Mine Activity Data

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

| RR | |
|-----|---|
| 1-2 | 9 |
| | |

| 1. Action: a. New Entry |] b. Update | ✓ | 2. Act Code: | • | | | 3. 3 | Event Nu | mber: 4 | 1167 | 71 | | | |
|---|--------------------------------|-----------------------------|---------------------|--|---|------------------------------------|---------------------------------------|-------------------------------|-------------------------|-------------------------------|-------------------------------|-------------------------------|---------------------------------------|-------------------------------|
| 4. Date Event Started: | | 10/2/2007 | 5. Dat Finish | te Event ied: | | 12/21/20 | 007 6. N | fine ID: | 46-08 | 3436 | | | | |
| 7a, Organization Cod (Mine Assignment) | e 20401 | | b. Worl Identifi | c Group er 02 | | 9. Com | any Name | PI | ERFORM. | ANCE C | OAL CO | MPANY | | |
| 8a. Organization Cod (AR Assignment) | le 20401 | 1 | b. Work Identifi | C Group 02 | | 10. Min | e Name | U | PPER BIO | BRAN | CH MINE | -SOUTI | Н | |
| 11. Report Type (check one) a. | First 🗌 | b. Interim |] c. | Last 🗌 | d, Not Ap | plicable | | 2. Area on spection | • | a. Active Sections | 4 | | Idle ections |) |
| c. Outby 🔽 Areas | d. Shafts/ Slopes | e. Surface Areas (UG | V | f. Surface Workings | | g. Comp Records | | h. ATI | f [| i. Impour | ndments | | j. Refus Piles | e 🗍 |
| k. Major Construction | (1) Shaft/ Slope Sinking | (2) Impound Construction | | (3) 1 | Buildings | | i) Dragline/ hovel: | | (5) Oth | er | l. Mi | scellane | ous 🗌 | |
| m. MMU/Pit Number | | | | | | | | | | | | | | |
| (i) 029 (2) 030 | © 040 | (4) O41 | | | | | • | | | | | | | |
| 13. Number of Samples Collected | a. Air I | b. Rock Spot | Dust | 0 c. | . Rock Dust Survey | 2 | d. Respi Dust | rable | 4 | e. Noise | 0 | f. O | ther 0 | |
| 14. Impoundments/Re | fuse Piles: | | | 15. Prime Ind | lependent Cor | ntractor | | | | | | | | |
| a. Number | b. FHC | c. Configurati | on | Codes (M | ajor Construc | ction) | | | | | | | • | |
| | | | ł | | * | | | | | | | | | _ |
| | | | | 16. Inspection | n Results | | Citatio | ns | Orders | | Safegua | ards | Othe | r |
| | | - | | 16. Inspection | | | Citatio Coal Opr | ns Ind Con | Orders Coal Opr | Ind Con | Safegua Coal Opr | ards Ind Con | Othe Coal Opr | r Ind Con |
| | | | | a. This In | | | Coal | Ind | Coal | Ind | Coal | Ind | Coal | Ind |
| | | | | a. This In | spection | cations | Coal Opr | Ind Con | Coal Opr | Ind Con | Coal Opr | Ind Con | Coal Opr | Ind Con |
| | | | | a. This In (1) Net (2) Ter | spection w Issuances | | Coal Opr 61 61/0 | Ind Con | Coal Opr 2 2/0 | Ind Con 0 | Coal Opr 0 0/0 | Ind Con 0 0/0 | Coal Opr 0 | Ind Con |
| | | | | a. This In (1) Nev (2) Ter (3) Mo | spection w Issuances minations/Va | | Coal Opr 61 | Ind Con 0 | Coal Opr | Ind Con | Coal Opr | Ind Con 0 0/0 0/0 | Coal Opr 0 0/0 0/0 | Ind Con 0 0/0 |
| | | | | a. This In (1) Nev (2) Ter (3) Mo (4) Lef | nspection w Issuances minations/Va difications/Ex | | Coal Opr 61 61/0 2/0 | Ind Con 0 0/0 0/0 | Coal Opr 2 2/0 0/0 | Ind Con 0 0/0 0/0 | Opr 0 0/0 0/0 | Ind Con 0 0/0 | Coal Opr 0 | Ind Con 0 0/0 0/0 |
| | | | | a. This In (1) Net (2) Ter (3) Mo (4) Lef b. Previo | uspection w Issuances minations/Va difications/Ex | xtensions | Coal Opr 61 61/0 2/0 | Ind Con 0 0/0 0/0 | Coal Opr 2 2/0 0/0 | Ind Con 0 0/0 0/0 | Opr 0 0/0 0/0 | Ind Con 0 0/0 0/0 | Coal Opr 0 0/0 0/0 | Ind Con 0 0/0 0/0 |
| | | | | a. This In (1) Nev (2) Ter (3) Mo (4) Lef b. Previo (1) Mo | uspection w Issuances minations/Va difications/Ex t Pending usly Issued | xtensions xtensions | Coal Opr 61 61/0 2/0 0 | Ind Con 0 0/0 0/0 0/0 | Coal Opr 2 2/0 0/0 0 | Ind Con 0 0/0 0/0 0/0 | Opr 0 0/0 0/0 0 | Ind Con 0 0/0 0/0 0/0 | Opr 0 0/0 0/0 0 | 0 0/0 0/0 0/0 |
| 18. Signature and Ca Right of Entry Pe | | | entative | a. This In (1) Nev (2) Ter (3) Mo (4) Lef b. Previo (1) Mo (2) Ter | uspection w Issuances minations/Va difications/Ex th Pending usly Issued diffications/Ex minations/Va | stensions stensions scations | Coal Opr 61 61/0 2/0 0 | Ind Con 0 0/0 0/0 0/0 0 0/0 | 2 2/0 0/0 0 0/0 | Ind Con 0 0/0 0/0 0/0 0 0/0 | Oal Opr 0 0/0 0/0 0/0 0/0 0/0 | Ind Con 0 0/0 0/0 0/0 0 0/0 | Coal Opr 0 0/0 0/0 0/0 | 0 0/0 0/0 0/0 0/0 |
| | | | entative | a. This In (1) Nev (2) Ter (3) Mo (4) Lef b. Previo (1) Mo (2) Ter | uspection w Issuances minations/Va difications/Ex th Pending usly Issued diffications/Ex minations/Va | stensions stensions scations | Coal Opr 61 61/0 2/0 0 | Ind Con 0 0/0 0/0 0/0 0 0/0 | 2 2/0 0/0 0 0/0 | Ind Con 0 0/0 0/0 0/0 0 0/0 | Oal Opr 0 0/0 0/0 0/0 0/0 0/0 | Ind Con 0 0/0 0/0 0/0 0 0/0 | Coal Opr 0 0/0 0/0 0/0 | 0 0/0 0/0 0/0 0/0 |
| Right of Entry Pe | | | entative | a. This In (1) Nev (2) Ter (3) Mo (4) Lef b. Previo (1) Mo (2) Ter | uspection w Issuances minations/Va difications/Ex th Pending usly Issued diffications/Ex minations/Va | stensions stensions scations | Coal Opr 61 61/0 2/0 0 | Ind Con 0 0/0 0/0 0/0 0 0/0 | 2 2/0 0/0 0 0/0 | Ind Con 0 0/0 0/0 0/0 0 0/0 | Oal Opr 0 0/0 0/0 0/0 0/0 0/0 | Ind Con 0 0/0 0/0 0/0 0 0/0 | Coal Opr 0 0/0 0/0 0/0 | 0 0/0 0/0 0/0 0/0 |
| Right of Entry Pe | | | entative | a. This In (1) Nev (2) Ter (3) Mo (4) Lef b. Previor (1) Mo (2) Ter / Card Number 23583 24329 | uspection w Issuances minations/Va difications/Ex th Pending usly Issued diffications/Ex minations/Va | stensions stensions scations | Coal Opr 61 61/0 2/0 0 | Ind Con 0 0/0 0/0 0/0 0 0/0 | 2 2/0 0/0 0 0/0 | Ind Con 0 0/0 0/0 0/0 0 0/0 | Oal Opr 0 0/0 0/0 0/0 0/0 0/0 | Ind Con 0 0/0 0/0 0/0 0 0/0 | Coal Opr 0 0/0 0/0 0/0 | 0 0/0 0/0 0/0 0/0 |
| | | | entative | a. This In (1) Nev (2) Ter (3) Mo (4) Lef b. Previo (1) Mo (2) Ter | uspection w Issuances minations/Va difications/Ex th Pending usly Issued diffications/Ex minations/Va | stensions stensions scations | Coal Opr 61 61/0 2/0 0 | Ind Con 0 0/0 0/0 0/0 0 0/0 | 2 2/0 0/0 0 0/0 | Ind Con 0 0/0 0/0 0/0 0 0/0 | Oal Opr 0 0/0 0/0 0/0 0/0 0/0 | Ind Con 0 0/0 0/0 0/0 0 0/0 | Coal Opr 0 0/0 0/0 0/0 | 0 0/0 0/0 0/0 0/0 |

Event Number: 4116771

| | Sun | Mon | Tue | Wed | Thur | Fri | Sat |
|-----------------------|-------|-------|-------|-------|-------|-------|-------|
| Shift | 1 2 3 | 1 2 3 | 1 2 3 | 1 2 3 | 1 2 3 | 1 2 3 | 1 2 3 |
| Week 1 9/30/2007 | | | | | | | |
| Week 2 10/7/2007 | | | | | | | |
| Week 3 10/14/2007 | | | | | | | |
| Week 4 10/21/2007 | | | | | | | |
| Week 5 10/28/2007 | | | | | | | |
| Week 6 11/4/2007 | | | | | | | |
| Week 7 11/11/2007 | | | | | | | |
| Week 8 11/25/2007 | | | | | | | |
| Week 9 12/2/2007 | | | | | | | |
| Week 10 12/9/2007 | | | | | | | |
| Week 11 12/16/2007 | | | | | | | |

22. Signature

| RR | |
|---------|---|
| 10-4-07 | , |
| | |
| 1122 | |

| 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) 10/03/2007 0920 | 3. Citation/ Order Number 7271365 |
| 4. Served To | 5. Operator |
| Bill Harless; Mine Foreman | PERFORMANCE COAL COMPANY |
| 6. Mine UPPER BIG BRANCH MINE-SOUTH | 7. Mine (D 46-08436 (Contractor) |
| 8. Condition or Practice | 8a. Written Notice (103g) |
| The operator was not following the | approved ventilation plan on the 030 |
| at the end of the line curtain in | d be measured with the scrubber not running the number four entry. The plan requires line curtain with the scrubber not running. |
| | 0 - 0 - Virtuation From 0/5U/0 From 7000 2 o |
| 0.15.140 A.11114- | See Continuation Form (MSHA Form 7000-3a) |
| 9. Violation A. Health ☐ B. Section Safety ✔ of Act | C. Part/Section of Title 30 CFR 75.370(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 rea- | .ost Workdays Or Restricted Duty ☐ Permanently Disabling ☑ Fatal ☐ |
| C. Significant and Substantial: Yes No 🗸 | D. Number of Persons Affected: 002 |
| 11. Negligence (check one) A. None B. Low | C. Moderate ✓ D. High ☐ E. Reckless Disregard ☐ |
| 12. Type of Action 104(a) 13. Type | e of Issuance (check one) Citation 🗹 Order 🗌 Safeguard 🗌 |
| 14. Initial Action A. Citation B. Order C. Safeguard D. Written Notic | 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) 1000 |
| Section IIITermination Action | |
| | was removed and will not continue mining in cut between the number 3 and 4 entries cuts |
| 18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) | 0930 |
| Section IVAutomated System Data | |
| 19. Type of Inspection (activity code) E01 20. Event Number 4116 | 771 21. Primary or Mill |

MSHA Form 7000 prevised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a Naxonal 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

23583

| Mine | Citatio | n/Order |
|---------|---------|----------|
| 1411110 | Ultalio | II Oldel |

Section I--Violation Data

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

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| 1 11 | |
| 77/ | |
| | |

| 1. Date | Mo Da Yr 10/03/200 | | 2. Time (2 | 4 Hr. Cloc. 1010 | | | | | | 3. Citation | on/ Number | 72713 | 66 |
|-----------------------------------|------------------------------|--|-------------------|---------------------|------------|--------------------------|------------------------------------|-----------|---------|-------------|---------------|--------------------|-----------------------|
| 4. Served To | | ······································ | | | | | 5. Operator | | | | | | |
| Bill Harless; Mine Foreman | | | | | | PERFORMANCE COAL COMPANY | | | | | | | |
| 6. Mine | DD ANIO | TT NATE | VE COL | יידיו ו | | | 7. Mine ID | 46 | -0843 | 6 | | | (Contractor) |
| UPPER BIO 8. Condition or | | FI IVIII | VE-2OC | IH . | | | | | | | | 8a Writter | n Notice (103g) |
| There was being st point at | tored i | in t | he pr | _ | | | vided fo two bre | _ | | | | 90 gall tion du | • |
| 9. Violation | A. Health Safety V | ~ 1 | 3. Section of Act | | • | | C. Part/Section of Title 30 CFR | of | | | Continuati | | HA Form 7000-3a) |
| Section IIInspec | | n i | | | | | | | _ | | | | |
| 10. Gravity: | | | | | | | | | | · | | | |
| | llness (has) (| | No Likelih | ood 🗌 | Unl | ikely 🔽 | Reasonab | ly Likely | | Highly Li | kely 🗌 | Occu | irred |
| | liness could ree expected to | | No Los | st Workda | iys 🗌 | Lost W | orkdays Or Resi | tricted D | uty 🔽 | Perma | nently Di | sabling 🔲 | Fatal 🗌 |
| | nt and Substa | | Yes | s 🗌 | No 🔽 | | | | | D. Numbe | r of Pers | ons Affected | : 005 |
| 11. Negligence | (check one) | , | A. None |] | B. Low [| | . Moderate 🔽 | | D. High | | E. Re | ckless Disreg | jard [] |
| 12. Type of Act | ion | 104(a) |) | | 1: | 3. Type of Is | suance (check o | ne) | C | itation 🗸 | Ord | ier 🗌 | Safeguard |
| 14. Initial Action A. Citation | n B. Order | r 🗍 | C. Safegua | ard 🗍 [| D. Writter | n Notice | E. Citation/ Order No | ımber | | | | F. Dated | Mo Da Yr |
| 15. Area or Equ | .ipment | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| 16. Termination | Due A. | Date | Mo Da 10/03/2 | 1 6 | 3. Time (2 | 24 Hr. Clock |) 130 | 0 | | | | | |
| Section IIITerm | ination Action | | | | | | | | | | | | |
| 17. Action to To | erminate | | | | | | | | _ | | | | |
| | | | | | | | | | | | | | |
| 18. Terminated | A, Date | Mo D | a Yr | B. Time (| [24 Hr. Cl | ock) | | | | | | | · · |
| Section IVAutor | mated System | Data | ***** | L. | | | | _1 | | | | | |
| 19. Type of Ins (activity cod | | E01 | 20. Event | Number | 4 | 116771 | 21. | Primary | or Mill | | | | |
| 22. Signature | | | | | | | | | | 23. | AR Num | ber 2 | 3583 |
| MSHA Form 700 | | ed) | | | | | all Business Reg | | | | | | siness 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

| 4 | | | | | | |
|---|------------------------------|-------------------|---|------------------------------|--------------|---|
| Section I-Subsequent Action/Continuation Data | ł | | | | | |
| 1, Subsequent Action 1a. Continuation | 2. Dated (Original Issue) | Mo Da 10/03/20 | Yr 107 | 3. Citation/ Order Number | 7271366 - 01 | |
| 4. Served To | | | 5. Opera | tor | | |
| Rick Hodge; Superintendant | | | PERFC | RMANCE COA | L COMPANY | |
| 6. Mine | | | 7. Mine I | D 46 00 40 6 | | (Contractor) |
| UPPER BIG BRANCH MINE-S | OUTH | | 46-08436 | | | |
| Section IIJustification for Action | | | 000000000000000000000000000000000000000 | | | COLUMN TO THE PROPERTY OF THE |

The 90 galloons of hydraulic oil (located at break 54) was removed was removed from the primary escapeway.

| | and a suppression of the supersion of the suppression of the supersion of the supe | | gaganthian Shirin was say gayan gayan sa kataloga an an | n samu ta aan aha an <mark>am</mark> maa muhu okun <mark>hiib samaa maas</mark> uuta sa sa | the today of the second se | See Continuation Form |
|------------------------------------|--|--|---|--|--|--|
| Section IIISubsequent Action Taken | er 18 te demokrati er de en serve er e <mark>n demokrat kleinen er lein 1</mark> gentleide kommen in en serve | the annual contract of process conserve and a supplification on the contract of the contract o | | | | |
| 8. Extended To A. Date Mo Da | Yr B. Time (| 24 Hr. Clock) | | C. Vacated | ✓ D. Terminated | E. Modified |
| Section IVInspection Data | | | | | akari geginin karasan kurus gipa a akari kikara da anang majak ja gegi a sabelanik | erinanten erinatziak erinatziak erinatziak eringen erinatziak erinatziak erinatziak erinatziak erinatziak erin |
| 9. Type of Inspection E01 | 10. Event Numb | ^{er} 4116771 | • | | | |
| 11. Signat | | AR Number 24329 | 12. Date | Mo Da Yr 10/10/2007 | 13. Time (24 Hr. Cl 1110 | ock) |

10-11-07

Mine Citation/Order Continuation

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

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| Section ISubsequent Action/Continuation Data | | | | or control of the con | | ng (1820-2019) Samuel (1820-1820) Samuel (1820) Samuel (1820) Samuel (1820) Samuel (1820) Samuel (1820) Samuel Samuel (1820-2019) Samuel (1820) Samuel (1820) Samuel (1820) Samuel (1820) Samuel (1820) Samuel (1820) Samuel |
|--|------------------------------|-------------------|------------|--|--------------|---|
| 1. Subsequent Action 1a. Continuation | 2. Dated (Original Issue) | Mo Da 10/03/20 | Yr 107 | Citation/ Order Number | 7271366 - 02 | |
| 4. Served To | | | 5. Operat | or | | |
| Rick Hodge; Superintendant | | | PERFO | RMANCE CO. | AL COMPANY | |
| 6. Mine | | | 7. Mine II | | | (Contractor) |
| UPPER BIG BRANCH MINE-SOUTH | | | | 46-0843 | 6 | |
| Section IIJustification for Action | | | | = | | |

Under Section II (Justification for Action) the words "was removed" was duplicated and needs removed. The justification for action should read: The 90 gallons of hydraulic oil (located at break 54) was removed from the primary escapeway.

| | | | | | | See Continuation Form |
|-------------------------------------|-----------------|-----------------------|----------|------------|----------------------|-----------------------|
| Section III-Subsequent Action Taken | | | | | | W. Carlotte |
| 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 | ^{er} 4116771 | | | | |
| 11. Signatu | | AR Number | 12. Date | Mo Da Yr | 13. Time (24 Hr. Cle | ock) |
| | | 24329 | | 10/10/2007 | 1315 | |

Mine Citation/Order

10/29/07

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

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| Section IViolation Data | | | | | and the control of th | The state of the s | 77 An-3 mun-17 (An-3) |
|--|----------------------------------|-------------------------|---|-------------------|--|--|-----------------------|
| 1. Date Mo Da Yr 10/03/2007 | 2. Time (24 Hr. Clock) 1020 | | | | 3. Citation/ Order Number | 7271367 | 7 |
| 4. Served To | | Operator | F13707 60 | | | " '' '' '' '' '' '' '' '' '' ' | |
| Bill Harless; Mine Foreman | - | | | MANCE CO | AL COMPAN | <u>Y</u> | |
| 6. Mine <u>UPPER BIG BRANCH MI</u> | NE-SOUTH | 7. 1 | Mine ID | 46-0843 | 6 | | (Contractor) |
| 8. Condition or Practice | | | | | | 8a. Written No | tice (103g) |
| The emergency res | | - | - | | | | The |
| phone in the prim | | on the sec | ction | was not | : being ma: | intained | in an |
| operative conditi | .on. | | | | | | |
| | | | | | | | |
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| | | | | | | | |
| | | | | | | | |
| | | | | | See Continuati | on Form (MSHA Fo | orm 7000-3a) |
| 1 === 1 | B. Section | i i | Section of | | ## 1#00 | | |
| Safety ✓ Other | of Act | Title 3 | 30 CFR | | 75.1502 | | |
| Section IIInspector's Evaluation | | l | · · · · · · · · · · · · · · · · · · · | | | | |
| 10. Gravity: | | | | | | | |
| A. Injury or illness (has) (is): | No Likelihood Uni | likely 🗹 R | easonably | Likely 🗌 | Highly Llkely | Occurred | |
| B. Injury or illness could reasonably be expected to be: | No Lost Workdays | Lost Workdays | Or Restric | ted Duty 🔽 | Permanently Di | sabling | Fatal |
| C. Significant and Substantial: | Yes ☐ No 🗸 | | | | D. Number of Pers | ons Affected: | 005 |
| 11. Negligence (check one) | A. None B. Low | ✓ C. Moder | rate 🗌 | D. High | E. Red | ckless Disregard | |
| 12. Type of Action 104(a | 1 | 3. Type of Issuance | (check on | e) C | Citation 🗹 Ord | der 🗌 | Safeguard 🗌 |
| 14. Initial Action A. Citation B. Order | C. Safeguard D. Writter | | Citation/ Order Num | ber | | F. Dated | Mo Da Yr |
| 15. Area or Equipment | | | • | | | | |
| , , | • | | | | | | |
| • | | | | | | | |
| 16. Termination Due | Mo Da Yr | | | | | · . · | |
| A. Date | 10/03/2007 B. Time (2 | 24 Hr. Clock) | 1300 | | | | |
| Section IIITermination Action | | | | | | | |
| 17. Action to Terminate | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| 18. Terminated A. Date Mo E | Da Yr B. Time (24 Hr. Cl | lock) | | | | | |
| Section IVAutomated System Data | | | | | | | |
| 19. Type of Inspection (activity code) E01 | 20. Event Number 4 | 116771 | 21. Pri | mary or Mill | | | |
| 22. Signature | | | | | 23. AR Num | ber 2358 | 33 |
| MSHA Form 7000 | .5. | ione of the Small Desi- | nee Donil | tory Enforcement | Fairness Act of 1000 | | |
| MSHA Form 7000 has established a reasonar order page 2000 and 20000 and 2000 and 2000 and 2000 and 2000 and 2000 and 2000 and 200 | подочина пуновнаго глодинатогу С | Ombudsman and 10 Re | egional Fain | ness Boards to re | | small businesses a | 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 Actio | n/Continuation Data | | Wesherney Maryalina (April 1988) | | man/A)/mp/HAAPp | | and the state of t | man and the second seco |
|-------------------------------|---------------------|----------------------------|----------------------------------|-----------------|-----------------|------------------------------|--|--|
| 1. Subsequent Action 1a | a. Continuation | Dated (Original Issue) | Mo 10/0 | Da Yr 3/2007 | | 3. Citation/ Order Number | 7271367 - 01 | |
| 4. Served To | | | | 1 ' | perato | | | |
| Bill Harless; Mine I | Foreman | | | PEI | <u>rfoi</u> | <u>RMANCE CO</u> | AL COMPANY | |
| 6. Mine | | | | 7. M | ne ID | 46.0040 | | (Contractor) |
| UPPER BIG BRANCH MINE-SOUTH | | | | | | 46-0843 | 6 | |
| Section IIJustification for A | clion | | | | | | | |

The phone was repaired.

| | | | | | | | | See Continuation Form |
|---------------------------|------------|-------|-------------|--------------|----------|------------|----------------------|-----------------------|
| Section IIISubsequent Ac | tion Taken | | | | | | | |
| 8. Extended To A. Date | Mo Da | Ϋ́r | B. Time (24 | l Hr. Clock) | | C. Vacated | D. Terminated | E. Modified |
| Section IVInspection Date | 3 | | | | | | | |
| 9. Type of Inspection | E01 | 10. E | vent Number | 4116771 | | | | |
| 11. Signature | | | - | AR Number | 12. Date | Mo Da Yr | 13. Time (24 Hr. Clo | ock) |
| | | | | 23583 | | 10/04/2007 | 0800 | |

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

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| • | 4 | Ø, | >> |

| Section ISubsequent Ac | tion/Continuation Data | | ha | | | A CONTRACTOR OF THE CONTRACTOR | was a state of the |
|-------------------------------------|------------------------|----------------------------|------------------|------------|------------------------------|--|--|
| 1. Subsequent Action | 1a. Continuation | Dated (Original Issue) | Mo Da 10/03/2 | Yr 007 | 3. Citation/ Order Number | 7271367 - 02 | |
| 4. Served To | | | | 5. Operat | | | - |
| Bill Harless; Mine | e Foreman | | | PERFO | ORMANCE CO | OAL COMPANY | |
| 6. Mine UPPER BIG BRANCH MINE-SOUTH | | | | 7. Mine II | 46-0843 | 6 | (Contractor) |
| Section IIJustification for | | | | | | | |
| Change | Fro | m | | | To | | |
| 9. B. Section of Act | | | | | 316(b) | | |
| Reason | | | | | | | |
| 9. C. Part/Section | 75.1 | 502 | | | | | |
| Reason | | | | | | | • |
| change se | ection of la | W | | | | | |

| Coation III Cuts a super Astron Tolon | | | See Continuation Form |
|---------------------------------------|---------------------------|---------------------------------|------------------------------|
| 8. Extended To A. Date Mo Da | Yr B. Time (24 Hr. Clock) | C. Vacated | ☐ D. Terminated |
| Section IVInspection Data | | | |
| 9. Type of Inspection E01 | 10. Event Number 4116771 | | |
| 11. \$ | AR Number 23583 | 12. Date Mo Da Yr 10/15/2007 | 13. Time (24 Hr. Clock) 1447 |
| MSH. 3a, Mar 85 (revised) | _ | | |

| Mine | Citation | ı/Order |
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| 1911111 | ORGIO | |

| RR 10-17 | -0- |
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| Mine Citation/Order | | | | | | U.S. Department of Labor Mine Safety and Health Administration | | | | | | |
|--|-------------------|-------------------|-----------|---|------------------------------|--|------------|----------|-------------|-------------|--|---|
| Section IViolation Data | | | 18108 | estation of the second | / A FILA V A I A I A I A I A | wine Sa | irety ar | iu neaii | ın Admini: | stration | | distribution of the second of |
| 1. Date Mo I | Da Yr 5/2007 | 2. Time (2 | 24 Hr. Cl | | | | | | 3. Citation | √ Number | 727136 | 58 |
| 4. Served To | 272007 | <u> </u> | | | | 5. Operato | or | | | | ······································ | |
| Rick Nicolau, Ch | ief. | • | | | | PERFO | RMAN | ICE CO | OAL COM | IPANY | 7 | |
| 6. Mine | | | | | | 7. Mine ID | 16 | -0843 | 6 | | | |
| UPPER BIG BR. | | NE-SOU | ЛН_ | | | | 40 | -0043 | | | | (Contractor) |
| 8. Condition or Practic | | | | | | | | | | | 8a. Written N | |
| The high vo | | | | | | | | | | | | |
| | | | | | | | | | See C | ontinuatio | on Form (MSHA | Form 7000-3a) |
| 0 | ifety 🗸 ther 🗌 | B. Section of Act | | | | art/Section tle 30 CFR | of | | 7 | 5.807 | | |
| Section IIInspector's E | valuation | | | | | | | | | | | |
| Gravity: A. Injury or Illness | (has) (is); | No Likelih | ood [| Unlikely 🗸 | | Reasonal | bly Likely | _ | Highly Like | ely 🗌 | Occurre | ed 🗌 |
| B. Injury or illness sonably be expe | | No Los | st Work | days Lost | Work | lays Or Res | stricted E | outy 🗹 | Permar | ently Dis | abling [| Fatal |
| C. Significant and | | Ye | s □ | No ✓ | | | | | D. Number | of Perso | ons Affected: | 005 |
| 11. Negligence (checi | (one) | A. None | | B. Low | C. M | oderate 🗸 |] | D. High | | E. Rec | kless Disregar | d 🗌 |
| 12. Type of Action | 104(a | a) | | 13. Type of | Issua | nce (check | one) | C | Citation 🗹 | Ord | er 🗌 | Safeguard [|
| 14. Initial Action A. Citation B | . Order 🗀 | C. Safequ | ard 🖂 | D. Written Notice [| -, <u> </u> | E. Citation. Order N | | _ | | | F. Dated | Mo Da Yr |
| 15. Area or Equipmen | | | | | | | | | | | | |
| 16. Termination Due | A. Date | Mo Da 10/18/2 | | B. Time (24 Hr. Clo | ck) | 080 | 00 | | | | · | |
| Section IIITermination | | | | | | | | | | | | |
| 17. Action to Termina | te | | | | | | | | | | | |
| 18. Terminated A. D | Mo l | Da Yr | B. Time | (24 Hr. Clock) | | | | | | | | |
| Section IVAutomated | System Data | | L | | | | | | | | | |
| 19. Type of Inspection (activity code) | | 20. Event | Number | 411677 | 1 | 21. | Primary | or Mill | | | | |
| 22. Signature | | | | | | L | | | 23. A | R Numb | er 224 | |

