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 IVAutomated System Data						
19. Type of Inspection (activity code) E01 20. Event Number 4119293	21. Primary or Mill					
22. Signature	23. AR Number					

MSHA Form 7000-3, April 8 (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

1/20/19	
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Section ISubsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 07/21/20	• • •	3. Citation/ Order Number	8094525 - 01	
4. Served To			5. Operate	or		
Andy Coalson, Mine Foreman			PERFO:	RMANCE CO	AL COMPANY	
6. Mine		,	7. Mine IC)	_	(Contractor)
UPPER BIG BRANCH MINE-SC	UTH			46-0843	6	
Section IIJustification for Action	en et emmet uneggege wegen veregen vergen en et met en dysgemet vegt e propriete e		<u></u>	<u>anna ann an a-a-a-a-a-a-a-a-a-a-a-a-a-a-</u>	ta a september 19 de graf fan <u>tean op teante fan ee te</u> ante an de	

The belt has been cleaned.

	Salah salah sara dalam salah sal		- also isanabisas.	eligabilita gan ^{ing} gina (ay ay ay ay ay an an ay ay ay ay an an ay an					See Continuation Form
Section IIISubse		n	No. 1						
8. Extended To	A. Date Mo	Da	Ϋ́r	B. Time (24 I	dr. Clock)		☐ C. Vacated	✓ D. Terminated	☐ E. Modified
Section IVInspec	ction Data	Annyaya wakaziya Annoo	2*************************************			internativament un construit State Europeia error et elle			
9. Type of Insp	ection $ m E02$		10. E	vent Number	4123479				
11					AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. C	lock)
							07/22/2009	1542	·
1.4									

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

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	Mine Safety and Health Administration					
Section I-Violation Data						
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 07/21/2009 1145	3. Citation/ Order Number 8094526					
4. Served To	5. Operator					
ANDY COALSON (MINE FOREMAN)	PERFORMANCE COAL COMPANY					
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)					
8. Condition or Practice	8a. Written Notice (103g)					
	OR #1 SECTION DAYSHIFT 7/21/2009 WAS					
	TOM ROLLERS WERE BROKE OFF LYING ON THE					
MINE FLOOR AND THE OTHER END WAS HANGIN						
TITLE LEGOT THE THE OTHER DIS MILE INTROLLE	O ON THE BEET TWILL.					
	See Continuation Form (MSHA Form 7000-3a)					
	art/Section of title 30 CFR 75.360(a)(1)					
Section IIInspector'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 Workd	ays Or Restricted Duty 🗍 Permanently Disabling 📝 Fatal 🗌					
C. Significant and Substantial: Yes ✓ No ☐	D. Number of Persons Affected: 004					
11. Negligence (check one) A. None B. Low C. Mo	oderate ☐ D. High ✔ E. Reckless Disregard ☐					
12. Type of Action $104(d)(2)$ 13. Type of Issuance	(check one) Citation ☐ Order ✔ Safeguard ☐ Written Notice ☐					
14. Initial Action A. Citation ☐ B. Order ☑ C. Safeguard ☐ D. Written Notice ☐	E. Citation/ 8082692					
15. Area or Equipment THE #3 SECTION BELT FOR #1						
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 IVAutomated System Data						
19. Type of Inspection (activity code) E01 20. Event Number 4119293	21. Primary or Mill					
22 Signatura /	102 AD Murchas					

MSHA Form 7000-3, Apr 08 (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

7/2	27/9	> //

				· · · · · · · · · · · · · · · · · · ·				
Section ISubsequent Action/Continuation Da	ata	and the second s						
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo D 07/21/		3. Citation/ Order Number	8094526 - 01			
4. Served To				5. Operator				
Andy Coalson, Mine Foreman				PERFORMANCE COAL COMPANY				
6. Mine				7. Mine ID (Co		(Contractor)		
UPPER BIG BRANCH MINE-SOUTH				46-0843	6			
Section IIJustification for Action				<u> Para arang managan mengang menggap</u>				

The operator has re-instructed the examiners on proper examinations.

			See Continuation Form
Section IIISubsequent Action Taken			
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	☐ C. Vacated 📝 D. Terminated	E. Modified
Section IVInspection Data			
9. Type of Inspection E02	10. Event Number 4123479		
11. Signature/ a	AR Number 12. Date	Mo Da Yr 13. Time (24 Hr. Clo 07/22/2009 1545	ock)

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



<u> </u>							Mine Safe	ty and	Health A	\dministra	ion	/ '	
Section I-Violat													
1. Date	Mo Da Yr 07/21/200		2. Time (2	4 Hr. Clo 131(3. Citation/ Order Number 8094527						7
4. Served To							Operator						
	ALSON (1	MINE	FOREM	IAN)			PERFOR	MAN	CE COA	L COMPA	NY	~~~	70.00
6. Mine UPPER BI	G BRANC	H MII	NE-SOU	TH			7. Mine ID 46-08436 (Contractor)						(Contractor)
8. Condition of												8a. Written No	tice (103g)
SECTION WAS APE	FROM TOROXIMATE OF THE #	HE ELY 2 H WAS	BACK (6 TO EAD II APPR(OF TH 15 I NCLUD OXIMA	NCHES DEER	CE P I TH	N THIS E DRIV INCHES	FOR ARE E MC IN	TORS :	ROSS CU SO FROM LOOSE (JTS 1 CI COA)	. THIS A	R #1 MATERIAL F #60 RESENT. FROM
9. Violation	A. Health Safety V		3. Section of Act				art/Section o le 30 CFR	f		See Conti	~~	Form (MSHA Fo	ırm 7000-3a) 📗
Section II-Inspe	ctor's Evaluation	1			**************************************			*					
10. Gravity:													
	r Iliness (has)		No Likeliho	od [Unlikely 🗸		Reasonably	Likely	[] H	ighly Likely		Occurred	
	r iliness could be expected t		No Lost	Workda	ys Lost Wo	orkda	ys Or Restri	cted Du	ıty 📋	Permanenti	/ Disa	bling 🗸	Fatal 🗌
C. Signific	ant and Subst	antial:	Yes		No 🗹				D	Number of	Perso	ns Affected:	004
11. Negligeno	e (check one)	A	. None]	B. Low 🗍 C	. Mo	derate 🗌		D. High 🔽	Ε.	Reckl	ess Disregard	
12. Type of A	ction 104((d)(2)			13. Type of Issua	ince (check one)	Cita	ition 🗌	Order 🔽	Safe	guard 🗌 🛮 W	ritten Notice 🗌
14. Initial Acti A. Citation	on B. Order	7 (C. Safegua	rd 🔲 🖸	. Written Notice		E. Citation/ Order Nur	mber	808	2692	į	. Dated	Mo Da Yr 03/17/2009
15. Area or E	quipment T	HE	#2 BE	LT CC	NVEYOR FOR	₹ #	1 SECT	ION.					
16. Termination	on Due A.	Date	Mo Da	Yr E	3. Time (24 Hr. Cloc	k)				· • • • • • • • • • • • • • • • • • • •		· · · · · · · · · · · · · · · · · · ·	
Section III-Tern	nination Action			····									
17. Action to	Terminate												
18. Terminate	A. Date	Mo Da	a Yr	B. Time (24 Hr. Clock)								
	mated System I												
19. Type of In (activity co	spection ode) I	301_	20. Event	Number	4119293		21. P	rimary o	or Mill			•	
22. Signature							k		, , , , , , , , , , , , , , , , , , , 	123 AR N	Jumbe) r	

MSHA Form 70
ss Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a N.
establish

Mine	Citation/Order
Confi	nuction

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1/2/1/-	

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Section ISubsequent Action/Continuation Data	complete the second control of the second co		ennese (Carrier esperante de la companyon de l	<u></u>			
1. Subsequent Action 1a. Continuation	?. Dated (Original Issue)	Mo D 07/21/2		3. Citation/ Order Number	8094527 - 01		Zpilo ngovilita o Zeong
4. Served To			5. Opera	tor			
Andy Coalson, Mine Foreman			PERFC	RMANCE CO	AL COMPANY		
6. Mine			7. Mine I	D 46 00 40		(Contractor)	
UPPER BIG BRANCH MINE-SOU	Г <u>Н</u>			46-0843	6		
Section IIJustification for Action					and the second s		

The belt has been cleaned.

									See Continuation Form
Section IIISubsec	uent Action Take	n							
8. Extended To	A. Date Mo	Da	Yr	B, Time (2	24 Hr. Clock)	уров на водине и подрава и под	☐ C. Vacated	✓ D. Terminated	E. Modified
Section IVInspec	tion Data								
9. Type of Inspe	ection E02		10. E	vent Numb	er 4123479	unit		engg (1902-1904) ang manakang panggang ang manakang panggang panggang ang manakan ang panggang ang manakan ang	
11.					AR Number	12. Date	Mo Da Yr 07/22/2009	13. Time (24 Hr. C 1544	-

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



						Mine Safe	ty and	Healt	h Administra	tion t	-41
Section I-Viola	lion Data	<u> </u>		and the second of the second o	April 10 10 10 10 10 10 10 10 10 10 10 10 10	alerinalpermusylaphilopermusylaphilopermusy	The state of the s			<u>aliana periodo a constante de la constante de</u>	<u>, marija da da da mangan pang</u> al da Mandaphangay, ka marija da da magang panga da da da da ga
1. Date	Mo Da		2. Time (24 Hr.	Clock)	·			-	3. Citation/	abor 80945	:28
	07/27/	2009]0	855	·····	Olde Million					
4. Served To						5. Operator					
RICK FOS	TER (MINE F	OREMAN)				MAN	CE CO	AL COMPA	ANY	
6. Mine	0 DD 41		NE COTIMIT			7. Mine ID	46-	0843	6		(0
			NE-SOUTH			<u> </u>				0- 14/-44-	(Contractor)
8. Condition of			77 MA 77	A11-D- 3 03-				T Y 27 1 1	, DOD WIII		Notice (103g)
				OVIDE A SAF							
				SCOOP # T3							
				TBY THE SEC			PIEC	E. A	LSO THE	TOOL BOX	K SLED WAS
BLOCKIN	IG THE	E LIFE	LINE 20	FT. INBY TH	IIS	SCOOP.					
									See Conti	nuation Form (MSF	IA Form 7000-3a)
9. Violation	A. Healt	h 🗌	B. Section		C. P	art/Section o	f	тинар і			
	Safet		of Act		Ti	tle 30 CFR			75.380	(d)(1)	
Castlan II Inna	Othe		.,		L						
Section II-Inspe	COIS EVAIL	Jauon	·								
A. Injury or	r Iliness (h	as) (is):	No Likelihood	Unlikely 🗸		Reasonably	Likely	()	Highly Likely	C) Occur	rred 🗍
B. Injury o	<u> </u>		· · · · · · · · · · · · · · · · · · ·			7,0000,000,			rugury – mory		
	be expec		No Lost Wo	rkdays 🗌 💮 Lost V	Vorkd	ays Or Restri	icted Du	ty 🗸	Permanenti	y Disabling 🔲	Fatal 🔲
C. Signific	ant and Si	ıbstantial;	Yes 🗌	No 🗸		· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	D. Number of	Persons Affecte	d: 009
11. Negligeno	e (check	one)	A. None	B. Low	C. Mo	oderate 🔽	I). High	E.	Reckless Disreg	ard
12, Type of A	ction 1	04(a)		13. Type of Issu	uance	(check one)	Cita	tion 🗸	Order 🗌	Safeguard 🗌	Written Notice
14. Initial Acti]	E. Citation/	_			F. Dated	Mo Da Yr
A. Citation	B. O	rder 🗌	C. Safeguard 🗌	D. Written Notice		Order Nu	mber				
15. Area or E	quipment										
										•	
40 Tamainati	D.		Mo Da Yr						. ,	 	
16. Termination	on Due	A. Date	07/27/2009	B. Time (24 Hr. Clo	ock)	0940)				
Section III-Tern	alabtian Act	l .	01/2/12009					L			
17. Action to		· · · · · · · · · · · · · · · · · · ·	OF ED AND	ACCOD IIAC	מפט	INT NACOSZE	D TX	orr	A DEBON	מספא מים	
17. ACION IO	I GIIIIIIIIIII	THE	STED AND	SCOOP HAS	BEE	IN MOAR	וח דוי	THE	AFFECT	ED AKEA.	
					************	~~					
18. Terminate	A. Date	3	a Yr B. Ti	me (24 Hr. Clock)	0	940					
		07/2	7/2009			- 17	L				
Section IVAuto		tem Data	100 =			12: -		h 2427			
19. Type of In (activity co		E01	20. Event Num	^{ber} 411929	3	21. P	rimary o	or Mill			
22. Signature		·····	<u> </u>						23. AR	Number	<u></u>

MSHA Form 7000-3, Apr 08 (revise\$) 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	Citat	tion/	Ordei

22. Signature

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1/2	· / ·-	

withe Citation/Order	Mine Safety and Health Administration						
Section I-Violation Data	amman militari mangan panggan pang						
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 07/27/2009 0900	3. Citation/ Order Number 8094529						
4. Served To RICK FOSTER (MINE FOREMAN)	5. Operator PERFORMANCE COAL COMPANY						
6. Mine	In the same of the						
UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)						
8. Condition or Practice	8a. Written Notice (103g)						
ACCUMULATIONS OF LOOSE COAL SATURATED W	ITH HYDRAULIC OIL WAS PRESENT IN THE						
DECK OF SCOOP # T337-196-2-08 AND UNDER MATERIAL WAS APPROXIMATELY 2 TO 4 INCHE WAS COVERING THE AREA WHERE THE PTO HOO	S DEEP IN THESE AREA AND HYDRAULIC OIL						
Safety ✓ of Act Ti	See Continuation Form (MSHA Form 7000-3a) art/Section of the 30 CFR 75.400						
Other 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 Workday	ays Or Restricted Duty 🗹 Permanently Disabiling 🗌 Fatal 🔲						
C. Significant and Substantial: Yes No 🗸	D. Number of Persons Affected: 001						
11. Negligence (check one) A. None B. Low C. Mo	derate 🗹 D. High 🗌 E. Reckless Disregard 🗌						
12. Type of Action 104(a) 13. Type of Issuance	(check one) Citation ☑ Order ☐ Safeguard ☐ Written Notice ☐						
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 B. Time (24 Hr. Clock)	0600						
Section III-Termination Action							
17. Action to Terminate							
18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)							
Section IVAutomated System Data							
19. Type of Inspection (activity code) E01 20. Event Number 4119293	21. Primary or Mill						

MSHA Form 7000-3, Apr 08 (revises) 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.

23. AR Number

Mine Citation/Order Continuation

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



Section I-Subsequent Action/Continuation Data		- And Carrier Special Control of Spinson	(Assessment Street Assessment Street Street			The September of the Control of the
1. Subsequent Action 1a. Continuation 2	R. Dated (Original Issue)	Mo D 07/27/2	- •-	3. Citation/ Order Number	8094529 -	01
4. Served To	V2000		5. Opera	tor		
RICK FOSTER (MINE FOREMAN	√)		PERFO	RMANCE CO	AL COMPAN	Y
6. Mine		77°	7. Mine I	D 46 00 40		(Contractor)
UPPER BIG BRANCH MINE-SOUT	rh			46-0843	6	
Section II-Justification for Action						

THE SCOOP HAS BEEN CLEANED AND WASHED.