MSHA Form 700 wised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National 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



| Section ISubsequent Action/Continuation Data | | | and the second s | and the second second | A STATE OF THE STA | and the standing of the high interest is an included more and response and following the figure in the first and the standard properties and t | | | |
|--|------------------------------|-------------|--|-----------------------|--|--|--------------|--|--|
| 1. Subsequent Action 1a. Continuation | 2. Dated (Original Issue) | Mo 10/1: | Da Y 5/2007 | 'n | 3. Citation/ Order Number | 7271368 - 01 | | | |
| 4. Served To | | 5. C | 5. Operator | | | | | | |
| Rick Nicolau, Chief. | | | | | PERFORMANCE COAL COMPANY | | | | |
| 6. Mine | | | | | 16.0040 | | (Contractor) | | |
| UPPER BIG BRANCH MINE-SOUTH | | | | | 46-0843 | 6 | | | |
| Section IIJustification for Action | | | | | | | | | |

The high voltage lines are now guarded.

| None and the second | anglan William yan dan manakat kanang | and the state of t | | | · | i. | | | and the second of the second o | | See Continuation Fo | orm 🔲 |
|--|---------------------------------------|--|--|-----------------------------|---------------------------|---|----------|--|--|----------------------|---------------------|---|
| Section IIISubse | quent Action | n Taken | t | | | | | | | | | |
| 8, Extended To | A. Date | Мо | Da | Yr | Yr B. Time (24 Hr. Clock) | | | □ c. v | acated | ✓ D. Terminated | E. Modified | PSO Columbia (A Columbia) y an element |
| Section (VInspec | ction Data | | A Comment of the State of the S | y mediany) podpody d //deci | | NAMES OF STREET OF STREET OF STREET OF STREET OF STREET | | ************************************** | ala de Miller y politica france de Maria | | | - Historia |
| 9. Type of Inspe | ection E | 01 | *, | 10. E | vent Number | 4116771 | | | | | S | |
| 11. Sigr | | | | | | AR Number | 12. Date | Mo Da | Yr | 13. Time (24 Hr. Clo | ck) | |
| | | | | | | 23583 | | 10/22/ | <u> 2007 </u> | 0910 | | |
| MSHA E | | | | | | | | | | | | |

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| | 1 | 1 | | | |

| Mine Citati | on/Order | | | 18/18 | | U.S. Departm Mine Safety a | | | stration | | |
|------------------------------|---------------------------|--------------|--|---|----------|-------------------------------|---|---|--|--|----------------|
| Section IViolat | ion Data | | Andrew Control of the | | | | *************************************** | 20/A/ | 10-10-10-10-10-10-10-10-10-10-10-10-10-1 | TO A MILE OF THE PARTY OF THE P | |
| 1. Date | Mo Da | Yr | 2. Time (24 Hr. | Clock) | | | , | 3. Citation | y 222 | 1260 | ` |
| | 10/15/2 | 007 | 0 | 905 | | | | | Number /∠/ | 1369 | <i>,</i> |
| 4. Served To | | | | | | 5. Operator | | *************************************** | | | |
| Rick Nicola | au, Chief | | | | | PERFORMA | NCE CO | AL COM | IPANY | | |
| 6. Mine | | | | | | 7. Mine ID | 6-0843 | 6 | | *************************************** | |
| | | CH M | INE-SOUTH | | | -+4 | J-064 <i>J</i> | U . | | | (Contractor) |
| 8. Condition or | | | | | | | | | | | otice (103g) |
| allowed several | to c | onta tion | ct combus | voltage cal tible mate: he track fo | rial | . (cribs, | timb | ers, a | ind coal | rib | s) at |
| 9. Violation | A. Health Safety | | B. Section of Act | | | art/Section of title 30 CFR | | | ontinuation Form (| VISHA F | orm 7000-3a) 🔲 |
| | Other | | oi Vor | | '' | ne 00 O1 IV | | 1 | 3,310 | | |
| Section IIInspe | ctor's Evalu | ation | | | | | | | | | |
| 10. Gravity: A. Injury or | Iliness (ha | s) (is): | No Likelihood [| Unlikely 🗸 | } | Reasonably Likel | y 🗌 | Highly Llke | ely 🗌 🔘 O | ccurred | 1 🗌 |
| B. Injury or sonably | iliness cou be expecte | | No Lost Wo | rkdays 🗌 Los | t Work | days Or Restricted | Duty 🔽 | Perman | ently Disabling [| | Fatal 🗌 |
| C. Significa | ant and Sub | ostantial: | Yes 🗌 | No 🗸 | | | | D. Number | of Persons Affec | ted: | 005 |
| 11. Negligence | e (check on | e) | A. None | B. Low | C. M | oderate 🔽 | D. High | | E. Reckless Dis | regard | |
| 12. Type of Ad | ction | 104(| a) | 13. Type o | of Issua | nce (check one) | C | itation 🗸 | Order 🔲 | į | Safeguard 🗌 |
| 14. Initial Action | | | C. Safeguard | D. Written Notice | | E. Citation/ Order Number | | • | F. Date | d | Mo Da Yr |
| 15. Area or Ed | uipment | | | | | | | | • | | |
| 16. Termination | n Due | A. Date | Mo Da Yr 10/18/2007 | B. Time (24 Hr. Cl | ock) | 0800 | | | | | |
| Section IIITerr | nination Acti | on | | | | | | | | | |
| 17. Action to | Ferminate | | · | | | | | | | | |
| 18. Terminate | A. Date | | Da Yr B. Ti | me (24 Hr. Clock) | | | | | | | |
| Section IVAut | | em Data | | | | | | | | | |
| 19. Type of In (activity co | | E01 | 20. Event Num | oer 41167 | 71 | 21. Primary | or Mill | | | | |

MSHA

brovisions 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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22. S

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

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| and the state of t | | A STANCE OF THE PARTY OF THE PA | out home converse. | | a. o. j a. i. a. i. o. i. | | | - | |
|--|------------------------------|--|--------------------|-----------|------------------------------|--------------|--------------|---|--|
| Section ISubsequent Action/Continuation Data | | | | | | | | - | |
| 1. Subsequent Action 1a. Continuation | 2. Dated (Original Issue) | Мо 10, | Da /15/20 | Yr)07 | 3. Citation/ Order Number | 7271369 - 01 | | | |
| 4. Served To | 5. Operator | | | | | | | | |
| Rick Nicolau, Chief. | | | | | PERFORMANCE COAL COMPANY | | | | |
| 6. Mine | | | | | 16 00 40 | | (Contractor) | | |
| UPPER BIG BRANCH MINE-SOUTH | | | | | 46-08436 | | | | |
| Section IIJustification for Action | | | | | | | | | |

The cables have been hung on insulators.

| Section IIISubse | quent Actior | ı Taken | | | | | | | | See Continuation Form |
|------------------|--------------|---------|-----------------------------------|--|-------------|--------------------|--|------------------------|----------------------|-----------------------|
| 8. Extended To | A. Date | Мо | Da | Ϋ́r | B. Time (24 | Hr. Clock) | | C. Vacated | i 🗹 D. Terminated | E. Modified |
| Section IVInspec | ction Data | | occupants has be styriged physics | Service Commence of the Commen | | | | | | |
| 9. Type of Inspe | ection E | 01 | etti 15 kilonin 20 Jane | 10. E | vent Number | 4116771 | And the second s | | | |
| 11. Signa | | | | 1 | | AR Number 23583 | 12. Date | Mo Da Yr 10/22/2001 | 13. Time (24 Hr. Clo | ock) |
| MSHA For | | | | | | | | | | |

| Mine Citation/Orde | Mine | Citat | ion/O | rde |
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| Mine Citation | /Order | | 00 | 27 | 04 | | | .S. Dep ine Saf | | | Labor Ith Admini | istratio | า | |
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| Section IViolation | Data | minnith and a section of the section | The state of the s | | Maria de la composición dela composición de la composición de la composición de la composición dela composición de la composición dela composición dela composición de la composición dela composición de la composición dela composición de | A PARTICIPATION OF THE PROPERTY OF THE PARTICIPATION OF THE PARTICIPATIO | | | | | | | eren krozer <u>e</u> zoakon Alzakonania inariak | Address of the Control of the Contro |
| | Mo Da 0/15/20 | | 2. Time (2 | 24 Hr. C | | | | | | | 3. Citatio | n/ Number | 72713′ | 70 |
| 4. Served To | 0,10,4 | | | | | | 5. | Operator | | | | | | <u>,</u> |
| Rick Nicolau | . Chief. | | | | | | | • | | (CE C | OAL CON | MPAN' | ď | |
| 6. Mine | , | | | ·- <u></u> | | | 7. | Mine (D | 1.0 | . 004 | 3.6 | | | |
| UPPER BIG | BRAN | CH M | INE-SOU | ΤН | | | | | 40 | -084 | 30 | | | (Contractor) |
| 8. Condition or P | | | | | | | <u>_</u> | | | | | | 8a, Written | Notice (103g) |
| The high | volt | cage | cable | 100 | ated | at th | e en | d of | the | tra | ck on | the (| 029 and | 030 |
| sections highest | | | | | | | | | | | | | | ips. The |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | See (| Continuati | on Form (MSHA | N Form 7000-3a) |
| 9. Violation A | A. Health Safety Other | V | B. Section of Act | | | | t | Section of 30 CFR | f | • | , | 75,807 | , , | |
| Section II-Inspect | or's Evalua | tion | | | | | | | | | | | | |
| 10. Gravity: | | | | | | | | | | | | | | |
| A. Injury or III | | | No Likelih | ood [] | Ui | nlikely 🗸 | F | Reasonabl | y Likely | | Highly LIE | cely 🔲 | Occuri | ed 🗌 |
| B. Injury or illi sonably be | | | No Los | st Work | days 🗌 | Lost | Workday | s Or Rest | ricted D | outy 🗌 | Perma | nently Di | sabling 🗌 | Fatal 🗸 |
| C. Significant | and Sub | stantial: | Ye | <u> </u> | No 🗸 | | | | | | D. Numbe | r of Pers | ons Affected: | 001 |
| 11. Negligence (| check on | e) | A. None | <u> </u> | B. Low | | C. Mode | erate 🗹 | | D. High | | E. Red | kless Disrega | rd 🗌 |
| 12. Type of Actio | n | 104(| a) | |] | 13. Type of | Issuance | check o | ne) | | Citation 🗹 | Ord | ler 🗌 | Safeguard 🗌 |
| 14. Initial Action A. Citation |] B. Ord | der 🗌 | C. Safegu | ard 🗍 | D. Writte | en Notice | | Citation/ Order Nu | mber | | | | F. Dated | Mo Da Yr |
| 15. Area or Equi | | | | | | <u> </u> | | | | | | | <u> </u> | |
| | | | | | | | | | | | | | | |
| 16. Termination | Due | A. Date | . Mo Da 10/16/2 | | B. Time | (24 Hr. Clo | ck) | 0800 |) | | | | | |
| Section IIITermin | ation Action | on | | | | | | | | | _ | | | |
| 17. Action to Ter | minate | | | | | | | | | | | | | , |
| 18. Terminated | A. Date | | Da Yr | B. Time | e (24 Hr. (| Clock) | | | | | | | | |
| Section IVAutom | ated Syste | m Data | | | | ······································ | | | | | | | | · · · · · · · · · · · · · · · · · · · |
| 19. Type of Insp (activity code | | E01 | 20. Event | Numbe | r . ∠ | 11677 | 1 | 21. P | rimary | or Mill | | | | |
| 22. Signature | ,- <u>.</u> | | | | | | | | | | 23. / | AR Numl | oer aa | 502 |

MSHA Form 7000
has established a
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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| Section I-Subsequent Action/Continuation | Dafa | | | | | | | | | |
| 1. Subsequent Action 1a. Continuatio | n 2, Dated (Original Issue) | Mo Da Yr 10/15/2007 | 3, Citation/ Order Number | 7271370 - 01 | | | | | | |
| 4. Served To | | 5. Opera | tor | " " | | | | | | |
| Rick Nicolau, Chief. | | PERFO | DRMANCE CO | AL COMPANY | | | | | | |
| 6. Mine | | 7. Mine I | D 46 00 40 | (Contractor) | | | | | | |
| UPPER BIG BRANCH MINI | E-SOUT <u>H</u> | | 46-0843 | 6 | | | | | | |
| Section IIJustification for Action | | | | | | | | | | |

All areas of high voltage cable have now been guarded.

| | and for the second | Million and the control of the contr | | Name and a superior to the sup | | See Continuation Form |
|------------------------------------|---|--|----------|--|-----------------------|-----------------------|
| Section IIISubsequent Action Taken | | · | | | i | |
| 8. Extended To A. Date Mo Da | Yr B. Time (2- | 4 Hr. Clock) | | ☐ C. Vacated | ✓ D. Terminated | E. Modified |
| Section IVInspection Data | | | | on The Control of the | | |
| 9. Type of Inspection E01 | 10. Event Numbe | r 4116771 | | | | |
| 11. Signatu | | AR Number | 12. Date | Mo Da Yr | 13. Time (24 Hr. Cloc | ck) |
| | | 23583 | | 10/16/2007 | 0920 | |
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| Mine Citatio | on/Orde | r | 02/ | 27/2 | 18/ | | | | - | | ent of ad Hea | | | stration | } | | | |
|---|----------------------------|---|--|---------------------------------------|-----------|--------------|----------------------|-----------------------|-----------------|------------|------------------|-------------------|---------------------------------------|--------------|--|-------------------------|-------------------|--|
| Section IViolati | on Data | | - | Carlo Spanning Spanning | | A.// | -miorte distribution | | | tanin mana | | يسبيه وسيده فلنفا | | | A STATE OF THE PARTY OF THE PAR | Amatahat minikaat minit | ding shidking him | ······································ |
| 1. Date | Mo Da 10/16/2 | | 2. Time (2 | 24 Hr. C 09: | | • | , | | | | | 3. | Citation Order | ı/ Vumber | 727 | 1371 | | |
| 4. Served To | | * : | | | | | | 5. Ope | rator | | | | | | | | | • |
| Rick Nicola | u, Chie | f. | | | | | | PERI | FOR | MAN | ICE C | OAL | COM | IPAN' | Z . | | _ | |
| 6. Mine | | | | | | | | 7. Mine |) ID | 46 | -084 | 36 | | | | | | |
| UPPER BIO | | ICH MI | NE-SOU | <u>ЛН</u> | | | | | | **** | -004 | .50 | | | | · | (Contr | , |
| 8. Condition or Loose c | | | | | | | _ | | | | | | · · · · · · · · · · · · · · · · · · · | | | | ice (103 | |
| motor c car, se | ompar | tment | and | arou | ind t | he pum | ip n | notoi | 0 | f t] | he J | oy i | mode | | | | | 1 |
| | | · · · · · · · · · · · · · · · · · · · | | · · · · · · · · · · · · · · · · · · · | | | l | | | | | | See C | ontinuati | on Form (M | 1SHA Fo | ım 7000- | 3a) 📗 |
| 9. Violation | A. Health Safet Othe | y 🔽 | B. Section of Act | | | : | | art/Sect itle 30 C | | | | | 7 | 5.400 | | | | |
| Section IIInspe | ctor's Evalu | ıation | | | | | | | | | <u>-</u> | | | | | | | |
| Gravity:A. Injury or | Iliness (ha | as) (is): | No Lìkellh | ood [] | U | Inlikely [| | Reaso | nably | Likely | V | Hìg | ihly Lik | ely 🗌 | 00 | curred | | |
| B. İnjury or sonabiy i | iliness co | | No Los | st Work | days [| Lost | Work | days Or | Restri | cted D | outy [| - | Permar | ently Dis | sabling 😼 | <u> </u> | Fatal [|] |
| C. Significa | | | Yes | s 🗸 | No [| J | | | | | | D. N | lumber | of Pers | ons Affect | ed: | 001 | |
| 11. Negligence | check o | ne) | A. None | | B. Low | . 🗆 | C. M | oderate | V | | D. Higi | h 🗌 | | E. Rec | kless Dis | regard | | • |
| 12. Type of Ac | tion | 104(a | ı) | | | 13. Type of | Issua | nce (che | ck on | ıe) | | Citatio | n 🗸 | Orc | ler 🗌 | | Safegu | ard 🗌 |
| 14. Initial Actio A. Citation | | rder 🗀 | C. Safegua | ard 🔲 | D. Writt | ten Notice [| | E. Cital Orde | tion/ er Nun | nber | - | | | | F. Dated | l | Mo Da | Yr |
| 15. Area or Eq | | | | | | | | | · | | | | | | | | | |
| 16. Terminatio | n Due | A. Date | Mo Da 10/16/2 | | B, Time | (24 Hr. Clo | ck) | - | 1200 | | | | | | | | | |
| Section IIITern | nination Ac | tion | | | | | | | | | | | | | | | | |
| 17. Action to T | erminate | | | | | | | | | | | | | | | | | |
| 18. Terminated | A. Date | Mo I | Da Yr | B. Tim | e (24 Hr. | Clock) | | | | | | | | • | | | | |
| Section IVAuto | mated Sys | tem Data | ······································ | | | | | , | <u>.</u> . | | | - | | | | | | |
| 19. Type of ins | | E01 | 20. Event | Numbe | r | 411677 | 1 | | 21. Pr | imary | or Mill | | | | | | | |
| 22. Signature | | | <u>.</u> | | | | | , | | - | | 1 | 23. A | R Num | per | 2358 | 3 | |

MSHA Form 7000-3 revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National 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 ISubsequent A | ction/Continuation Data | | | | | | | | |
| Subsequent Action | 1a. Continuation | 2. Dated (Original Issue) | Mo E | a Yr 2007 | 3. Citation/ Order Number | 7271371 - 01 | | ****** | |
| 4. Served To | | | | | 5. Operator | | | | |
| Rick Nicolau, Chief. | | | | | PERFORMANCE COAL COMPANY | | | | |
| 6. Mine | | | | |) 46 00 40 | <u> </u> | (Contractor) | | |
| UPPER BIG BRANCH MINE-SOUTH | | | | | 46-0843 | 6 | | | |
| Section IIJustification for | or Action | | again an ann an a | | | | Mandanda (mangal Amanga Amanga Sayuran | 94272 | |

The shuttle car has been cleaned.

| Section IIISubsequent Action Tak | en | | var massausamalini lii kikini adasum lii kakikini kasusa | andrews and spile the second spile and spile a | | | See Continuation Form |
|--|------|-----------------|--|--|------------------------|-----------------------|-----------------------|
| 8. Extended To A. Date Mo | Da Y | r B. Time (24 | Hr. Clock) | | C. Vacated | D. Terminated | E. Modified |
| Section IVInspection Data 9. Type of Inspection E01 | [10 |), Event Number | 4116771 | | | | |
| 11. Signatur | İ | | AR Number 23583 | 12. Date | Mo Da Yr 10/17/2007 | 13. Time (24 Hr. Cloc | k) |
| MSHA Form 7 | | | | | | | |

| Mine | Citation | /Order |
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| IVILLO | Ollandi | // O U U |

22. Signature

| XX. |
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| 10-17-07 |
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| wille Ollass | 250 min - 100 min 100 | Account no control | 3/1 | 3/68 | kuunikultii Tirolii ja 777 120 111 juli 120 120 120 120 120 120 120 120 120 120 | وسنجسيس والمادة والمادة والمادة والمادة والمادة والمادة والمادة والمادة والمادة والمادة والمادة والمادة والمادة | Mine Sa | | | abor th Admin | istratio | 1 | |
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| Section IViolat | | | | | | | | | | | | | |
| 1. Date | Mo Da 10/17/20 | | 2. Time (2 | 24 Hr. Cl 092 | | | | | | 3. Citation | on/ 'Number | 727137 | 72 |
| 4. Served To Rick Nicola | an Chief | | | | | | 5. Operato | | VCE CO | OAL CON | MPAN | Y | |
| 6. Mine | , ОБІСТ | | | | · · · · · · · · · · · · · · · · · · · | | 7. Mine ID | | | | | | |
| UPPER BI | G BRAN | CH N | IINE-SOU | ЛН | | | | 46 | 5-0843 | 60 | | | (Contractor) |
| 8. Condition or | | | | | | | | | | | | 8a. Written I | Notice (103g) |
| | ı was r | not | being | main | tained | in a | | | | | | d on the | e 030 ery lids |
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| | | | | | | | | | | | | | |
| | | | | | | | | | | See | Continuati | on Form (MSHA | Form 7000-3a) |
| 9. Violation | A. Health Safety Other | | B. Section of Act | | | | Part/Section Title 30 CFR | of | | • | 75.503 | | |
| Section IIInspe | <u> </u> | · · · · · · · · · · · · · · · · · · · | | | | _ | | | | | | | |
| 10. Gravity: A. Injury or | · Iliness (has |) (is): | No Likelih | ood 🗌 | Unlike | y 🗸 | Reasonal | oly Likely | / 🔲 | Highly LII | kely 🔲 | Occurr | ed 🗌 |
| | iliness coul be expected | | No Los | st Work | days [] | · Lost Wor | kdays Or Res | stricted E | Outy 🗹 | Perma | nently Di | sabling [| Fatal |
| • | ant and Sub | | Ye | s 🗌 | No 🗸 | | | | • | D. Numbe | r of Pers | ons Affected: | 001 |
| 11. Negligence | e (check one | e) | A. None | J | B. Low | C. I | vloderate ✓ |] | D. High | | E. Re | kless Disrega | rd 🗌 |
| 12. Type of Ac | ction | 104 | (a) | | 13. | Type of Issu | ance (check | one) | (| Citation 🗸 | Ord | ler 🗌 | Safeguard |
| 14. Initial Action A. Citation | | ler 🔲 | C. Safegu | ard [| D. Written N | otice 🔲 | E. Citation. Order N | | | • | | F. Dated | Mo Da Yr |
| 15. Area or Ed | quipment | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| 16. Terminatio | on Due | A. Date | Mo Da | | B. Time (24 | Hr. Clock) | 100 | 00 | | | | | |
| Section IIITerr | mination Actio | ท | | | | | | | | | | | |
| 17. Action to 3 | Terminate | Th€ | machi | .ne w | as res | tored | to a p | ermi | ssibl | Le con | diti | on. | |
| 18. Terminate | A. Date | 10/ | Da Yr 17/2007 | B. Time | e (24 Hr. Clock | k) | 0930 | | | | | | |
| Section IVAuto | | m Data | - T | | | | 1 - | | | | | | |
| Type of In: (activity co | | E01 | 20. Even | Numbe | 411 | 16771 | 21. | Primary | or Mill | | | | |

MSHA Form 7000 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a 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

23583

| Mine | A11.41 | | 10- | |
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| wille | Caran | iou. | /UIC | ær |



| Mine Citati | on/Orde | r | | 1/8/ | 08 | | | U.S. I Mine | | | | | | stration | 1 | | 10-0 | |
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| Section IViolat | ion Dala | August Au | 107 | and the control of th | | | | | | ., | | | | | ************************************** | TITLE PROJECT CONTRACTOR ASS | | ************************************** |
| 1. Date | Mo Da 10/17/2 | | 2. Time (2 | 24 Hr. C | | | | | | • | · · · · · · · · · · · · · · · · · · · | | Citatior Order f | / lumber | 72 | 71373 | } | |
| 4. Served To | ······································ | | | | · | <u> </u> | | 5. Ope | rator | | | | , | | | | | |
| Gary Calve | rt, Fore. | | | | | | | PERI | OR | MAN | ICE C | OAL | COM | PAN | 7 | | | |
| 6. Mine | | | | | | · · · · · · · · · · · · · · · · · · · | | 7. Mine | : ID | 16 | -084 | 26 | | | | | | |
| UPPER BI | G BRAN | NCH M | INE-SOU | ЛΉ | | | | | | 40 |)-U04 | 30 | | | | | (Contr | actor) |
| 8. Condition or | r Practice | | | | | | | | | | | | | | 8a. W | ritten No | tice (103 ₉ | g) 🗌 |
| Due to | | | | | | | | | | | | | | | | | | } |
| return | airwa | y th | e retu | rn (| could | l not k | oe s | safel | У | tra | vele | d i | n it | s er | ıtit | rety | . The | <u> </u> |
| water w | as ap | prox | imatel | y 20 |) ft. | wide | by | 20 1 | Ēt. | lo | ng a | ınd 1 | ap t | :0 20 |) in | ches | deep |). |
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| | 1 | | - | | | | 1 | | | | | | See C | ontinuati | on Form | (MSHA F | orm 7000- | 3a) |
| 9. Violation | A. Health Safet | = | B. Section of Act | | | | | Part/Sect title 30 C | | | | | 75.2 | GABY | 2) | | | |
| | Othe | | OI AGE | | | | 1 | itie oo o | 111 | | | | 15.5 | 64(b)(| 4) | | | |
| Section IIInspe | <u> </u> | | · · · · · · · · · · · · · · · · · · · | | | | · | | | ···· | | | · · · · · · | | | | | |
| 10. Gravity: | | | | | | | | | | | | | , | | | | | - |
| A. Injury or | lilness (ha | as) (is): | No Likelih | ood 🗌 | Į | Jniikely 🔽 | | Reaso | nably | Likely | | Hig | hly Llke | ly 🗌 | (| Occurred | | |
| B. Injury or | illness co | uld rea- | | | . — | | | | | | | | | | | | | |
| | be expecte | | No Los | st VVork | days 📋 | Lost | Work | days Or | Restri | icted D | uty 🔽 | | erman | ently Dis | sabling | | Fatal _ | <u> </u> |
| C. Significa | ant and Su | bstantial: | Yes | s 🗌 | No 🔽 | 3 | | | | | | D. N | lumber | of Perso | ons Affe | cted: | 001 | |
| 11. Negligeno | e (check o | ne) | A. None | | B. Lov | v 🗆 | C. M | loderate | V | | D. Higl | n 🗌 | | E. Red | kless D | Isregard | | |
| 12. Type of Ad | ction | 104(| a) | | | 13. Type of | f Issua | ance (che | ck on | ie) | | Citatio | n 🗸 | Ord | er 🗌 | | Safegu | iard 🗌 |
| 14. Initial Actio | | , | 0 0 f | | D 1417 | | | E. Citat | | | | | | | F. Dat | ed | Mo Da | Yr |
| A. Citation | ∐ В. О | rder 📋 | C. Safegu | ard 🔝 | D. Whi | ten Notice | <u> </u> | Orde | r Nun | noer | | | | | | | | |
| 15. Area or Ed | quipment | | | | | | | | | | | | | | | | | |
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| | | 1 | | ., | t | | | | | | | | | | | | | |
| 16. Termination | on Due | A. Date | Mo Da | | B. Time | e (24 Hr. Clo | ock) | (| 0080 | i | | | | | | | | |
| | | <u> </u> | 10/22/2 | 007 | <u> </u> | | | | | | | | | | | | - | |
| Section IIITerr | | tion | | | | | | | | | | | | | | 100 100 100 | | |
| 17. Action to | Terminate | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | |
| 18. Terminate | d | Мо | Da Yr | | | | | | - | | | | | | | | - | |
| • | A. Date | 9 | | B. Tim | e (24 Hr. | Clock) | | | l | | | | | | | | | • |
| Section IVAuto | omated Sys | tem Data | | L | | | | | | | | | | | | | | |
| 19. Type of In | spection | | 20. Event | Numbe | | 411600 | 7 1 | | 21. Pr | imary | or Mill | | ······································ | | | | | |
| (activity co | | E01 | 1 | | | 411677 | I | | | • | | | | | | | | |
| 22. Signature | | | | | | | | | | | | | 23. A | R Numb | er | 2358 | 3 | |

MSHA Form 7000 In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a light 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 ISubsequent Action/Continuation Data | | | | | | | |
| 1. Subsequent Action 1a. Continuation | Dated (Original Issue) | Mo Da 10/17/20 | • • • | 3. Citation/ Order Number | 7271373 - 01 | | |
| 4. Served To | | | 5. Operat | or | | | |
| Rick Nicolau, Chief. | | • | PERFO | RMANCE CO | AL COMPANY | | |
| 6. Mine | | | 7. Mine IE |) 46 00 40 | | (Contractor) | |
| UPPER BIG BRANCH MINE-SO | JTH | | | 46-0843 | 6 | | |
| Section IIJustification for Action | | | | | | | |

The water was removed from the mine.

| | | | ······································ | | | | | See Continuation Form |
|---------------------------|------------|---------|--|------------|----------|------------|---------------------|-----------------------|
| Section IIISubsequent Ac | tion Taken | | | | | | | |
| 8. Extended To A. Date | Mo Da e | Yr | 3. Time (24 | Hr. Clock) | | C. Vacated | I ✓ D. Terminated | E. Modified |
| Section IVInspection Date | a | | | | • | | | |
| 9. Type of Inspection | E01 | 10, Eve | ent Number | 4116771 | | | | |
| 11. Signati | | | | AR Number | 12. Date | Mo Da Yr | 13. Time (24 Hr. Cl | ock) |
| | | | | 23583 | • | 10/22/2001 | 7 0930 | |
| MOUA Form | | | | | | | | |

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| Mine | Спа | บกก | /()i | raei |
| | | | | |

22. Signature

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| Mine Citati | on/Orde | Γ | | 1/8/0 | 8 | | U.S. Departr Mine Safety | | | tration | | . | |
|---------------------------------|----------------------------|------------|-------------------|---|------------------|--------------|------------------------------|--|---------------------------------------|--------------|--------------|------------------------|------|
| Section IViolat | tion Data | | | | | | | 1 7 10 10 10 10 10 10 10 10 10 10 10 10 10 | | | | | |
| 1. Date | Mo Da 10/22/2 | | 2. Time (2 | 24 Hr. C 10: | | | | | 3. Citation/ Order N | / lumber | 727137 | 4 | |
| 4. Served To | | | | | | | 5. Operator | | | | | | |
| Rick Nicola | au, Chief | f. | | | | | PERFORMA | INCE CO | OAL COM | PANY | | | |
| 6. Mine | • | | | | | | 7. Mine ID | 16-0843 | 36 | | | | |
| UPPER BI | G BRAN | VCH M | IINE-SOU | ЛΗ | | | - | 10-0042 | 30 | | | (Contrac | tor) |
| 8. Condition or | r Practice | | | | | | | | | 8 | a. Written N | lotice (103g) | |
| 36 and | 38 th | ie re | turn c | ould | l not be | safe. | e 030 sec ly travel | ed in | its en | titet | y. The | | |
| was app | TOXTI | later | У 130 | IL. | TOILG DA | 20 L | t. wide a | na 14 | inches | aeep | • | | |
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| | | | | | | | | | See Co | ntinuation F | orm (MSHA | Form 7000 <u>-</u> 3a) | . 🔲 |
| 9. Violation | A. Health Safet Othe | y 🗸 | B. Section of Act | | | 1 | Part/Section of itle 30 CFR | · | 75.36 | 64(b)(2) | | | |
| Section IIInspe | | | | | | | | | | | | | |
| 10, Gravity: | 70101 0 21010 | | | | | | | | | | | | |
| A. Injury or | | | No Likelih | cod 🗌 | Unlikely | ' | Reasonably Like | ely 🗌 | Highly Llkel | у 🗌 | Occurre | d 🗌 | |
| B. Injury or sonably | iliness cou be expecte | | No Los | t Work | days 🗌 | Lost Work | days Or Restricted | i Duty 🗸 | Permane | ently Disab | ling 🗌 | Fatal | |
| C. Significa | ant and Su | bstantial: | Yes | s 🗌 | No 🗸 | | | | D. Number | of Persons | Affected: | 001 | |
| 11. Negligence | e (check or | ne) | A. None | | B. Low 🗌 | C. M | loderate 🗸 | D. High | | E. Reckle | ss Disregar | 1 🗌 | |
| 12. Type of Ad | ction | 1040 | (a) | | 13, Ty | ype of Issua | ance (check one) | (| Citation 🗸 | Order | | Safeguard | d 🗌 |
| 14. Initial Action A. Citation | | rder 🗌 | C. Safegu | ard 🔲 | D. Written No | tice 🗌 | E. Citation/ Order Number | • | | F. | Dated | Mo Da Y | ′r |
| 15. Area or Ed | quipment | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| 16. Termination | on Due | A. Date | Mo Da 10/23/2 | | B. Time (24 H | r. Clock) | 0800 | | | | | | |
| Section IIITen | mination Act | lion | | | | | | | | | | | |
| 17. Action to | l'erminate | | | | | 100 | | | | | | | |
| | | | | | | | | | | | | | |
| 18. Terminate | d A. Date | Mo € | Da Yr | B. Tim | e (24 Hr. Clock) | | | | | | | | |
| Section IVAut | I omated Svet | tem Data | | L | | | | | | | | | |
| 19. Type of In | | | 20. Event | Numba | r | | 21. Prima | nt or Mill | · · · · · · · · · · · · · · · · · · · | | | | |
| (activity co | | E01 | 20. EVEIR | 144111111111111111111111111111111111111 | 4110 | 6771 | Zi. Emila | 1) OL 1810 | <u> </u> | | | | |

MSHA Form 700 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration 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 agency emotions. The Oribudanian antimates emotioned and tales and

23. AR Number

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

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| Section ISubsequent | Action/Continuation Data | | | | Analy Miller Ashablana | | | | | | |
| Subsequent Action | on 1a. Continuation | 2. Dated (Original Issue) | Mo Da 10/22/20 | Yr .)07 | 3. Citation/ Order Number | 7271374 - 01 | | elle Cardinana el la repière più riso | | | |
| 4. Served To | | | | 5. Operat | or | | | | | | |
| Bill Harless; Mi | ne Foreman | | | PERFO | RMANCE CO | AL COMPANY | | | | | |
| 6. Mine | | | | 7. Mine IC |) | | (Contractor) | | | | |
| UPPER BIG BI | RANCH MINE-SO | UTH | | | 46-0843 | 6 | | | | | |
| Section IIJustification | ı for Action | a large and the second of the | eren eren eren eren eren eren eren eren | | the state of the s | anning and the state of the sta | nag namad in manifest anna na na dh'i na tao ga ga anna an an an an an an an an an an an | | | | |

The water was removed.

| | | | Dub of township 11 | | | | | See Continuation Form |
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| Section IIISubse | equent Action Take | 9 n | | | | | | |
| 8. Extended To | A. Date Mo | Da | Υr | B. Time (24 Hr. Clock) | | C. Vacated | ✓ D. Terminated | E. Modified |
| Section IVInspe | ction Data | Per alignatura de Paris de Arramana de Arramana de Arramana de Arramana de Arramana de Arramana de Arramana de | | | | | | |
| 9. Type of Inspe | ection E01 | | 10. Ev | vent Number 4116771 | | | | |
| 11. S | | | | AR Number 23583 | 12. Date | Mo Da Yr 10/29/2007 | 13. Time (24 Hr. Clos 1105 | ck) |
| MSHA | Mar 85 (revis | ed) | | | | | | |

| Mine | Cita | tion | Ord/ | er |
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| Mine Citatio | n/Order | | 1/2 | 8/18 | | | U.S. Dep Mine Saf | | | | ninistratio | on | | • | |
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| Section IViolatio | n Data | | ration and the same of the sam | the state of the second | | tunggaga a sunag kuntusu salah turas | Andrew Agreement and the compage (comment | | | | | | | | |
| 1. Date | Mo Da Yr 10/24/200 | | 2. Time (2 | 4 Hr. Ct 095 | | | | | | | tation/ rder Numbe | 727 | 1375 | | |
| 4. Served To | | | | | | | 5. Operator | | | | | | | | |
| Bill Harless; | Mine For | emar | ì | | | | PERFOR | MAN | ICE C | OAL C | OMPAN | ľΥ | | | |
| 3. Mine | | | | | | | 7. Mine ID | 16 | -084 | 36 | | | | | |
| UPPER BIG | | H MI | NE-SOU | TH | | | | | -004 | | | | | (Contra | |
| 3. Condition or F | | | | | | | | | | | | | | ice (103g) | |
| 040 sect | tion real of wa | etur | n, th | e re | located eturn cou coximatel | ıld n | ot be s | safe | ly t | rave. | led in | its | enti | rety | |
| | | | | | | | | | | | | | | • | |
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| | | | | | | | | | | | | | | | _ |
| | | | | | | | | | | | See Continua | tion Form (| MSHA Fo | rm 7000-3a | <u>)</u> |
| 9. Violation | A. Health ☐ Safety ✔ Other | | B. Section of Act | | | | Part/Section o Fitle 30 CFR | f | | , | 75.364(b |)(2) | | | |
| Section IIInspec | tor's Evaluatio | n T | | | | | | | | | · | | | | |
| 10. Gravity: A. Injury or li | ilness (has) (| is): | No Likelih | ood 🗍 | Unlikely | | Reasonabl | y Likely | П | Highly | , Likely | i c | ccurred | | - |
| · · | Iness could i | | | | | | | | | | | | _ | | |
| sonably be | e expected to | be: | No Los | t Work | days 🗌 | Lost Work | days Or Rest | ricted D | uty 🔽 | Pe | rmanently [| Disabling | | Fatal | |
| C. Significar | nt and Substa | ential: | Yes | ; 🗌 | No 🗸 | | | | | D. Nui | mber of Per | sons Affec | oted: | 001 | |
| 11. Negligence | (check one) | | A. None |] | B. Low | C. N | Noderate 🔽 | | D. High | ı 🗌 | E. R | eckless Di | sregard | | |
| 12. Type of Acti | ion | 104(a | ι) | | 13. Ty | pe of Issu | ance (check o | ne) | | Citation | ✓ 0 | rder 🗌 | | Safegua | rd 🗌 |
| 14. Initial Action A. Citation | | · [| C. Safegua | ard 🗍 | D. Written Not | се | E. Citation/ Order Nu | mber | | | · | F. Date | ed | Mo Da | Yr |
| 15. Area or Equ | | | | | | | | | | | · · · · · · · · · · · · · · · · · · · | 1 | | | |
| | | | | | | | | | | | | | | | |
| 16. Termination | Due A. | Date | Mo Da 10/25/2 | | B. Time (24 Hr | . Clock) | 080 | 0 | , | | | | | | |
| Section IIITermi | ination Action | | | | | | | | | | | | | | |
| 17. Action to Te | erminate | | | | | | | | | | | | | | |
| 18. Terminated | A. Date | Mol | Da Yr | B. Time | e (24 Hr. Clock) | | | , | | | | | | | |
| Section IVAutor | nated System | Data | | | | | • | <u> </u> | • | | | | | | |
| 19. Type of Insp (activity cod | pection | E01 | 20. Event | Numbe | ^r 4116 | 771 | 21. F | rimary | or Mill | | | | | | |
| 22. Signature | شو | | | | | | | | | | 23. AR Nur | nber | 2358 | 3 | |

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

| RR 10- | 30-07 |
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| Section ISubsequent Action/Continuati | on Data | en (D) en grand (D) en en en en en en en en en en en en en | | and the last of the second second second second second second second second second second second second second | angus 1999 sa ng ng pangung ng ng gindi 1995 ka lainta a minin birka minin makhadin dina kanalis 1995 a masa n | 900 <u>- Anna and Anna an Anna an Anna an Anna an Anna an Anna an Anna an Anna an Anna an Anna an Anna an Anna an A</u> |
|---------------------------------------|----------------------------------|--|------------|--|--|---|
| 1. Subsequent Action 1a. Continua | ion 2. Dated (Original Issue) | Mo Da 10/24/20 | - 1 | 3. Citation/ Order Number | 7271375 - 01 | |
| 4. Served To | | | 5. Operato | r | | |
| Bill Harless; Mine Foreman | | | PERFO | RMANCE CO | AL COMPANY | |
| 6. Mine | | | 7. Mine ID | | | (Contractor) |
| UPPER BIG BRANCH MI | VE-SOUTH | | | 46-0843 | 6 | |
| Section I!Justification for Action | | | | | | |

The water has been removed.

| | | | | | | | | | | See Continuation Form |
|------------------|-------------------|---------------------------------------|--------|--|------------|---|----------|------|--|-----------------------|
| Section IIISubse | quent Action Take | n | | | | | | | | |
| 8. Extended To | A. Date Mo | Da | Υr | B. Time (24 | Hr. Clock) | | C. Vaca | ated | D. Terminated | ☐ E. Modified |
| Section IVInspe | ction Data · | | | Andreas Comment of the Comment of th | | And described the same and the | | | The second secon | |
| 9. Type of Inspe | ection E01 | | 10. Ev | ent Number | 4116771 | | | | 7000-00-112 | |
| 11. Signatu | | · · · · · · · · · · · · · · · · · · · | | | AR Number | 12. Date | Mo Da ` | Yr | 13, Time (24 Hr. Clo | ck) |
| | | | | · · · · · · | 23583 | <u> </u> | 10/30/20 | 007 | 1010 | |
| MSHA Form 7 | a, Mar 85 (revis | ed) | | | | | | | | |

Mine Citation/Order

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U.S. Department of Labor

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| 00.10.1108 | Mine Safety and Health Administration |
|--|---|
| Section IViolation Data | |
| 1. Date Mo Da Yr 2. Time (24 Hr. Clock) | 3. Citation/ 7271376 |
| 10/29/2007 1240 4. Served To | Order (Million |
| Bill Harless; Mine Foreman | 5. Operator PERFORMANCE COAL COMPANY |
| 6. Mine | 7 Min ID |
| UPPER BIG BRANCH MINE-SOUTH | 7. Wilhe ID 46-08436 (Contractor) |
| 8. Condition or Practice | 8a. Written Notice (103g) |
| A thin layer of coal float dust had b | |
| | located at the no. 4 belt drive near the |
| no. 2 section. | |
| | |
| | · |
| | |
| | |
| | |
| | |
| | |
| | |
| | See Continuation Form (MSHA Form 7000-3a) |
| 9. Violation A. Health ☐ B. Section of Act | C. Part/Section of Title 30 CFR 75,400 |
| Other _ | 75,400 |
| Section IIInspector's Evaluation | |
| 10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Unlikely | Reasonably Likely Highly Likely Occurred |
| B. Injury or illness could rea- | Reasonably Likely [4] Filgrily Likely Coccurred |
| sonably be expected to be: No Lost Workdays Lost W | /orkdays 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 | C. Moderate ✓ D. High ☐ E. Reckless Disregard ☐ |
| 12. Type of Action $104(a)$ 13. Type of Is | ssuance (check one) Citation 🗹 Order 🗌 Safeguard 🗌 |
| 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 Mo Da Yr | |
| A. Date 10/29/2007 B. Time (24 Hr. Clock |) 1300 |
| 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 4116771 | 21. Primary or Mill |
| 22. Signatur | 23. AR Number 22592 |

MSHA Form 7 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a regulatory 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 ISubsequent Acti | on/Continuation Data | | _ | | | | |
|-----------------------------|----------------------|------------------------------|-----------------|------------|------------------------------|--------------|--------------|
| Subsequent Action 1 ✓ | a. Continuation | 2. Dated (Original Issue) | Mo D 10/29/2 | | 3. Citation/ Order Number | 7271376 - 01 | |
| 4. Served To | | | | 5. Operat | or | | |
| Bill Harless; Mine | Foreman | | | PERFO | RMANCE CO | AL COMPANY | |
| 6. Mine | | | | 7. Mine II | | <i>y</i> - | (Contractor) |
| UPPER BIG BRA | NCH MINE-SO | UTH | | <u> </u> | 46-0843 | 6 | |
| Section IIJustification for | | | | | | | |

The power center has been cleaned.

| | | | | | | | | | See Continuation Form |
|-------------------|-------------------|----|--|--|-----------------|----------|------------------------|----------------------|-----------------------|
| Section IIISubse | quent Action Take | n | | | | | | | |
| 8. Extended To | A. Date Mo | Da | Yr | B. Time (24 | Hr. Clock) | | C. Vacated | D. Terminated | E. Modified |
| Section IV-Inspec | ction Data | | ~************************************* | and the second second second second second second second second second second second second second second seco | | | | | |
| 9. Type of Inspe | ection E01 | | 10. E | vent Number | 4116771 | | | | |
| 11. Signat | | | <u> </u> | | AR Number 23583 | 12. Date | Mo Da Yr 10/30/2007 | 13. Time (24 Hr. Clo | ock) |
| MSHA Fore | | | | | | | | , | |

| Mine | Citatio | on/Ord | e |
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| 141111 | Ollan | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | \sim |

22. Signat



| Mine Citation | on/Order | | | 180 | 8 | | U.S. Der Mine Sa | | | .abor h Adminis | stration | | |
|--------------------------------|-----------------------------|-----------|------------------------------------|----------------------|----------------------|-------------------|---------------------------------------|--|-------------|------------------------|---------------------------------------|---------------|---|
| Section IViolat | ion Data | | ,,, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | 1 | | Company Commences | PP-a-5 Virtus Amerikarin Western Alba | 5.000000000000000000000000000000000000 | | | , , , , , , , , , , , , , , , , , , , | | digital and the second |
| 1. Date | Mo Da 10/29/2 | | 2. Time (2 | 24 Hr. Cl | · · · · · • | | | | | 3. Citation Order I | √ Vumber | 72713 | 77 |
| 4. Served To | | , | | | | | 5. Operato | r | | | | | |
| Bill Harless | s; Mine F | orema | n | | • | | PERFO1 | RMAI | VCE CC | AL COM | IPANY | 7 | |
| 6. Mine | <u></u> | | | | | | 7. Mine ID | 11 | 6-0843 | <u></u> | | • | |
| UPPER BI | G BRAN | ICH M | INE-SOU | ЛΉ | | | 1 | 40 | 0-0043 | O | | | (Contractor) |
| 8. Condition or | Practice | | | | | | | | | | | 8a. Written | Notice (103g) |
| Two low | volt | age | cables | pro | vided at t | he | High V | Volt | age C | enter | at t | he num | ber 4 |
| | | | | | two secti | | | | | | | | |
| | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | • |
| | | | , | | | | | | | See C | ontinuatio | n Form (MSHA | N Form 7000-3a) |
| 9. Violation | A. Health Safety Othe | / 🔽 | B, Section of Act | | | | Part/Section of itle 30 CFR | of | | 7 | 5.904 | | |
| Section IIInspe | I | <u> </u> | | ·· | | | | | | | | | |
| 10. Gravity: | | | | | | | | | | | | | |
| A. Injury or | lliness (ha | s) (is): | No Likelih | ood 🗌 | Unlikely 🗸 | | Reasonab | ily Likely | <i>'</i> 🗆 | Highly Llke | ely 🗌 | Occurr | ed 🗌 |
| B. Injury or sonably | illness cou be expecte | | No Los | st Work | days 🗌 Lost \ | Vork | days Or Res | tricted [| Outy 🗸 | Perman | ently Dis | abling [| Fatal 🗌 |
| C. Significa | ant and Sub | ostantial | : Ye: | s 🗌 | No 🗸 | | • | | | D. Number | of Perso | ns Affected: | 001 |
| 11. Negligence | e (check on | ne) | A. None |] | B. Low | C. M | oderate 🗸 | | D. High | | E. Rec | kless Disrega | rd 🗌 |
| 12. Type of Ac | tion | 104 | (a) | | 13. Type of | Issua | ınce (check d | one) | C | itation 🗹 | Ord | er 🗌 | Safeguard [|
| 14. Initial Action A. Citation | | rder 📋 | C. Safegu | ard 📋 | D. Written Notice | ij | E. Citation/ Order No | | | | | F. Dated | Mo Da Yr |
| 15. Area or Ed | | | | | | | | | | | | | |
| | • | | | | | | | | | • | | | • |
| | | | | | | | | | | | | | |
| 16. Terminatio | n Due | A. Date | Mo Da 10/29/2 | | B. Time (24 Hr. Cloc | ck) | 130 | 0 | | | | | <u> </u> |
| Section IIITerr | nination Acti | ion | | | <u> </u> | | | | | | | | |
| 17. Action to T | erminate | | | | | | | | | | | | |
| 18. Terminate | d A. Date | Mo | Da Yr | B. Tim | e (24 Hr. Clock) | | | | | | | | |
| Section IVAuto | mated Syst | em Doto | | L | | | | | | | | | <u> </u> |
| 19. Type of In: | | em Dara | 20. Event | Numba | r | | 104 : | Primary | or Mill | | | | <u> </u> |
| (activity co | | E01 | ZU. Even | . MUHID e | 411677 | 1 | [21.1 | линагу | OF IAIRII | | | | |

MSHA Form e provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration ulatory 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 agency entoticement actions. The Orlindration and area and agency at leap hasteries to single business to si

23, AR Number

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

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| | in in the same of | | | | | aroty una trouter reason | | |
|---------------------------|-------------------------|------------------------------|--|------------|------------------------------|--|--|------|
| Section ISubsequent A | ction/Continuation Data | | | | | and a No. of States and States and States and States and American and American States and States States States States and American States and Amer | and the second and the second and the second second second second second second second second second second se | |
| 1. Subsequent Action | 1a. Continuation | 2. Dated (Original Issue) | Mo Da 10/29/2 | Yr 007 | 3. Citation/ Order Number | 7271377 - 01 | | (|
| 4. Served To | | | | 5. Opera | or | | | |
| Bill Harless; Min | e Foreman | | | PERFO | RMANCE CO | AL COMPANY | | |
| 6. Mine | | | | 7. Mine II | | - | (Contractor) | |
| UPPER BIG BR | ANCH MINE-SO | UTH | | | 46-0843 | 6 | , | |
| Section IIJustification f | or Action | | CONTRACTOR STREET, STR | | | | | Sec. |

The cables are now properly labeled.

| | | | in the most of the first | | | | | | | See Continuation Form |
|------------------|--|--|--------------------------|-------------|------------|--|--------|--|--|-----------------------|
| 8. Extended To | Specification and the Control of the | · Carrier and A. Company of the Comp | Yr | | | | | erope o cargo ne monto a supr | | |
| o, Exterided To | A. Date | . <i>D</i> a | 11 | B. Time (24 | Hr. Clock) | | C. Va | cated | D. Terminated | E. Modified |
| Section IVInspe | 1 ction Data | | | | | | | er (f) e d de gjelge geleg gegen eld de sele | | |
| 9. Type of Inspe | ection E01 | *************************************** | 10. E | vent Number | 4116771 | Old Extended to the last of th | | | and the second second second second second second second second second second second second second second second | |
| 11. Sign | | • | | | AR Number | 12. Date | Mo Da | Yr | 13. Time (24 Hr. Cloc | k) |
| | | | | | 23583 | | 10/30/ | 2007 | 0940 | |
| N40114 C. | | | | | | | | | | |

| Mine | Citation | (Order |
|---------|----------|--------|
| 1411110 | Oitation | Oluci |

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

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|--------------|------------------------|--------------------------------|--|--------------|
| Section IVi | olation Data | | | |
| 1. Date | Mo Da Yr 10/30/2007 | 2. Time (24 Hr. Clock) 0920 | 3. Citation/ Order Number 7271378 | |
| 4. Served 1 | Fo . | | 5. Operator | |
| Bill Harl | ess; Mine Forema | n | PERFORMANCE COAL COMPANY | |
| 6. Mine | | | 7. Mine ID 46-08436 | |
| UPPER. | BIG BRANCH M | INE-SOUTH | 40-00430 | (Contractor) |
| 8. Condition | n or Practice | | 8a. Written Notice | (103g) |

Three of the permanent stoppings built between the 041 section intake and the 041 section return at various places from the no. 6 belt drive to the no. 4 belt drive were not being properly maintained. The wood on the return side had not been completely plastered.

| | | | See Continuation Form (MSH | A Form 7000-3a) 🔲 |
|---|------------------------|-----------------------------------|--------------------------------|-------------------|
| 9, Violation A. Health B. Section of Act Other | C | . Part/Section of Title 30 CFR | 75.333(b)(1) | |
| Section IIInspector's Evaluation | | | | |
| 10. Gravity: | , | | | |
| A. Injury or Illness (has) (is): No Likelihood | Unlikely 🗸 | Reasonably Likely | Highly Likely Occur | red 🗌 |
| B. Injury or illness could reasonably be expected to be: No Lost W | orkdays 🔲 Lost Wo | orkdays 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 | n 🗌 E. Reckless Disrega | ard 🗌 |
| 12. Type of Action 104(a) | 13. Type of Iss | suance (check one) | Citation 🗸 Order 🗌 | Safeguard [|
| 14. Initial Action A. Citation B. Order C. Safeguard | D. Written Notice | E. Citation/ Order Number | F. Dated | Mo Da Yr |
| 16. Termination Due Mo Da Yr | | ···· | | |
| A. Date 10/30/2007 | B. Time (24 Hr. Clock) | 1200 | | |
| Section IIITermination Action | | · | | |
| 17. Action to Terminate | : | | | |
| | Fime (24 Hr. Clock) | | | |
| Section IVAutomated System Data | | | | |
| 19. Type of Inspection (activity code) E01 20. Event Nur | 4116 77 1 | 21. Primary or Mill | | |
| 22. Signature | | | 23. AR Number 23 | 3583 |

MSHA Form 7000-1 Isions 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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Mine Citation/Order Continuation -

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

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| Section ISubsequent Action/Continua | tion Data | - | | | | | |
| 1. Subsequent Action 1a. Continua | ation 2. Dated (Original Issue) | Mo Da 10/30/20 | '' | 3. Citation/ Order Number | 7271378 - 01 | | |
| 4. Served To | | | 5. Operato | or | -" | | |
| Bill Harless; Mine Foreman | · | | PERFO. | RMANCE CO | AL COMPANY | | |
| 6. Mine | | | 7. Mine ID | 16.0040 | <i></i> | (Contractor) | |
| UPPER BIG BRANCH MI | NE-SOUTH | | | 46-0843 | = | | |
| Section IIJustification for Action | | | | | | en de la company de la company de la company de la company de la company de la company de la company de la comp | |

The stoppings were repaired

| | | | | | | 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. E | vent Number 4116771 | | | | |
| 11 | | AR Number | 12. Date | Mo Da Yr | 13. Time (24 Hr. Clo | ock) |
| | | 23583 | | 10/31/2007 | 1000 | |
| 8.00 | | | | | · · · · · · · · · · · · · · · · · · · | |

Mine Citation/Order

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

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|--|--|---|----------------------------|------------------------------------|-------------------|-------------------|----------------------------|---------------------|
| Section IViolati | ion Data | | | | | | | |
| 1. Date | Mo Da Yr 11/01/2007 | 2. Time (24 Hr. Cloc 1000 | | | | 3. Citation Order | on/ Number 72713 | 79 |
| 4. Served To | | | | 5. Operator | | | | |
| | s; Mine Forem | an | | | MANCE | COAL CO | MPANY | |
| 6. Mine UPPER BIO | G BRANCH N | MINE-SOUTH | | 7. Mine ID | 46-08 | 3436 | | (Contractor) |
| 3. Condition or | | | | | | | 8a. Writter | Notice (103g) |
| 21811 o assure | n the 041 safe pass es deep. | water in the section the sage. The was Production | le escapewa lter was ap | ay was no proximat | t main ely 80 | tained ft. lo | in a condit ng by 20 ft | cion to wide and |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | . 500 | Continuation Form (MSF | 14 Form 7000-3a) |
| 9. Violation | A. Health ☐ Safety ✔ Other ☐ | B. Section of Act | | C. Part/Section of Title 30 CFR | | | 380(d)(1) | |
| Section IIInspe | ector's Evaluation | | | | | | | |
| 10. Gravity: | | | | | | | | |
| | lilness (has) (is): | No Likelihood 🗌 | Unlikely 🗸 | Reasonably | / Likely | Highly LI | kely 📋 Occu | rred |
| | illness could rea- be expected to be: | No Lost Workda | ys 🗌 Lost V | /orkdays Or Restr | icted Duty | ✓ Perma | enently Disabiling | Fatal |
| C. Significa | ant and Substantia | l: Yes·□ | No 🗸 | | | D. Numbe | er of Persons Affected | 002 |
| 11. Negligence | e (check one) | A. None | B. Low 🗌 🤾 | C. Moderate 🗸 | D. H | igh 🗌 | E. Reckless Disreg | ard |
| 12. Type of Ac | tion 104 | (a) | 13. Type of Is | ssuance (check or | ne) | Citation 🗸 | Order 🗌 | Safeguard |
| Initial Action Citation | | C. Safeguard 🔲 🛚 | D. Written Notice | E. Citation/ Order Nui | mber | | F. Dated | Mo Da Yr |
| 15. Area or Ed | uipment | | | | | | | |
| | | | | | | | | |
| 16. Terminatio | n Due A. Dat | e Mo Da Yr 11/01/2007 | B. Time (24 Hr. Clock | 0 1030 |) | | - | |
| Section IIITerr | nination Action | | | | | | | |
| 17. Action to 1 | Ferminate Th | e escapeway | is now sat | fe to tra | vel. | | | |
| 18. Terminate | A. Date | /01/2007 | (24 Hr. Clock) | 1015 | | | | |
| | omated System Date | , | | loc 5 | duan 3 411 | tr (| | |
| 19. Type of In (activity co | | 20. Event Number | 4116771 | | rimary or Mi | il | | |
| 22. Signat | | | | | | . 23. | AR Number 2 | 3583 |
| | | | | | | | | |