Section III-Subsec	quent Action Take	<i>от</i>	jaman gyjaża	ते प्रकारकेन्द्रसंकात्त्व प्रकारकेन्द्रकोन् व्यवस्था अञ्चलक्		लास्य कृत्यांचीन्त्रुव्योक्त्वात् व व्यानीन्त्रुव्यं स्थितिकार्यः स्थानुस्योक्त	antennya ja	away pulawana	and Andrews company of the best learness and the last leave beginning to the last leaves to the last leaves to	See Continuation Form
8. Extended To	A. Date Mo	Da	Υr	B. Time (24	Hr. Clock)		☐ C. Va	cated	D, Terminated	E. Modified
Section IV-Inspec 9. Type of Inspe	NSS of the Control of		10. E	vent Number	4119293					
1 M					AR Number	12. Date	Mo Da 07/29/2	Yr 2009	13. Time (24 Hr. Classical 1130	ock)

AIRIO OIGGIOINOIGGI	Vline	Citation/Order
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U.S. Department of Labor

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							Mine Safe	ety and	Health	Administr	ation		44	
Section I-Viola	tion Data													
1. Date	Mo Da 07/27/		2. Time (24 Hr. Clo 093	•				A Charleston Control of the Control	3. Citation/ Order No		80945	30	
4. Served To		2007		093	V		5. Operator			1				************
RICK FOS		MINE F	OREMA	N)			-		CE CO	AL COMP	ANY			
6. Mine UPPER BI	G BRA	NCH M	INE-SOU	TH			7. Mine ID	46-	0843	6			(Contract	tor)
8. Condition of												a. Written	Notice (103g)	
					SECTION E	.ekt	DER WAS	S NO'I	SUB	STANTIA	7T'T*X	BUSHE	D WHERE	
						·····				See Cor	ntinuation (Form (MSH/	A Form 7000-3a)	
9. Violation	A. Healt Safel Othe	y V er	B. Section of Act				art/Section of the 30 CFR	of		75.	.515			
Section II-Inspe	ector's Evalu	ation					**************************************				A-A-			
10. Gravity: A. Injury o	r Iliness (h	as) (is):	No Likelih	ood 🗍	Unlikely 🗸		Reasonably	y Likely	П	Highly Likely	· []	Occur	red [
B. Injury o	r illness co		No Los	Workda	ays Lost V	Vorkd	ays Or Restr	icted Du	ity 🔽	Permanen	tly Disat	oling [Fatal 🗌	M
C. Signific			Yes		No 🗸			· · · · · · · · · · · · · · · · · · ·		D. Number o	f Person	s Affected	: 001	
11. Negligeno	e (check o	one)	A. None]	B. Low 🔽	C. Mc	derate [D. High	E	. Reckle	ess Disrega	ard 🗌	
12. Type of A	ction 1	04(a)			13. Type of iss	uance	(check one)	Cita	tion 🔽	Order 🗌	Safeg	uard 🗌	Written Notice	-
14. Initial Acti A. Citation		rder 🗍	C. Safegua	ırd 🔲 [D. Written Notice [E. Citation/ Order Nu	mber	 		F	. Dated	Mo Da Yi	r
15. Area or E	quipment													
16. Termination	on Due	A. Date	Mo Da 07/27/2		B. Time (24 Hr. Clo	ock)	104:	5			. , , , , , , , , , , , , , , , , , , ,			
Section III-Terr	nination Act	ion												
17. Action to	Terminate	THE	CABLE	IS N	NOW SUBSTA	T'NP	ALLY E	BUSHE	D.				_	
18. Terminate	A. Date	07/2	Da Yr 7/2009	B. Time	(24 Hr. Clock)	1	045							
Section IVAuto		lem Data	1:2		·	·							, 100 march 100 march 100	
19. Type of In (activity o		E01	20. Event	Number	411929	93	21. F	Primary o	or Mill					
22. Signature										23. AR	Number			

MSHA Form 7000-q, Apr us (revised) In accordance with the provisions of tife 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 Falmess Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annualty 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	Citati	on/(Order
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1 ~10	
7/28/	((52))

while old thorder	Mine Safety and Health Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 07/27/2009 0915	3. Citation/ Order Number 8094531
4. Served To	5. Operator
RICK FOSTER (MINE FOREMAN)	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID 46-08436 (Centractor)
UPPER BIG BRANCH MINE-SOUTH 8. Condition or Practice	(Contractor) 8a. Written Notice (103g)
	APPROVED ROOF CONTROL PLAN (11/14/2008
#33 STATES THAT FIVE 8FT. CABLE BOLTS W	I'S PILLARING. THIS APPROVED PLAN ITEM VILL BE INSTALLED IN THE INTERSECTIONS LOCK BEING MINED. THE SECTION FOREMAN ONTROL PLAN DATED 7/27/2007.
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health B. Section C. P	Part/Section of
Safety ₩ of Act T	itle 30 CFR 75.220(a)
Other 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 Workd	ays Or Restricted Duty Permanently Disabling Fatal 🐼
C. Significant and Substantial: Yes ☐ No ✔	D. Number of Persons Affected: 009
11. Negligence (check one) A. None B. Low C. Mc	oderate D. High 🕢 E, Reckless Disregard 🗌
12. Type of Action $104(d)(2)$ 13. Type of issuance	(check one) Citation ☐ Order ✔ Safeguard ☐ Written Notice ☐
14. Initial Action A. Citation ☐ B. Order ✔ C. Safeguard ☐ D. Written Notice ☐	E. Citation/ 8082692 F. Dated Mo Da Yr 03/17/2009
15. Area or Equipment THE #3 SECTION.	
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)	
Section IIITermination Action	
17. Action to Terminate THE OPERATOR HAS INSTALLED	THE FIVE 8FT CABLE BOLTS IN THE
INTERSECTION WHERE SPAD #23466 (#7 ENTI	RY) IS LOCATED.
18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)	1245
Section IVAutomated System Data	
19. Type of Inspection 20. Event Number 41 10202	21. Primary or Mill

MSHA Form 7000-3, Apr 08 (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.

23. AR Number

4119293

E01

(activity code)

22. Signature

1/2	9/9
//:	

Mine Citation/Order	U.S. Department of Labor Mine Safety and Health Administration
Section I-Violation Data	ումումայի հայտանորի ընթացի արդարի արդարի արդարի արդանի արդ
1. Date Mo Da Yr 2. Time (24 Hr, Clock) 07/27/2009 0920	3. Citation/ Order Number 8094532
4. Served To	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)
	NTROL PLAN DATED 11/14/2008 WAS RE NOT INSTRUCTED OF THIS REVISION ON
	See Continuation Form (MSHA Form 7000-3a) Part/Section of fitle 30 CFR 75.220(d)
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	days Or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial: Yes No 🗸	D. Number of Persons Affected: 009
11. Negligence (check one) A. None B. Low C. M	loderate ☐ D. High ☑ E. Reckless Disregard ☐
12. Type of Action $104(d)(2)$ 13. Type of Issuance	e (check one) Citation Order 🗸 Safeguard Written Notice
14. Initial Action A. Citation ☐ B. Order ✔ C. Safeguard ☐ D. Written Notice ☐	E. Citation/ Order Number 8082692 F. Dated Mo Da Yr 03/17/2009
15. Area or Equipment THE #3 SECTION.	
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)	
Section III-Termination Action	
	ERED WITH THE MINERS ON #3 SECTION.

MSHA Form 7000-3, Apr 08 (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 cell 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.

1200

21. Primary or Mill

23. AR Number

18. Terminated

22. Signature

(activity code)

A. Date

Section IV--Automated System Data 19. Type of Inspection

Mo Da Yr

07/27/2009

E01

20. Event Number

B. Time (24 Hr. Clock)

4119293

Min	e Ci	itati	on	n)	der

1 Al	Q.
. 1	A A

	Mine Safety and Health Administration		
Section !Violation Data			
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/ 8094533		
07/27/2009 0925 4. Served To	Older Manuel		
RICK FOSTER (MINE FOREMAN)	5. Operator PERFORMANCE COAL COMPANY		
6. Mine	7. Mine ID 46-08436 (Contrada)		
UPPER BIG BRANCH MINE-SOUTH 8. Condition or Practice	(Contractor)		
	8a. Written Notice (103g) VED ROOF CONTROL PLAN DATED 7/27/2007		
ON THE #3 SECTION PAGE #1 ITEM #7 FOR T	HE SAFETY PRECAUTIONS. A COPY OF THE		
SUPPLEMENT DATED 11/14/2008 WAS NOT LOC	ATED ON THE #3 SECTION.		
	See Continuation Form (MSHA Form 7000-3a)		
	art/Section of tie 30 CFR 75.220(a)		
Section II-Inspector's Evaluation			
10. Gravity:	Described State Co. Highest High Co.		
B Injury or Illness could tea-	Reasonably Likely Highly Likely Occurred		
sonably be expected to be: No Lost Workdays Lost Workda	nys Or Restricted Duty [] Permanently Disabling [Fatal 🔽		
C. Significant and Substantial: Yes ☐ No 🗹	D. Number of Persons Affected: 009		
11. Negligence (check one) A. None 🗌 B. Low 🔲 C. Mo	derate ☑ D. High ☐ E. Reckless Disregard ☐		
12. Type of Action 104(a) 13. Type of Issuance	(check one) Citation ☑ Order ☐ Safeguard ☐ Written Notice ☐		
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number		
15. Area or Equipment			
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)	1250		
Section III-Termination Action			
	008 IS NOW LOCATED ON THE #3 SECTION.		
07/2/1/2009	250		
Section IVAutomated System Data			
19. Type of Inspection (activity code) E01 20. Event Number 4119293	21. Primary or Mill		
22 Signatura	192 AD Number		

MSHA Form 7000-3, Apr 08 (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.

4

22. Signature

U.S. Department of Labor

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1/3 1	

				Min		and Healt	n Administra	tion	
Section IViolation I	Data				alahan matah matapi Kabuma Apara				**************************************
	No Da Yr 7/27/2009	2. Time (24 Hr. C			- Character Character St. House, 1990 (1990)	nadamatta Protekta Prima Prima Pri	3. Citation/ Order Nu	mber 809453	34
4. Served To				5. O	perator	<u> </u>	11 mm	1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-	triffenhann bije verilen Africa forske de komer verilet for Afrik et bisk skriver om se se se se se verilet for
RICK FOSTE	R (MINE F	OREMAN)				ANCE CO	AL COMPA	ANY	
6. Mine				7. M	line ID	46-0843	6		Concentration of the Content of the
UPPER BIG E	BRANCH MI	NE-SOUTH				40-0043			(Contractor)
8. Condition or Pr	actice	,	,					 	Notice (103g)
THE APPRO AVAILABLE			ROOF CONTR RKING ON T			•	14/2008	WAS NOT	MADE
							See Cont	inuation Form (MSHA	Form 7000-3a)
9. Violation A.	Health ☐ 1 Safety ✔ Other ☐	B. Section of Act		C. Part/Se Title 30		· · · · · · · · · · · · · · · · · · ·	75.22		
Section II-Inspector	s Evaluation								
10. Gravity: A. Injury or Ilin	ess (has) (is):	No Likelihood 🗌	Unlikely 🗸	Rea	sonably Lil	kely 🗌	Highly Likely	Occur	ed 🗌
B. Injury or illnosonably be	ess could rea- expected to be:	No Lost Work	days ☑ Lost W	Vorkdays O	r Restricte	d Duty 🗌	Permanent	ly Disabling 🔲	Fatal []
C. Significant a	and Substantial:	Yes 🗌	No 🗸				D. Number of	Persons Affected:	009
11. Negligence (c	heck one)	A. None	B. Low	C. Moderal	te 🗸	D. High	E.	. Reckless Disrega	rd []
12. Type of Action	104(a)		13. Type of Issu	ance (chec	ck one)	Citation 🗸	Order 🗌	Safeguard 🗌	Written Notice
14. Initial Action A. Citation	B. Order	C. Safeguard 🗌	D. Written Notice	1	itation/ rder Numb	er		F. Dated	Mo Da Yr
15. Area or Equip	ment								
16. Termination D	A. Date	Mo Da Yr 07/27/2009	B. Time (24 Hr. Clo	ck)	1500				
Section III-Terminat									
17. Action to Term BATH HOUS	7. 5.2.2.4	APPROVED	PLAN HAS B	EEN PO	OSTED	ON THE	BULLET	IN BOARD	IN THE
	A. Date 07/2	7/2009 B. Time	e (24 Hr. Clock)	1500					
Section IV-Automate	ed System Data								
19. Type of Inspe- (activity code)		20. Event Number	411929	3	21. Prim	ary or Mill			

MSHA Form 7000-3, Apr 08 (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.

23. AR Number

22. Signate

1-010	
7/30/9	((XXXX
· 1	~///

Mine Citation/Order						U.S. Department of Labor Mine Safety and Health Administration							
Section I-Violat	ion Data	according to the contraction						.,,,					
1. Date	Mo Da 07/28/2		2. Time (24 Hr. 0						3. Citation Order I		80945	35	
4. Served To RICK FOS			FOREMAN)	оо́нш Личи (оо́н Англичий Толь Повет Н Н О́но С Н О ДОО СНП ПО ВСТТОТИТ		5. Operator PERFORN	MANC	E CO	AL COM	PANY		- Andrews Control of the Control of	
6. Mine	**** (*	7111 (1.7 1	OTCOME IN CO	 		7. Mine ID						**************************************	THE COLUMN TWO IS NOT THE
		NCH M	INE-SOUTH				40-	0843	b	· · · · ·	8a Written	(Conti Notice (103	
THE OPE		. E7A T	LED TO FOI	LOW THE AP		VIED EME	3000	אזכיע	RESPON	DC D	LAN ON	 	:3
SECTION SHELTER	I IN T			GAS DETECTO							EMERGE		J
									See Co	ontinuatio	n Form (MSH.	A Form 7000-	3a) 🔲
9. Violation	A. Health Safet Othe	y 🗸	B. Section of Act			art/Section of tle 30 CFR			75	.1504	, , ,		
Section II-Inspe	ctor's Evalu	iation				**********							
10. Gravity: A. Injury o	r Iliness (h	as) (is):	No Likelihood	Unlikely 🕡		Reasonably I	Likely		Highly Like	ly 🗌	Occur	red [
B. Injury or sonably	r illness co be expect	ould rea- ted to be:	No Lost Work	days ☐ Lost W	/orkd	ays Or Restric	ted Dut	y V i	Permane	ntly Dis	abling [Fatal]
C. Significa	ant and Su	ubstantial	Yes 🗌	No 🗸					D. Number	of Pers	ons Affected	009	
11. Negligeno	e (check o	опе)	A. None	B. Low	C. Mo	oderate 🗸	D	, High		E, Reci	dess Disreg	ard 🗌	
12. Type of A	ction 1	04(a)		13. Type of Issu	ance	(check one)	Citat	ion 🕢	Order 🗌	Saf	eguard 🗌	Written No	otice 🗌
14. Initial Acti A. Citation	on B. O	rder 🗌	C. Safeguard [D. Written Notice	<u> </u>	E. Citation/ Order Num	ıber				F. Dated	Mo Da	Υr
15. Area or Ed	quipment												
16. Termination	on Due	A. Date	Mo Da Yr 07/28/2009	B. Time (24 Hr. Clo	ck)	1000							
Section IIITern	nination Acti	ion											
17. Action to	Terminate												
18. Terminate	A. Date	Мо	Da Yr B. Tim	e (24 Hr. Clock)				,	· · ·		·····		
Section IVAuto	mated Syst	tem Data	 	 					······································				
19. Type of In		E01	20. Event Numb	er 4119293	3	21. Pri	imary o	r Mill			**************************************	an an an dakaran na an an an an an daka	

MSHA Form established a national durant of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a national of the Comment 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.

23, AR Number

Mine	Citation/Order
Confi	nuntion

7/10	19
' L	

Section ISubsequent Action/Continuation Data		The state of the s				SCORES TRANSCORES CONTRACTOR STATEMENT OF THE STATEMENT O
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 07/28/20	• • • • • •	3. Citation/ Order Number	8094535 - 01	
4. Served To		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	5. Operato)f		
RICK FOSTER (MINE FOREMA	N)		PERFO	RMANCE CO.	AL COMPANY	
6. Mine			7. Mine ID	46.0046	_	(Contractor)
UPPER BIG BRANCH MINE-SO			46-0843	6		
Section IIJustification for Action						

A MULTI-GAS DETECTOR IS NOW PROVIDED FOR THE SHELTER.

Section III-Subsec	uent Action Take	1			ning Paris dan ing panggangan panggangan panggangan panggangan panggangan panggangan panggangan panggangan pan	in an an agus philip an an agus philip an an an agus philip an an agus philip an an an agus philip an an an ag	The constraint of the same appears of the same action of the	da Bartus de mas principas de la companya de la companya principas de la companya principa del companya principa de la companya principa del companya principa de la companya de la companya principa de la companya de la	See Continuation For	m 📗
8. Extended To	A. Date	Da	Υr	B. Time (24	Hr. Clock)		☐ C. Vacat	ted 🗸 D. Terminate	d E. Modified	Production of the Control of the Con
Section IV-Inspec		And an extended southern	prenkigged from							
9. Type of Inspe	ction E01		10. E	ent Number	4119293	-				Control of the Contro
1					AR Number	12. Date	Mo Da Y 07/29/200	(r 13. Time (24 Hi 09 11	Clock)	

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



_				Mine Safety	and Health A	Administration	. 1	
Section IViolatio	n Data				, , , , , , , , , , , , , , , , , , ,	akandah mendagan Sebagai mengangan pengalapih dapatah dalamba		
1. Date	Mo Da Yr	2. Time (24 Hr. Cl			1	3. Citation/ Order Number	809453	6
1. Served To	07/29/2009	095	V	5. Operator	<u></u>	Older Hamber	• 1	
	ER (MINE F	OREMAN)			ANCE COA	L COMPANY		
S. Mine	DD 43 (017 1 H			7. Mine ID	46-08436			
	BRANCH MI	NE-SOUTH_			10 00 150	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	6- 107-W X	(Contractor)
3. Condition or			TOOT ON OUR		TEG AND	n ratin br	8a. Written N	
APPROXIM LENGTH 1	CROSS CUT	#31 IN THE O 12 INCH REA. ALSO	TROL OR SUPI E LEFT RETUI ES THICK, 51 THESE HAVE S	RN AT THE	•	ORTAL. TH ARE 5 FT	ESE RIB . TO 60	FT. IN
						See Continuatio	n Form (MSHA I	Form 7000-3a)
. Violation	A. Health 📗 🔠	B. Section	С	. Part/Section of	· · · · · · · · · · · · · · · · · · ·	, , , , , , , , , , , , , , , , , , , ,		
	Safety ✓ Other □	of Act		Title 30 CFR		75.202(a)		
Section II-Inspect	or's Evaluation							
0. Gravity:								
		No Likelihood 🗌	Unlikely 🔽	Reasonably Li	kely 🗌 H	ighly Likely 🔲	Occurre	ed 🗍
	liness could rea- e expected to be:	No Lost Workd	ays 🗌 Lost Wor	kdays Or Restricte	d Duty 🗸	Permanently Dis	abling 🗌	Fatal
C. Significan	t and Substantial:	Yes 🗌	No 🗹		D	. Number of Perso	ons Affected:	001
1. Negligence	(check one)	A. None 🗌	B. Low C.	Moderate 🗸	D. High	E. Reck	less Disregar	d 🗌
2. Type of Acti	lon 104(a)		13. Type of Issuan	ce (check one)	Citation 🗸	Order 🗌 🛚 Safe	eguard 🔲 🕔	Written Notice
4. Initial Action A. Citation		C. Safeguard []	D. Written Notice	E. Citation/ Order Numb	er		F. Dated	Mo Da Yr
5. Area or Equ	ipment	· · · · · · · · · · · · · · · · · · ·		······································	· · · · · · · · · · · · · · · · · · ·			
6. Termination	A. Date	Mo Da Yr 08/05/2009	B. Time (24 Hr. Clock)	0600			4-1	
Section IIITermin			· · · · · · · · · · · · · · · · · · ·		 		 	
7. Action to Te								
8. Terminated	A. Date MoD	a Yr B. Time	(24 Hr. Clock)			·	—	
Section IVAutom	ated System Data		The state of the s					
9. Type of Insp (activity cod	pection (e) E01	20. Event Number	4119293	21. Prim	ary or Mill			
2. Signatur						23. AR Numb	er	<u> </u>

MSHA Form 7
established a hardonar chear basiness and Agricolator Regulatory Chibocosman and To Regional Paintess
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 businesse. 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 LaborMine Safety and Health Administration



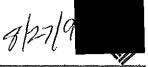
Section I-Subsequent Action/Continuation Data		anny and proposition of the second se	Sandard Control of the Control of th		recently if the desired of the second state of		
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 07/29/20	• •	3, Citation/ . Order Number	8094536 - 01	1	
4. Served To			5. Operator				
RICK FOSTER (MINE FOREMA	AN)		PERFORMANCE COAL COMPANY				
6. Mine			7. Mine ID (Contractor)				
UPPER BIG BRANCH MINE-SO	UTH			46-0843	6		
Section IIJustification for Action							

THE OPERATOR NEEDS MORE TIME TO FINISH SETTING JACKS.

Section III—Subsequent Action Taken		an varanteen (aan ar kan ay ar fallanda varanga (dhibidaa		nang popunasi sa mani kapingian manakay ng populati nakasaka sa	See Continuation Form
	Yr 2009 B. Time (24 Hr. Clock)	0800	C. Vacated	D. Terminated	E. Modified
Section IV-Inspection Data 9. Type of Inspection E01	10. Event Number 4119293				
	AR Number	12. Date	Mo Da Yr 08/10/2009	13. Time (24 Hr. Clo 1349	ock)

Mine Citation/Order Continuation

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



Continual Cultura (Continual of Data					
Section I-Subsequent Action/Continuation Data 1. Subsequent Action 1a. Continuation	Yr 3. Citation/ Order Number 8094536 - 02				
4. Served To	5. Operator				
RICK FOSTER (MINE FOREMAN)	PERFORMANCE COAL COMPANY				
6. Mine	7. Mine ID (Contractor)				
UPPER BIG BRANCH MINE-SOUTH	46-08436				
Section IIJustification for Action					

ADDITIONAL ROOF SUPPORT HAS BEEN INSTALLED IN THE AFFECTED AREA.

Section III-Subse	••••••••••••••••••••••••••••••••••••••	dalandas (mengana)					See Continuation Form
8. Extended To	Da	Υr	B. Time (24 Hr. Clock)		C. Vacated	☑ D. Terminated	E. Modified
9. Type of Inspec		10. E	vent Number 411929	3			niegowood lithomite neurogillistoid krommer it latik per german lithomite neurominis plakin viete it lithomite neur
			AR Number	12. Date	Mo Da Yr 08/25/2009	13. Time (24 Hr. Clo 0750	ock)

U.S. Department of Labor

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		•					Mine Safe				tion	1 (
Section I-Viola	tion Data				rice and the second			The second second		o golden de partir de la companya de			And the second second	
1. Date	Mo Da 07/29/		2. Time (2	4 Hr. Clo 114		i		······································	Ţ.	3. Citation/ Order Nu	mber (80945	37	
4. Served To	<u> </u>				and the state of t		5. Operator							.,
RICK FOS	STER (MINE F	OREMA	N)			PERFOR	MANC	E COA	L COMPA	ANY			
6. Mine UPPER BI	G BRA	VCH MI	NE-SOU	TH			7. Mine ID	46-0)8436				(Con	tractor)
8. Condition of	francisco de la companya de la comp				**************************************					,	88	a. Written	Notice (10	
SECTION	WAS	NOT E	BEING :	PROTI	NGUISHING ECTED AGAI ANISTER WA	INST	MOIST			ING TH		STEM.	THE	#3 HOSE
9. Violation	A. Healt Safe Othe	ty 🗸	B. Section of Act				art/Section of tile 30 CFR		······································	See Cont 75.1107	***************************************		\ Form 7000	-3a) []
Section II-Inspe	ector's Eval	uation												
10. Gravity: A. Injury o	r Hiness (h	as) (is):	No Likeliho	od []	Unlikely 📝		Reasonably	Likely [ighly Likely		Occur	red 📋	
B. Injury o sonably	r illness co		No Lost	Workda	ays 🗌 Lost \	Vorkda	ys Or Restric	ted Duty	/ V	Permanent	ly Disabl	ing 🗌	Fatal []
C. Signific			Yes		No 🔽			**************************************	D.	Number of	Persons	Affected	001	
11. Negligeno	e (check	one)	A. None]	B. Low	C. Mo	derate 🗸	D.	High []	Ε.	Reckles	ss Disrega	ard 🗌	
12. Type of A	ction 1	04(a)			13. Type of iss	иапсе	(check one)	Citati	on 🔽	Order 🔲	Safegu	iald 🗌	Written N	otice 🗌
14. Initial Acti A. Citation		rder [C. Safegua	rd 🔲 l	D. Written Notice [E. Citation/ Order Nun	nber			F.	Dated	Mo D	a Yr
15. Area or E	quipment					_ , ,								
16. Terminati	on Due	A. Date	Mo Da ` 07/29/20		B. Time (24 Hr. Ci	ock)	1210							
Section III-Terr	nination Ac	ion												
17. Action to	Terminate	THE	HOSE	WAS 1	ATTACHED I	BACK	то тн	E AC	PUATO	R.				
18. Terminate	A. Dat	Δ.	9/2009	B. Time	(24 Hr. Clock)	1	210			,				
Section IVAut	_	tem Data												
19. Type of In (activity c		F01	20. Event	Number	411020	2	21. Pr	imary or	Mill					
22. Signature										23. AR	Number			wy distribution of the state of

MSHA Form 70 conformed to the stabilished a National Stabilished a N



Mine Citation/Orde	9	ľ
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	•				ty and Healt	h Administra	ation (
Section IViolation Data								ing a sa a sa ang mang a sa a
1. Date Mo Da 07/29/		2. Time (24 Hr. Cla 115			<u>, major kamanagang paga isam</u> kambanbaha <u>ng ara</u> pama	3. Citation/ Order Nu	mber 80945	38
4. Served To	2009	112	V	5. Operator				
RICK FOSTER (MINE FO	DREMAN)		1 '	MANCE CO	OAL COMP	ANY	
6. Mine				7. Mine ID		1870		
UPPER BIG BRA	NCH MI	NE-SOUTH		1	46-0843	36		(Contractor)
8. Condition or Practice							8a. Written	Notice (103g)
THE HOLD UP GUARDED TO I APPROXIMATE		T MINERS I		LT TAIL! IN CONT! ING SHA!	ACT WITH	H THIS M	ON) WAS N OVING SHA OUT FROM	AFT.
BEARING ALL						SHAFT.	OUT ENOR	: TUD
	·							
						See Cont	inuation Form (MSH.	A Form 7000.3a)
9. Violation A. Healt Safe Oth	ty \overline{V}	3. Section of Act		Part/Section of Title 30 CFR		75.17	· · · · · · · · · · · · · · · · · · ·	, romitous is
Section II-Inspector's Eval								
10. Gravity: A. Injury or Illness (I		No Likelihood 🗌	Unlikely [Reasonably	Likely 🗸	Highiy Likely	☐ Occui	red [
B. Injury or illness of sonably be expect		No Lost Workda	ays Lost Work	days Or Restric	ted Duty 🗌	Permanent	ly Disabling 🗸	Fatal 🗌
C. Significant and S	ubstantial:	Yes 🗸	No 🗌			D. Number of	Persons Affected	001
11. Negligence (check	one) /	A. None	B. Low C. N	foderate 🔽	D. High	E	. Reckless Disreg	ard 🗌
12. Type of Action	04(a)		13. Type of Issuanc	e (check one)	Citation 🗸	Order 🗌	Safeguard 🗌	Written Notice 🗌
14. Initial Action A. Citation B. C	rder 📋 (C. Safeguard []	D. Written Notice	E. Citation/ Order Nun	nber		F. Dated	Mo Da Yr
15. Area or Equipment								
16. Termination Due	A. Date	Mo Da Yr 07/30/2009	B. Time (24 Hr. Clock)	0600		***************************************	· · · · · · · · · · · · · · · · · · ·	
Section III-Termination Ac	ion							
17. Action to Terminate								
18. Terminated A. Dat	Mo D	a Yr B. Time	(24 Hr. Clock)		200 1			
Section IVAutomated Sys	tem Data							
19. Type of Inspection (activity code)	E01	20. Event Number	4119293	21. Pr	mary or Mill			
22. Signature					nagang Milindalamkan manga Milindalam panak Pilind	23. AR	Number	

MSHA Form 7000
Iness Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Dusiness 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
Conti	nuation

Asl	ì A
0/7/	

				,			
Section I-Subsequent Action/Continuation Data			Separate Services and American				
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 07/29/20	• • •	3. Citation/ Order Number	8094538 - 01		
4. Served To	- Charles - A Charles - Ch	and the second of the second o	5. Operal	or			
ANDY COALSON (MINE FORE		PERFORMANCE COAL COMPANY					
6. Mine		7. Mine II)		(Contractor)		
UPPER BIG BRANCH MINE-SO	UTH		46-08436				
Section IIJustification for Action							

Shaft has now been cut off even with bearing in affected area.