MSHA Form
has established a reasonal forcement 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, instituting the right to contract clientings and obtains and obtains and obtains and obtains and obtains a feet value of the Review Commission. 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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| Mine Citati | on/Order | | | 1/8 | 108 | | | | | | Labor Ith Ad | | ration | | • | | |
|--|----------------------------------|----------------|-------------------|-----------------|---------------------------------------|-----------|------------------------|------------------|--|----------|-----------------|-------------------------|--------------------------|---------------------------------------|---|---------|--------|
| Section I–Viola | tion Data | W-5-Mest-st/Aw | | | | | | | COMMON TOWNS OF THE PARTY OF TH | | | James - Contract Called | Continuoni (Constitution | | Andrew Projects | | |
| 1. Date | Mo Da Yi 11/04/200 | | 2. Time (2 | 4 Hr. Cl 22] | | | | | | | | itation/ Order N | | 7271 | 380 | | |
| 4. Served To | 11, 51, 51 | <u> </u> | | | | | 5. Op | erator | | | | | | | | | |
| Dave Petry | Fore. | | | | | | PER | FOR | MAN | CE C | OAL (| COM | PANY | | | | |
| 6. Mine | | | | | | | 7. Min | e ID | 16 | 084 | 26 | ' | | | | | |
| UPPER BI | | HM | INE-SOU | JTH | | | | | 40- | 004 | 30 | | | | | (Conti | actor) |
| 8. Condition o | r Practice | | | | | | | | | | | | | 8a. Writte | en Notic | e (103 | 3) 🗌 |
| | on to | appı | coxima | tely | the trace 1500 ft ound. | | | | | | | | | | | | |
| | | | • | | | | | | | | | | | | | | |
| | a. | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | See Co | ntinuation | n Form (MS | SHA For | m 7000- | 3a) 🔲 |
| 9. Violation | A. Health Safety Gother | | B. Section of Act | | | | Part/Sec Title 30 (| | | | | 75 | .807 | | | _ | |
| Section IIInsp | ector's Evaluation | on | | | | | | ••• | | | | ··· | | | | | |
| Gravity:A. Injury or | r Illness (has) | (is): | No Likelih | ood [| Unlikely | V | Reas | onably | Likely | | High | ily Llkel | у 🔲 | Occ | curred | | |
| | r illness could be expected t | | No Los | at Work | days 🗌 👢 l | ost Wor | kdays Or | Restri | cted Du | ity 🗌 | Р | ermane | ntly Disa | abling [| F | atal 🗸 |] |
| C. Signific | ant and Subst | antial: | Ye | s 🗌 | No 🗸 | | | | | | D. Ni | ımber d | f Persor | ns Affecte | d: | 001 | |
| 11. Negligeno | e (check one) | | A. None | | B. Low | C. I | Moderate | V | | D. High | | | E. Reck | less Disre | egard [| | |
| 12. Type of A | ction | 104(8 | a) | | 13. Тур | e of Issu | ıance (ch | eck on | e) | | Citation | V | Orde | r 🗍 | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | Safegu | ard 🗌 |
| 14. Initial Acti A. Citation | | er 🔲 | C. Safegu | ard 🔲 | D. Written Notic | ce [| E. Cita Ord | ation/ er Num | ıber | | | | | F. Dated | | Mo Da | Yr |
| 15. Area or E | | | | | , , , , , , , , , , , , , , , , , , , | | | , | | | | | | | | | |
| , | | | | | | | | | | <u>.</u> | | | | · · · · · · · · · · · · · · · · · · · | | | ···-·· |
| 16. Terminatio | on Due A | . Date | Mo Da 11/05/2 | | B. Time (24 Hr. | Clock) | | 0100 | | | | | | | | | |
| Section IIITer | mination Action | | | | | | | | | | | | | | , | | |
| 17. Action to | Terminate | The | cable | has | been re | ∍-hun | ıg. | | | | | | | • | | | |
| 18. Terminate | A. Date | | Da Yr 15/2007 | B. Time | e (24 Hr. Clock) | | 0100 | | | | | | | | | | |
| Section IVAut | tomated System | Data | | | | | | | | | | | | | | | |
| 19. Type of Ir (activity c | | E 01 | 20. Eveni | Numbe | 4116 | 771 | | 21. Pr | imary o | r Mill | | | | | | | |
| 22. Signature | : | | | | * | | | | | | | 23. AF | R Numbe | er , | 23583 | | |

visions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration

| Mine | Citati | ion/ | \bigcap rd | ام |
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| Mine Citation | /Order | 1/8/08 | U.S. Department of Lab Mine Safety and Health A | 11-7-0 | | | | |
|----------------------|-----------------------|--|--|------------------------------|---------------------------|--|--|--|
| Section IViolation | Data | | | | | | | |
| | Mo Da Yr 1/04/2007 | 2. Time (24 Hr. Clock) 2220 | 3 | 3. Citation/ Order Number | 7271381 | | | |
| 4. Served To | | | 5. Operator | | | | | |
| Dave Petry, I | Fore. | | PERFORMANCE COAI | L COMPANY | • | | | |
| 6. Mine UPPER BIG | BRANCH M | IINE-SOUTH | 7. Mine ID 46-08436 (Contracto | | | | | |
| 8. Condition or P | ractice | | | | 8a. Written Notice (103g) | | | |
| section | was not al place | rger cable located at supported on well insets. The cable had falled ft. | ulated hangers and | d was con | tacting the rib | | | |

| | | See Continuation Form (MSH | A Form 7000-3a) |
|---|------------------------------------|--------------------------------|-----------------|
| 9. Violation A. Health ☐ B. Section of Act Other ☐ | C. Part/Section of Title 30 CFR | 75.516 | |
| Section IIInspector's Evaluation | | | |
| 10. Gravity: | | • | |
| A. Injury or Illness (has) (is): No Likelihood Unlikely | Reasonably Likely | Highly Likely Occur | rred |
| B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost | t Workdays Or Restricted Duty | Permanently Disabling 🗹 | Fatal 🗌 |
| C. Significant and Substantial: Yes No 🔽 | | D. Number of Persons Affected: | 001 |
| 11. Negligence (check one) A. None B. Low B. | C. Moderate 🗸 D. High | E. Reckless Disreg | ard 🗌 |
| 12. Type of Action 104(a) 13. Type of | of Issuance (check one) | Citation ✓ Order ☐ | Safeguard 🗌 |
| 14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice | E. Citation/ Order Number | F. Dated | Mo Da Yr |
| · · · · · · · · · · · · · · · · · · · | | | |
| 16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Cl. 11/05/2007 | ock) 0100 | | |
| Section IIITermination Action | | | |
| 17. Action to Terminate The cable was re-hung | and moved away fro | om the rib. | |
| 18. Terminated A. Date Mo Da Yr 11/05/2007 B. Time (24 Hr. Clock) | 0100 | | |
| Section IVAutomated System Data | | | |
| 19. Type of Inspection (activity code) E01 20. Event Number 411677 | 71 21. Primary or Mill | | |
| 22. Signature | | 23, AR Number 23 | 3583 |

ons 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

MAAU

U.S. Department of Labor

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| 11-7-07 |
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| | • | | LONA: | 7 0 7 200i | B | Mine Sat | ety ar | nd Health A | dministrati | on | |
|----------------------------------|---------------------------------------|---------------|--|---|------------|---|-----------|-------------|---|------------------|--|
| Section IViolatio | n Data | | The second secon | /mte//http://doi.org/ | | annon da Pitologi ka kilika kili ka kilon annon y | | | 1971 1971 1971 1971 1971 1971 1971 1971 | | Training of the state of the st |
| . Date | Mo Da Yr 11/05/2007 | 2. Time (2 | 4 Hr. Clock 0141 |) | | | | 3. | Citation/ Order Numb | er 72713 | 82 |
| . Served To | | | | | | 5. Operato | | | | *** | |
| Dave Petry, | Fore. | | | *************************************** | | | RMAN | ICE COAL | COMPAN | VY | |
| S. Mine | DD ANICHT NA | DE COL | ግግ የ | | | 7. Mine ID | 46 | -08436 | | | (Centrodor) |
| 3. Condition or F | BRANCH M | IIVE-300 | IU | - | | | | | | 8a. Written | (Contractor) Notice (103g) |
| | cilation | olan w | as not | being | foll | owed o | on t. | he 040 | section | | |
| | that scrul | | | | | | | | | | |
| | in the pr | | | | | | | | | | |
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| | | | | | | | | | | | |
| | | | | | | | | | See Continu | ation Form (MSH/ | A Form 7000-3a) |
| 3. Violation | A. Health 🗹 | B. Section | | | | art/Section o | of | _ | | | |
| | Safety Other | of Act | | | l I | tle 30 CFR | | | 75.370(a | .)(1) | |
| Section IIInspec | | vi | | | | | | | | | |
| IO. Gravity: | · · · · · · · · · · · · · · · · · · · | | | | | *** | | _ | ······································ | | |
| A. Injury or II | liness (has) (is): | No Likeliho | ood 🗌 | Unlikely [| V | Reasonab | ly Likely | · 🗌 Hiç | ghiy Likely |] Occur | red 🗌 |
| | liness could rea- | No Los | t Workdays | s 🗆 I o | et Workd | ays Or Res | ricted F | outv 🛂 | Permanently | Disabling 🗆 | Fatal 🗌 |
| | e expected to be: | 140 200 | · · · · · · · · · · · · · · · · · · · | | 751 4401KG | | anoted E | | | | 1 4001 |
| | nt and Substantial: | Yes | N | 0 🗸 | | | * | D. i | Number of Pe | rsons Affected: | 001 |
| 11. Negligence | (check one) | A. None |] B | . Low 🗌 | | oderate | | D. High 🔽 | | eckless Disrega | |
| 12. Type of Acti | on 104(| a) | | 13. Туре | of Issuar | nce (check o | ne) | Citatio | n 🗸 C | order 🗌 | Safeguard |
| 14. Initial Action | | | | | | E. Citation/ | | - | | F. Dated | Mo Da Yr |
| A. Citation | B. Order | C. Safegua | ird [D. | Written Notice | • 📗 | Order N | ımber | | | | |
| 15. Area or Equ | ipment | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | • | | | | | | • | | |
| 16. Termination | Due A Dete | Mo Da | | Time (24 Uz. (| 2(aak) | 000 | ^ | 1 | | | W |
| | A. Date | 11/05/20 | 007 | Time (24 Hr. (| | 080 | U | | | | |
| Section IIITermi | | | | | | | | | | | |
| 17. Action to Te | erminate | | , | | • | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| 18. Terminated | A. Date Mo | Da Yr | B. Time (2 | 4 Hr. Clock) | | | | | | | |
| | | | | | | | <u> </u> | · | | | |
| | nated System Data | 100 5 : | Number | | _ | 127 | nui | or Mill | | | |
| 19. Type of Insp activity cod | | 20. Event | raumer | 41167 | 771 | 21. | Primary | ot Mill | | | |
| 22. Signature | | | | | | <u>.</u> | | | 23. AR Nu | mber 23 | 583 |

MSHA Form 7000 provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a gency 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 ISubsequen | t Action/Continuation Data | | | | CONTROL OF THE STATE OF THE STA | n 20 km (Carlo Marie Marie Marie Marie Marie Marie Marie Marie Marie Marie Marie Marie Marie Marie Marie Marie | tion and the control of the control | Annual of Book transporter | | |
| 1. Subsequent Acti | on 1a. Continuation | 2. Dated (Original Issue) | Mo Da 11/05/2 | • • | 3. Citation/ Order Number | 7271382 - 01 | | ************************************** | | |
| 4. Served To | | | | | 5. Operator | | | | | |
| Rick Hodge, Supt. | | | | | PERFORMANCE COAL COMPANY | | | | | |
| 6. Mine | | | | | 7. Mine ID | | (Contractor) | | | |
| UPPER BIG B | RANCH MINE-SO | UTH | | | 46-0843 | 6 | | | | |
| Section IIJustificatio | n for Action | · · · · · · · · · · · · · · · · · · · | | Transition of the second secon | | t 110 mars (12 mars (12 mars)) and (12 mars) (12 mars) (12 mars) (13 mars) (14 mars) (14 mars) (14 mars) (14 mars) | | Annual Control of the | | |

The results are now being entered in the book.

| | | 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 4116771 | |
| 11. Signatur | AR Number 12. Date | |
| | 23583 | 11/06/2007 0715 |

MSHA Form 7000_Ba, Mar 85 (revised)

22. Signature

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| Mine Citation/Order MAY 0 7 2008 | | | | | U.S. Department of Labor Mine Safety and Health Administration | | | | | | |
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| Section IViolati | on Data | | 2777-71111 AMILIT MINN A AAA | | HATTER OF THE STATE OF THE STAT | | ···· | | | | The state of the s |
| 1. Date | Mo Da 11/05/2 | | 2. Time (2 | 24 Hr. Cl | | | | · · · · · · · · · · · · · · · · · · · | 3. Citation Order I | Number 72713 | 33 |
| 4. Served To | | | ' | | | | 5. Operator | | | | |
| Dave Petry, | Fore. | | | | • | | PERFOR | MANCE C | OAL COM | IPANY | |
| 6. Mine | | | | | | | 7. Mine ID | 46-084. | 36 | | |
| UPPER BIO | | CH M | INE-SOU | ЛН | | | | 40-004. | JU | | (Contractor) |
| 8. Condition or | | | · | | | | | | , | | Notice (103g) |
| | | | - | | ot being | - | | | | | |
| | | | | | | | | _ | | results ent | ered in |
| the pre | shift | boo | k. The | las | t result | is we | re ente | red on | 10-5-20 | 07. | |
| | | | | | | | | | | | |
| | | | | | | | | | See C | ontinuation Form (MSHA | 4 Form 7000-3a) |
| 9. Violation | A. Health Safety Other | /□ | B. Section of Act | | | | Part/Section of itle 30 CFR | | 75.3 | 70(a)(1) | |
| Section IIInspe | ctor's Evalu | ation | | | • | | | | | | |
| 10. Gravity: | | | | | | | | | | | |
| A. Injury or | Iliness (ha | s) (is): | No Likelih | ood 🗌 | Unlikely | V | Reasonably | / Likely 🔲 | Highly Llk | ely 🗌 Occur | red 🗌 |
| B. Injury or sonably | illness cou be expected | | No Los | st Work | days 🗌 | Lost Work | days Or Restr | icted Duty 🔽 | Perman | ently Disabling 🗌 | Fatal 🗌 |
| C. Significa | ant and Sub | ostantial: | Ye | s 🗌 | No 🗸 | ,—,—,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | ··· | , m.v. | D. Number | of Persons Affected: | 001 |
| 11. Negligence | e (check on | ie) | A. None | | B, Low | C. N | loderate 🔲 | D. High | V | E. Reckless Disrega | ard 🗍 |
| 12. Type of Ac | tion | 104(| a) | | 13. Ty | pe of Issua | ance (check or | ne) | Citation 🗸 | Order | Safeguard |
| 14. Initial Action A. Citation | | der 🗌 | C. Safegu | ard [| D. Written Not | ice [] | E. Citation/ Order Nur | nber | | F. Dated | Mo Da Yr |
| 15, Area or Ec | | | | | | | | | | | |
| | , an printer in | | | | | | | | | | |
| 16. Termination | n Due | A. Date | Mo Da 11/05/2 | | B. Time (24 Hr | r, Clock) | 0800 |) | | | |
| Section IIITerr | nination Acti | оп | | | | | | | | | |
| 17. Action to 7 | Ferminate | | | | | | | | | | |
| 18. Terminate | d A. Date | Mo | Da Yr | B. Time | e (24 Hr. Clock) | | | | | | |
| Section IVAuto | omated Syst | em Data | | 1 | | | | | | | |
| 19. Type of In | | E01 | 20. Even | t Numbe | r 4116 | 5771 | 21. P | rimary or Mill | | | |

MSHA Form 70
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

23583

Mine Citation/Order Continuation

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

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|-------------------------------|---------------------|----------------------------|---|---|--|------------------------------|---|--|--|--|--|
| Section ISubsequent Action | n/Continuation Data | | | | | | | | | | |
| 1. Subsequent Action 1a | . Continuation | Dated (Original Issue) | Мо 11/0 | Da 5/20 | Yr 07 | 3. Citation/ Order Number | 7271383 - 01 | | | | |
| 4. Served To | | | | | | 5. Operator | | | | | |
| Rick Hodge, Supt. | | | | | PERFORMANCE COAL COMPANY | | | | | | |
| 6. Mine | | | | | 7. Mine ID (Contractor) | | | | | | |
| UPPER BIG BRANCH MINE-SOUTH | | | | | 46-08436 | | | | | | |
| Section IIJustification for A | ction | | | | | | | | | | |

The results are now being entered in the book.

| Section IIISubse | guent Action Take | en | | get man global and a graduate to the contract of a consequent of the contract of the consequent of the contract of the consequent of the contract of the contr | and the same of th | as participante de communicación de la communi | and the second s | on a mana may a salah salah | to HO si la Sala Mahin yina mayaa | See Continuation Form |
|---------------------------|--|----|-------|--|--|--|--|-----------------------------|-----------------------------------|-----------------------|
| 8. Extended To | A STATE OF THE PARTY OF THE PAR | | Yr | B. Time (24 | l Hr. Clock) | | C. Va | acated | ☑ D. Terminated | E. Modified |
| Section IVInspection Data | | | | | | | | | | |
| 9. Type of Inspe | ection E01 | | 10. E | vent Number | 4116771 | | | | | |
| 11. Signature | | | | | AR Number 23583 | 12. Date | Mo Da 11/06/ | Yr 2007 | 13. Time (24 Hr. Clo 0715 | ock) |
| MSHA Form 700 | | | | | | | | | | |

| Mine | Cit | atin | n/O | rdo |
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| Mine Citation/Ord | der | 1/8/0 | 8 | | U.S. Department of Labor Mine Safety and Health Administration | | | | | | |
|---|--|--|--|--------------|--|-------------|-------------------------|--|---------------|---------------------------------------|------------------|
| Section IViolation Data | A CONTRACTOR AND A CONT | The state of the s | talkan yang sepanjan kananan kanan kan | | | <u>/</u> . | | The state of the s | | | (material files) |
| | Da Yr 5/2007 | 2. Time (24 Hr. Cl | | | | | 3. Citation/ Order N | | 7271384 | + | |
| 4. Served To Rick Hodge, Supt | t. | | | 1 ' | erator FORMA | NCE CC | AL COMI | PANY | | | - |
| 6. Mine | | | | 7. Mir | e ID / | 6-0843 | 6 | *************************************** | | | |
| UPPER BIG BRA | | NE-SOUTH | | | 4 | 0-0043 | 0 | | | (Contracto | π) |
| 8. Condition or Practice The bathing | | | | | | | | | a. Written No | | |
| maintained 1 of the 3 floor and o | urinal | ls would w | | | | | | | | | |
| l l | | B. Section | | C. Part/Sec | | | | | Form (MSHA Fo | orm 7000-3a) | |
| i i | fety ther | of Act | | Title 30 (| JFK | | 75.1 | 712-1 | | | |
| Section IIInspector's Ev | aluation | | | | | | | | | | |
| 10. Gravity: A. Injury or Illness | (has) (is): | No Likelihood | Unlikely 🗸 | Reas | onabły Like | ly 🔲. | Highly Likel | у 🗆 | Occurred | | |
| B. Injury or illness sonably be expe | | No Lost Work | days 🗌 Lost ' | Workdays O | r Restricted | Duty 🗸 | Permane | ntly Disabl | ling 🗌 | Fatal | |
| C. Significant and | | Yes 🗌 | No 🔽 | | | | D. Number o | f Persons | Affected: | 006 | |
| 11. Negligence (check | (one) | A. None | B. Low | C. Moderate | • 🗸 | D. High | | E. Reckle | ss Disregard | | |
| 12. Type of Action | 104(8 | n) | 13. Type of | Issuance (cl | neck one) | C | itation 🗹 | Order | | Safeguard | |
| 14. Initial Action A. Citation B. | Order _ | C. Safeguard | D. Written Notice [| E. Cita | ation/ ler Number | | | F. | Dated | Mo Da Yr | |
| 15. Area or Equipmen | t | | | • | | | | | | , | |
| 16. Termination Due | A. Date | Mo Da Yr 11/06/2007 | B. Time (24 Hr. Clo | ck) | 1500 | | | | | | |
| Section IIITermination | Action | | | | | | | | | | |
| 17. Action to Terminat | te The | facilitie | es were res | stored | to a : | sanita | ry con | ditio: | n. | | |
| 18. Terminated A. D | 11/0 | Oa Yr 6/2007 B. Time | e (24 Hr. Clock) | 1155 | | | | | | | |
| Section IVAutomated S | | | | | | | | | | · | |
| 19. Type of Inspection (activity code) | E01 | 20. Event Numbe | 411677 | 1 | 21. Primar | y or Mill | | | | | |
| 22. Signature | | | | | | | 23. AF | Number | 2250 | · · · · · · · · · · · · · · · · · · · | |

MSHA Form 700 (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 Citati | on/Order | 118/0 | § | U.S. Department of Mine Safety and H | of Labor ealth Administration | | RR 27 |
|------------------------------|--|----------------------------|------------|--------------------------------------|--|----------------|---------------|
| Section IViolat | | | | | | | |
| 1. Date | Mo Da Yr 11/06/2007 | 2. Time (24 Hr. Clo 110 | | | Citation/ Order Number | 727138 | 5 |
| 4. Served To | | | | 5. Operator | | | - |
| Rick Hodge | e, Supt. | | | PERFORMANCE | COAL COMPANY | | |
| 6. Mine UPPER BI | G BRANCH M | INE-SOUTH | | 7. Mine ID 46-08 | 3436 | | (Contractor) |
| 8. Condition or | Practice | | | | | 8a. Written N | otice (103g) |
| | no. 2 sec r was not | | ot secure | d. The restraini | ing strap had | broken | and the |
| | | | | | See Continuation | n Form (MSHA I | Form 7000-3a) |
| 9. Violation | A. Health ☐ Safety ✔ Other ☐ | B. Section of Act | | C. Part/Section of Title 30 CFR | 75.1106-3(a) | (2) | |
| Section IIInspe | ector's Evaluation | | | | | | |
| 10. Gravity: A. Injury or | Illness (has) (is): | No Likelihood | Unlikely 🗸 | Reasonably Likely | Highly Likely | Occurre | d 🗌 |
| | illness could rea- be expected to be: | No Lost Workda | ays 🗌 Los | t Workdays Or Restricted Duty | ✓ Permanently Disa | abling 🗌 | Fatal |
| C. Significa | ant and Substantial: | Yes 🗌 | No 🔽 | | D. Number of Person | ns Affected: | 001 |
| 11. Negligeno | e (check one) | A. None | B. Low 🗸 | C. Moderate D. H | ligh E. Reck | dess Disregard | 1 🔲 |

15. Area or Equipment

A. Citation

104(a)

B. Order C. Safeguard D. Written Notice

12. Type of Action

14. Initial Action

| 16. Termination Due | A. Date | Mo Da Yr 11/06/2007 | B. Time (24 Hr. Clock) | 1110 | |
|----------------------------|---------|------------------------|------------------------|------|--|
| Section IIITermination Act | ion | | | | |
| 17. Action to Terminate | The | cylinder | was secured. | | |

13. Type of Issuance (check one)

E. Citation/

Order Number

Citation 🗸

Order [

F. Dated

Safeguard [

Mo Da Yr

| | | | | | | _ | |
|--|-----------------|------------------|--------------|-------|----------------|---|--|
| 18. Terminated A. Date | Mo Da 11/06/ | IR Time (2) | 4 Hr. Clock) | 1110 | | | |
| Section IVAutomated Syst | em Data | | | | | | |
| 19. Type of Inspection (activity code) | E01 | 20. Event Number | 4116771 | 21. F | rimary or Mill | | |

22. Signatur 23. AR Number 23583

MSHA Form

th 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

astorlas go

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

| K /s |
|----------------|
| 11-15-07 |
| |
| |
| ((*>>) |
| N/A |

| | | ~ 10 · 100 | Willie Calety and Fleatiff Administration | | | | |
|-----------------------------|------------------------|--------------------------------|---|-------------------|--|--|--|
| Section IVi | iolation Data | | | | | | |
| 1. Date | Mo Da Yr 11/13/2007 | 2. Time (24 Hr. Clock) 0950 | 3. Citation/ Order Number 727 | 1386 | | | |
| 4. Served 7 | Го | | 5. Operator | | | | |
| Rick Nic | colau, Chief. | | PERFORMANCE COAL COMPANY | | | | |
| 6. Mine | | | 7. Mine ID 46-08436 | | | | |
| UPPER BIG BRANCH MINE-SOUTH | | | 40-00430 | (Contractor) | | | |
| 8 Condition | n or Practice | | 8a Writ | ten Notice (103a) | | | |

Stopping nos. 46, 47, 49, 53, 56, 57, 58 and 59 between the 030 section return and the belt haulage course were not being properly maintained. The wood on the return side had not been completely plastered.

| | | | | | | See C | ontinuation For | m (MSHA Form 7 | 000-3a) |
|--------------------------------|--|--------------------------|----------------------|------------------------------------|--------------|------------|-----------------|----------------|-----------|
| 9. Violation | A. Health Safety 🗸 Other | B. Section of Act | | C. Part/Section of Title 30 CFR | | 75,3 | 33(b)(2) | | |
| | ctor's Evaluation | | | | | | | | |
| 10. Gravity: | | | 11.66.1. | | | | | | |
| | Illness (has) (is): | No Likelihood 🗌 | Unlikely 🗸 | Reasonably | Likely | Highly Llk | ely [_] | Occurred | |
| | illness could rea- be expected to be: | No Lost Work | days Lost \ | Workdays Or Restri | ted Duty 🗌 | Permar | ently Disablin | g 🗸 Fata | f 🗌 |
| C. Signific | ant and Substantia | l: Yes 🗌 | No 🗸 | | | D. Number | of Persons A | ffected: 00 |)1 |
| 11. Negligenc | e (check one) | A. None | B. Low | C. Moderate 🗸 | D. High | | E. Reckless | Disregard 🗌 | |
| 12. Type of A | ition 104 | (a) | 13. Type of | Issuance (check on |) | Citation 🗸 | Order 🗌 |] Sa | feguard 🗌 |
| 14. Initial Action A. Citation | ••• | C. Safeguard | D. Written Notice | E. Citation/ Order Num | ber | | F, D | ated Mo | Da Yr |
| 15. Area or Ed | uipment | | | | | | | | |
| 16. Termination | n Due A. Dat | Mo Da Yr e 11/13/2007 | B. Time (24 Hr. Cloc | ok). 1300 | | | | | |
| Section IIITen | nination Action | | | | | | | | |
| 17. Action to | Ferminate | | | | | | | | · |
| 18. Terminate | A. Date | | e (24 Hr. Clock) | | | | | | |
| | omated System Data | | | | | | | | |
| 19. Type of In (activity co | | 20. Event Numbe | 411677 | 1 21. Pr | mary or Mill | | | | |
| 22. Signatu | | | | | | 23. A | R Number | 23583 | |

MSHA Form 7 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established all 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.

ine Citation/Order

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

| RR 11-15 | -07 |
|-------------|-----|
| | |

| Continuation | | Mine Safety and Health Administration | | | | | | |
|-----------------------|------------------------------|---------------------------------------|-------------------|------------|------------------------------|--------------|--------------|--|
| Section ISubseque | ent Action/Continuation Data | | | | | | | |
| 1. Subsequent Ac ✓ | tion 1a. Continuation | 2. Dated (Original Issue) | Mo Da 11/13/20 | Yr)07 | 3. Citation/ Order Number | 7271386 - 01 | | |
| 4. Served To | | | | 5. Operat | or | | | |
| Rick Hodge, S | Supt | | | PERFO | RMANCE CO | AL COMPANY_ | | |
| 6. Mine | | | | 7. Mine II | 16.0043 | <i>C</i> | (Contractor) | |
| UPPER BIG I | BRANCH MINE-SC | UTH | | | 46-0843 | 6 | | |
| Section II-Justificat | ion for Action | | | | | | | |

The stoppings were repaired.

| | 1 8 4: T | - L | · | | | on the second second second second second second second second second second second second second second second | | | | See Continuation Form |
|------------------|--|---|-------|-------------|--------------|---|-------------|------|----------------------|-----------------------|
| 8. Extended To | AND AND ADDRESS OF THE PARTY OF | /4.44=(*,// _*)** ₂ -//4==={*q.11 | Yr | B, Time (24 | 1 Hr. Clock) | | ☐ c.v | | D. Terminated | E. Modified |
| Section IVInsper | and the first of the state of t | | 110 5 | vent Number | | | | | | |
| 9. Type of Inspe | ection E01 | | 10. E | vent Number | 4116771 | | | | | |
| 11. Signature | | | | | AR Number | 12. Date | Mo Da | Υr | 13. Time (24 Hr. Clo | ock) |
| | | | | | 23583 | | 11/14/ | 2007 | 0915 | |
| A40414 E 200 | | | | | | | | | | |

| Mina | Cito | tion | Order |
|------|------|---------|-------|
| wine | UITA | TIESEL/ | Conne |

Section IV--Automated System Data

E01

20. Event Number

19. Type of Inspection (activity code)

22. Signature

| RR | |
|----|-------|
| u- | 15-07 |
| | |

| Mine Citation/Order | U.S. Department of Lab Mine Safety and Health | | 11-15-0 |
|--|--|--|------------------|
| Section IViolation Data | The state of the s | | White the second |
| 1. Date Mo Da Yr 2. Time (24 Hr. Clock) 11/13/2007 1000 | | 3. Citation/ Order Number 727138 | 7 |
| 4. Served To Rick Nicolau, Chief. | 5. Operator PERFORMANCE COA | L COMPANY | |
| 6. Mine | 7. Mine iD 46-08436 | * *** *** *************************** | |
| UPPER BIG BRANCH MINE-SOUTH | 40-08430 | | (Contractor) |
| 8. Condition or Practice Stopping no. 56 between the 030 sect | | 8a. Written No | |
| was not being maintained to serve the stopping had been damaged from the hadislodged and the stopping contained inches wide. | ulage side, severa | al blocks had be | en |
| | C. Part/Section of | See Continuation Form (MSHA F | Form 7000-3a) |
| Safety ✓ of Act Other ☐ | Title 30 CFR | 75.333(h) | |
| Section IIInspector's Evaluation | | | |
| 10. Gravity: A. Injury or Illness (has) (is): No Likelihood ☐ Unlikely ✓ | Reasonably Likely H | lighly Likely Occurre | di 🗌 |
| B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost W | orkdays 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 | D. High | E. Reckless Disregard | |
| 12. Type of Action 104(a) 13. Type of Is | ssuance (check one) Cital | lion 🗹 Order 🗌 | Safeguard [|
| 14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice | E. Citation/ Order Number | F. Dated | Mo Da Yr |
| 15. Area or Equipment | | | |
| 16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock | 300 | | |
| Section IIITermination Action | | | |
| 18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) | | | |

MSHA Form 700 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.