Section III-Subsequent Action Take	en					See Continuation Form
8. Extended To A. Date Mo	Da Yı	B. Time (24 Hr. Clock)	and the second	C. Vacated	✓ D. Terminated	E. Modified
Section IV-Inspection Data 9. Type of Inspection E01	10. E	Event Number 4119293				
		AR Number	12. Date	Mo Da Yr 08/02/2009	13. Time (24 Hr. Cl 0840	ock)

∕iine	Cita	tion/	Orde:

7/2019	
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				Mine Safe	ty and Health A	dministration	// 10 (1
Section IViolat	ion Data						
1. Date	Mo Da Yr	2. Time (24 Hr. Clo				3. Citation/ Order Number	8094539
4. Served To	07/29/2009	122	<u> </u>	5. Operator	1	Older Halliper	
	TER (MINE FO	OREMAN)			MANCE COA	L COMPANY	
3. Mine	(2-2-kun - 1980 - kun - 1984 - kun - 198 0-kun - 1980-kun - 1984)		in the state of th	7. Mine ID	46-08436	<u> </u>	
	G BRANCH MI	NE-SOUTH	·		40-00430		(Contractor)
3. Condition of					~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~		a. Written Notice (103g)
			T CONVEYOR	•	•		THE BOTTOM
			CROSS CUT #5		AND CUT I	INTO THE B.	ELT STANDS IN
THEFT I	DIFFERENT L	OCATIONS .	IN THIS AREA	۷.			
		•					
						See Continuation F	form (MSHA Form 7000-3a)
. Violation	A. Health 📗	B. Section	l c.	Part/Section of			
	Safety 🗸	of Act		Title 30 CFR		75.1731(b)	
Section II. Inche	Other ector's Evaluation				**************************************		
10. Gravity:	CON S EVAIUEUOII	**************************************	 				· · · · · · · · · · · · · · · · · · ·
	r Illness (has) (is):	No Likelihood	Unlikely 🗍	Reasonably	Likely 🗸 Hi	ighly Likely	Occurred [
B. Injury of	r illness could rea-	No Look Wester		Waya Or Daniel	ated Duty 🗔	Dermononthy Disabl	ling
	be expected to be:	No Lost Workda	ays Lost vvoir	days Or Restri		Permanently Disabl	
C. Significa	ant and Substantial:	Yes 🗸	No 🗌		D.	Number of Persons	s Affected: 001
11. Negligeno	e (check one)	A. None	B. Low C. I	Moderate 🗸	D. High	E. Reckles	ss Disregard [
12. Type of A	ction 104(a)		13. Type of Issuand	ce (check one)	Citation 🗸	Order 📗 Safegu	uard Written Notice
14. Initial Acti	on	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	E. Citation/		F.	Dated Mo Da Yr
A. Citation	B. Order	C. Safeguard 🔲 🛚 I	D. Written Notice	Order Nur	nber		
5. Area or E	quipment						
16, Termination	on Dua	Mo Da Yr		· · · · · · · · · · · · · · · · · · ·		·	
io, renninati	A. Date	07/29/2009	B. Time (24 Hr. Clock)	1225			
Section IIITerm	nination Action	0,725,2005				**************************************	
17. Action to	Terminate THTS	CONDITION	N WAS CORREC	TED.			
	2	002111111111111111111111111111111111111	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,				
8. Terminate	d _ MoD	a Yr		1	· · · · · · · · · · · · · · · · · · ·	A120	
		9/2009 B. Time	(24 Hr. Clock)	1225			
	omated System Data						
19. Type of In (activity c		20. Event Number	4119293	21, Pr	imary or Mill		
22. Signature					· · · · · · · · · · · · · · · · · · ·	23. AR Number	- Affects (Control of Control of

MSHA Form 7000-3, Agr 08 (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.

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Millio Olfatioticolino	Mine	Citation/Order
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1 1 (2)	
2/70/9	
7/10/10	
	A STATE OF THE STA

			Mine Safety and Health Administration				
Section I-Violation Data							
1. Date	Mo Da Yr 07/29/2009	2. Time (24 Hr. Clock) 1330	3. Citation/ Order Number 809	4540			
4. Served To RICK FOSTER (MINE FOREMAN)			5. Operator PERFORMANCE COAL COMPANY				
6. Mine UPPER I	BIG BRANCH M	INE-SOUTH	^{7. Mine ID} 46-08436	(Contractor)			

8a. Written Notice (103g) [
THE OPERATOR FAILED TO CONTROL OR SUPPORT THE RIGHT RIB (ENTERING THE MINE) 30
FT. INBY CROSS CUT #8 IN THE TRACK ENTRY. THIS RIB IS APPROXIMATELY 12 INCHES
THICK ,8FT. WIDE, 18 FT. IN LENGTH, AND HAS SEPARATED FROM THE BLOCK OF COAL.

					•					
								See Cont	inuation Form (MSH	A Form 7000-3a)
9. Violation	A. Health Safety Other		3. Section of Act	<u>, , , , , , , , , , , , , , , , , , , </u>		Part/Section of Title 30 CFR	f	75.20	02(a)	
Section II-Inspe	ector's Evaluat	ion					**************************************		······································	
10. Gravity:										
A. Injury o	r Iliness (has	s) (is):	No Likelihood	Ur Ur	nlikely 🔲	Reasonably	Likely 🔽	Highly Likely	Occu	rred 🗌
	r iliness coui be expected		No Lost V	Vorkdays 📋	Lost Work	days Or Restr	icted Duty 🗌	Permanent	ly Disabling 📝	Fatal 🗌
C. Signific	ant and Sub	stantial:	Yes 🔽	☑ No 🗌				D. Number of	Persons Affected	^{i:} 005
11. Negligend	e (check on	e) <i>/</i>	A. None 🗌	B. Low	C. I	Moderate 🔽	D. High	□ E	. Reckless Disreg	ard 🗌
12. Type of A	ction 10	4(a)		13.7	Type of Issuanc	ce (check one)	Citation 🗹	Order 🗌	Safeguard	Written Notice 🗌
14. Initial Acti A. Citation		er 🔲 🖠	C. Safeguard	D. Writte	n Notice	E. Citation/ Order Nu	mber		F. Dated	Mo Da Yr
15. Area or E	quipinuit									
16. Terminati	on Due	\. Date	Mo Da Yr 07/29/200	g B. Time	(24 Hr. Clock)	1500)			
Section IIITerr	nination Action	1								
17. Action to	Terminate									
18. Terminate	A. Date	MoD	a Yr B.	Time (24 Hr.	Clock)					
Section IVAuto	omated Syster	n Data		**************************************						
19. Type of Ir (activity o	spection ode)	E01	20. Event Nu	ımber	1119293	21. F	rimary or Mill			
22.								23. AR	Number	
MS					ne Small	Business Regula	atory Enforcement	Fairness Act of 1	996, the Sm	ation has

estance of national Business and Agriculture Regulatory Ombudsman and 10 Regional Falmess Regulatory Enforcement 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.

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

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Section ISubsequent	Action/Continuation Data		over and a second second					
1. Subsequent Actio	on 1a. Continuation	2. Dated (Original Issue)	.,,,	Da Yr 9/2009	3. Citation/ Order Number	8094540 - 01		
4. Served To			,,,,	5. Opera	for			
ANDY COALS	ON_(MINE FORE)	MAN)		PERFO	RMANCE CO.	AL COMPANY		
6. Mine				7. Mine I	D		(Contractor)	-
UPPER BIG BR	LANCH MINE-SOU	JTH			46-0843	6		
Section II Justification	for Action		in mention communication and					Frankrike)

Jacks was installed in the affected area.

Section IIISubsec	uent Action	ı Taken	•								See Continuation Fo	orm 🔲
8. Extended To	A. Date	Mo	Da	Υr	B. Time (24 H	. Clock)	etjesta vert tagrifi se	☐ C.\	/acated	D. Terminated	E. Modified	
Section IV-Inspect 9. Type of Inspec		10	aperillina e	10. Ev	vent Number	4119293						
					A	R Number	12. Date	Mo Da 08/02	Yr 2/2009	13, Time (24 Hr. Ci 0800	ock)	

22. Signature

U.S. Department of Labor

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	N//

			ety and Health A		***
Section I-Violation Data			anagam bina yang mengapak di binang paga		and the second s
1. Date Mo Da Yr 08/02/2009	2. Time (24 Hr. Clock) 0850			3. Citation/ Order Number 8094	454 1
4. Served To		5. Operator			
ANDY COALSON (MINE	E FOREMAN)		MANCE COAL	L COMPANY	
5. Mine UPPER BIG BRANCH MII	NE COUTU	7. Mine ID	46-08436		(Contractor)
B. Condition or Practice	NE-SOUTH	<u> </u>		8a. Writ	ten Notice (103g)
The compress gas	cylinder, serial #	S66983, lc	cated at		
-	being protected a	•			•
that the cylinder	was not provided	with a met	al cap.	_	
~	-		•		
		•			
				One Orallowaller Form (A)	SI(A Form 7000 0a)
). Violation A. Health E	3. Section	C. Part/Section of	· · · · · · · · · · · · · · · · · · ·	See Continuation Form (M	SHA FOITI 7000-38)
Safety	of Act	Title 30 CFR	14	75.1106-3(a)(3)	•
Other _		<u> </u>			
Section II-inspector's Evaluation 10. Gravity:		······································	· · · · · · · · · · · · · · · · · · ·	 	
•	No Likelihood 🗌 Unlikely 🔽	Reasonably	Likely 🗌 H	ighly Likely 🗍 Oc	curred [
B. Injury or illness could rea- sonably be expected to be:	No Lost Workdays ☐ Lost	Workdays Or Restr	icted Duty 🗹	Permanently Disabling] Fatal [
C. Significant and Substantial:	Yes ☐ No 🗹		D.	Number of Persons Affect	ted: 001
1. Negligence (check one)	A. None B. Low	C. Moderate 🗸	D. High	E. Reckless Disr	regard 🗍
2. Type of Action 104(a)	13. Type of Is	suance (check one)	Citation 🗹	Order Safeguard	Written Notice
4. Initial Action A. Citation B. Order	C. Safeguard ☐ D. Written Notice	E. Citation/	mber	F. Dated	l Mo Da Yr
5. Area or Equipment				·	
arrivan ar majarkiriani					
					•
10 7-11 21 - 0	140 De V	· · · · · · · · · · · · · · · · · · ·			
6. Termination Due A. Date	Mo Da Yr 08/02/2009 B. Time (24 Hr. C	lock) 160()		
Section IIITermination Action	00/02/2009				
7. Action to Terminate			,,,_,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		· · · · · · · · · · · · · · · · · · ·
8. Terminated Mo Da	a Yr				
A. Date	B. Time (24 Hr. Clock)				
Section IV-Automated System Data					
9. Type of Inspection (activity code) E01	20. Event Number 411929	93 21. P	rimary or Mill		

MSHA Form 7000-3, Apr 08 (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.

23. AR Number

Mine	Citation/Order
Conti	nuation

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



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Section I-Subsequent Action/Continuation Data		- Cincums of This September 1						
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)			3. Citation/	8094541 - 01			
<u>Y</u>	(Original Issue)	08/02	2/2009	Order Number	0071511 01			
4. Served To			5. Opera	tor				
RICK FOSTER (MINE FOREMAN)				PERFORMANCE COAL COMPANY				
6. Mine				D 16 00 10	(Contractor)			
UPPER BIG BRANCH MINE-SOUTH				46-08436				
Section II-Justification for Action	nacena neterana and attacena and Sepannes and reference plan	CONTRACTOR OF THE PROPERTY OF	A long to make a frame confined from the continues of the first	SON THE PERSON ASSESSMENT OF THE PERSON ASSESSMENT OF THE PERSON ASSESSMENT OF THE PERSON ASSESSMENT OF THE PE				

A CAP IS NOW PROVIDED FOR THIS CYLINDER.

Section III-Subsequent Action Taken						See Continuation Form
	Yr	B. Time (24 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IVInspection Data	** ************************************					
9. Type of Inspection E01	10. Ev	ent Number 4119293				
		AR Number	12. Date	Mo Da Yr 08/03/2009	13. Time (24 Hr. Clo 1015	ck)

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

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1 1 1	

			wine Safety and Health Administration	-4/
Section I-Vid	olation Data			
1. Date	Mo Da Yr 08/02/2009	2. Time (24 Hr. Clock) 0900	3. Citation/ Order Number 8094542	<u> </u>
4. Served 7 ANDY C	OALSON (MIN	IE FOREMAN)	5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER I	BIG BRANCH M	IINE-SOUTH	7. Mine ID 46-08436	(Contractor)
8. Condition	or Practice		8a, Written Notice	(103g)

ACCUMULATIONS OF COMBUSTIBLE MATERIAL (LOOSE COAL SATURATED WITH HYDRAULIC OIL) WAS ALLOWED TO ACCUMULATED IN THE DECK OF THE # 196 SCOOP LOCATED ON #3 SECTION. THIS MATERIAL WAS APPROXIMATELY 1 TO 6 INCHES IN DEPTH COVERING THE ENTIRE DECK.

						See Con	tinuation Form (MSH	A Form 7000-3a)
Oth	ty √ of Act er _	n		C. Part/Section of Title 30 CFR	f	75.	400	
Section II-Inspector's Eval	uation							
10. Gravity:								
A. Injury or Illness (I	nas) (is): No Likeli	hood 🔲	Unlikely 🗸	Reasonably	Likely 🔲	Highly Likely	Occur	rred 🗌
B. Injury or illness of sonably be expected.		st Workda	ays Lost W	orkdays Or Restr	icted Duty 🗸	Permanen	tly Disabling 🔲	Fatal 🗌
C. Significant and S	ubstantial: Y	es 🗌	No 🗹			D. Number o	f Persons Affected	^{I:} 001
11. Negligence (check	one) A. None		B. Low 🗌 C	. Moderate 🔽	D. High	. 🗌 E	. Reckless Disreg	ard 🗌
12. Type of Action	104(a)		13. Type of Issua	ance (check one)	Citation 🗸	Order [Safeguard 🗌	Written Notice
14. Initial Action A. Citation B. C	order 🔲 C. Safegi	uard 🔲 1	D. Written Notice	E. Citation/ Order Nu	mber		F. Dated	Mo Da Yr
15. Area or Equipment					······································			
16. Termination Due	A. Date		B. Time (24 Hr. Cloc	k) 0630)			
Section IIITermination Ac	llon							
17. Action to Terminate	•							
18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)								
Section IVAutomated Sys	tem Data	·*···········						
19. Type of Inspection (activity code)	E01 20. Eve	nt Number	4119293	21. P	rimary or Mill			
22. Signature	**************************************					23. AR	Number	
				A COUNTY OF THE PERSON NAMED IN COUN				

MSHA Form 700——, Applied (revised) — in accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small 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.

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



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Section I-Subsequent Action/Continuation Data					
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 08/02/20	• • •	3. Citation/ Order Number 8094542 - 01	
4. Served To			5. Operat	or	
RICK FOSTER (MINE FOREMAN)				RMANCE COAL COMPANY	
6. Mine			7. Mine ID (Contractor)		
UPPER BIG BRANCH MINE-SOUTH				46-08436	
Section II-Justification for Action					

THE SCOOP HAS BEEN CLEANED.

Section III-Subsequent Action Taken			angia di manana ang ang ang ang ang ang ang ang an			See Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time (2	4 Hr. Clock)		☐ C. Vacated	D. Terminated	E. Modified
Section IVInspection Data						
9. Type of Inspection E01	10. Event Numbe	4119293				Colombia (Colombia Colombia Colombia)
11-Clarature		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ck)
				08/03/2009	0950	

22. Signature

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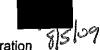
Mille Ottation/Order		Mine Safety and Health Administration				
Section IViolation Data	шин талан талан шишүү осын осшолуундан тылгар осиндын осын толоордан үйнүүнү түрүтүн коронун тилгин как- 	namenamenamenamenamenamenamenamenamename	neparatus (Sentence de la composition della comp			
1. Date Mo Da Yr 2. 08/02/2009	Time (24 Hr. Clock) 0915		3. Citation/ Order Number 8094543			
4. Served To		5, Operator	, <u>, , , , , , , , , , , , , , , , , , </u>			
ANDY COALSON (MINE F	OREMAN)	PERFORMANCE COA	L COMPANY			
6. Mine	3.00	7. Mine ID 46-08436				
UPPER BIG BRANCH MINE	E-SOUTH		(Contractor)			
8. Condition or Practice THE #2 SCOOP (BIG S	SCOOP) LOCATED ON #3	CECUTON WAS NOT	8a. Written Notice (103g) BEING MAINTAINED IN			
PERMISSIBLE CONDITI		NG EXCEEDING .00				
			See Continuation Form (MSHA Form 7000-3a)			
		art/Section of tle 30 CFR	75,503			
Section II-Inspector's Evaluation						
10. Gravity:		,				
	Likelihood Unlikely 🗸	Reasonably Likely H	ighly Likely Occurred			
B. Injury or illness could rea- sonably be expected to be:	No Lost Workdays Lost Workd	ays Or Restricted Duty 🗸	Permanently Disabling			
C. Significant and Substantial:	Yes ☐ No 🗸	D	Number of Persons Affected: 001			
11. Negligence (check one) A. N	None B. Low C. Mc	oderate 🗸 D. High 🗌	E. Reckless Disregard			
12. Type of Action 104(a)	13. Type of Issuance	(check one) Citation 🗹	Order 🗌 Safeguard 🗌 Written Notice 🗌			
14. Initial Action A. Citation B. Order C. S	Safeguard D. Written Notice	E. Citation/ Order Number	F. Dated Mo Da Yr			
15. Area or Equipment		, , , , , , , , , , , , , , , , , , , 	The state of the s			
	lo Da Yr 8/03/2009 B. Time (24 Hr. Clock)	0630				
Section IIITermination Action						
17. Action to Terminate						
18. Terminated A. Date Mo Da	B. Time (24 Hr. Clock)					
Section IV-Automated System Data						
19. Type of Inspection (activity code) E01	D. Event Number 4119293	21. Primary or Mill				

MSHA Form 7000-3, Apr 08 (revised) / In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1998, 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.

23. AR Number

Section II-Justification for Action

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



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Section I-Subsequent Action/Continuation Date	A THE OWNER OF THE OWNER OWNER OF THE OWNER		and a second second second				NATIONAL PROPERTY.
1. Subsequent Action 1a. Continuation ✓ □	2. Dated (Original Issue)	Mo Da 08/02/20)	3. Citation/ Order Number	8094543 - 01		
4. Served To	,	3000 31 - 1000 31 - 10 - 10 - 10 - 10 -	5. Operato	ſ			
RICK FOSTER (MINE FOREA	IAN)		PERFOR	RMANCE CO.	AL COMPANY		
6. Mine		-	7. Mine ID	1.5.00.10		(Contractor)	m.,
UPPER BIG BRANCH MINE-S	OUTH			46-0843	6		

THE PANEL LID HAS BEEN TIGHTEN TO WHERE THERE IS NOT AN OPENING EXCEEDING .005 WHEN CHECKED.

Section III-Subsequ	ent Action Taker	1					deletinin menerang kalancara min mengipapak dalam samungan pengapak dalam samung	See Continuation Form
8. Extended To	. Date	Da	Υr	B. Time (24 Hr. Clock)		☐ C. Vacated	✓ D. Terminated	E. Modified
Section IV-Inspection 9. Type of Inspect	variation (This amount of which the property of the property o		10. E\	vent Number 411929	and the second s			
				AR Number	12. Date	Mo Da Yr 08/03/2009	13. Time (24 Hr. Cl 0857	ock)

Mine	Citation	/Order
IVIII	1 12 1 2 1 1 1 1 1 1 1	17 L JI L I HI

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wisie Orderors Order					Mine Safety and Health Administration				
Section IViola	tion Data							Sanding to the sand of the san	
1. Date	Mo Da Yr 08/02/2009	2. Time (24 Hr. Cl 093				3. Citation/ Order Number	er 80945	44	
4. Served To				5. Operator PERFOR	5. Operator PERFORMANCE COAL COMPANY				
6. Mine	MEDOCII (MILI	LI ORGINIAN)		7. Mine ID			- 		
	G BRANCH M	NE-SOUTH		7. 11.110 12	46-084	36		(Contractor)	
8. Condition of							8a. Written	Notice (103g)	
SCOOP)	WERE NOT H	BEING PROT	NGUISHING N ECTED AGAIN OT PROVIDED	ST THE E	NTRANCE			BIG JST OR	
						See Continue	tion Form (MSH	A Form 7000-3a)	
9. Violation	A. Health Safety Other	B. Section of Act		C. Part/Section o Title 30 CFR	f	75.1107-9(ATOMITOS OU	
Section II-Inspe	ector's Evaluation								
10. Gravity: A. Injury o	r Illness (has) (is):	No Likelihood	Unlikely 🔽	Reasonably	Likely [Highly Likely] Осси	rred 🗌	
	r illness could rea- be expected to be:	No Lost Workd	ays 🗌 🛮 Lost Wo	rkdays Ör Restri	cted Duty 🗹	Permanently E	isabling 🗌	Fatal 🗌	
C. Signific	ant and Substantial:	Yes 🗍	No 🗸			D. Number of Pe	rsons Affected	^{3:} 001	
11. Negligeno	ce (check one)	A. None	B. Low C	. Moderate 🔽	D. Higl	E, Re	ckless Disreg	ard []	
12. Type of A	ction 104(a)	• • • • • • • • • • • • • • • • • • • •	13. Type of Issua	nce (check one)	Citation v	Order S	afeguard 🗌	Written Notice	
14. Initial Acti A. Citation	•	C. Safeguard	D. Written Notice	E. Citation/ Order Nur	nber		F. Dated	Mo Da Yr	
15. Area or E	quipment			<u></u>	***				
16. Terminati	on Due A. Date	Mo Da Yr 08/03/2009	B. Time (24 Hr. Clock	() 1600					
Section III-Terr	mination Action								
17. Action to	Terminate								
18. Terminate	A. Date Mo [Da Yr B. Time	(24 Hr. Clock)						
	omated System Data								
19. Type of Ir (activity c		20. Event Number	4119293	21. P	rimary or Mili		- 		
22. Signature				egic di i		23. AR Nui	nber		
MSHA Form 70			Man Company and And And	siness Regula	tory Enforceme	nt Fairness Act of 1996,	, the Small Busin	less Administration has	

established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Falmess 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.

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



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Section I-Subsequent Action/Continuation Data	A STATE OF THE STA	A CONTRACTOR OF THE PROPERTY O		The test retained to the residence of the	- Add 1000 and Mary Mary and Add Add and Add Add Add Add Add Add Add Add Add A		
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 08/02/20	1	Citation/ Order Number	8094544 - 01		
4. Served To			5. Operate	DΓ			
RICK FOSTER (MINE FOREMA	N)		PERFO!	RMANCE CO.	AL COMPANY		
6. Mine			7. Mine ID	46.0040	_	(Contractor)	
UPPER BIG BRANCH MINE-SOUTH				46-0843	6		
Section II-Justification for Action		version (1990) employee a personnelle (1994) (1994) (1994) (1994) (1994)	A STATE OF THE STA	- NION SON AND SON AND SON AND SON ASSOCIATION OF STREET	ENT A CONTRACTOR CONTR	And the second of the second o	

THE NOZZLES ARE NOW PROVIDED WITH CAPS.

Section III-Subse	ouent Actio	n Taker	oja ja salapaja		international designation of the second	Makada aran aran aran da kalanda aran aran aran aran da kalanda aran da kalanda aran da kalanda aran da kaland			digina and produces	इंग्लिसीस्त्रीय करा १० दर्भी को प्रिल्लिक क्षेत्र मानवार वर्ग प्रकार कर देव देव के वी प्रकार का क	See Continuation Form
8. Extended To		Мо	Da	Yr	B. Time (2	4 Hr. Clock)		☐ C, Va	cated	D. Terminated	E. Modified
Section IVInspect 9. Type of Inspec		01	13 2 13 2 14 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	10. E	vent Numbe	r 4119293					
						AR Number	12. Date	Mo Da 08/03/2	Yr 2009	13. Time (24 Hr. C 0856	•

Mine	Cita	atio	1/0	rder



Mine Citation/Order	U.S. Department of Labor Mine Safety and Health Administration					
Section IViolation Data						
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 08/02/2009 0945	3. Citation/ Order Number 8094545					
4. Served To	5. Operator					
ANDY COALSON (MINE FOREMAN)	PERFORMANCE COAL COMPANY					
6. Mine	7. Mine iD 46-08436 (Contractor)					
UPPER BIG BRANCH MINE-SOUTH	40-06430 (Contractor)					
8. Condition or Practice	8a. Written Notice (103g)					
THE CONNECTION AND SPLICE FOR THE PANI	C SWITCH LOCATED ON THE #2 SCOOP (BIG					
SCOOP) ON #3 SECTION WERE NOT EFFICIEN VISIBLE ON THE LEFT SIDE OF THE OPERAT						
Safety. ✓ of Act	See Continuation Form (MSHA Form 7000-3a) Part/Section of Title 30 CFR 75.514					
Other _						
Section II-Inspector's Evaluation 10. Gravity:						
A. injury or Iliness (has) (is); No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred					
B. Injury or illness could reasonably be expected to be: No Lost Workdays ✓ Lost Work	days 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	ce (check one) Citation ☑ Order ☐ Safeguard ☐ Written Notice ☐					
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E, Citation/ F. Dated Mo Da Yr Order Number					
15. Area or Equipment						
16. Termination Due A. Date Mo Da Yr 08/03/2009 B. Time (24 Hr. Clock)	0630					
Section IIITermination Action						
17. Action to Terminate						
18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)						
Section IVAutomated System Data						
19. Type of Inspection (activity code) E01 20. Event Number 4119293	21. Primary or Mill					
22. Signature	23. AR Number					

MSHA Form 70
established a N
established a N
enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small businesses about federal agency 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
Conti	nuation

U.S. Department of Labor



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				<u> </u>			· ·
Section ISubsequent Action/Continuation Data							
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 08/02/20		3. Citation/ Order Number	8094545 - 01	and the second s	200
4. Served To			5. Operate	or			
RICK FOSTER (MINE FOREMAN)				PERFORMANCE COAL COMPANY			
6. Mine		······································	7. Mine II)		(Contractor)	4-17-17-1
UPPER BIG BRANCH MINE-SOUTH				46-0843	6		
Section II-Justification for Action							

THE CONNECTIONS ARE NOW PROPERLY MADE.

		wang ta jaran sa								See Continuation Form
Section III-Subsec	uent Action Take	n .								
8. Extended To	A. Date Mo	Da	Yr	B. Time (2	4 Hr. Clock)		☐ c. va	cated	✓ D. Terminated	E. Modified
Section IVInspec	tion Data	and the second second second	<u>yeninegili di elekeret</u>							
9. Type of Inspe	ection E01		10. E	vent Numbe	or 4119293		1995-channes Saultininen Wahnen von sein	dinema di il	antiningan (antiningan) (antiningan) (antiningan) (antiningan) (antiningan) (antiningan) (antiningan) (antiningan)	aken ungakan anam 1949 an <u>am k</u> alan sa _{n m} agi 49 katalah 1944 dan menilik dalam 1944 Peran a
					AR Number	12. Date	Mo Da	Υr	13. Time (24 Hr. Clo	ock)
							08/03/	2009	0855	\$000 DECEMBER OF THE SECOND SE

Mine	Cita	afion	10	rder
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U.S. Department of Labor
Mine Safety and Health Administration

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stration	



Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 08/03/2009 0935	3. Citation/ Order Number 8094546
4. Served To	5. Operator
RICK FOSTER (MINE FOREMAN)	PERFORMANCE COAL COMPANY
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)
8. Condition or Practice	8a, Written Notice (103g)
THE OPERATOR FAILED TO FOLLOW THE APPROPRIES	OVED ROOF CONTROL PLAN. TWO BOLTS WERE
FOUND, ONE MEASURING 67 INCH AND THE O'	THER 55 INCHES OFF THE RIB AND MEASURING
10 FOOT IN LENGTH. IN THE TRACK ENTRY,	#16 CROSSCUT OF #3 SECTION.
9. Violation A. Health B. Section C.	See Continuation Form (MSHA Form 7000-3a)
	Title 30 CFR 75.220(a)(1)
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 V Lost Workdays	days Or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial: Yes ☐ No ✔	D. Number of Persons Affected: 003
	loderate D. High E. Reckless Disregard
12. Type of Action 104(a) 13. Type of Issuance	
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number
15. Area or Equipment	
15. Area of Equipment	
16. Termination Due A. Date Mo Da Yr 08/03/2009 B. Time (24 Hr. Clock)	1000
Section III-Termination Action	
17. Action to Terminate TWO CRIBS WERE INSTALLED	IN THE AFFECTED AREA.
08/03/2009	1000
Section IV-Automated System Data	
19. Type of Inspection (activity code) E01 20. Event Number 41 19293	21. Primary or Mill
22. Signatur	23. AR Number
MSHA Form 7	siness Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has

MSHA Form 7 siness 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 business and 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	Citat	ion	/OI	rdel