4116771

21. Primary or Mill

23. AR Number

23583

Mine Citation/Order Continuation

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

| RR | |
|-------|------|
| 11-15 | (AS) |
| | |

| Section ISubsequent Action/Continuation Da | | and the first state of the second state of the | | A CONTRACTOR OF THE CONTRACTOR | | |
|--|------------------------------|--|------------|--|--------------|---|
| 1. Subsequent Action 1a. Continuation | 2. Dated (Original Issue) | Mo Da 11/13/20 | •• | 0 02 12 -7 | 7271387 - 01 | |
| 4. Served To | | | 5. Operate | or | | |
| Rick Hodge, Supt. | | | PERFO | RMANCE CO | AL COMPANY | |
| 6. Mine | | | 7. Mine IE | 16.0040 | , | (Contractor) |
| UPPER BIG BRANCH MINE-S | SOUTH | | | 46-0843 | 6 | |
| Section IIJustification for Action | | | | | | type-mark and an anti-person of the section of the |

The stopping was repaired.

| | | | | | | | | | See Continuation Form |
|------------------|----------------|---|-------|------------|--------------------|----------|------------------------|-----------------------------|--|
| Section IIISubse | quent Action T | aken | | | | | | | |
| 8. Extended To | A, Date M | o Da | Yr | B. Time (2 | 4 Hr. Clock) | | C. Vacated | ✓ D. Terminated | E. Modified |
| Section IVInsper | ction Data | | | | | | | | and the state of t |
| 9. Type of Inspe | ection E01 | o market en en en en en en en en en en en en en | 10. E | ent Numbe | r 4116771 | | | | |
| 11. Signat | | | | `` | AR Number 23583 | 12. Date | Mo Da Yr 11/14/2007 | 13. Time (24 Hr. Cl 0915 | ock) |
| | | | | | | | | | |

22. Signatu

| RR | |
|------------|-------------|
| 11-15 | ~0 ~ N |
| (%) | > |

| Mine Citation/Order 05/01/08 gl | U.S. Department of Labor Mine Safety and Health Administration |
|--|--|
| Section IViolation Data | |
| 1. Date Mo Da Yr 2. Time (24 Hr. Clock) 11/13/2007 1030 | 3. Citation/ Order Number 7271388 |
| 4. Served To | 5. Operator |
| Rick Nicolau, Chief. | PERFORMANCE COAL COMPANY |
| 6, Mine | 7. Mine ID 46, 00426 |
| UPPER BIG BRANCH MINE-SOUTH | 7. Mille ID 46-08436 (Contractor) |
| 8. Condition or Practice | 8a. Written Notice (103g) |
| A loose area of rib was found on the t | rack side of return stopping at crosscut |
| no. 45. The rib was approximately 6 ft | |
| | |
| | |
| | |
| | |
| • | 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 Occurred |
| B. Injury or illness could rea- | kdays 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. M | Moderate ☑ D. High ☐ E. Reckless Disregard ☐ |
| 12. Type of Action 104(a) 13. Type of Issue | ance (check one) Citation ✔ Order ☐ Safeguard ☐ |
| 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) | 1300 |
| 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 4116771 | 21. Primary or Mill |

MSHA Form
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

23583

Mine Citation/Order Continuation

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

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|-----------------------------|-------------------------|--|-------------------|--|------------------------------|---|--|
| Section I-Subsequent A | ction/Continuation Data | | | (4.00-14.)1 (1.00-10.00-10.00-10.00-10.00-10.00-10.00-10.00-10.00-10.00-10.00-10.00-10.00-10.00-10.00-10.00-10 | | Transfer of the second | |
| 1. Subsequent Action | 1a. Continuation | Dated (Original Issue) | Mo Da 11/13/20 | | 3. Citation/ Order Number | 7271388 - 01 | |
| 4. Served To | | | | 5. Operate | or | | |
| Rick Hodge, Supt. | | | | PERFORMANCE COAL COMPANY | | | |
| 6. Mine | | | | 7. Mine IC | 16.00.10 | | (Contractor) |
| UPPER BIG BRANCH MINE-SOUTH | | | | | 46-0843 | 6 | |
| Section IIJustification for | or Action | and the second s | | | | | erren in manistration en |
| | | | | | | | |

Timbers have been set in the area.

| ************************************** | openy (A | Source of the State | - Note - Months and Advantage | | 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 | e meter en en en en en en en en en en en en en | | | and an experimental control of the c | | |
| 9. Type of Inspection E01 | 10. Event Number | 4116771 | | | | |
| 11. Signatu | • | AR Number 23583 | 12. Date | Mo Da Yr 11/14/2007 | 13. Time (24 Hr. Cloc 0845 | k) |
| MSHA Form | | | | | | |

MAY on

U.S. Department of Labor

| R R 11-15 | |
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| | , 401 | | , wh | u 7 2008 | | Mine Safe | | | | istratio | n | |
|--|------------------|--|------------|-------------------|---------|------------------------------------|--|-----------|---|--|----------------|--------------------|
| Section IViolation Da | ła | ykarşışırır/rarranyusi sokulus sanılılıng. | • T | | | See A control of the Second Second | | | *************************************** | | | |
| | Da Yr 13/2007 | 2. Time (24 | Hr. Clock | k) | | | • | | 3. Citati Orde | on/ r Number | 72713 | 89 |
| 4. Served To | 15/15007 | | 1120 | | | 5. Operator | | | | | | |
| Rick Nicolau, C | hief. | | | | | PERFOR | MAN | CE CO | DAL CO | MPAN | Y | |
| 6. Mine UPPER BIG BF | RANCH MI | NE-SOU | TH | | · | 7. Mine ID | 46 | -0843 | 36 | | | (Contracto |
| 8. Condition or Pract | | 112 000 | | | | | | | | · ···································· | 8a. Written | Notice (103g) |
| Due to the the hazard examination | ls had n | ot bee | n re | ported it | is | | | | | | | |
| 9. Violation A. H | ealth 🗌 📗 | B. Section | | | l c. p. | art/Section of | | | See | Continuat | ion Form (MSH | A Form 7000-3a) |
| | Safety 🗸 | of Act | | i | | tle 30 CFR | | | 75. | .364(b) | (2) | |
| Section IIInspector's | Evaluation | ···· | | | | | | | | | | |
| Gravity:A. Injury or Illnes | s (has) (is): | No Likelihoo | nd 🗌 | Unlikely 🗸 | | Reasonably | / Likely | | Highly LI | kely 🔲 | Occur | red 🗌 |
| B. Injury or illnes sonably be exp | | No Lost | Workday | ys Lost | Workd | ays Or Restr | icted D | uty 🗌 | Perma | anently Di | sabling 🗹 | Fatal 🔲 |
| C. Significant an | | Yes | i | No 🔽 | | | | | D. Numb | er of Pers | ons Affected: | 001 |
| 11. Negligence (che | ck one) | A. None | E | B. Low 🔲 | C, Mo | oderate [| | D. High | <u> </u> | E. Re | ckless Disrega | ard 🗌 |
| 12. Type of Action | 104(a | .) | | 13. Type of | Issuar | nce (check or | ne) | (| Citation 🗸 | Or | der 🗌 | Safeguard |
| 14. Initial Action A. Citation | B. Order | C. Safeguar | d 🗍 D |). Written Notice | | E. Citation/ Order Nur | nber | | | | F. Dated | Mo Da Yr |
| 15. Area or Equipme | ent | | | | I. | | | | | | | |
| 16. Termination Due | A. Date | Mo Da Y 11/14/20 | 10 | Time (24 Hr. Clo | ck) | 0800 |) | | | | | |
| Section IIITermination | n Action | | | | | | | | | | | |
| 17. Action to Termin | nate | | | | | | | | | | | |
| 18. Terminated A. | Date Mo E | Da Yr | 3. Time (2 | 24 Hr. Clock) | | | | | | | | |
| Section IVAutomated | i System Data | | | | | | | | | | | |
| 19. Type of Inspecti (activity code) | on E01 | 20. Event N | lumber | 411677 | 1 | 21. P | rimary | or Mill | | | | |
| 22. Signatu | | | | | | | ······································ | | 23. | AR Num | ber 23 | 3583 |
| MSHA Form | | | | provisions of the | Small B | lusiness Regul | latory Er | nforcemer | nt Fairness A | ct of 1996 | the Small Busi | ness Administratio |

has establisg along 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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| 11-15-97 | |
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|------------------------------------|---------------------------------------|-------------------|-----------------------------------|--|---|--------------|--|
| Section ISubsequent Action/Co | ontinuation Data | | | | | | |
| 1. Subsequent Action 1a. Co | ontinuation 2. Dated (Original Issue) | Mo Da 11/13/20 | - | . Citation/ Order Number | 7271389 - 01 | | |
| 4. Served To | | | Operator | | | | |
| Rick Hodge, Supt. | | | PERFOR | MANCE CO | AL COMPANY | | |
| 6. Mine | | | 7. Mine ID | 46.0040 | | (Contractor) | |
| UPPER BIG BRANCH MINE-SOUTH | | | | 46-0843 | b | | |
| Section IIJustification for Action | | | | Complete and Compl | | | |

An examination has been made and all hazards entered in the book.

| | | | 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 | | 98 Pg 200 pg man ang mg 11 faran ng man ang mg 12 mg 1 | |
| 9. Type of Inspection E01 | 10. Event Number 4116771 | . , | |
| 11. Sigr | AR Number 12. Date 23583 | Mo Da Yr 13. Time (24 Hr. Clc 11/14/2007 0710 | ock) |

MSHA Forsty/7000-3a, Mar 85 (revised)

| ţ | /(- | , | 5 | • | 0 | 7 |
|---|----------|---|-----|---|----|---|
| | | | di. | d | X. | |

| Mine Citation/C | Order | 05/07/08 50 | U.S. Department of L Mine Safety and Healt | |
|------------------------------------|---------------------------------|--|---|---|
| Section IViolation D | ala | 101108 | | |
| | o Da Yr /14/2007 | 2. Time (24 Hr. Clock) 0915 | | 3. Citation/ Order Number 7271390 |
| 4. Served To | | | 5. Operator | |
| Bill Harless; M | line Foreman | ı | PERFORMANCE CO | OAL COMPANY |
| 6. Mine UPPER BIG B | RANCH MI | NE-SOUTH | 7. Mine ID 46-0843 | 6 (Contractor) |
| 8. Condition or Pra | ctice | | | 8a, Written Notice (103g) 🗸 |
| on the re | turn sic | en the belt haulage de of the stopping h and #5 are crushing | as not been compl | eturn air course. The wood etely plastered. |
| | | | | See Continuation Form (MSHA Form 7000-3a) |
| 9. Violation A. | Health ☐ Safety ✔ Other ☐ | B. Section of Act | C. Part/Section of Title 30 CFR | 75.333(b)(2) |
| Section IIInspector's | s Evaluation | | | |
| 10. Gravity: A. Injury or Iline | ss (has) (is): | No Likelihood ☐ Unlikely ✓ | Reasonably Likely | Highly Likely Occurred |
| B. Injury or illne sonably be e | ss could rea- xpected to be: | No Lost Workdays Lost \ | Workdays Or Restricted Duty | Permanently Disabling 🗸 Fatal 🗌 |
| C. Significant a | nd Substantial: | Yes 🗌 No 🔽 | | D. Number of Persons Affected: 001 |

A. Citation 15. Area or Equipment

12. Type of Action

14. Initial Action

11. Negligence (check one)

A. None

C. Safeguard

20. Event Number

104(a)

B. Order

B. Low

D. Written Notice

| 16. Termination Due | A. Date | Mo Da Yr 11/14/2007 | B, Time (24 Hr. Clock) | 1500 | |
|---------------------------|---------|------------------------|------------------------|------|--|
| Section IIITermination Ac | lion | | | | |

C. Moderate 🗸

E. Citation/

Order Number

21. Primary or Mill

13. Type of Issuance (check one)

D. High

Citation 🗸

is of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration

E. Reckless Disregard

F. Dated

Safeguard

Mo Da Yr

Order

17. Action to Terminate

19. Type of Inspection

MSHA Form 7000-3,

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

4116771 E01 (activity code) 23. AR Number 22. Signature 23583

has established a Na budsman 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 adout reduction 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

| 2R 11-15 | これつ |
|-------------|-----|
| 11-13 | |
| | |

| wille Citation/Order | ı | Ag. asse | POSSUL | | | nd Health A | | tion | |
|--|----------------|---------------------------|-----------------------|--------------------------------|---------------|-------------|--------------------------|-----------------------|------------------------|
| Section IViolation Data | | | | | | | | | |
| 1. Date Mo Da 11/15/20 | | 2. Time (24 Hr. Cl 09(| | | | 3 | . Citation/ Order Num | _{ber} 727139 | 01 |
| 4. Served To Rick Hodge, Supt. | | | | 5. Oper PERF | | NCE COAL | , COMPA | NY | |
| 5. Mine | | | · | 7. Mine | ID. | | | | |
| UPPER BIG BRAN | CH MI | NE-SOUTH | | | 40 | 5-08436 | | | (Contractor) |
| 3. Condition or Practice | | | | | • | | | 8a. Written I | Votice (103g) |
| After a reaso correct the c | | | ior abateme | ent lit | rie o | r no ei | iort n | ias been i | nade to |
| , | | | | | | | | | |
| | | | | | | | See Contir | nuation Form (MSHA | Form 7000-3a) |
| O. Violation A. Health Safety Other | V | B. Section of Act | | C. Part/Section Title 30 CF | | | 75.333(| | , , , |
| Section IIInspector's Evaluat | ion | | | | | | - | | |
| Gravity: A. Injury or Illness (has) |) (is); | No Likelihood | Unlikely 🗍 | Reasor | nably Likely | v 🗀 Hi | ghly Llkely | Occurr | ed 🗌 |
| B. Injury or Illness could sonably be expected | rea- | No Lost Work | | Vorkdays Or F | | | | y Disabling 🔲 | Fatal [|
| C. Significant and Subs | | Yes 🗍 | No 🗌 | | | D. | Number of F | ersons Affected: | |
| 11. Negligence (check one |) | A. None | B. Low | C. Moderate | | D. High | Ε, | Reckless Disrega | rd 🗌 |
| 12. Type of Action | 104 (b |) | 13. Type of I | ssuance (che | ck one) | Citati | on 🗌 | Order 🗸 | Safeguard 🗌 |
| I 4. Initial Action A. Citation ✓ B. Ord | er 🗌 | C. Safeguard | D. Written Notice | E. Citati | on/ Number | 727 | 1390 | F. Dated | Mo Da Yr 11/14/2007 |
| l5. Area or Equipment | The | north mai | ns return | from st | oppin | ng 124 t | 129 | | |
| 6. Termination Due | A. Date | Mo Da Yr | B. Time (24 Hr. Cloci | k) | | | | | |
| Section IIITermination Action | n | | | | | | | | |
| 7. Action to Terminate | The | stoppings | were repa | ired. | | | | | |
| 8. Terminated A. Date | | 8. Time | (24 Hr. Clock) | 1040 | | | | | |
| Section IVAutomated Syster | n Data | | | | | | | | |
| Type of Inspection (activity code) | E01 | 20. Event Number | 4116771 | . 2 | 1. Primary | or Mill | | | |
| 22. Signature | | 1 | · | | | | 1 123. AR N | lumber aa | 502 |

MSHA Form 7000-3, ons of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration mbudsman 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 Citatio | n/Order | | 108 | U.S. Departm Mine Safety a | | ninistration | | RR 12-4-07 |
|--------------------------------|--|----------------------------|---------------------|------------------------------------|------------|-------------------------|--------------------|--------------|
| Section I-Violation | on Data | | | | | | | |
| 1. Date | Mo Da Yr 11/30/2007 | 2. Time (24 Hr. Clo 140 | | | | itation/ rder Number | 7272650 | |
| 4. Served To | 11,00,2001 | | | 5. Operator | | | | |
| Rick Nicola | u, Maint. Chief | | | 1 ' | NCE COAL C | COMPANY | | |
| 6. Mine | | | | 7. Mine ID | 6-08436 | | | |
| | BRANCH M | INE-SOUTH | | 4' | 0-06430 | | | (Contractor) |
| 8. Condition or | | | | | | | ı. Written Noti | |
| | inders (0: | | | ded to the we e Compressed | | | 3) Comp orage r | |
| | | | | | | | | |
| 9. Violation | A. Health ☐ Safety ✔ Other ☐ | B. Section of Act | | C. Part/Section of Title 30 CFR | | See Continuation F | orm (MSHA For | m 7000-3a) 🔲 |
| Section II-Inspec | tor's Evaluation | | | | | | | <u> </u> |
| 10. Gravity: A. Injury or i | lliness (has) (is): | No Likelihood | Unlikely 📝 | Reasonably Likel | y 🗌 Highi | ly Likely | Occurred | |
| | liness could rea- e expected to be: | No Lost Work | lays 🗸 Lost | Workdays Or Restricted | Duty 🗌 Pe | ermanently Disabl | ing 🗌 | Fatal 🗌 |
| C. Significa | nt and Substantial: | Yes 🗌 | No 🗸 | | D. Nu | imber of Persons | Affected: | 001 |
| 11. Negligence | (check one) | A. None | B. Low 🗸 | C. Moderate | D. High 🔲 | E. Reckles | ss Disregard (|] |
| 12. Type of Act | ion 104(a | 1) | 13. Type of | Issuance (check one) | Citation | ✓ Order [| | Safeguard [|
| 14. Initial Action A. Citation | | C. Safeguard | D. Written Notice | E. Citation/ Order Number | | F. | Dated | Mo Da Yr |
| 15. Area or Equ | uipment | | | | | | | |
| 16. Termination | Due A. Date | Mo Da Yr 11/30/2007 | B. Time (24 Hr. Clo | ck) 1600 | | | | |
| Section III-Term | ination Action | | | | | | | |

MSHA For the setablished 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.

Covers to the valves have now been provided.

1510

21. Primary or Mill

23. AR Number

24024

17. Action to Terminate

19. Type of inspection

(activity code)

A. Date

Section IV-Automated System Data

Mo Da Yr

11/30/2007

E01

20. Event Number

B. Time (24 Hr. Clock)

4116771

18. Terminated

22. Signa

| B 85 | A 11 - | 12 | ·~ |
|------|--------|-------|-------|
| Mine | Cita | tion. | /Orde |

| 12- | |
|-----|----|
| | ⋘》 |

| Mine Citati | on/Orde | r | Oð | lanlob | | U .S. Dep a Mine Safe | | | | ration | | • | |
|--------------------------------|---------------------------|-------------------------------|------------------------|--|-------------------------------------|---|--|--|--|-----------------|-------------|---------------|----------------------------------|
| Section IViolat | ion Data | anangan padagangan pananangan | | Vermon Million or an annual Mi | Mary acres & Series (1974 and 1975) | geneli (Military), najdiran ngangan (Military). | need the second second second | annous (11) agus an an aigigeach a suireach (14) a | - daniman and a state of the st | | | 1, | angkan kepanggalahana |
| 1. Date | Mo Da 11/30/2 | | 2. Time (24 Hr. 1 | Clock) 415 | | | | 3 | . Citation/ Order N | umber 72' | 72651 | | |
| 4. Served To | | | | | | 5. Operator | | | | | | | |
| Rick Nicola | au, Mair | t. Chie | e f | | - 1 | PERFOR | MAN(| CE COAL | COM | PANY | | | |
| 6. Mine | | , , - | | | | 7. Mine ID | AC | 00426 | | | | | |
| UPPER BI | G BRAI | NCH M | INE-SOUTH | | Ì | | 40- | 08436 | | | | (Contra | ctor) |
| 8. Condition or | Practice | | | | | | | | | 8a. W | /ritten Not | ice (103g) |) [|
| Th | e Hob | art | DC Welder | , S/N 86WSC | 899 | 8, loc | ated | in th | ie Mo | or Sho | pis | not | |
| connect | ions ated | are with | not provi in six (6 | e operating ded with pr) inches be | ote | ctive | cove | rs. Th | ese | two (2) | conn | | |
| 9. Violation | A. Healtr | | B. Section of Act | ······································ | | art/Section of le 30 CFR | ······································ | | | ntinuation Form | (MSHA Fo | orm 7000-3 | la) 🔲 |
| | Othe | | VI AG | | 1 110 | 16 00 OI IV | | | ,, | .502 | | | |
| Section II-Inspe | ctor's Evalu | ation | | | | | | | | | | | |
| 10. Gravity: | | | | | | | | | | | | | |
| A. Injury or | iliness (ha | ıs) (is): | No Likelihood [| Unlikely [| | Reasonably | Likely | ☑ H | ighly Likel | y 🗀 🗀 | Occurred | | |
| B. injury or sonably | iliness cor be expecte | | No Lost Wo | rkdays 🗌 Lost | Workda | ays Or Restr | icted Du | ity 🗸 | Permane | ntly Disabling | | Fatal 🗌 | |
| C. Significa | ant and Su | bstantial | Yes 🗹 | No 🗌 | | | | D. | Number | of Persons Affe | ected: | 001 | |
| 11. Negligence | e (check o | ne) | A. None 🗌 | B. Low | C. Mo | derate 🗹 | | D. High 🔲 | | E. Reckless D | Disregard | | |
| 12. Type of Ad | ction | 104 | (a) | 13. Type of | Issuan | ice (check oi | ne) | Citat | lon 🗸 | Order 🗌 | | Safegua | ard 🔲 |
| 14. Initial Action A. Citation | | | C. Safeguard | D. Written Notice [| | E. Citation/ Order Nu | nber | | | F. Dal | ied | Mo Da | Yr |
| 15. Area or Ed | luipment | | | | <u> </u> | | | | | | | | - |
| 16. Terminatio | n Due | A. Date | Mo Da Yr 11/30/2007 | B. Time (24 Hr. Cid | ck) | 1600 |) | | | | | | |
| Section III-Terr | nination Act | ion | | | | | | | | | | | |
| 17. Action to 7 | Ferminate | | The ele | ctrical cor | nec | tions | have | now l | oeen | provide | d wit | ch | |
| protect | ive c | cover | | | | · | | - | | • | | | |
| 18. Terminate | A. Date | 11/ | Da Yr 30/2007 B. Ti | me (24 Hr. Clock) | . 14 | 435 | | · · · · · · | | | | | |
| Section IVAuto | omated Syst | em Data | | | | | | | | | | | |
| 19. Type of In: | | E01 | 20. Event Num | oer 411677 | 1 | 21. P | rimary o | r Mill | | | | | |

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration In accordance with the provisions of the Small Business Regulatory Enforcement Patimess Act of 1996, the 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

24024

E01

(activity code)

22. Signatu

| Mine Citati | | | 8/08 | | partment of La fety and Healtl | abor h Administration |] | 3A-407 |
|---|--|----------------------|---------------------------------------|---------------------------------|-----------------------------------|------------------------------|----------------|---------------|
| Section I-Viola | | | ··· | | | | | |
| 1. Date | Mo Da Yr 11/30/2007 | 2. Time (24 Hr. | Clock) 555 | | | 3. Citation/ Order Number | 727265 | 2 |
| 4. Served To | | | | 5. Operate | or | | | |
| Rick Nicol | au, Maint. Chie | f | | PERFO | RMANCE CO | AL COMPAN | ď | |
| 6. Mine UPPER BI | G BRANCH M | INE-SOUTH | | 7. Mine IC | 46-0843 | 6 | | (Contractor) |
| 8. Condition o | | | | <u></u> | | | 8a. Written N | |
| not pro | ovided wit | h a fully | y charged fi | re extin. | guisher. | | | |
| Violation Section II-Insp O. Gravity: | A. Health ☐ Safety ✔ Other ☐ ector's Evaluation | B. Section of Act | | C. Part/Section Title 30 CFR | | See Continuat 77,1109(c) | ion Form (MSHA | Form 7000-3a) |
| • | r Iliness (has) (is): | No Likelihood | Unlikely 🗸 | Reasona | bly Likely | Highly Likely | Occurre | ed 🗌 |
| | iliness could rea- be expected to be: | No Lost Wo | orkdays 🗸 Lost | Workdays Or Re | stricted Duty | Permanently D | sabling [| Fatal 🗌 |
| C. Signific | ant and Substantial: | Yes 🗌 | No 🗸 | | | D. Number of Pers | ons Affected: | 001 |
| 11. Negligeno | e (check one) | A. None | B. Low 🗌 | C. Moderate | D. High | E. Re | ckless Disrega | d 🗌 |
| 12. Type of A | ction 104(| a) | 13. Type of | fissuance (check | one) C | Citation 🗹 On | der 🗌 | Safeguard [|
| 14. Initial Action | | C. Safeguard | D. Written Notice | E. Citation Order N | | | F. Dated | Mo Da Yr |
| 15. Area or Ed | on Due | Mo Da Yr | D Time (241) C | anta a s | | | | |
| | A. Date | 11/30/2007 | B. Time (24 Hr. Clo | xck) 16 | 30 | | | |
| Section III-Ten | | | · · · · · · · · · · · · · · · · · · · | | | | | |
| 17. Action to | Terminate | A fire | extinguishe | er has no | w been pr | covided to | the For | rklift. |

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Smell 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.