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

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				Mine Safe	ety and Health A	dministration	8/4/07			
Section I-Violation	n Data									
1. Date	Mo Da Yr 08/03/2009	2. Time (24 Hr. Cl 133				3. Citation/ Order Number	8094547	f		
4. Served To		• • • • • • • • • • • • • • • • • • •		5. Operator						
	ER (MINE FO	OREMAN)		PERFORMANCE COAL COMPANY						
	BRANCH MI	NE-SOUTH		7. Mine ID	46-08436			(Contractor)		
8. Condition or	Practice						8a. Written No	tice (103g)		
THE OPERATOR FAILED TO MAINTAINED THE PRIMARY ESCAPEWAY FOR THE #3 AND #4 SECTIONS, IN A SAFE CONDITION TO ALWAYS ASSURE PASSAGE OF ANYONE INCLUDING DISABLE PERSONS. APPROXIMATELY 6 TO 18 INCHES OF WATER WAS PRESENT FOR A DISTANCE OF 70 FEET, CINDER BLOCKS, METAL BEAMS, 6 BY 6 TIMBERS, AND MUD WAS PRESENT 20 FT. INBY THE FAN, CREATING SLIP, AND TRIP HAZARDS. ALSO APPROXIMATELY TWELVE ROWS OF ROOF SUPPORT WERE DAMAGED TO WHERE THE PLATES WERE NOT FIRMLY AGAINST THE TOP, NO LIFELINE HAD BEEN INSTALLED FROM THE MAN DOORS OF THE FAN FOR APPROXIMATELY 135 FT. UNDERGROUND. CITATIONS WILL BE ISSUED FOR THESE CONDITIONS. See Continuation Form (MSHA Form 7000-3a) C. Part/Section of Title 30 CFR 75.380(d)(1)										
Girlian II Jana	Other									
Section II-Inspect	or s E varuation	,	· 							
10. Gravity: A. Injury or I	ilness (has) (is):	No Likelihood 🔲	Unlikely [Reasonably	/ Likely 📝 H	ighly Likely 🔲	Occurred			
	Iness could rea- e expected to be:	No Lost Workd	ays 🗌 Lost Workd	lays Or Restr	icted Duty 🔽	Permanently Dis	abling 🗌	Fatal 🗌		
C. Significan	t and Substantial:	Yes 🔽	No 🗌		D	Number of Perso	ons Affected:	018		
11. Negligence	(check one)	A. None 🗌	B. Low C. M	oderate 🗌	D. High 🗸	E. Reck	dess Disregard			
12. Type of Acti	on 104(d)(2)		13. Type of Issuance	(check one)	Citation 🗌	Order 🔽 Safe	eguard 🗌 W	/ritten Notice		
14. Initial Action A. Citation		C. Safeguard [D. Written Notice	E. Citation/ Order Nu	mber 808	2692	F. Dated	Mo Da Yr 03/17/2009		
15. Area or Equ FIRST CC			SECTIONS PROUND		SCAPEWAY	FROM THE	FAN TO T	PHE PHE		
16. Termination	Due A. Date	Mo Da Yr	B. Time (24 Hr. Clock)	· · · · · · · · · · · · · · · · · · ·			<u> </u>	, , , , , , , , , , , , , , , , , , , 		
Section III-Termin	ation Action									
17. Action to Te	rminate									
18. Terminated	A. Date Mo D	a Yr B. Time	(24 Hr. Clock)	70						
Section IVAutom	ated System Data				<u> </u>	· , , , , , , , , , , , , , , , , , , ,				
19. Type of Insp (activity cod	ection	20. Event Number	4119293	21, F	Primary or Mill			<u>and the second second second</u>		
22 Signature	<u> </u>					23 AR Numb	1ac			

MSHA Form 7000-5, Apr us (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



According to the second			·							
Section I-Subsequent A										
1. Subsequent Actio	n 1a. Continuation	2. Dated (Original Issue)	Mo 08/0	Da 03/200	• •	3. Citation/ Order Number	8094547 - 01	Million comment and the Comment of t		
4. Served To					5. Operator					
RICK FOSTER	(MINE FOREMA	N)		F	PERFORMANCE COAL COMPANY					
6. Mine					7. Mine ID (Contr			(Contractor)		
UPPER BIG BRANCH MINE-SOUTH						46-0843	6			
Section II-Justification f	ection II—justification for Action									

THE OPERATOR IS NOW PROVIDING A CLEAR AND SAFE TRAVELWAY.

							gyffirmangar mae'r African a roennag lleithig fyn ar raeg fall ar fyl	See Continuation Form
Section III-Subsection	quent Action 1	aken						
8. Extended To	A. Date	lo Da	Ŷſ	B. Time (24 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IV-Inspec	tion Data	and according to the second			And the second s		ne n	
9. Type of Inspe	ection E01		10. E	vent Number 411929	3			
44 (2)		<u> </u>		AR Number	12. Date	Mo Da Yr 08/04/2009	13. Time (24 Hr. C	lock)

Mina Citation (Order

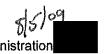




wille Gitatio	willie Citation/Order						Mine Safe				ation			
Section IViolat	tion Data		 				**************************************		, , , , , , , , , , , , , , , , , , , 			******************************		Managara a managara
1. Date	Mo Da \ 08/03/20		2. Time (2	24 Hr. C 13:		•	:		3	3. Citation/ Order N		80945	48	
4. Served To RICK FOS			OREMA				5. Operator PERFOR		CE COAI	, ÇOME	ANY			
6. Mine		······································		~~~	anaranda da d		7. Mine ID	46-	08436					
UPPER BI 8. Condition of		CH MI	NE-SOU	ТН		,						la Written	(Con Notice (10	tractor)
	MATELY CROSS	135	5 FT.	FROM	TALL A CON' I THE AIRLO IND. THIS I	CK	DOORS	OF T	URABLE HE FAN ESCAE	I TO	CHE F	FOR TRST THE #		#4
O Matalian	A Linckh [B. Section	•••		0.0	- 1/C1:	<u> </u>		See Cor	ntinuation	Form (MSH/	A Form 7000	-3a) <u></u>
9. Violation	A. Health Safety Other	v	of Act				art/Section o le 30 CFR			75.380	(d)(7)(i)		
Section IIInspe	ector's Evaluat	ion	 	 					,					
10. Gravity: A. Injury or	r Iliness (has	s) (is):	No Likeliho	ood 🗀	Unlikely 🖳		Reasonably	Likely !	J i Hi∈	ghly Likely	<i>,</i> \Box	Occur	red 🗌	
B. Injury or	r illness coul be expected	d rea-		t Worke			ys Or Restri			Permaner			Fatel [
	ant and Sub		Yes	· 🔽	No 🗍				D.	Number o	of Person	s Affected	018	
11. Negligeno	e (check one	e) ,	A. None			C. Mo	derate []	D	. High 🔽		E. Reckle	ess Disrega	ard 🗌	
12. Type of A	ction 10	4(d)(2))		13. Type of Issu	апсе	(check one)	Citat	ion 🗌 🤇	Order 🗸	Safeg	uard 🗌	Written N	otice
14. Initial Acti A. Citation		er 🗸	C. Safegua	ard 🔲	D. Written Notice	1	E. Citation/ Order Nu	mber	8082	2692	F	. Dated	Mo Da 03/1	a. Yr 7/2009
15. Area or Ed FIRST C	• •				SECTIONS UNDERGROU		MARY E	SCAP	EWAY I	FROM :	гне в	'AN TO	THE	
16. Terminatio		\. Date	Mo Da	Υr	B. Time (24 Hr. Clo	ck)								
Section III-Tern					34 N. C									
17. Action to 1	i erminate													
18. Terminate	. A. Date	·	a Yr	B. Time	e (24 Hr. Clock)						OCHO HOLE			
Section IVAuto	 	n Data	Taa =				12:							
19. Type of In (activity co		E01	20. Event	Numbe	4119293	3	21. P	rimary o	r Mill					
22. Signatu							 			23. AF	R Numbe	r		
MSHA Form						l Bu	siness Regula	atory Enfo	rcement Fair	ness Act of	1996, the	Small Busin	ess Adminis	lration has

established a National Small Business and Agriculture Regulatory Ombudsman and Tu 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.

U.S. Department of Labor 5/5/ Mine Safety and Health Administration



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Section ISubsequent Action/Continuation Data										
Subsequent Action 1a. Continuation	2. Dated	Mo D	a Yr	3. Citation/	000 <i>454</i> 0 01					
	(Original Issue)	08/03/	2009	Order Number	8094548 - 01					
4. Served To			5. Opera	5. Operator						
RICK FOSTER (MINE FOREM	AN)		PERFO	PERFORMANCE COAL COMPANY						
6. Mine		7. Mine ID (Contractor)								
UPPER BIG BRANCH MINE-SO			46-08436							
Section IIJustification for Action										

THE LIFELINE IS NOW INSTALLED IN THE AFFECTED AREA.

		taipanuun aan aasta kan een een een een een een een een een e	See Continuation Form								
Section IIISubsequent Action Taken											
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	C. Vacated 🗹 D. Terminated	☐ E. Modified								
Section IV-Inspection Data	Section IV-Inspection Data										
9. Type of Inspection E01	10. Event Number 4119293										
	LAR Number 12. Date	Mo Da Yr 13. Time (24 Hr. Clo 08/04/2009 1100	ock)								

U.S. Department of Labor





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Section I-Viola		14 =	04			- Nove-			0.14				4
1. Date	Mo Da Yr 08/03/2009	2. Time (24 Hr. Clo 135	•		······································			3. Citation/ Order Nu	mber	80945	49	**************************************
4. Served To						5. Operator		OB 66 ::		4377			
	TER (MINE	FOREMA	N)			PERFORMANCE COAL COMPANY							\
6. Mine	G BRANCH	MINE-SOI	TH			7. Mine ID 46-08436 (Contracto						tractor)	
8. Condition of		WIII (L)-SOC	/ <u> </u>				 -		· ~~~		Ba. Written		
THE ESC	CAPEWAY M	AP WHEF	E MII	NERS CONGR	REGA	re in	THE	BATH H	HOUSE			RRENT	
		S MAP S CTUAL E		THE PRIMA EWAY COMES		ESCAPE T THE				THE	OLD F	AN EN'	ΓRΥ
			· oans						See Con	tinuation	Form (MSH/	\ Form 7000	⊬3a) <u> </u>
9. Violation	A. Health ☐ Safety ✔ Other ☐	B. Section of Act				rt/Section of e 30 CFR	of		75.15	05(b)			
	ector's Evaluation								···			~~~~	
10. Gravity:	r Iliness (has) (is)	: No Likelih	and \square	Linificate (4)		Dagaanahk	Likolu	□ ш	akkı I llakı	_	Occur	rad 🗆	
	r illness (ras) (is)		ood 📋	Unlikely 🔽		Reasonably	LINEIN		ghly Likely		Occur	ieu 🗀	
sonably	be expected to b	e: No Los	t Workda	ays 🕢 Lost V	Vorkda	ys Or Restr	icted Du	ty 🗌	Permanent	lly Disat	oling 🗌	Fatal []
C. Signific	ant and Substant	ial: Ye	s 🗌	No 🗹				Đ.	Number of	f Person	s Affected	018	
11. Negligeno	ce (check one)	A. None		B. Low	C. Mod	derate 🗌	[). High 🔽	E	. Reckie	ess Disrega	ard 📋	
12. Type of A	ction 104(d)	(2)		13. Type of Issu	uance (check one)	Cita	tion 🗌 🤇	Order 🗸	Safeg	uard 🗌	Written N	otice 🗌
14. Initial Acti A. Citation		C. Safegu	ard 🔲 I	D. Written Notice [E. Citation/ Order Nu	mber	808	2692	F	. Dated	Mo D 03/1	a Yr 7/2009
15. Area or E	quipment TH	E #3 AN	ID #4	SECTIONS.					, ************************************				
16. Terminati	on Due A. Da	Mo Da te	Yr	B. Time (24 Hr. Clo	ock)			· · · · · · · · · · · · · · · · · · ·		· W - WA			
Section IIITern	nination Action												
17. Action to	Terminate												
18. Terminate	A. Date	lo Da Yr	B. Tíme	(24 Hr. Clock)	·								
Section IVAuto	omated System Date	3										OKSV	
19. Type of In (activity o	spection ode) E0	20. Even	t Number	411929	3	21. P	rlmary o	r Mill			,		
22. Signature							, f		23. AR	Numbe	r	0 0-1	
MSHA Form 70 established a N		SST-HOTAVIBEDI	UIA NAUUE	tory Ombousman and	IQ NESI			rcement Fair					

established a National Small business and Agriculture Regulatory Conductment and To Regional Faliness 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 Saféty and Health Review Commission.

U.S. Department of Labor

Mine Safety and Health Administration \$15/09



	Section I-Subsequent Action/Continuation Data			weenstand and the second section of the	en compresidante in constitución de la desta de la La desta de la			lanerani _s e.	
	Subsequent Action 1a, Continuation	2. Dated (Original Issue)	Mo Da 08/03/20	• •	3. Citation/ Order Number	8094549 - 01		Spirout.	
	4. Served To			5. Operator					
	RICK FOSTER (MINE FOREMA	AN)		PERFORMANCE COAL COMPANY					
6. Mine					7. Mine ID (Cont				
UPPER BIG BRANCH MINE-SOUTH					46-08436				
	Section II-Justification for Action				en e			Mg-copping	

THE ESCAPEWAY MAP LOCATED IN THE BATH HOUSE IS NOW UP TO DATE.

Section III—Subsequent Action Taken	ann ann an t-airean ag airt a a t-airean an t-airean an t-airean an t-airean an t-airean an t-airean an t-aire	rakanapuny wakan kawa na nakakanya njaka kawakaya 20 ka mahayang 122 ka mahanin kayang a manapa k	See C	Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	C. Vacated	☑ D. Terminated ☐ E	. Modified
Section IV-Inspection Data				
9. Type of Inspection E01	10. Event Number 4119293			ородина (по в прогоди на 16 м) в при на 16 м) н При при при при на 16 м) н
	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)	Control of the Contro
	one-way.	08/04/2009	1230	
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U.S. Department of Labor

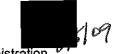
8/	4	09	
n			



THE CHARGE COLOR			Mine Safety and Health Administration							
Section I–Violation Data										
1. Date Mo Da Yr 08/03/2009	1. Date Mo Da Yr 2. Time (24 Hr. Clock) 1355				3. Citation/ Order Number 8094550					
4. Served To	t		5. Operator	and a few sections of the section o	and the second section of the second section of the second section sec		Andrews Berlines was not been the result to the particular development of the contract of the			
RICK FOSTER (MINE	FOREMAN)		PERFORM	MANCE COA	L COMPAN	<u> </u>				
6. Mine UPPER BIG BRANCH N	7. Mine ID	46-08436			(Contractor)					
8. Condition or Practice			<u>,,, , , , , , , , , , , , , , , , , , </u>		,	8a. Written	Notice (103g)			
THE 1200 MAP FOR FAN FOR THE SOUT ENTRY. ALSO THE PRIMARY ESCAPEWA OUT THE #5 PORTA	H PORTALS : #4 ENTRY HA Y IS SHOWN	IN THE #4 EN AS A STOPPIN	TRY AND G INSTAI	THE FAN	IS LOCATI	ED IN T	OWING THE HE #5 NING. THE COMING			
9. Violation	B. Section of Act		Part/Section of Fitle 30 CFR		See Continuati	······································	ь Form 7000-3а)			
Section II-Inspector's Evaluation										
 Gravity: A. Injury or Illness (has) (is): 	No Likelihood	Unlikely 🗸	Reasonably I	Likely 🗌 H	ighly Llkely 🔲	Occurr	ed [
Injury or illness could rea- sonably be expected to be	No Lost Workda	ays 🗹 🛮 Lost Workd	days Or Restric	ted Duty 🗌	Permanently Dis	sabling []	Fatal []			
C. Significant and Substantia	i: Yes 🗌	No 🗸		D	. Number of Pers	ons Affected:	018			
11. Negligence (check one)	A. None	B. Low C. M	loderate 🗌	D. High 🗸	E. Rec	kless Disrega	rd 🗌			
12. Type of Action 104(d)(2)	13. Type of Issuance	e (check one)	Citation	Order 🗸 🛚 Sa	feguard 🔲	Written Notice			
14, Initial Action A. Citation B. Order	C. Safeguard 🗍 🛚	D. Written Notice	E. Citation/ Order Num	nber 808	2692	F. Dated	Mo Da Yr 03/17/2009			
15. Area or Equipment THE	#3 AND #4	SECTIONS.								
16. Termination Due A. Dat	Mo Da Yr	B. Time (24 Hr. Clock)	044							
Section III-Termination Action										
17. Action to Terminate										
A. Date	Da Yr B. Time	(24 Hr. Clock)								
Section IV-Automated System Data		·	~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ 							
19. Type of Inspection (activity code) E01	20. Event Number	4119293	21. Pri	mary or Mill						
22 Signature					23 AR Num	her				

Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a Nauorial Small Business and Agriculture Regulatory Ombuosiman and To 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 20418. 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.

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



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Section I-Subsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo	Da Yr	3. Citation/	8094550 - 01	Commission of the commission o
	(Ongmai issue)	08/03	/2009	Older Marriner	007.000 01	
4. Served To			5. Opera	ator		
RICK FOSTER (MINE FOREMAN	V)		PERFO	DRMANCE CO	AL COMPANY	
6. Mine			7. Mine	ID		(Contractor)
UPPER BIG BRANCH MINE-SOU'	TH -			46-0843	6	Zarpádní vladno na ovezna vezda dokum na se sa vezda dokum králi na ovezna vezda dokum na ovezna vezda dokum n
Section IIJustification for Action	and the second s		Additional and Additional Advantage of the A			

THE 1200 MAP IS NOW UP TO DATE IN THE AFFECTED AREA.

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			2000 C	CANANIA TO THE TOTAL THE T	See Continuation Form
Section III-Subsequent Action Taken					
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IV-Inspection Data	organisas in the state of the s				
9. Type of Inspection E01	10. Event Number 4119293	Control of the Contro			managang ang gang da 18 18 18 da da tamang kingga Africa da tamang da tamang da tamang da 18 18 18 18 18 18 18
paragraph (100 minus analogo (100 minus pinus angagaire) mananan pagapi derikang managan (140 derik	AR Number	12. Date	Mo Da Yr.	13. Time (24 Hr. Cloc	k)
			08/04/2009	1300	
MSHA Form 7000-3a, Mar 85 (revised)					

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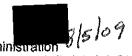
Mine Citation/Order							U.S. Department of Labor Mine Safety and Health Administration						
Section I-Viola	tion Data											and the supplier of the suppli	
1. Date	Mo Da 08/03/2		2. Time (24 Hr. C 14				******		. Citation/ Order Nur	nber 80945	51	
4. Served To					Visitation	5.	Operator						
RICK FOS	TER (MINE	FOREMA	N)		PI	ERFOR	MAN	CE COA	L COMPA	NY		
6. Mine			·····			7.	Mine ID	46.	-08436	····			
UPPER BIG BRANCH MINE-SOUTH							70	00750			(Contractor)		
8. Condition of		*****									· · · · · · · · · · · · · · · · · · ·	Notice (103g)	
	VEN A				O CONDUCT A							DM THAT 5 SOUTH	
9. Violation	A. Health		B. Section			1	Section of	f	***************************************	See Conti 75.360(t	nuation Form (MSH	IA Form 7000-3a)	
	Othe		DI ACI			I tue .	30 CFK			75,360(0)(0)(11)		
Section II-Inspe	ector's Evalu	ation											
10. Gravity:				. —					_		_		
A. Injury o	_		No Likelih	ood 📋	Unlikely 📝	Re	asonably	Likely	L H	ghly Likely	Occu	rred []	
	r illness co be expect			t Work	days 🗸 Lost \	Vorkdays	Or Restri	cted Di	uty 🗀	Permanenti	y Disabling 📋	Fatal 🗍	
C. Signific			'. .f.	 ; []	No ⊘				· · · · · · · · · · · · · · · · · · ·		Persons Affected	d: 018	
11. Negligeno	æ (check c	ne)	A. None		B. Low	C. Moder	ate 🗌		D. High 🗸	E.	Reckless Disreg	ard [
12. Type of A	ction 1	04(d)(2)		13. Type of iss	uance (ch	eck one)	Cita	ation [Order 📝	Safeguard []	Written Notice	
14. Initial Acti	on		C. Safegua	ard 🗆	D. Written Notice		Citation/ Order Nur	mber	808	2692	F. Dated	Mo Da Yr	
							010011101		<u> </u>			03/17/2009	
15. Area or E	quipment	THE	: #3 AN	D #4	SECTIONS.	•							
16. Terminati	on Due	A. Date	Mo Da	Yr	B. Time (24 Hr. Cid	ock)	, , , , , , , , , , , , , , , , , , , 						
Section III-Ten	nination Acti	on			 						<u> </u>		
17. Action to	Terminate												
18. Terminate	A. Date	Mo	Da Yr	B. Tim	e (24 Hr. Clock)								
Section IVAuto	mated Syst	em Data						· · · · · · · · · · · · · · · · · · ·					
19. Type of Ir (activity c	spection ode)	E01	20. Even	Numbe	er <u>411929</u>	3	21. P	rimary	or Mill				
22. Signatu										23. AR I	Number	with the state of	
140144 Fa						V 5					and the Country		

MSHA Form 1

It Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a warman Dusiness and Agriculture Regulatory Computation and To 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
Conti	nuation

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



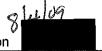
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Section I-Subsequent Action/Continuation Data					
1. Subsequent Action 1a. Continuation 2. Dated Mo (Original Issue) 08/0	Da Yr 3. Citation/ 2009 Order Number 809455	1 - 01			
4. Served To	5. Operator	Section 101-101-101-101-101-101-101-101-101-101			
RICK FOSTER (MINE FOREMAN)	PERFORMANCE COAL COMPANY				
6. Mine	7. Mine ID	(Contractor)			
UPPER BIG BRANCH MINE-SOUTH	46-08436				
Section IIJustification for Action					

THE OPERATOR IS NOW CONDUCTING A PRE SHIFT EXAM OF THE ROOM.

			See Continuation Form
Section III-Subsequent Action Taken			
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	☐ C. Vacated	D. Terminated
Section IV-Inspection Data			
9. Type of inspection E01	10. Event Number 4119293		
		12. Date Mo Da Yr	13. Time (24 Hr. Clock)
	AR Number	1,2.000	
		08/04/2009	1115

U.S. Department of Labor





				Mi	ne Safet	y and Health	Administration		\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
Section IViola							,	-	
1. Date	Mo Da Yr 08/03/2009	2. Time (24	Hr. Clock) 1325				3. Citation/ Order Number	8094552	
4. Served To					Operator				
****	TER (MINE FO	OREMAN)			IANCE COA	AL COMPANY		
6. Mine	C DD ANTOH NAT	NIC COLIT	TT	7. 1	Mine ID	46-08436	5		(Contractor)
8. Condition of	G BRANCH MI	ME-2001	<u> </u>					8a. Written Not	
	***************************************	Z MO S	PPROXIMATELY	35 PC	OF BO	विश्वात श्रम्	MOT FIRM	LY AGAIN	
MINE RO	OOF 20 FT. HIS WAS CRE	INBY T	HE FAN IN THE UNSUPPORTED R 48 FT.	#5 S	HTUO	PORTAL.	WITH THES Y ESCAPEWA	E BOLTS	

	L						See Continuation	n Form (MSHA For	m 7000-3a)
9. Violation	A. Health ☐ I Safety ✔ Other	3. Section of Act			Section of 80 CFR		75,204(c)(1	1)	
Section II-Inspe	ector's Evaluation								
10. Gravity: A. Injury o	r Illness (has) (is):	No Likelihoo	d [] Unlikely []	Re	asonably i	ikely 🗸	Highly Likely	Occurred	
	r illness could rea- be expected to be:	No Lost \	Vorkdays ☐ Lost W	/orkdays	Or Restric	led Duty 🗸	Permanently Dis	abling 🗍 🛚 I	atal 🗌
C. Signific	ant and Substantial:	Yes 8	✓ No 🗌				D. Number of Perso	ons Affected:	018
11. Negligeno	e (check one)	A. None [B. Low	C. Modera	ate 🗌	D. High {	v E. Reck	less Disregard [) '
12. Type of A	ction 104(d)(2)		13. Type of issu	ance (che	eck one)	Citation 🗌	Order 📝 Safe	eguard 🔲 Wi	ritten Notice 🗌
14. Initial Acti A. Citation		C. Safeguard	D. Written Notice		Citation/ Order Num	ber 80)82692	F. Dated	Mo Da Yr 03/17/2009
15. Area or E	quipment TWEN	TY FEE	T INBY THE #5	SOUT	'H POI	TAL TO	THE FIRST	CONNECTI	NG
CROSS C									
16, Terminati	on Due A. Date	Mo Da Yr	B. Time (24 Hr. Clo	ck)	100 - 100 -				,
Section III-Terr	nination Action								
17. Action to	Terminate								
18. Terminate	A. Date MoD	a Yr B	Time (24 Hr. Clock)			- 10444440		<u> </u>	
Section IVAuto	omated System Data								
19. Type of in (activity c	spection ode) E01	20. Event N	umber 411929.	3	21. Pri	mary or Mill			
22. Signatur							23. AR Numb	er	,
MSHA Form 7				Busine	ss Regulat	ory Enforcement F	airness Act of 1996, th	e Small Business	Administration has

established a egional Fairness Boards to receive comments from small businesses about federal agency enforcement activities and rates each agency's responsiveness to small businesse. 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.

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





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Section I-Subsequent Action/Continuation Data								
1. Subsequent Action 1a. Continuation	2. Dated	Mo [Da Yr	3. Citation/	0004550 01		and a parameter of the	
S	(Original Issue)	08/03/	/2009	Order Number	8094552 - 01			
4. Served To			5. Opera	tor				
RICK FOSTER (MINE FOREMA	N)		PERFC	PERFORMANCE COAL COMPANY				
6. Mine			7. Mine I			(Contractor)		
UPPER BIG BRANCH MINE-SO	JTH			46-0843	6			
Section II-Justification for Action		estema establica entrata de la constitución de la c		and the state of t			September 1	

THE AFFECTED AREA HAS NOW BEEN SUPPORTED.

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Section III—Subsequent Action Taken					
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IVInspection Data					
9. Type of Inspection E01	10. Event Number 4119293		an (Constitution (Constitution of Managery) (Constitution of American Ameri	aan ka	
	AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ock)
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U.S. Department of Labor
Mine Safety and Health Administration



Section ISubsequent Act	ion/Continuation Data					, -	
1. Subsequent Action	1a. Continuation	Dated (Original Issue)	Mo Da 08/03/20	Yr 09	3. Citation/ Order Number	8094552 - 02	
4. Served To				5. Opera	tor		
RICK FOSTER (MINE FOREMA	.N)		PERFO	RMANCE COA	L COMPANY	
6. Mine				7. Mine II	D 46 00 40 6	(Contractor)	
UPPER BIG BRANCH MINE-SOUTH					46-08436	•	
Section IIJustification for	Action						
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10. D. Persons Affecte	d 18				1		
Reason CHANGE	TO 1 PERSON A	FFECTED					

Section IIISubsequent Action Taken			See Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	C. Vacated D. Terminated	✓ E. Modified
Section IVInspection Data			
9. Type of Inspection E01	10. Event Number 4119293		
	AR Number 12. Date	Mo Da Yr 13. Time (24 Hr. Cl	ock)
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Section IViolat	ion Data					menona ing mangkapa								
1. Date	Mo Da		2. Time (24 Hr. C 12(•					3. Citation/ Order Nu	mber 80	09455	3	
4. Served To	08/10/2	2009		120	reconstruction of the second o		5. Operator			0.001110			49 0-1000/2012/10-71-1 00 ₀₋₁₁₀ 0	W-7-10-0
RICK FOS	TER (N	AINE I	FOREMA	N)			PERFOR		COA	L COMPA	ANY			
6. Mine	C DD AX	tott M	DE OO	TOTAL			7. Mine ID	46-0	8436				(Contra	-61
UPPER BIOM OF A STATE OF THE A STATE		ICH M	TIAE-2OC	ЛΗ	<u> </u>			······································	*************	****	8a.	Written h	(Contractional (Contractiona) (Contractional (Contractiona) (Contractional (Contractional (Contractional (Contractional (Contractiona) (Contractional (Contractiona) (Contractiona) (Contr	
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HAZARDS							•		•					
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										San Cant	idualian Fan	(NAC) A	Carry 7000 0a	
9. Violation	A. Health	. — T	B. Section			TC Pa	rt/Section o			See Cont	inuation For	m (MSHA	Form 7000-3a)
o. Violation	Safety	/✓	of Act				e 30 CFR	•		75.33	37(a)			
Section II-Inspe	Othe				**************************************				 				······································	····
Section II-IIIspe	cors evalu	auon			**************************************									
A. Injury or	r Illness (ha	as) (is):	No Likelih	ood 🗌	Unlikely 😧		Reasonably	Likely [) H	ighly Likely		Occurre	d 🗌	
B. Injury or	r illness co	uld rea-	No Los	t Worke	days 🗌 Lost	Workda	ys Or Restri	cted Duty	.	Permanent	lv Disablin	a \square	Fatal 🗌	
	be expecte			TYOM		• • • • • • • • • • • • • • • • • • •	,5 OI 1105(II	olog Duly						
C. Significa			Ye	3 🗍	· No ✓					Number of	Persons A	Allected.	001	
11. Negligenc	e (check o	ne)	A. None		B. Low 🗸	C. Mod	ferate 🔲	D. 1	High 🗌	E	. Reckless	Disregar	d 🗌	
12. Type of A	ction 1	04(a)			13. Type of Iss	suance (check one)	Citatio	n 🗸	Order 🗌	Safegua	rd 🗌	Written Notic	ce 🗌
14. Initial Action A. Citation		der 🗍	C. Safegua	ard 🗆	D. Written Notice		E. Citation/ Order Nu	mhar			F. D	ated	Mo Da	Yr
· · · · · · · · · · · · · · · · · · ·		dåt [_]	O. Galegui	aru	D. Willen Notice		Older 14d	IIDOI				خوري وادي دود		
15. Area or Ed	quipment													
16. Terminatio	on Due		Mo Da	Vr	1								; ometwoorkeensteel	
io. Temmadi	on Due	A. Date	08/17/2		B. Time (24 Hr. C	lock)	0800	·						
Section IIITerm	nination Acti	on			1					.,				
17. Action to	Terminate													
	····									 	40-40-40-40-40-40-40-40-40-40-40-40-40-4			
18. Terminate	A. Date	Mo	Da Yr	B. Time	e (24 Hr. Clock)									
Section IVAuto	mated Syste	em Data		L								10.00.000		, , ,
19. Type of In	spection		20. Even	l Numbe	er 411929	93	21. P	rimary or N	Viili					
(activity co	ode)	E01	1		4117 <i>L</i> 3	/J		·····		<u> </u>				
22. Signatu										23. AR	Number			
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MSHA Form
established a National Small Business and Agriculture Regulatory Chibriostrian and 10 Regional Falmess 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 businesses. 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.

8/19/09

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

Section ISubsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 08/10/20	• • •	3. Citation/ Order Number	8094553 - 01	
4. Served To			5. Operal	ог		
RICK FOSTER (MINE FOREMA	N)		PERFO	RMANCE CO		
6. Mine		7. Mine ID (Contractor)			(Contractor)	
UPPER BIG BRANCH MINE-SOL			46-0843	6		
Section II-Justification for Action						

THE OPERATOR IS SUMMITING A PLAN TO INSTALL A NEW SEAL.