1600

21. Primary or Mill

23. AR Number

24024

4116771

B. Time (24 Hr. Clock)

Mo Da Yr

11/30/2007

E01

20. Event Number

18. Terminated

22. Signatu

19. Type of Inspection

(activity code)

A. Date

Section IV-Automated System Data

| Mine | Citati | on/Or | der |
|--------|--------|-------|-----|
| IVILIE | | | |

| RR | |
|-----|------|
| 12. | 4.07 |
| | |
| | 1// |

| Mine Citation/Order | 118/08 | U.S. Department of Labor Mine Safety and Health Adminis | tration |
|---|---|---|----------------------------------|
| Section IViolation Data | | | |
| 1. Date Mo Da Yr 11/30/2007 | 2. Time (24 Hr. Clock) 1600 | 3. Citation Order N | 1/1/033 |
| 4. Served To Rick Nicolau, Maint. Chie | f | 5. Operator PERFORMANCE COAL COM | PANY |
| 6. Mine UPPER BIG BRANCH M | IINE-SOUTH | 7. Mine ID 46-08436 | (Contractor) |
| 8. Condition or Practice | | | 8a. Written Notice (103g) |
| Caterpillar Fork is not provided | :lift, S/N 4EM04289, with a charged fire | xamination has not been located in the Supply H extinguisher when exami ed date of examination w | ouse. The Forklift ned (Cited on |

| | | | | | | | | | See C | ontinuation Fo | ım (MSHA I | Form 7000-3a) |
|---------------------------------|----------------------------|------------|-------------------|---------------|------------------|----------------------------|------------------|---------|--------------|----------------|-------------|---------------------------------------|
| 9. Violation | A. Health Safet Othe | y 🗸 | B. Section of Act | | | C. Part/Sect Title 30 C | | | 77. | 1606(a) | | |
| Section II-Inspe | ector's Evalu | ation | | | | | | | | | · | |
| 10. Gravity: | | | | | | | | | | _ | | _ |
| A. Injury or | | | No Likelih | 00d [| Unlikely 🗸 | Reaso | nably Likel | у 📙 | Highly Llk | | Occurre | d [] |
| B. Injury or sonably | iliness cou be expecte | | No Los | st Workdays [| ✓ Lost | Workdays Or | Restricted | Duty 🗌 | Permar | entiy Disabli | ng 🗌 | Fatal 🗌 |
| C. Significa | ant and Su | bstantial: | Yes | s No | 2 | | | | D. Number | of Persons / | Affected: | 001 |
| 11. Negligeno | e (check or | ne) | A. None |] B. L | ow 🗌 | C. Moderate | ✓ | D. High | | E. Reckies | s Disregare | i 🗌 |
| 12. Type of A | ction | 104(| a) | | 13. Type of | Issuance (che | ck one) | (| Citation 🗹 . | Order [| | Safeguard [|
| 14, Initial Action A. Citation | | rder 🗌 | C. Safegu | ard 🔲 D. W | /ritten Notice [| E. Cital | ion/ r Number | - | | F. 1 | Dated | Mo Da Yr |
| 16. Termination | on Due | A. Date | Mo Da 11/30/2 | 10 11 | me (24 Hr. Clo | ck) | [630 | T | | · | | |
| Section IIITerr | nination Act | on | 11/30/2 | .007 | | | | _ | | | | |
| 17. Action to | Terminate | | A re | cord ha | s now b | een mad | de of | an e | xamina | tion. | | |
| 18. Terminate | A. Date | 11/3 | Da Yr 30/2007 | B. Time (24 h | Hr. Clock) | 1605 | | | | | | |
| Section IV-Aut | | em Data | | | | | | | | | | · · · · · · · · · · · · · · · · · · · |
| 19. Type of In (activity co | | E01 | 20. Event | Number | 411677 | 1. | 21. Primar | or Mill | | | | |
| 22, Signatur | | | | | | | | | 23. | AR Number | 240 |)24 |

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

| Mine Citation/Orde | ٩r |
|--------------------|----|
|--------------------|----|

02/21/08

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

| RR | |
|-----|----|
| 11- | 29 |
| | |

| | | V - 1 - | mino carety and rically lattillinous allow | · • |
|-------------------------|------------------------|---|--|---------------------|
| Section IVi | olation Data | makandi jahan dasuungsaga ngagaman agaga anda maha hasa sa | | <u> </u> |
| 1. Date | Mo Da Yr 11/28/2007 | 2. Time (24 Hr. Clock) 0845 | 3. Citation/ Order Number 727 | 8708 |
| 4. Served To | | | 5. Operator | |
| Mike Kiblinger, Foreman | | | PERFORMANCE COAL COMPANY. | |
| 6. Mine | | | 7. Mine ID 46-08436 | |
| UPPER 1 | BIG BRANCH N | IINE-SOUTH | 40-00430 | (Contractor) |
| 8. Conditio | n or Practice | | 8a. W | itten Notice (103g) |

The roof, face and ribs of areas where persons work or travel shall be supported or otherwise controlled to protect persons from hazards related to falls of the roof, face or ribs and coal or rock bursts. The operator has a kittle bottom measuring 16 inches by 16 inches in the primary escapeway outby #39 break that's not supported or otherwise controlled to protect persons from hazards related to fall of the kittle bottom.

| | | | | | | See (| Continuation Form (M | SHA Form 7000-3a) |
|--|-------------|-----------------------|---------------------|-----------------------------------|----------------|--|----------------------|-------------------|
| 9. Violation A. Heal Safe Oth | ty 🔽 | Section of Act | | C. Part/Section o Title 30 CFR | | 75 | 5.202(a) | |
| Section II-Inspector's Eva | luation | | | | | | | |
| 10. Gravity: | | | | | | | | |
| A. injury or lilness (| | Likelihood 🗌 | Unlikely 🗌 | Reasonably | Likely 🔽 | Highly Llk | ely 🗌 Oc | curred _ |
| B. Injury of illness of sonably be expense. | | No Lost Work | days 🗌 🛮 Lost V | Vorkdays Or Restri | cted Duty 🗹 | Permar | ently Disabling | Fatal |
| C. Significant and S | ubstantial: | Yes 🔽 | No 🗌 | | | D. Numbe | r of Persons Affec | ted: 001 |
| 11. Negligence (check | one) A. | None 🗌 | B. Low | C. Moderate 🔽 | D. High | | E. Reckless Dis | regard 🗌 |
| 12. Type of Action | 104(a) | | 13, Type of | Issuance (check o | ne) | Citation 🗸 | Order _ | Safeguard 🗌 |
| 14. Initial Action A. Citation B. C | Order C. | Safeguard [| D. Written Notice | E. Citation/ Order Nu | nber | <u> </u> | F. Dated | Mo Da Yr |
| 15. Area or Equipment | | | | | | | _ | |
| 16. Termination Due | A Data | Mo Da Yr 1/29/2007 | B. Time (24 Hr. Clo | ock) 0700 | | | | |
| Section IIITermination A | tion | | | | | | | |
| 17. Action to Terminat | 3 | | ' | | | | | |
| 18. Terminated A. Da | Mo Da te | Yr B. Tim | e (24 Hr. Clock | | | - | | |
| Section IVAutomated Sy | stem Data | | | | | * · · · · · · · · · · · · · · · · · · · | | |
| 19. Type of Inspection (activity code) | E01 | 0. Event Numbe | er 411677 | 1 21. P | rimary or Mill | | | |
| 22. Signati | | | | | | 23. | AR Number | 24320 |

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Mine Citation/Order Continuation

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

| 12-10-0. | |
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| Section ISubsequent Action/Continuation Data | | <i>Districted</i> | | |
|--|--|-------------------|--|--|
| 1. Subsequent Action 1a. Continuation 2. Dated Mo Da (Original Issue) 11/28/20 | Yr 3. Citation/ 007 Order Number 7278708 - 01 | | | |
| 4. Served To | 5. Operator | | | |
| Rick Hodge; Superintendant | PERFORMANCE COAL COMPANY | | | |
| 6. Mine UPPER BIG BRANCH MINE-SOUTH | 7. Mine ID (Contractor) 46-08436 | | | |
| Section IIJustification for Action | | weda. | | |

The kettle bottom was supported and controlled with a wooden timber.

| | | of the state of th | 2007010-00-00 | an ang ang Alla Salatah (Ang ata paramanananan ang ang Alla Antaon, at abit an antaon a | | | | See Continuation Form |
|-------------------|------------|--|---------------|---|----------|--------------|---|--|
| Section III-Subse | | ก | | | | | | |
| 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 Inspe | ection E01 | | 10. E | vent Number 4116771 | | | deligner processing is the set of the common of the second section of the section | en en en en en en en en en en en en en e |
| 11 | | | | AR Number | 12. Date | Mo Da Yr | 13. Time (24 Hr. Cl | ock) |
| 1 | | | | 24329 | | 12/07/2007 | 0830 | |

Mine Citation/Order

02/27/08

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

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| Section IViolation D | Pata | | | | | | | | |
|--|---------------------------------------|--------------------|--------------------------|--------------------------|---------------------|---------------------------------------|---------------------------------------|----------------------|--|
| 1. Date M | to Da Yr | 2. Time (24 Hr. Cl | ock) | | | 3. Citation/ | 707970 | 0 | |
| | /30/2007 | 105 | 0 | | | Order Number | 727870 | 9 | |
| 4. Served To | | | | | 5. Operator | | | | |
| Jason Whitehe | ead, Vice Pre | esident | | PERFOR | MANCE COA | L COMPANY | <u> </u> | | |
| 6. Mine UPPER BIG E | BRANCH M | NE-SOUTH | | 7. Mine ID | 46-08436 | 5 | | (Contractor) | |
| 8. Condition or Pr | actice | | | | | | 8a. Written N | otice (103g) | |
| M | lobile an | nd station | ary machine | ry and e | quipment | shall be | maintai | ned in | |
| safe oper | cating co | ondition. | The #3 Nort | h Main b | elt from | #130 cros | scut to | #93 | |
| crosscut | has 14 t | top belt r | ollers and | 12 botto | m belt ro | llers stu | ıck or d | amaged. | |
| The opera | tor tool | k the belt | out of ser | vice. | | | | | |
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| | | | | | | | | | |
| | | | · | | | See Continuation | on Form (MSHA F | om 7000-3a) | |
| 9. Violation A. | Health [| B. Section |] (| C. Part/Section of | of | ac 100c/ | ` | | |
| ļ | Safety 🗸 Other | of Act | Ì | Title 30 CFR | | 75.1725(2 | 1) | | |
| Section IIInspector's | | | <u></u> | | | | | | |
| 10. Gravity: | | | | | | | | | |
| A. Injury or Illne | ess (has) (is): | No Likelihood | Unlikely 🔲 | Reasonably | Likely 🗸 I | Highly Likely | Occurre | d 🔲 | |
| B. Injury or illne | ess could rea- expected to be: | No Lost Workd | avs D Lost Wo | rkdays Or Restr | icted Duty 🗸 | Permanently Dis | sabling 🗍 | Fatal | |
| | | | | | | | | | |
| C. Significant a | and Substantial: | Yes 🗸 | No 🗌 | | ' | D. Number of Pers | ons Allecieu. | 001 | |
| 11. Negligence (cl | heck one) | A. None 🗌 | B. Low C. | Moderate 🗸 | D. High | E. Rec | kless Disregard | | |
| 12. Type of Action | 104(a | 1) | 13. Type of Is | suance (check | one) Cit | ation 🗸 Ord | ler 🗌 | Safeguard 🗌 | |
| 14. Initial Action A. Citation | B. Order | C. Safeguard | D. Written Notice | E. Citation/ Order Nu | mber · | | F. Dated | Mo Da Yr | |
| 15. Area or Equip | ment | | | , | | | <u> </u> | | |
| | | | • | | | | | | |
| | | | | | | | | | |
| | | | | | | · · · · · · · · · · · · · · · · · · · | | | |
| 16. Termination D | A. Date | Mo Da Yr | B. Time (24 Hr. Clock | 1500 | , | | | | |
| 2 0 10 2 11 0 | | 11/30/2007 | <u> </u> | | <u></u> | | | | |
| Section IIITerminati | · · · · · · · · · · · · · · · · · · · | | | | | | | | |
| 17. Action to Term | ninate | The oper | ator took o | ut or re | placed the | ne stuck o | or damag | ed belt | |
| rollers. | | | | | | | | | |
| | | | | | | | · | | |
| 18. Terminated | Date | 0/2007 B. Time | (24 Hr. Clock | 1445 | | | | | |
| Section IVAutomate | | | | | | , | | | |
| 19. Type of Inspectation (activity code) | ction E01 | 20. Event Number | 4116771 | 21. F | rimary or Mill | | · · · · · · · · · · · · · · · · · · · | | |
| 22. Signature | | | | | | 23. AR Num | ber 243 | 20 | |
| MSHA Form 7000-3, | Mar 85 (revised) | In accordance with | the provisions of the Sm | all Business Regul | atory Enforcement E | aimess Act of 1996. | he Small Busines | s Administration has | |

MSHA Form 7000-3, Mar 85 (revised) In a cordance 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 IViolation Data | · | | | | |
|---|--|--|--|--|--|
| 1. Date Mo Da Yr 2. Time (24 Hr. Clock) 11/30/2007 1500 | 3. Citation/ Order Number 7278710 | | | | |
| 4. Served To | 5. Operator | | | | |
| Jason Whitehead, Vice President | PERFORMANCE COAL COMPANY | | | | |
| 5, Mine | 7. Mine ID 46-08436 (Centractor) | | | | |
| UPPER BIG BRANCH MINE-SOUTH | (Contractor) | | | | |
| 3. Condition or Practice | 8a. Written Notice (103g) | | | | |
| At least once during each shif | t, or more often if necessary for | | | | |
| safety, a certified person designated b | y the operator shall conduct an on- | | | | |
| shift examination of each section where | anyone is assigned to work during the | | | | |
| shift and any area where mechanized min | | | | | |
| removed during the shift. The certified | | | | | |
| for hazardous conditions, test for meth | | | | | |
| | roper direction. The #3 North Main belt | | | | |
| from #130 crosscut to #93 crosscut had | | | | | |
| | 3 | | | | |
| stuck or damaged that was not recorded | in the on-shift book. | | | | |
| | | | | | |
| | | | | | |
| | 0 . 0 . 1 | | | | |
| | See Continuation Form (MSHA Form 7000-3a) | | | | |
| | art/Section of tie 30 CFR 75.362(a)(1) | | | | |
| Other | 75.502(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 Lost Workday | ays 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. Mo | derate 🗸 D. High 🗌 E, Reckless Disregard 🗍 | | | | |
| 12. Type of Action 104(a) 13. Type of Issua | nce (check one) Citation 🗹 Order 🗌 Safeguard 🗌 | | | | |
| 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 | | | | | |
| o, rues of Edulphiant | | | | | |
| | | | | | |
| | | | | | |
| 16. Termination Due A Date Mo Da Yr | 0000 | | | | |
| A. Date 12/01/2007 B. Time (24 Hr. Clock) | 0800 | | | | |
| Section III-Termination Action | | | | | |
| 17. Action to Terminate | | | | | |
| • | | | | | |
| | | | | | |
| 18. Terminated MoDa Yr | | | | | |
| A. Date B. Time (24 Hr. Clock | | | | | |
| Section IVAutomated System Data | | | | | |
| 19. Type of Inspection 20. Event Number | 21. Primary or Mill | | | | |
| (activity code) E01 4116//1 | | | | | |
| 22. Signatu | 23, AR Number 24220 | | | | |

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

| Mine | Citation/Order |
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| Conti | nuation |

Section II--Justification for Action

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

| 12- | 10-07 |
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| | 11. |

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|----------------------|--------------------------|------------------------------|--------------------|------------|------------------------------|--------------|--------------|--|
| Section I-Subsequent | Action/Continuation Data | | | | | | | |
| 1. Subsequent Actio | on 1a. Continuation | 2. Dated (Original Issue) | Mo Da I 1/30/20 | • • • | 3. Citation/ Order Number | 7278710 - 01 | | |
| 4. Served To | | | | 5. Operat | or | | | |
| Rick Hodge; Su | perintendant | | | PERFO | RMANCE CO. | AL COMPANY | | |
| 6. Mine | | | · | 7. Mine II | 16.0040 | | (Contractor) | |
| IPPER RIGER | ANCH MINE-SOI | ITH | | J | 46-0843 | 6 | | |

The area was pre-shifted and pre-shift examiners were re-instructed on examination of belt conveyors.

| | | | | | See Continuation Form | |
|-------------------------------------|---------------|---|--|---|---------------------------|---|
| Section IIISubsequent Action Taken | | | | | | taments. |
| 8. Extended To A. Date Mo Da | Yr B. Time | (24 Hr. Glock) | | ☐ C. Vacated | D. Terminated E. Modified | |
| Section IVInspection Data | | and employing promisely programme to the programme or section | a particulari di Agrico (1966) di Primari periodi di Admini di Agrico di Africa di Agrico (1966) di Agrico (19 | an Markaga at anna an an an an an an an an an an an a | | *************************************** |
| 9. Type of inspection E01 | 10. Event Nun | iber 4116771 | | | | and and and |
| 11. Signatu | | AR Number | 12. Date | Mo Da Yr | 13. Time (24 Hr. Clock) | |
| | | 24329 | | 12/07/2007 | 1021 | |
| MSHA Form Food Ga, max on (revised) | | | | | | |

| M | line | Cita | tion | /O | rder |
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02/21/08

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

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| Section IViolat | ion Data | | | | | | | | | | | | | |
|--|---------------------------|-----------|-------------------|-----------|---------------------|---------|--------------------------|---|--------------|------------------|------------------|--------------|---------|--------------|
| 1. Date | Mo Da 12/04/2 | | 2. Time (| 24 Hr. Cl | | | | | | 3. Citat Orde | ion/ r Number | 72787 | 711 | |
| 4. Served To | | | | | | | 5. Operator | · | | | | | | |
| Jamie Ferg | uson, M | ine For | eman | | | | PERFOR | MAN | CE CO | AL CO | MPAN | ď | | |
| 6. Mine UPPER BI | G BRAN | ICH M | INE-SOL | TH | | | 7. Mine ID | 46- | -0843 | 6 | | | 7 | (Contractor) |
| 8. Condition o | | · CII IVI | IIID DOC | 111 | | | l | | , | | | 8a. Writte | | |
| | | pers | on con | duct | ing the on | -sh | ift ex | amin | atio | n in | helt | | | |
| shall o | | | | | date, and | | | | | | | | | |
| certifi | | | | | | | .1110 01101 | C C, | IC CA | C11(1,11C | | 1100 1110 | | |
| | - | | | | time at e | יוחחי | ah loc | atio | na t | o sho | w tha | at the | ent | ire- |
| | | | | | e date boa | | | | | | | | | |
| | | | | | and time | | | | | | | | | |
| | 0 4 | | _u_, u | acc, | and cinc | | . 12, 01 | 200 | , , , | | | | | |
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| | | | | | | | | | | | | | 13 Fa | 7000 001 |
| O Malatta a | A 11-11 | . 🗇 🕕 | D 0.4% | | | 100 | | <u>, </u> | | See | Continuati | on Form (MSI | IA Form | 17000-3a) |
| 9. Violation | A. Health Safety | | B. Section of Act | | | | art/Section o | Ť | | 75 | .362(g)(| (1) | | |
| | Othe | | 011101 | | | ļ '' | INC OO OI IX | | | 13 | .502(8) | (1) | | |
| Section II-Inspe | ctor's Evalu | ation | | | | <u></u> | | | | | | | | |
| 10. Gravity: | | | | | | | | | | | | | | |
| A. Injury or | r Illness (h | as) (is): | No Likelih | ood 🗌 | Unlikely 🗸 | | Reasonably | Likely | | Highly Li | kely 🗌 | Occu | ırred |] |
| B. Injury or sonably | r illness co be expect | | No Los | t Workd | ays Lost V | Vorkda | ays Or Restri | cted Du | ity 🗸 | Perma | nently Di | sabling 🗌 | Fe | ntal 🗍 |
| C. Significa | ant and Su | bstantia | : Yes | ; [] | No 🗹 | • | | | | D. Numb | er of Per | sons Affecte | d: / | 001 |
| 11. Negligenc | e (check o | ne) | A. None |] | B. Low 🗌 | C. Mc | oderate 🔽 | - 1 | D. High | | E. Rec | kiess Disreg | ard [|] |
| 12. Type of A | ction | 104(| a) | | 13. Type of | fissua | ince (check o | one) | С | itation 🗸 | Ord | der 🗌 | | Safeguard 🗌 |
| Initial Action Citation | | der 🔲 | C. Safegua | ard 📋 | D. Written Notice [| _ | E. Citation/ Order Nu | mber | | | | F. Dated | ٨ | Mo Da Yr |
| 15. Area or Ed | guioment | | ········ | | | <u></u> | | | | | | | | |
| | 4 | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| 16. Termination | on Due | A. Date | Mo Da | | B. Time (24 Hr. Clo | ick) | 0700 | , | ĺ | | | | | |
| | ~ , | | 12/05/2 | 007 | | | 0700 | | <u> </u> | | | | | <u></u> |
| Section IIITern | | on | | | | | | | | | , | | | |
| 17. Action to 1 | Terminate | | | | • | | - | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| 18. Terminate | d A. Date | Мо | Da Yr | D Time | /OA Ha Cloak | | | | | | | | | |
| | A. Date | , | | o. Hilk | (24 Hr. Clock | | | | | | | | | |
| Section IVAuto | | em Data | | | | | | | | | | | | |
| 19. Type of In (activity co | | E01 | 20. Even | Numbe | 411677 | 1 | 21. P | rimary o | or Mill | | | _ | | |
| 22. Signature | | | | | | | | | <u>-</u> | 23 | . AR Num | iber 2 | 24320 | |
| | | | | | | | | | | | | | | |

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

| Mine Citation/Order |
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| Continuation |

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) | Мо 12/04 | Da Yr 1/2007 | 3 | 3. Citation/ Order Number 7278711 - 01 | |
| 4. Served To | | - | 5. Op | erato | r | |
| Jamie Ferguson, Mine Foreman | _ | | PER | FOR | RMANCE COAL COMPANY | |
| 6. Mine | | | 7. Mir | ie ID | 16.00406 | (Contractor) |
| UPPER BIG BRANCH MINE-SOU | TH | | | | 46-08436 | |
| Section II-Justification for Action | | | Constitution of Constitution o | *************************************** | | |

The operator has initials, date and time at the #7 belt tailpiece. The operator also spoke with all the examiner about doing a proper examination.

| | 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 IVInspection Data | |
| 9. Type of Inspection E01 10. Event Number 4116771 | |
| 11. Signatu AR Number 12, Date M | vlo Da Yr 13. Time (24 Hr. Clock) |
| 24320 | 12/12/2007 1505 |

| Mine Citation/Ord |
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02/27/08

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

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| Section I-Violat | ion Data | | | | | | | | *************************************** | tamen-ningapining | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | | | Andrews and the second |
|---|--------------------------------------|------------------|---------------------|--------------------|---------|-------------------------|----------|-----------|---|-----------------------|--|-------------|----------|---|
| 1. Date | Mo Da Yr 12/04/2007 | 2. Time (| 24 Hr. Cloc 1005 | k) | | | | | | Citation/ Order Nu | ımber | 7278 | 712 | |
| 4. Served To | | | | | 5 | . Operator | | , , | | | | | | |
| Jamie Ferg | uson, Mine F | oreman | _ | | F | ERFOR | MAN | CE C | OAL (| COMP | ANY | | | |
| 6. Mine | | 1 | | | 7 | Mine ID | 16 | -084 | 36 | | | | | |
| | G BRANCH | MINE-SOU | JTH | | | | 40. | -004 | <i>3</i> 0 | | | | | (Contractor) |
| 8. Condition o | r Practice | | | | | | | | | | | 8a. Writte | en Notic | e (103g) |
| | | | | ed accumu | | | | | | | | | ose | coal |
| to accu | mulate s | tarting | rat t | he #4 bel | t ta | ilpie | ce f | for | l br | eak | out | by. | | |
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| | | | | | | | | | | | | | | • |
| | | | | | | | | | | See Cor | tinuatio | n Form (MS | HA Forn | n 7000-3a) |
| 9. Violation | A. Health | B. Section | | | C. Par | /Section o | f | | | | | | | |
| | Safety 🗸 | of Act | | | | 30 CFR | • | | | 75. | 400 | | | |
| | Other 🗌 | | | | | | | | | | | | | |
| | ector's Evaluation | | | | | | | | | · | | | | <u> </u> |
| 10. Gravity: | . 10 0> 0- | | | | _ | | | | | | | Α. | | - -1 |
| | r Iliness (has) (is | - | 00d 📋 | Unlikely 🗸 | R | easonably | Likely | | High | ly Likely | <u>' </u> | Occ | urred [| <u></u> |
| | r illness could re be expected to | | t Workday | /s Lost V | /orkday | s Or Restri | cted Du | uty 🗹 | Pe | rmaner | tly Dis | abling 🔲 | F | atal 🗌 |
| C. Significa | ant and Substan | tial: Ye | s 🗌 📑 | No 🗸 | | | | | D. N | umber c | f Perso | ons Affect | ed: | 001 |
| 11. Negligenc | e (check опе) | A. None [| E | 3. Low 🗌 | C. Mode | erate 🗸 | | D. High | ı 🗌 | E | . Reck | less Disre | gard [| <u> </u> |
| 12. Type of A | ction 10 | 4(a) | | 13. Type of | Issuand | ce (check o | one) | | Citation | V | Orde | er 🗌 | | Safeguard 🗌 |
| 14. Initial Action A. Citation | | ☐ C. Safegu | ard □ D | . Written Notice | - 1 - | . Citation/ Order Nu | mber | | | | | F. Dated | ! | Mo Da Yr |
| 15. Area or Ed | | | | | | | | | | | | | | |
| 10. Aleg of L | dolbineir | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| 16. Termination | on Due A. Da | Mo Da 12/04/2 | | . Time (24 Hr. Clo | ck) | 1500 |) | | | | | | | |
| Section III-Tern | nination Action | | | | | - ; - | | | - | | | | | |
| 17. Action to | Terminate | | | | | · | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| 40 T | | do Do Va | | | | | ı | | | - | | | | |
| 18. Terminate | A. Date | MoDa Yr | B. Time (| 24 Hr. Clock | | | | | | | | | | |
| Continuit A | mated System Da | | <u> </u> | | | | <u> </u> | | | | | | | |
| | | | 4 Alumahan | | · | 104.5 | | a - 8 410 | | | <u> </u> | | | · · · · · · · · · · · · · · · · · · · |
| 19. Type of In (activity co | |)1 ZU. Ever | t Number | 411677 | 1 | 21. P | 'rìmary | OF WIII | | | | | | |
| 22. Signatur | | | | | | | | | | 23. AF | R Numl | er | 24320 | |

MSHA Form 7000-3, Mar 85 (revised)

Caccordance 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 |
|-------|----------------|
| Conti | nuation |

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

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| 12-1 | 0-07 |
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| Section ISubsequent Action/Continuation Data | | | na ferila ya m <u>u</u> nife ni mpaji ili na lagi | | | | | |
|--|------------------------------|------|---|--|--------------|--------------|--|--|
| Subsequent Action 1a. Continuation | 2. Dated (Original Issue) | Mo D | a Yr 2007 | 3. Citation/ Order Number | 7278712 - 01 | | | |
| 4. Served To | | | 5. Opera | tor | | | | |
| Rick Hodge; Superintendant | | | PERFO | PERFORMANCE COAL COMPANY | | | | |
| 6. Mine | | | 7. Mine I | D 46 00 42 | | (Contractor) | | |
| UPPER BIG BRANCH MINE-SOUTH | | | | 46-0843 | 6 | | | |
| Section IIJustification for Action | | | | en francourant Marie en 19 marie 19 mar | | | | |

The accumulations at the tail piece including one break outby have been cleaned and the area was rock dusted.

| Northware Contacts and Contact | and the second second | | | a alitäkkonominina (m. 1800) | | See Continuation Form |
|--|---|--|---|--|------------------------------|-----------------------|
| Section IIISubsequent Action Taken | | | | | | |
| 8. Extended To A. Date Mo Da | Yr L | B. Time (24 Hr. Clock) | | C. Vacated | ✓ D. Terminated | E. Modified |
| Section IV-Inspection Data | articles are a series of the section of | ikki kanamining dinambipat kanamanging manamangi manambig pi manamangi manaman ng pinambi manambig m | V) (100 a 200 a | | | |
| 9. Type of Inspection E01 | 10. Eve | ent Number 4116771 | iii adam an ii Soommaa (ii ii aa ii aa ii aa ii aa ii aa ii aa ii aa ii aa ii aa ii aa ii aa ii aa ii aa ii aa | and the second second second second second second second second second second second second second second second | | |
| 11. Signat | | AR Number 24329 | 12. Date | Mo Da Yr 12/06/2007 | 13. Time (24 Hr. Clo 1120 | ock) |
| MSHA Form 7000-3a, Mar 85 (revised) | | | | | | |

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| Mine Cita | ation/Order | pal anlow | U.S. Department of Labor Mine Safety and Health Administration | | | | | |
|-----------------------------|------------------------|--------------------------------|--|------------------------------|--|--|--|--|
| Section IVi | olation Data | | | | | | | |
| 1. Date | Mo Da Yr 12/05/2007 | 2. Time (24 Hr. Clock) 0840 | | 3. Citation/ Order Number | 7278713 | | | |
| 4. Served | Го | | 5. Operator | | | | | |
| Jamie Fe | erguson, Mine Fo | reman | PERFORMANC | E COAL COMPANY | | | | |
| 6. Mine | | | 7. Mine ID 46.0 | 19426 | ······································ | | | |
| UPPER BIG BRANCH MINE-SOUTH | | | 7. Mine ID 46-08436 (Cor | | | | | |
| 8. Conditio | n or Practice | | | | 8a. Written Notice (103g) | | | |
| or eq | Each escap uivalent | eway shall be provid | led with a cont | inuous direct | ional lifeline | | | |

device that shall be installed and maintained throughout the entire length of escapeway. The alternate escapeway lifeline on the #2 LBB section (MMU 040 and 041) was approximately 411 feet from the section loading point.

| | | See Continuation Form (MSHA Form 7000-3a) |
|---|------------------------------------|---|
| 9. Violation A. Health ☐ B. Section of Act Other ☐ | C. Part/Section of Title 30 CFR | 75.380(d)(7) |
| 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 Or Restricted Dut | y 🗌 Permanentiy Disabling 🗹 Fatal 🗌 |
| C. Significant and Substantial: Yes ☑ No ☐ | | D. Number of Persons Affected: 010 |
| 11. Negligence (check one) A. None B. Low | C. Moderate 🗹 D | . High E. Reckless Disregard |
| 12. Type of Action 104(a) 13. Type of | f issuance (check one) | Citation ☑ Order ☐ Safeguard ☐ |
| 14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice | E. Citation/ Order Number | F. Dated Mo Da Yr |
| 15. Area or Equipment | · | |
| 16. Termination Due A. Date Mo Da Yr 12/05/2007 B. Time (24 Hr. Cl | ock) 0940 | |
| Section IIITermination Action | | |
| 17. Action to Terminate The alternate escar | pewav lifeline | was hung to the section |
| loading point. | . 4 | |
| 18. Terminated A. Date Mo Da Yr 12/05/2007 B. Time (24 Hr. Clock | 0940 | |
| Section IVAutomated System Data | | |
| 19. Type of inspection (activity code) E01 20. Event Number 41 1677 | 1 21. Primary o | r Mill |
| 22. Signatu | | 23. AR Number 24320 |

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-784-3247), 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 IViolation Data | |
| 1. Date Mo Da Yr 2. Time (24 Hr. Clock) 12/12/2007 0700 | 3. Citation/ Order Number 7278714 |
| 4. Served To | 5. Operator |
| Rick Hodge, Superintendent | PERFORMANCE COAL COMPANY |
| 6. Mine UPPER BIG BRANCH MINE-SOUTH | 7. Mine ID 46-08436 (Contractor) |
| B. Condition or Practice | 8a. Written Notice (103g) |
| The operator failed to record in | the book designated for the weekly |
| examination of the seals, the examinati | on for the week ending 11-24-2007. |
| | |
| | See Continuation Form (MSHA Form 7000-3a) |
| | ert/Section of tie 30 CFR 75.364(h) |
| 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 | ays 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. Mo | derate ☑ D. High ☐ E. Reckless Disregard ☐ |
| 12. Type of Action $104(a)$ 13. Type of Issue | nce (check one) Citation 🗸 Order 🗌 Safeguard 🗌 |
| 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 12/12/2007 B. Time (24 Hr. Clock) | 0730 |
| Section IIITermination Action | |
| 17. Action to Terminate Another examination ha | as been conducted and recorded. |
| 18. Terminated A. Date Mo Da Yr 12/12/2007 B. Time (24 Hr. Clock (| 705 |
| Section IVAutomated System Data | |
| 19. Type of Inspection (activity code) E01 20. Event Number 4116771 | 21. Primary or Mili |
| 22. Signature | 23. AR Number 24320 |

MSHA Form 70t 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 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.

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

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| Section IVi | olation Data | от от при при на при на при на при на при на при на при на при на при на при на при на при на при на при на пр На при на пр | need and the second second second second second second second second second second second second second second | | | |
| 1. Date | Mo Da Yr 12/12/2007 | 2. Time (24 Hr. Clock) 0900 | | 3. Citation/ Order Number | 7278715 | |
| 4. Served | То | | 5. Operator | | | |
| Rick Ho | dge, Superintende | ent | PERFORMANCE CO. | AL COMPANY | · | |
| 6. Mine UPPER | BIG BRANCH M | INE-SOUTH | 7. Mine ID 46-0843 | 6 | (Contractor) | |
| 8. Conditio | n or Practice | | | | 8a. Written Notice (103g) | |
| 224 F1 | | tor failed to conduct days (11-09-2007 th | | | | |
| and bi | E-00 FOT 50 | / UAYS (III-UJ-ZUU/ LI | 17 Oudii 17-23-2001) | . AL LEADL | GACTA (Mahai | |

The operator failed to conduct an examination at EP-52, EP-53, EP-54, and EP-58 for 20 days (11-09-2007 through 11-29-2007). At least every 7 days, a certified person shall examine unsealed worked-out areas where no pillars have been recovered by traveling to the area of deepest penetration; measuring methane and oxygen concentrations and air quantities and making tests to determine if the air is moving in the proper direction in the area. The locations of measurement points where tests and measurements will be performed shall be included in the mine ventilation plan and shall be adequate in number and location to assure ventilation and air quality in the area. Air quantity measurements shall also be made where the air enters and leaves the worked-out area.

| area. | | | |
|---|------------------------------------|--------------------------------|---------------|
| | | See Continuation Form (MSHA) | Form 7000-3a) |
| 9. Violation A. Health B. Section Safety V of Act Other | C. Part/Section of Title 30 CFR | 75.364(f)(2) | |
| Section IIInspector's Evaluation | | | |
| 10. Gravity: | Described that | Highly Likely 🗀 Occurre | .a . |
| A, injury or Illness (has) (is): No Likelihood Unlikely | Reasonably Likely | Highly Likely Occurre | <u> </u> |
| B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost V | Workdays Or Restricted Duty 🔽 | Permanently Disabling | Fatal 🗌 |
| C. Significant and Substantial: Yes ☐ No ✓ | | D. Number of Persons Affected: | 025 |
| 11. Negligence (check one) A. None B. Low B. | C. Moderate D. High | E. Reckless Disregar | d 🗌 |
| 12. Type of Action 104(a) 13. Type o | f Issuance (check one) | Citation 🗹 Order 🗌 | Safeguard 🗌 |
| 14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice [| E. Citation/ Order Number | F. Dated | Mo Da Yr |
| 15. Area or Equipment | | | |
| | | | |
| 16. Termination Due A. Date Mo Da Yr 12/12/2007 B. Time (24 Hr. Cle | ock) 1000 | | |
| Section IIITermination Action | | | |
| 17. Action to Terminate A weekly examination | on has been condu | icted since 11-29-2 | 2007. |
| 18. Terminated A. Date Mo Da Yr 12/12/2007 B. Time (24 Hr. Clock | 0945 | | |
| Section IVAutomated System Data | | | |
| 19. Type of Inspection (activity code) E01 20. Event Number 411677 | 1 21. Primary or Mill | | |
| 22. Signature | | 23. AR Number 243 | 320 |

MSHA Form 700 so, more 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.

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

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| on IViolation Data | · |
|---|---|
| Date Mo Da Yr 2. Time (24 Hr. Clock) 12/14/2007 1550 | 3. Citation/ Order Number 7278716 |
| Served To | 5. Operator |
| Mike Vaught, Safety Director | PERFORMANCE COAL COMPANY |
| 6. Mine | 7. Mine ID 46-08436 |
| UPPER BIG BRANCH MINE-SOUTH | (Contractor) |
| 8. Condition or Practice | 8a. Written Notice (103g) |
| The operator failed to provide | an 5000-23 for the following people when |
| ask by MSHA. task train | |
| _ | nce form, task training |
| <u> </u> | · |
| | training form, experience |
| form, experience form, | |
| | aining form, experience |
| form. Upon a miner's completion of eac | h MSHA approved training program, the |
| operator shall record and certify on M | SHA form 5000-23 that the miner has |
| received the specified training. A co | py of the training certificate shall be |
| given to the miner at the completion o | |
| | vailable at the mine site for inspection |
| | • |
| by MSHA and for examination by the min | See Continuation Form (MSHA Form 7000-3a) |
| 9. Violation A. Health B. Section C. | Part/Section of |
| | Title 30 CFR 48.9(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 Work | days Or Restricted Duty Permanently Disabling Fatal |
| C. Significant and Substantial: Yes ☐ No ☑ | D. Number of Persons Affected: 010 |
| 11. Negligence (check one) A. None B. Low C. M. | floderate ☑ D. High ☐ E. Reckless Disregard ☐ |
| 12. Type of Action 104(a) 13. Type of Issu | uance (check one) Citation 🗹 Order 🗌 Safeguard 🗌 |
| 14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice | E. Citation/ Order Number F. Dated Mo Da Yr |
| 15, Area or Equipment | |
| To Thou of Equipmont | |
| 16. Termination Due A. Date Mo Da Yr 12/17/2007 B. Time (24 Hr. Clock) | 1500 |
| 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 4116771 | 21. Primary or Mill |
| 22. Signature | 23. AR Number 24320 |
| | |

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

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| tion I-Subsequent Action/Continuation Data | | | | | | |
|--|------------------------------|-------------|--|------------------------------|------------|--------------|
| . Subsequent Action 1a. Continuation | 2. Dated (Original Issue) | Mo 12/14 | Da Yr 1/2007 | 3. Citation/ Order Number | 7278716 | |
| 4. Served To | <u> </u> | | 5. Opera | ntor | | |
| Mike Vaught, Safety Director | | | PERF | DRMANCE CO | AL COMPANY | <i></i> |
| 6. Mine | | | 7. Mine | D | | (Contractor) |
| UPPER BIG BRANCH MINE-SOU | JTH | | | 46-0843 | 6 | |
| Section IIJustification for Action | | | Annual Control of the | | | |

Continuation of 8. Condition or Practice

miner's representative, and State inspection agencies. When a miner leaves the operator's employ, the miner shall be entitled to a copy of his training certificates.

| Section IIISubsequent Action Taken | | | | | ą lientos sa lientos sa propinsional sa prop | and the same of th | | See Continuation Form |
|---|-------|-------------|--------------------|--|---|--|-----------------------------|-----------------------|
| 8. Extended To A. Date Mo Da | Ϋ́r | B. Time (24 | Hr. Clock) | eninateria (de grande de de grande de gr | ☐ c. | Vacated | D. Terminated | E. Modified |
| Section IV-Inspection Data 9. Type of Inspection E01 | 10. E | vent Numbe | 4116771 | | · · | | | |
| 11. Signature | | | AR Number 24320 | 12. Date | Mo Da 12/1 | Yr 4/2007 | 13. Time (24 Hr. Cl 1550 | ock) |

MSHA Form 70

| Mine | Citation/Order |
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U.S. Department of Labor

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| Continuation | | Mine Safety and Health Administration | | | | | |
|---|---|---------------------------------------|-----------------|------------------------|--|--|--|
| Section I-Subsequent Action/Continuation Data | | | | | | | |
| 1. Subsequent Action 1a. Continuation | 2. Dated Mo Da (Original Issue) 12/14/20 | Yr 3. Citation/ 07 Order Number | 7278716 - 01 | | | | |
| 4. Served To | | 5. Operator | | | | | |
| Jamie Ferguson, Mine Foreman | | PERFORMANCE CO. | AL COMPANY | | | | |
| 6. Mine UPPER BIG BRANCH MINE-SOL | JTH | 7. Mine ID 46-0843 | 6 (0. | ontractor) | | | |
| Section IIJustification for Action | encept plants and the second second second second second person and the second | | | | | | |
| task training | rator provided an and and he will receive n | 5000-23 form | for the followi | and ng people on | | | |

| Section III—Subsequent 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 IV-Inspection Data 9. Type of Inspection E01 | 10. Event Number 4116771 | | |
| 11. Signatur | AR Number 24320 | 12. Date Mo Da Yr 12/19/2007 | 13. Time (24 Hr. Clock) 1051 |

| Mine | Citation | /Order |
|------|----------|--------|
|------|----------|--------|

Mo Da Yr

10/10/2007

Section I--Violation Data

1. Date

1125

2. Time (24 Hr. Clock)

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

3. Citation/

Order Number

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| 4. Served 10 | PERFORMANCE COAL COMPANY | | | | | |
|---|------------------------------|------------------------|---------------------------|-----------------------|--|--|
| Rick Hodge; Superintendant | | CE COAL COM | LPANY | | | |
| 6. Mine UPPER BIG BRANCH MINE-SOUTH | 7. Mine ID 46 | -08436 | | (Contractor) | | |
| 8. Condition or Practice | | | 8a. Written N | Votice (103g) | | |
| The cover serving as a guard for the b | elt segueno | e roller. | | | | |
| feeder, operating on the No. 3 belt wa | | | | | | |
| readily operating on the no. 3 bett no | ib fice becar | .cry in pic | | | | |
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| | | | | | | |
| | | See C | Continuation Form (MSHA | Form 7000-3a) | | |
| 1 | Part/Section of | 75 | 1770(4) | | | |
| Safety ✓ of Act Other | Title 30 CFR | /3. | .1722(c) | | | |
| Section IfInspector's Evaluation | | | | | | |
| 10. Gravity: | | | | | | |
| A. Injury or Illness (has) (is): No Likelihood Unlikely | Reasonably Likely | . Highly Llke | ely Occurre | ed 🗌 | | |
| B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Work | kdays Or Restricted D | uty 🗌 Perman | ently Disabling 🗸 | Fatal 🗌 | | |
| C. Significant and Substantial: Yes ☐ No ✓ | | D. Numbe | r of Persons Affected: | 001 | | |
| 11. Negligence (check one) A. None B. Low 🗸 C. 1 | Moderate | D. High 🗌 | E. Reckless Disregar | d 🗌 | | |
| 12. Type of Action $104(a)$ 13. Type of Iss | uance (check one) | Citation 🔽 | Order 🗌 | Safeguard 🗌 | | |
| 14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice | E. Citation/ Order Number | | F. Dated | Mo Da Yr | | |
| 15. Area or Equipment | | | | | | |
| Torrings of Esperiors | | | | | | |
| | | | | | | |
| 40 Tambella Bar Ma Do Va | | | | - | | |
| 16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock) | 1200 | | | | | |
| Section IIITermination Action | | | | | | |
| 17. Action to Terminate The cover was bolted secu | rely in nl | 200 | | | | |
| THE COVEL WAS DOLLEG SCOOL | Tricara and Day | 10e • | | | | |
| | | 2 | | | | |
| 18. Terminated A Day Mo Da Yr | | | | | | |
| A. Date 10/10/2007 B. Time (24 Hr. Clock | 1130 | · | | | | |
| Section IVAutomated System Data | | | | | | |
| 19. Type of inspection (activity code) E01 20. Event Number 4116771 | 21. Primary | or Mill | • | | | |
| 22. Signatus | | 23. | AR Number | 220 | | |
| | | | | 329 | | |
| MSHA Form 7000-3, war 85 (revised) In accordance with the provisions of the Small | i Business Regulatory En | forcement Fairness Act | of 1996, the Small Busine | ss Administration has | | |

M established a Radiolla Shah Business and Agriculture regulatory Orbitoshina half to Regional Paintess Boards to receive Comments from shah business and release appropriate 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.

10-11-07

| Mine | Citation/Order | |
|------|----------------|--|
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Section I--Violation Data

1/8/08

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

| 10 |
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| 1. Date | Mo Da 10/10/2 | | 2. Time (2 | 4 Hr. Clo 122: | | | | | | | tation/ rder Numbe | r 7279 | 9646 | |
|---------------------------------|----------------------------|----------------|-------------------|-------------------|-------------------|----------|--|-------------|--------------|-------------|-----------------------|--------------|-------------|-----------------|
| | | | | | 5. Operator | | , | | | | | | | |
| • | | | | PERFOR | | CE CO | AL C | OMPAN | Y | | | | | |
| 6. Mine | | | | | 7. Mine ID | | | | | | | | | |
| UPPER BIO | G BRAN | ICH MI | NE-SOU | TH | | | 1 | 40 | -0843 | O | | -4 | | (Contractor) |
| 8. Condition o | r Practice | | | | | | | | | | | 8a. Writ | ten No | tice (103g) |
| Loose c | oal i | nclud | ling f | loat | coal dus | st wa | s perm | iitte | ed to | ace | cumula | te ald | ong | the 2 |
| North B | Belt a | t the | No. | l Lov | wer Big E | 3ranc | ch Belt | head | i. Th | ere | was c | oal sp | pill | .age |
| measuri | ng 81 | feet | and i | ap to | o 10 inch | nes i | n dept | h fi | om t | he i | track | cross | und | er. |
| Twenty- | two (| 22) f | eet in | nby t | the dumpi | ing p | oint t | he s | spill | .age | was r | ubbing | g th | e |
| bottom | belt | and o | ne bot | tom | roller. | | | | <i>-</i> | | | • | | |
| | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | • | | |
| 0.10.14 | | - 1 | | | | | | | | | See Continua | tion Form (M | SHA Fo | rm 7000-3a) |
| 9. Violation | A. Health Safety | | B. Section of Act | | | | art/Section of the control of the co | of · | | | 75.400 | · } | | |
| | Othe | | 017100 | | | ' | ING OU OI I | | ٠. | | 75.400 | 1 to 1 | | |
| Section II-Inspe | ctor's Evalu | ation | | | | | | | | | | | | |
| 10. Gravity: | - | | | | | | | | | | | | | _ |
| A. Injury or | | | No Likeliho | od 🔲 | Unlikely [| | Reasonably | / Likely | V | Highly | Likely 🗌 | Oç | curred | |
| B. Injury or sonably | r illness co be expecte | | No Lost | Workda | ays 🗌 Los | t Workd | ays Or Restr | icted D | ıty 🛂 | Per | manently D | isabling [|]! | Fatal 🗌 |
| C. Significa | ant and Su | bstantlal: | Yes | V | No 🗌 | | - | | : | D. Nu | mber of Pe | rsons Affec | ted: | 003 |
| 11. Negligenc | e (check o | ne) | A. None | | B. Low | C. M | oderate 🗸 | | Ď. High | | E. Re | ckless Disr | egard | |
| 12. Type of A | ction | 104(a |) | | 13. Type | of Issua | ance (check | one) | С | itation | v 0 | rder 🗌 | | Safeguard [|
| 14. Initial Action A. Citation | | der 🗍 (| C. Safegua | rd 🗀 [| D. Written Notice | , [| E. Citation/ Order Nu | ımber | | | | F. Dateo | I | Mo Da Yr |
| 15. Area or Ed | | | | | | | | | | | | | | |
| 10. Alea of Et | inibinour | | • | | | | | | | | | | | |
| | | . • | | • | • | | | | | | | | | |
| | | | | | | | | | 1 | | | | | |
| 16. Termination | on Due | A. Date | Mo Da \\10/11/20 | | B. Time (24 Hr. | Clock) | 080 |) | | | | | " | |
| Section III-Term | nination Action | on | 10/11/20 | ~ | | | | | <u></u> | | | | | . |
| 17. Action to 1 | | | | | | | · · · · · · · · · | | | | | | | ~~~~ |
| • | | | • • | - | • | | • | | | | | | | - |
| | | | , " | | | | | | | | 17 | ,4 ° - | 1 | |
| 18. Terminate | d A. Date | Mo D | a, Yr | B. Time | (24 Hr. Clock | | | | | | | | | |
| Section IVAuto | mated System | em Data | | | | | | <u>}</u> | | · | | | | |
| 19. Type of In | spection | E01 | 20. Event | Number | 41167 | 771 | . 21. F | rimary | or Mill | T | | | | |
| 22. Signature | | V.I. | | | | · - | | | | | 23, AR Nui | nber | | |
| | | | | | | | | | | • | -0.1401 | .,,,,,, | 2432 | 9 |

MSHA Form 700-6, war do (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, 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 !Subsequent Action/Continuation Data | | | | | | | |
| 1. Subsequent Action 1a. Continuation | 2. Dated (Original Issue) | Mo 10/10 | Da Yr 0/2007 | 3. | Citation/ Order Number | 7279646 - 01 | |
| 4. Served To | | | 5. Op | erator | | | |
| Rick Nicolau, Chief. | | | PER | FORI | MANCE CO | OAL COMPANY | |
| 6. Mine | | | 7. Mi | ne ID | | | (Contractor) |
| UPPER BIG BRANCH MINE-SO | UTH | | | | 46-0843 | 6 | |
| Section IIJustification for Action | | | | ***** | | | |

The belt has been cleaned.

| kononina andrana andrana andrana | and the state of the state of the state of the state of the state of the state of the state of the state of the | | | Name and the same | | ogen i Montani i Montani i Montani i Agrani i i anga | | | See Continuation Form |
|----------------------------------|--|-----------------------------|----------|--|--|--|----------------|--|--|
| Section IIISubse | The second secon | and a second record | | | and the second s | | | transport of the second | the state of the s |
| 8. Extended To | A. Date Mo | Da | Yr | B. Time (24 | Hr. Clock) | | C. Vacated | D. Terminated | E. Modified |
| Section IVInspec | tion Data | Anna de Avenues de Lectures | | 100-00 miles (100 mile | | | Handard (1991) | | |
| 9. Type of Inspe | ction E01 | V | 10. E | vent Number | 4116771 | | | | |
| 11. Sign | | | <u> </u> | | AR Number | 12. Date | Mo Da Yr | 13. Time (24 Hr. Cl | lock) |
| | | | | | 23583 | | 10/15/2007 | 1130 | |
| MSHA Fo | | | | | | | | | |

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Wish Department of Labor
Mine Safety and Health Administration

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| Section I-Vi | olation Data | | arjanamentanya <u>egi muun masista sii seet</u> i jähinin muun perun ja ja ja ja ja ja ja ja ja ja ja ja ja | a technici i femigligi den en Carrier of the Control of the Contro |
|--------------------|------------------------|--------------------------------|---|--|--|
| 1. Date | Mo Da Yr 11/28/2007 | 2. Time (24 Hr. Clock) 0930 | | 3. Citation/ Order Number 727 | 79676 |
| 4. Served Jamie Fe | ro erguson; Mine Fo | reman | 5. Operator PERFORMANCE | COAL COMPANY | |
| 6. Mine UPPER | BIG BRANCH N | MNE-SOUTH | 7. Mine ID 46-0 | 8436 | (Contractor) |
| 8. Conditio | n or Practice | | | 8a. W | ritten Notice (103g) |
| mla a sa a | ring a small | dening fine least | d 15 footth | bba Na 1 Tarram | Dia Danah |

There was a smoldering fire located 45 feet outby the No. 1 Lower Big Branch Dumping Point on the No. 2 North Mains Belt Conveyor. The bottom belt was rubbing into a belt stand, on the offside of the No. 2 North Mains Belt Conveyor, causing hot belt shavings to accumulate upon a small area of loose coal. The coal along with the belt shavings were smoking and smoldering with bright orange hot spots with an occasional flame. The smoldering area was 12 square feet. Citation No. 7279677 is being issued in conjunction with this order.

| | | See Continuation Form (MSHA Form 7000-3a) |
|---|------------------------------------|---|
| 9. Violation A. Health B. Section Safety of Act Other | C. Part/Section of Title 30 CFR | |
| Section II-Inspector's Evaluation | | |
| 10. Gravity: | | |
| | cely Reasonably Like | ly 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: |
| 11. Negligence (check one) A. None B. Low | C. Moderate | D. High E. Reckless Disregard |
| 12. Type of Action 107(a) 13 | 3. Type of Issuance (check one) | Citation ☐ Order ✔ Safeguard ☐ |
| 14. Initial Action A. Citation B. Order C. Safeguard D. Written | Notice E. Citation/ Order Number | F. Dated Mo Da Yr |
| 15. Area or Equipment The 2 North Mains I | selt Conveyor. | |
| 16. Termination Due A. Date Mo Da Yr B. Time (2 | 24 Hr. Clock) | |
| Section IIITermination Action | | |
| 17. Action to Terminate | | |
| 18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Cl | ock | |
| Section IVAutomated System Data | | |
| 19. Type of Inspection (activity code) E0] 20. Event Number 41 | 16771 ^{21. Prima} | ry or Mill |
| 22. Signate | 1. | 23. AR Number 24329 |

MSHA Form

In sof 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 SM, MC 2120, Washington DC 20418. Places and business Administration and Comment activities and rates each agency's responsiveness to small business. 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

| 12-13-07 | > |
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| Section ISubsequent Action/Continuation Data | | | | | | | - |
|--|--|-------------------|---------------------------------------|-----------------------------------|-----------|--------------|--|
| 1. Subsequent Action 1a. Continuation | 2. Dated (Original Issue) | Mo Da 11/28/20 | | 3. Citation/ Order Number 7279 | 9676 - 01 | | |
| 4. Served To | | | 5. Operate | or | | | |
| Rick Hodge; Superintendant | | | PERFORMANCE COAL COMPANY | | | | |
| 6. Mine | | | | 7. Mine ID (Contractor) | | | |
| UPPER BIG BRANCH MINE-SO | | 46-08436 | | | | | |
| Section IIJustification for Action | | ······ | | | | | |
| The state of the s | Company of the last of the las | | · · · · · · · · · · · · · · · · · · · | | | ¹ | Name of Street, or other Persons of Street, or other Persons or other Pers |

The fire was extinguished.

| | | | | | | | | | See Continuation Form | m [] |
|-------------------|--------------|-------|----|-------|------------------------|--|--|----------------------------|-----------------------|------------------------|
| Section IIISubsec | quent Action | Taken | | | | | · · · · · · · · · · · · · · · · · · · | | | |
| 8. Extended To | A. Date | Мо | Da | Yr | B. Time (24 Hr. Clock) | a garan kanangan dan kangsan da Mahanga | C. Vacated | ✓ D. Terminated | E. Modified | |
| Section IVInspec | tion Data | | | | | e <u>en el ciènce e e qui en escena en l'il en en en</u> | <u>and and an all </u> | <u> </u> | | |
| 9. Type of Inspe | ection E0 | 1 | | 10. E | vent Number 4116771 | Tananagan mayadan ya magada isa sa | | | | enterent Communication |
| 11, Signa | | | | | AR Number 24329 | 12. Date | Mo Da Yr 11/28/2007 | 13. Time (24 Hr. C 1030 | lock) | |

| A | /line | Cita | tion | 10 | dor |
|---|-------|------|------|-------|------|
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U.S. Department of Labor Mine Safety and Health Administration