Section III-Subsec	quent Action 7	aken	z ngodniwa nga sa					anna da an agus an agus agus agus agus agus agus agus agus	See Continuation Form
8, Extended To	A. Date	lo Da 08/25/20	Yr 009	B. Time (24 H	r. Clock)	0800	☐ C. Vacate	ed D. Terminated	E. Modified
Section IVInspec	tion Data								
9. Type of Inspe	ection E01		0. Eve	ent Number	4119293				
Dokates Pro-Othings Pro-Othings Pro-Othings	egen talkanda e			JA 	R Number	12. Date	Mo Da Yr 08/17/200	13. Time (24 Hr. C	lock)

Mine Citation/Order	•
Continuation	

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

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Section I-Subsequent Action/Continuation Data						
1. Subsequent Action 1a, Continuation	2. Dated (Original Issue)	Mo Da	• • •	3. Citation/	8094553 - 02	energia (in the contract of th
	(0/19/10/10000)	08/10/20	<i>JY</i>	O TO TO TO TO TO		<u> </u>
4. Served To			Operat	tor		
RICK FOSTER (MINE FOREMAN)				RMANCE CO.	AL COMPANY	
6. Mine			7. Mine II)		(Contractor)
UPPER BIG BRANCH MINE-SOL	JTH			46-0843	6	, , , , , , , , , , , , , , , , , , , ,
Section II-Justification for Action	The state of the s		Secure de la company de la	- more many and a service of the control of		

THE OPERATOR HAS SUBMITTED A PLAN TO MSHA FOR APPROVAL AND MORE TIME HAS BEEN GRANTED.

See Continuation Form
ated E. Modified
Hr. Clock)
1341

U.S. Department of Labor

9/9/9

Mine Safety and Health Administration

Section I-Subsequent Action/Continuation Data		Senteness:
1. Subsequent Action 1a. Continuation (Original Issue) 08/10/20	Yr 3. Citation/ 09 Order Number 8094553 - 03	(Managerine)
4. Served To	5. Operator	
GARY MAY (MINE FOREMAN)	PERFORMANCE COAL COMPANY	
6. Mine	7. Mine ID (Contractor)	
UPPER BIG BRANCH MINE-SOUTH	46-08436	
Section IIJustification for Action		

THE OPERATOR SUBMITTED A PLAN TO RE-CONSTRUCT THE #16 SEAL AND MORE TIME HAS BEEN GRANTED TO CORRECT THIS CONDITION.

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Section III-Subsequent Action Taken						
8. Extended To A. Date 09/15/2	Yr 2009 B. Time (24	Hr. Clock)	0800	☐ C. Vacated	D. Terminated	☐ E. Modified
Section IVInspection Data						
9. Type of Inspection E01	10. Event Number	4119293				
		AP Number	12. Date	Mo Da Yr	13. Time (24 Hr. Cl	ock)
				09/08/2009	2215	
				09/08/2009	2215	

Mine Citation/Order Continuation	U.S. Department of Labor Mine Safety and Health Administration					9/27/9
Section I-Subsequent Action/Continuation Data						
1, Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 08/10/20	Yr 009	3. Citation/ Order Number	8094553 - 04	- Pomoraly Lie Carlo III (2000 and 1000
4. Served To	· · · · · · · · · · · · · · · · · · ·		5. Opera	tor		
RICK FOSTER (MINE FOREMA	N)		PERFO	RMANCE CO.	AL COMPANY	
6. Mine			7. Mine I	D 46 00 40		(Contractor)
UPPER BIG BRANCH MINE-SOI	<u>JT</u> H			46-0843	6	
Section II-Justification for Action	THE PROPERTY OF SHAPE SH	. 17000700017077107710771077107	2010 Sm	INDICATE STATE OF THE PROPERTY	ATTRICTUM STATE OF THE PROPERTY OF THE PROPERT	

THE OPERATOR HAS INSTALLED A NEW SEAL AT THIS LOCATION.

Section IIISubsequent Action Taken				in the second	See Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)		C. Vacated	D. Terminated [E. Modified
Section IVInspection Data				ti taman kanan	
9. Type of Inspection E01	10. Event Number 4119293				
		140.00		Ido Time (04 He Oled	
	AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clock	()
	Magazine garantee an	1,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	09/21/2009	0845	$+ \frac{1}{2} \left(\frac{1}{2}$

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white Citation/Orde	il			81	, U.S. I Mine		nd Healt	abor h Administra	tion	
Section IViolation Data			The second secon		·	managhaire agus comand			alisaning and a second a second and a second a second and	<u>ang an kanangan pang makan mangun saripan an mangun</u>
1. Date Mo Da 08/11/		2. Time (2	4 Hr. Clock 1615	k) .			arteretetet <u>(entretetete seure</u>	3. Citation/ Order Nur	mber 80945	554
4. Served To	na antabaga antaba iki Marin Balada	ODEMA	Trellifead (nationalist Indiants fluid (no Hashail	A COMPANY OF THE PROPERTY OF T	5. Ope		NCE CC	AL COMPA	\ \FV	
RICK FOSTER (MIINE	UKEMA	<u>v)</u>		7. Mine	. 15			31	AND AND THE STREET OF STREET STREET, STREET STREET, STREET, STREET, STREET, STREET, STREET, STREET, STREET, ST
UPPER BIG BRA		NE-SOU	ΓH		7. WHIE	4	6-0843	6		(Contractor)
8. Condition or Practice						wokan-resource were				Notice (103g)
THE ADDITION CROSS CUTS THE TOP. ALS 28 TO 281/2	57 TO 30 3 (58,11: CRIBS	2 TO 1 HAD BE	113,124 T	O 127, <i>F</i> ED OUT	ND 13 CREAT	31 TO	132 WER	E NOT SET	r AGAINST
9. Violation A. Heal Safe Oth	ty 🔽	B. Section of Act			C. Part/Sect Title 30 C			See Conti 75.203	nuation Form (MSF	IA Form 7000-3a)
Section II-Inspector's Eval	1									
10. Gravity: A. Injury or Illness (I	1as) (is):	No Likeliho	od 🗍	Unlikely 🗌	Reaso	ably Like	ly 🔽	Highly Likely	☐ Occu	rred 🗍
B. Injury or illness c		No Lost	Workdays	s Lost W	orkdays Or F	testricted	Duty 🗌		y Disabling 🗸	Fatal 🗌
C. Significant and S	ubstantial:	Yes	V N	lo []				D. Number of	Persons Affected	d: 005
11. Negligence (check	one)	A. None	В	. Low 🗌 🥠	C. Moderate	V	D. High	□ E.	Reckless Disreg	ard 🗌
12. Type of Action	04(a)			13. Type of Issu	ance (check	one) C	itation 🗸	Order 🗌	Safeguard 🗌	Written Notice
14. Initial Action A. Citation B. C	order 🔲	C. Safegua	rd 🔲 D.	Written Notice	E. Cital Orde	ion/ r Number			F. Dated	Mo Da Yr
15. Area or Equipment	change getted bland vide deur etwale a viget Vanet bel	and you are to almost various at the last	Andrew (Control of the Control of th					,	and the second s	
16. Termination Due	A. Date	Mo Da \ 08/12/20	10	Time (24 Hr. Cloc	ck) (600				
Section III-Termination Ac	tion	*************	~~~		·····					
17. Action to Terminate	•									
18. Terminated A. Dat	e Mot	Da Yr	B. Time (2	4 Hr. Clock)						
Section IVAutomated Sys	tem Data	l.	*					<u></u>		0-74 L-0-007-4-0-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1
19. Type of Inspection (activity code)	E01	20. Event	Number	4119293	3	21. Primar	y or Mill		alDila Series de la co ca	
22. Signature	W-10-10-10-10-10-10-10-10-10-10-10-10-10-	Townson and an investment of the second				242700000000000000000000000000000000000	**************************************	23. AR	Number	in Marchaelan (CMO) de la best de la come

MSHA Form 7000-3, Apr 08 (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 20418. 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.



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

Section I-Subsequent Action/Continuation Data		
1. Subsequent Action 1a. Continuation 2. Dated	Mo Da Yr 3. Citation/	200 <i>4554</i> 01
✓ (Origin	al Issue) 08/11/2009 Order Number	8094554 - 01
4. Served To	5. Operator	1
GARY MAY (MINE FOREMAN)	PERFORMANCE CO.	AL COMPANY
6. Mine	7. Mine ID	(Contractor)
UPPER BIG BRANCH MINE-SOUTH	46-0843	6
Section IIJustification for Action		

THE OPERATOR ASK FOR MORE TIME TO SET 2 CRIBS AGAINST THE TOP BETWEEN CROSS CUTS #57 TO #58 AND MORE TIME HAS BEEN GRANTED.

Section IIISubsequent Action Taken					See Continuation Form
	Yr 2009 B. Time (24 Hr. Clock)	0600	☐ C. Vacated	D. Terminated	E. Modified
Section IVInspection Data	10. Event Number 4119				
The second secon	AR Number	r 12. Date	Mo Da Yr 08/13/2009	13. Time (24 Hr. Clo 0840	ock)



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

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Section I-Subsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 08/11/2	Yr 009	3. Citation/ Order Number	8094554 - 02	Pierre von Bereite (1964) von 1964 von
4. Served To			5. Opera	lor		2-10-12-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-
RICK FOSTER (MINE FOREMA	AN)		PERFO	RMANCE CO.	AL COMPANY	
6. Mine		***************************************	7. Mine i	0 46 00 40		(Contractor)
UPPER BIG BRANCH MINE-SOI	UTH			46-0843	6	
Section II-Justification for Action						

CRIBS HAVE BEEN INSTALLED IN THE AFFECTED AREA.

	ng Menuncikan na sanakan kanakan na sa					See Continuation Form
Section III-Subsequent Action Taken	and the second second	intoneessa kastasa menompanya makama masaman katana kana masaman ya katana matana kana katana matana matana ma	unganimengga kunukannya ng par	vilorenagem voorden men om en mid-lode jede		
8. Extended To A. Date Mo Da	Yr B.	Time (24 Hr. Clock)		C. Vacated	D. Terminated	E. Modified
Section IV-Inspection Data		in an ann an Aireanna an Aireanna an an Aireanna an				
9. Type of Inspection E01	10. Even	t Number 4119293	AN STATE OF			tet mellem kett i menne selvi i hall det kommen inde men generalen kett i tre et en get som et til
		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Cl	ock)
				08/17/2009	0850	



U.S. Department of Labor

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Section I-Violat	ion Data			in indexide a desiral and	and the second s		Oli Camari Paristi Sili Apari Dipari Para Para Panja			and the state of t	
1. Date	Mo Da Yr 08/11/2009	2. Time (24 Hr. Clo 172:					3. Citatio Order	n/ Number	80945	555	
4. Served To					5. Operator						
RICK FOS	TER (MINE FO	OREMAN)				CE CC	OAL COM	<u> IPANY</u>		dyceron and the state of the st	
6. Mine	C DD AMOUAE	AID COLUMNIA		7. Mine IC	46	-0843	36			(0,-1	
8. Condition of	G BRANCH MI	NE-SOUTH	and the state of t		***************************************				Qa Miritta	(Contra Notice (103g	
\$	RATOR FAIL	ואמת חיים חקו	IDE A MULT	'I-GAS D	ביייניריי	a don	OR THE			LOCATE!	
	#78 CROSS		ND #2 SECT		PLIT			XIJI J X I.	INDINO		
9. Violation		3. Section	To	C. Part/Section						IA Form 7000-3a	v) []
	Safety 🗸 💮	of Act		Title 30 CFR			75.1	.714-7(a	1)		
Section II-Inspe	ector's Evaluation							· · · · · · · · · · · · · · · · · · ·			-
10. Gravity:	·····										**************************************
A. Injury or	r Iliness (has) (is):	No Likelihood 🗌	Unlikely 🔽	Reasonat	ly Likely		Highly Like	ely 🗌	Occu	rred 🗌	
	r illness could rea- be expected to be:	No Lost Workda	ys [] Lost Wo	rkdays Or Res	tricted D	uty 🗌	Perman	ently Disa	ıbling 🗌	Fatal 🗸	
C. Significa	ant and Substantial:	Yes 🗌	No 🗸				D. Numbe	r of Perso	ns Affecte	d: 003	
11. Negligenc	e (check one)			. Moderate 🗸) }	D. High		E. Reck	less Disreg	ard 🗌	
12. Type of A	ction 104(a)		13. Type of Issua	nce (check on	e) Cit	ation 🗹	Order [Safe	guard 🔲	Written Noti	œ 🗌
14. Initiai Acti A. Citation		C. Safeguard 🔲 🏻). Written Notice	E. Citation Order N					F. Dated	Mo Da	Yr
15. Area or E	quipment	- Tanahari Tanahari Tanahari Andria		angen and an and an and an					ght and a control of the control of		
16. Termination	on Due A. Date	Mo Da Yr 08/11/2009	3. Time (24 Hr. Clock	k) 180	00		- part attending to the control of t				
Section IIITern	nination Action										
17. Action to	Terminate										
18. Terminate	A. Date	a Yr B. Time	(24 Hr. Clock)								
	omated System Data		Made Processing and the second and t	and the second section of the second	U					- AZANTAN PARTE PA	
19. Type of In (activity co	spection ode) E01	20. Event Number	4119293	21.	Primary	or Mill					
22. Signat						- Cognity activity	23. /	AR Numb	er	-co	***************************************
MSHA Form established a rea	aqıonar Sınan buşiness t	яни Адполите медиал	ory Omouosman ano re	leg и кедила гали	ulatory Eni	forcement to receive	Fairness Act comments fr	of 1998, the	e S usinesses al	nistrat out federal ager	tion has

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 activities and rates each agency's responsiveness to small business. If you wish to comment on the 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.



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



Section I-Subsequent Action/Continuation Data					engala manggunging memerumangan mantana masah sasahan masar mesa		
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 08/11/20	• • •	3. Citation/ Order Number	8094555 - 01		Steven
4. Served To			5. Operat	or			
GARY MAY (MINE FOREMAN)		PERFO	RMANCE CO.	AL COMPANY		
6. Mine	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	7. Mine II	150040		(Contractor)	_
UPPER BIG BRANCH MINE-SOUTH				46-08436			
Section IIJustification for Action	on francisco de promo en manero de estado que en entre en estado en entre en entre en entre en entre en entre En entre en	mosta posterio a portegia de mosta de la constitución	-111200044 <u>0</u> 6440000114411-	<u>eta kanan kana</u> Kanan kanan ka			HARAS.

THE OPERATOR IS NOW PROVIDING MINERS WITH MULTI-GAS DETECTORS. ALSO THE OPERATOR HAS COVERED THIS WITH THE OUTBY MINERS.

						See Continuation Form
Section III-Subsequent Action Taken						
8. Extended To A. Date Mo Da	Yr	B. Time (24 Hr. Clock)		C. Vacated	✓ D. Terminated	☐ E. Modified
Section IV-Inspection Data						
9. Type of Inspection E01	10. E	vent Number 4119293			13 от на при видения на при видения -	
		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Cl	ock)
				08/13/2009	0815	