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| Section IViolat | ion Data | | | | | | | | | | | |
|---|--|-----------------------|-------------------|------------------|--|--|---|----------------|--|---------------------------------------|---------------|---|
| 1. Date | Mo Da 11/28/2 | | 2. Time (| 24 Hr. Ci 093 | | | | | | Citation/ Order Number | 72796′ | 77 |
| 4. Served To | | | | | | | 5. Operator | | | | | |
| Jamie Ferg | uson; M | ine For | eman | | | | PERFORMANCE COAL COMPANY | | | | | |
| 6. Mine | | | | | | | 7. Mine ID | 46-084 | 136 | | | |
| UPPER BI | | NCH M | INE-SOU | ЛН | | | | 10 00 | | | | (Contractor) |
| 8. Condition or Practice The No. 2 North Mains Belt was not being mainta | | | | | | | | | | | Notice (103g) | |
| | | | | | | | | | | | | |
| conditi | on. T | he b | ottom | belt | was rubb | oing | two bo | ttom be | elt d | conveyor | stand | s and |
| several | bott | om r | eturn | roll | er hangei | rs be | eginnin | g 45 fe | eet d | outby th | ne No. | 1 Lower |
| Big Branch Dumping Point. There was smoldering coal and belt shavings, with | | | | | | | | | | | | |
| | bright orange hot spots and occasional flames, accumulated at the first belt | | | | | | | | | | | |
| _ | _ | | _ | | | | | • | | • | | ibuted to |
| | _ | | | | | | | | | | | herefore, |
| no abat | | | | | anger ore | ACI. 1 | 10. 121 | 2070 at | a cou | 11/20/2 | | 10202020, |
| no apac | CHICHC | . CTIII | c was | 366. | | | | | | | | |
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| | | | | | | | | | | | | |
| | | | | | | | | | | See Continuette | on Form (MSHA | Form 7000-3a) |
| 9. Violation | A. Health | | B. Section | | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | | 'art/Section o | | | See Continuation | ON FORM (MOTO | [[|
| a. Violation | Safet | | of Act | | | | itle 30 CFR | 4 | | 75.1725(8 | ı) . | |
| | Othe | | | | | | | | | 7011120(0 | */ | |
| Section IIInspe | ctor's Evalu | ation | | | | | | | | | | |
| 10. Gravity: | | | | | | | , , , , , , , , , , , , , , , , , , | | | | | |
| A. Injury or | · Illness (h | as) (is): | No Likelih | ood 🗌 | Unlikely [| | Reasonably | Likely 🗸 | High | ily Likely 🔲 | Occur | ed 🗌 |
| B. Injury or sonably | iliness co be expect | uld rea- ed to be: | No Los | t Workd | ays 🗌 Los | t Workd | ays Or Restri | cted Duty | Pe | ermanently Dis | abling 🗌 | Fatal 🔽 |
| C. Significa | ant and Su | bstantial | Ye | s 🗸 | No 🗌 | | | | D. N | umber of Pers | ons Affected: | 005 |
| 11. Negligeno | e (check c | ne) | A. None |] | B. Low 🗸 | C. Mo | oderate [| D. Hig | nh 🗌 | E. Rec | kless Disrega | rd 🗌 |
| 12. Type of A | ction | 104(| a) | | 13. Туре | of Issue | ance (check o | one) | Citation | ı ✔ Ord | ier 🗌 | Safeguard 🗌 |
| 14. Initial Action | on B. Oi | rier 🗀 | C. Safegua | ard 🗀 | D. Written Notice | | E. Citation/ Order Nu | mher | | | F. Dated | Mo Da Yr |
| | | <u> </u> | O. Galega | aru | D. Willen Holloc | <u>, </u> | 01001110 | | | | <u> </u> | |
| 15. Area or Ed | juipment | | | | | | | | | | | |
| 16. Termination | on Due | A. Date | Mo Da | Yr | B. Time (24 Hr.) | Clock) | <u>, , , , , , , , , , , , , , , , , , , </u> | | | | | ,,,, |
| Section IIITerm | ination Acti | on | | | | | | | | · · · · · · · · · · · · · · · · · · · | | |
| 17. Action to 1 | Terminate | | -71 -7 | | | | | | ., | | | ···· |
| | | | | | | | | | | | | |
| 18. Terminate | d A. Date | Мо | Da Yr | B. Time | (24 Hr. Clock | | | | | | | , , <u>, , , , , , , , , , , , , , , , , </u> |
| Section IVAuto | mated Syst | em Data | · | ·· | | | | | ······································ | | | |
| 19. Type of In: | spection ode) | F01 | 20. Even | Numbe | 41167 | 771 | 21. P | rimary or Mill | | · | | |
| 22. Signatu | | | | | | | | | | 23. AR Num | ber 24 | 329 |

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

| e Citation/Order |
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| Intinuation |

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 | | <u></u> | | | | | |
|--|------------------------------|---------------------------------------|--------------------------|---------------------------------|------------|--------------|--|
| 1. Subsequent Action 1a. Continuation | 2. Dated (Original Issue) | Mo Da 11/28/20 | | 3. Citation/ Order Number 72 | 79677 - 01 | | |
| 4. Served To | | · · · · · · · · · · · · · · · · · · · | 5. Operato | or | | | |
| Rick Hodge; Superintendant | | | PERFORMANCE COAL COMPANY | | | | |
| 6, Mine UPPER BIG BRANCH MINE-SOI | UTH | | 7. Mine ID | 46-08436 | | (Contractor) | |
| Section IIJustification for Action | | | | | | | |
| | | | | | | | |

The belt was trained so that it would not rub the belt stands and hangers.

| | | See Continuation Form |
|---------------------------|--|---|
| | | |
| Yr B. Time (24 Hr. Clock) | ☐ C. Vacated ✓ D. Terminated | E. Modified |
| | | |
| 10. Event Number 4116771 | | |
| AR Number 12. Date 24329 | Mo Da Yr 13. Time (24 Hr. Clo 11/28/2007 1030 | ock) |
| | 10. Event Number 4116771 AR Number 12. Date | 10. Event Number 41 16771 AR Number 12. Date Mo Da Yr 13. Time (24 Hr. Clo |

11-29-07

| Mine | Citation/Order | |
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| IVIIII | CHANCIN CIACI | |

U.S. Department of Labor

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| | | | | 1/8 | 3/08 | | Mine Sa | fety and | i Hea | lth Adr | ministra | ation | | | |
|---------------------------------|---|--------------------------------|-------------------|----------------------|---|------------|---------------------------------------|-----------|---------|-------------|-----------------------|------------|--------------------|-----------|--|
| Section IViola | tion Data | official commission processors | | anno vito di Caracci | | | <u> </u> | | | | | | | | The state of the s |
| 1. Date | Mo Da 11/28/2 | | 2. Time (2 | 4 Hr. C | | | | | | | Citation/ Order Nu | | 72796 | 78 | |
| 4. Served To | 11,20,4 | | t | | | | 5. Operat | or | | | | | | | ······································ |
| Jamie Ferg | uson; Mi | ne Fore | man | | | | PERFO | | CE C | OAL | COMP | ANY | - 4 | | |
| 6. Mine UPPER BI | G BRAN | CH MI | NE-SOU | TH | | | 7. Mine II | 46 | -084 | 36 | | | | ((| Contractor) |
| | UPPER BIG BRANCH MINE-SOUTH 8. Condition or Practice | | | | | | | | | | | - 8 | Ba. Writter | Notice | (103g) |
| had bee | en con eal no | ducte . 33 | d at to se | seal al n | tes and ti no. 37, 3 o. 32 with ere on 11, | 86, nin | 35 an | d 34, | in | clud | ding | the | main | reti | ırn |
| | | | | | | | | | | | See Con | านักบลนังภ | Form (MSI | łA Form î | 7000-3a) |
| 9. Violation | A. Health Safety Other | \mathbf{V} | 3. Section of Act | | | | art/Section itle 30 CFF | | | | 75.3 | 64(g) | | | |
| Section IIInspe | ector's Evalua | tion | | | | | | | | | | | | | |
| 10. Gravity: | | | | | | | | | | | | | • | | |
| | r Illness (ha r illness co | | No Likeliho | | Unlikely 🗸 | | Reasonal | | | | ly Likely | | | rred 🗌 | |
| | be expected and Suite | | No Losi | | ···· | VOIKO | ays Or Res | tricted D | uty 🚺 | 7 | | | oling ns Affecte | J. | al 📋 |
| G. Signino | ant and Su | ostantiai. | Yes | | No 🗸 | | | | | D. N | ullibet c | i reisui | is Milecie | 1. 0 | 01 |
| 11. Negligeno | ce (check o | ne) , | A. None |] | B. Low | C. Mo | oderate 🛂 |] | D. Higi | h 🗌 | E | . Reckle | ess Disre | jard 🗌 | |
| 12. Type of A | ction | 104(a |) | | 13. Туре о | f Issua | ance (chec | cone) | | Citation | 1 🔽 | Order | | Sa | afeguard 🗌 |
| 14. Initial Acti A. Citation | | der 🗌 | C. Safegua | ırd 🗌 | D. Written Notice | | E. Citation Order I | | | | | \ F | . Dated | M | lo Da Yr |
| 15. Area or E | quipment | | | | | | · · · · · · · · · · · · · · · · · · · | | | | | | | | |
| 16. Terminati | | A. Date | Mo Da 11/28/20 | | B. Time (24 Hr. Cl | ock) | 15 | 00 | | | | | | | |
| Section IIITerr | | | | | | | | | | | | | | | |
| 17. Action to | Terminate | The | area | was | examined a | and | certi | fied | рÀ | init | tial | s, da | ates | and | times. |
| 18. Terminate | A. Date | | a Yr 8/2007 | B. Time | e (24 Hr. Clock | 1 | 1400 | | | | | | | | |
| Section IVAut | omated Syste | | | | | | | | | | | | | | |
| 19. Type of Ir (activity o | | E01 | 20. Event | Numbe | 411677 | 1 | 21 | Primary | or Mill | | | | | | |
| 22. Signature | | | | | · · · · · · · · · · · · · · · · · · · | | | | | | 23. AF | R Numbe | er 2 | 4329 | |

Mine Citation/Order

1 1

Mo Da Yr

老01

20. Event Number

B. Time (24 Hr. Clock

4116771

18. Terminated

22. Signatu

A. Date

Section IV-Automated System Data

19. Type of Inspection

(activity code)

U.S. Department of Labor.

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| | | 02/2 | 7/08 | Mine Safety an | d Health | Administrati | on | |
|------------------------------------|--|---------------------------------------|---|--|--|---------------------------------|--|---------------------------------------|
| Section IViolation Da | ta | <u> </u> | | <u> </u> | animent di Alla Andrea de la Companya | ere te de de de de de de la comunicación de la composition de la comunicación de la comunicación de la comunic | |
| | Da Yr 30/2007 | 2. Time (24 Hr. C | | | | 3. Citation/ Order Num | _{ber} 72796′ | 79 |
| 4. Served To | | | | 5. Operator | | | · · · · · · · · · · · · · · · · · · · | · · · · · · · · · · · · · · · · · · · |
| William Harles | s; Mine For | eman | | PERFORMAN | ICE COA | L COMPA | NY | |
| 6. Mine | | · · · · · · · · · · · · · · · · · · · | | 7. Mine ID | 09/26 | | | |
| UPPER BIG B | RANCH M | INE-SOUTH | | 40 | 5-08436 |) | | (Contractor) |
| 8. Condition or Pra | | | | | | | 8a. Written | Notice (103g) |
| sides of toottom ret float coal | the No. turn roll dust w | 2 LBB Bel llers for was permit | ose coal to t Conveyor, a distance ted to accu and the belt | as well as of 3600 fee mulate in t | , floa t. Als he bel | it coal so, loos .t conve | dust und e coal i | er the ncluding |
| | leaith ☐ Safety ☑ Other ☐ | B. Section of Act | | C. Part/Section of Title 30 CFR | | See Contin | uation Form (MSH/ | \ Form 7000-3a) |
| Section II-Inspector's | Evaluation | | | | | | | |
| 10. Gravity: | | | | | | | | |
| A. Injury or Illne | | No Likelihood | Unlikely 🗸 | Reasonably Likely | / <u>L.</u> | Highly Likely [| Occur | red 📋 |
| B. Injury or illne sonably be ex | ss could rea- (pected to be: | No Lost Work | days 🗌 🛮 Lost Wo | rkdays Or Restricted D | Outy 🗹 | Permanently | Disabling 🗌 | Fatal |
| C. Significant at | nd Substantial | Yes 🗌 | No ✓ | | | D. Number of P | Persons Affected | 002 |
| 11. Negligence (ch | eck one) | A. None | B. Low 🗸 C. | . Moderate | D. High | E.1 | Reckless Disrega | ard [|
| 12. Type of Action | 104(a | a) | 13. Type of Is | suance (check one) | Cit | ation 🗸 | Order [] | Safeguard [|
| 14. Initial Action A. Citation | B. Order | C. Safeguard | D. Written Notice | E. Citation/ Order Number | | ., | F. Dated | Mo Da Yr |
| 15. Area or Equipm | | Mo Da Yr | B. Time (24 Hr. Clock | ·) 1600 | | | | |
| | <u></u> | 12/04/2007 | | . 1000 | | , , | | |
| Section IIITermination | | | | | <u> </u> | | ~ | · · · · · · · · · · · · · · · · · · · |
| 17. Action to Termi | nate | | | | | | | |
| | | | | | | | | |

MSHA Form 7000-3; Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

21. Primary or Mill

23, AR Number

24329

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Mine Citation/Order

U.S. Department of Labor

Mine Safety and Health Administration

| 12-10 | .07 |
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| Continuation | | Mine Sarety and Health Administration | | | | | | | |
|-------------------------------------|----------------------------|---|---|-----------|---|--------------|--|--|--|
| | t Action/Continuation Data | | | | | | | | |
| 1. Subsequent Act | ion 1a. Continuation | 2. Dated (Original Issue) | Mo Da 11/30/2 | Yr 007 | 3. Citation/ Order Number 7279679 - 01 | | | | |
| 4. Served To | | , | | 5. Opera | tor | | | | |
| William Harles | s; Mine Foreman | | | PERFO | RMANCE COAL COMPANY | | | | |
| 6. Mine | | *************************************** | , | 7. Mine I | D 46 00406 | (Contractor) | | | |
| UPPER BIG BRANCH MINE-SOUTH | | | | | 46-08436 | | | | |
| Section II-Justification for Action | | | | | | | | | |

The Belt Conveyor has been cleaned and rock dusted.

| | one was the same of the same o | | The land of the la | | kayunadyay waxa kayakay kayanay na waxay <u>walayaka ka</u> wanakinshiinshiin | 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 IVInspection Data | Mark Market State Company | | (management of the property of | | And the state of t | |
| 9. Type of Inspection E01 | 10. Even | Number 4116771 | interiorista (a fizie populari proportioni producti de transmissioni | | 480 | |
| 11. Signa | | AR Number 24329 | 12. Date | Mo Da Yr 12/06/2007 | 13. Time (24 Hr. Cla 0905 | ock) |

| Mina | Citatio | n/O | rder |
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U.S. Department of Labor

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| 000/05/1/5 | Willie Salety and Realth Administration |
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| Section IViolation Data | |
| 1. Date Mo Da Yr 2. Time (24 Hr, Clock) | 3. Citation/ Order Number 7279680 |
| 11/30/2007 1030 4. Served To | 5. Operator |
| William Harless; Mine Foreman | PERFORMANCE COAL COMPANY |
| 6. Mine | 17 845 |
| UPPER BIG BRANCH MINE-SOUTH | 7. Mine ID 46-08436 (Contractor) |
| 8. Condition or Practice | 8a. Written Notice (103g) |
| both sides of the No. 5 LBB Belt Conv | n color, was permitted to accumulate on eyor including cross-cuts for a distance rmitted to accumulate on both sides of nd the belt conveyor storage unit had coal dust. |
| 9. Violation A. Health B. Section | See Continuation Form (MSHA Form 7000-3a) |
| Safety of Act Other | Title 30 CFR 75.400 |
| 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. 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 is | suance (check one) Citation 🗹 Order 🗌 Safeguard 🗌 |
| 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 12/04/2007 B. Time (24 Hr. Clock | 0 1600 |
| Section IIITermination Action | |
| 17. Action to Terminate | |
| 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 4116771 | 21. Primary or Mill |
| 22. Signature | 23. AR Number 24329 |

sions 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 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.

| Mine Citation/Order |
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| Continuation |

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

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| Section ISubsequent Action/Continuation Data | | | | | | 000 | |
|--|--|----------|--------------------------|--|--|--|--|
| Subsequent Action 1a. Continuation | 2. Dated | Mo Da | Yr : | 3. Citation/ | | | |
| | (Original Issue) | 11/30/20 | | Order Number | 7279680 - 01 | | |
| 4. Served To | | | 5. Operato | r | | | |
| William Harless; Mine Foreman | | _ | PERFORMANCE COAL COMPANY | | | | |
| 6. Mine | | | 7. Mine ID | | | (Contractor) | |
| UPPER BIG BRANCH MINE-SO | UTH | | | 46-0843 | 6 | | |
| Section IIJustification for Action | | | | | <u></u> | * | |
| | Activities in annual property of the second section of the section of the second section of the second section of the second section of the second section of the second section of the second section of the second section of the second section of the second section of the second section of the section of the second section of the sectio | | | The state of the s | manage of the temporal of the control Approximate the second section of the section of th | |

The belt conveyor was cleaned and rock dusted.

| | | | | | | See Continuation Form |
|-------------------------------------|-----------------|--------------------|---|------------------------|---------------------|-----------------------|
| Section IIISubsequent Action Taken | | | | | | |
| 8. Extended To A. Date Mo Da | Yr B. Time (2 | 4 Hr. Ciock) | Carretta de como Esperado e en carretta de como esperado e en como esperado e en como esperado e en como espera | C. Vacated | ✓ D. Terminated | E. Modified |
| Section IVInspection Data | | | | | <u> </u> | |
| 9. Type of Inspection E01 | 10. Event Numbe | 411 67 71 | | | | |
| 11. Signal | | AR Number 24329 | 12. Date | Mo Da Yr 12/10/2007 | 13. Time (24 Hr. Cl | ock) |
| MSHA Form 7000-3a, Mar 85 (revised) | | | | | | |

| VI | ine | Cita | tion | /Or | der |
|----|-----|------|------|-----|-----|
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02/21/08

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

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| | 1 | 2 | - | 3 | 0 |

| Section I-Violat | lion Data | | | | | | | | | | <u></u> | | | | |
|---------------------------------|------------------------------|------------------|-------------------|-----------------|---------------------------------------|------------|---------------------------------------|----------------|----------------|--|---------------------|-----------|-------------|-------------|--------------|
| 1. Date | Mo Da 11/30/2 | | 2. Time (| 24 Hr. C | | ···· | | | | | itation/ rder Nu | ımber | 7279 | 681 | |
| 4. Served To | | | | | · · · · · · · · · · · · · · · · · · · | <u> </u> | 5. Operator | | | | | | | | |
| William Harless; Mine Foreman | | | | | | | PERFOR | MAN | CE CO | DAL C | OMP | ANY | | | |
| 6. Mine UPPER BI | G BRAN | ICH M | INE-SOU | JТН | | | 7. Mine ID | 46- | 0843 | 36 | • | | | | (Contractor) |
| 8. Condition o | r Practice | | | | | | | | | <u>,</u> , | | | 8a. Writt | en Noti | ce (103g) |
| Accumul | ation | s of | loose | coa | l inclu | ding | float c | oal | dust | t was | s pe | rmi | tted | to | |
| accumul | ate i | n th | e No. | 3 LE | B Belt | Conve | yor Sto | rage | : Un: | it fi | rom | the | begi | nni | ng of |
| the bel | t dri | ve t | o the | end | of the | belt | take-up | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | , | | | | | | | | | • | See Con | tinustion | Form (MS | SHA For | m 7000-3a) |
| 9. Violation | A. Health Safety Other | √ ✓ | B. Section of Act | | | | Part/Section of Title 30 CFR | o f | - | | | 400 | T VIII (III | | |
| Section IIInspe | <u> </u> | | _ | · | | | | | | | · | ···· | | | |
| 10. Gravity: | | ., ., | | | | | | | | | | | | | |
| A. Injury o | r Iliness (ha | as) (is): | No Likelih | ood 🔲 | Unlikely | V | Reasonably | Likely | | Highly | / Likely | | Occ | curred (| |
| B. Injury o | r iliness co be expect | | No Los | t Works | days 🗌 🔝 I | Lost Work | days Or Restr | icted Du | ıty 🔽 | Per | manen | tly Disa | bling [| F | atal 🗌 |
| C. Signific | ant and Su | bstantial | : Ye | s 🗌 | No 🗸 | | · · · · · · · · · · · · · · · · · · · | | | D. Nu | mber o | f Perso | ns Affect | ed: | 001 |
| 11. Negligeno | e (check o | ne) | A. None | | B. Low 🗸 | C. N | ioderate 🗌 | | D. High | | E | . Reck | ess Disr | egard [| |
| 12. Type of A | ction | 104(| a) | | 13. Ty | ype of Iss | ance (check | one) | (| Citation | V | Orde | r 🗌 | | Safeguard [|
| 14. Initial Acti A. Citation | | der 🗍 | C. Safegu | ard 🗍 | D. Written No | tice 🗀 | E. Citation/ Order Nu | mber | | | | | F. Dated | | Mo Da Yr |
| 15. Area or E | guioment | · | | | | | | | | | | | | | · |
| | , | | | | | | | | | | | | | | |
| 16. Terminati | on Due | A. Date | Mo Da 12/04/2 | | B. Time (24 h | łr. Clock) | 1600 |) | | ··· ··· | | | | | - |
| Section III-Tern | nination Acti | on | | · · · · · · · · | | | | | . | | | | | | |
| 17. Action to | Terminate | | | | | | | | - " - | | | | | | |
| 18. Terminate | A. Date | Мо | Da Yr | B. Time | e (24 Hr. Clock | | | | | ······································ | | | | | |
| Section IVAuto | mated Syste | em Data | _ | | | | | | | | | | | | |
| 19. Type of In (activity o | spection ode) | E01 | 20 Even | Numbe | 411 | 6771 | 21. F | rimary o | or Mill | | | | | | |
| 22. Signati | | | | | | | <u></u> | | | | 23. AR | Numb | er | 24329 |) |

MSHA Form 7000-3, Mar 85 (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.

Mine Citation/Order Continuation

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

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| Section ISubsequent Action/Continuation Data | | one produced to the second | egymaninggilolymusousystemser) metassa mangeli | Stantier (and a second control of the second control of the second control of the second control of the second | | minutes and the second | | |
|--|------------------------------|----------------------------|--|---|--------------|---|--|--|
| 1. Subsequent Action 1a, Continuation | 2. Dated (Original Issue) | Mo 11/3 | Da Yr 0/2007 | 3. Citation/ Order Number | 7279681 - 01 | | | |
| 4. Served To | | | 5. Opera | itor | | | | |
| William Harless; Mine Foreman | | | PERFO | PERFORMANCE COAL COMPANY | | | | |
| 6. Mine | | | 7. Mine | 7. Mine ID (Contractor) | | | | |
| UPPER BIG BRANCH MINE-SO | UTH | | 1 | 46-08436 |) | | | |
| Section IIJustification for Action | | | | | | | | |

The Belt drive was cleaned and appears in adequate condition.

| | | | - | 12 A 2 | ANG CONTRACTOR AND ANG CONTRACTOR AND ANG CONTRACTOR AND ANG CONTRACTOR AND ANG CONTRACTOR AND AND CONTRACTOR A | | | | See Continuation Form |
|--------------------|---------------------------------------|------|-------|-------------|--|----------|-----------------------|----------------------|-----------------------|
| Section III-Subsec | · · · · · · · · · · · · · · · · · · · | aken | | | | | 7 | | |
| 8. Extended To | A. Date | o Da | Υr | B. Time (24 | 4 Hr. Clock) | | ☐ C. Vacate | ed 🗹 D. Terminated | E. Modified |
| Section IVInspect | tion Data | | | | | | | | |
| 9. Type of Inspe | ction E01 | | 10. E | vent Numbe | 4116771 | | | | |
| 11. Signat | | | | - | AR Number 24329 | 12. Date | Mo Da Yi 12/06/200 | r 13. Time (24 Hr. C | - |

| Min | ne | Ci | tet | ion | $I \cap$ | rder |
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U.S. Department of Labor

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|---|-----------------------------|------------|---------------------------------------|--------------|-------------|--------------|--------------------------------------|----------------|---------------------------------------|--|---------|--|---|---------------------------------------|-----------|--------------|
| Section IViola | tion Data | | | _ | | | | | and the second particle of the second | and the same of th | | | | | | |
| 1. Date Mo Da Yr 2. Time (24 Hr. Clock) 11/30/2007 1200 | | | | | | | 3. Citation/ Order Number 7279682 | | | | | | | | | |
| 4. Served To | | | | | | - 1 | . Opera | ator | | | - | | | | | |
| William H | arless; M | line For | eman | | | | | PERF | ORMA | NCE (| COAL | COM | PAN | Y | | |
| 6. Mine UPPER BI | IG BRAN | ICH MI | NE-SOU | TH | | | 7 | 7. Mine | ID 4 | 6-08 | 436 | | | | | (Contractor) |
| 8. Condition (| or Practice | | · · · · · · · · · · · · · · · · · · · | | | | <u> </u> | | | | | | | 8a, W | ritten No | otice (103g) |
| There was cor and Sur | nducte | d for | the | inta | ke e | | | | | | | | | | | |
| 9. Violation | A. Health Safety Othe | /☑ | B. Section of Act | . | | | | rt/Section | | | | | ontinuat .364(§ | | MSHA F | orm 7000-3a) |
| Section IIinsp | | | | | | 1 | - | | · , | | | | | | | |
| 10. Gravity: | or Illness (h: | , | No Likelih | ood [] | U | nlikely 🗸 | F | Reason | ably Like | ly 🗀 | Hig | hly Like | ely 🔲 | C |)courrec | |
| | r illness co y be expect | | No Los | t Worke | lays 🗌 | Lost W | orkday | s Or Re | estricted | Duty 🔽 |) F | erman | ently D | isabling | | Fatal 🗌 |
| C. Signific | ant and Su | bstantial: | Ye | ; [] | No 🗸 | | | | <u></u> | | D. I | Numbe | r of Per | sons Affe | ected: | 001 |
| 11. Negligeno | ce (check o | ne) | A. None |] | B. Low | | C. Mod | erate [| ✓ | D. Hi | gh 🗌 | | E. Re | ckless Di | sregard | |
| 12. Type of A | Action | 104(a | .) | | | 13. Type of | lssuan | ce (che | ck one) | | Citatio | n 🔽 | Or | der 🗌 | | Safeguard [|
| 14. Initial Act A. Citation | | der 🗌 | C. Safegu | ard 🗌 | D. Writte | en Notice |] E | Citation Order | on/ Number | | | ······································ | | F. Date | ed | Mo Da Yr |
| 15. Area or E | quipment | | | | | | | | | | | | | | | |
| 16. Terminati | ion Due | A. Date | Mo Da 11/30/2 | | B. Time | (24 Hr. Cloc | ;k) | 10 | 600 | T | | | | | | |
| Section IIITen | mination Actl | on | | | | | | | | | | | | · · · · · · · · · · · · · · · · · · · | | |
| 17. Action to | Terminate | The | area | was | exam | ined by | y a | cer | tifi | ed p | erso | n ar | nd c | erti. | fied | with |
| initial | ls, da | tes, | and t | imes | | | | | | | | | | | | |
| 18. Terminate | ed A. Date | Mo E | oa Yr 0/2007 | B. Tim | e (24 Hr. | Clock | 13 | 00 | | | | · · · · | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | | | |
| Section IVAut | tomated Syst | | | L | | | | | | | | · · · · · · · · · · · · · · · · · · · | | | | |
| 19. Type of Ir | nspection | E01 | 20. Even | Numbe | er . | 4116771 | <u> </u> | 2 | 1. Prima | ry or Mil | ll . | | , | , , . | | |
| 22. Signat | | | | | | , | | | | | | 23. | AR Nur | nber | 242 | 20 |

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

22. Signature

02/27/08

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

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| | wine dately and realth Administration |
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| Section IViolation Data | |
| 1. Date Mo Da Yr 2. Time (24 Hr. Clock) 12/03/2007 0115 | 3. Citation/ 7279683 |
| 4. Served To | 5. Operator |
| | 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) |
| The water sprinkler system provided for Storage Unit was not being maintained i sprays (5 on both sides of the storage discharge would spray on the upper surf | n accordance with 75.1101-8. 10 water |
| sprays provided for the bottom surface of the bottom belt that were covered wi | of the top belt and the upper surface |
| | |
| | |
| O Violation A Hoolib D Continu | See Continuation Form (MSHA Form 7000-3a) |
| | art/Section of tie 30 CFR 75.1101-8(c) |
| 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- | ays 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. Mo | derate ☑ D. High ☐ E. Reckless Disregard ☐ |
| 12. Type of Action $104(a)$ 13. Type of issua | nce (check one) Citation 🗹 Order 🗌 Safeguard 🗌 |
| 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 12/04/2007 B. Time (24 Hr. Clock) | 0100 |
| 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 E01 20. Event Number 4116771 | 21. Primary or Mill |

MSHA Form 70 setablished 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 the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

23, AR Number

24329

Mine Citation/Order Continuation

U.S. Department of Labor Mine Safety and Health Administration 12-10-07

| Section ISubsequent Action/Continuation Data | | | | | | |
|--|---------------------------------------|--------------------------|------------|-----------------------------------|-----------|--------------|
| 1. Subsequent Action 1a. Continuation | 2. Dated (Original Issue) | Mo Da 12/03/2 | • • • | 3. Citation/ Order Number 7279 | 9683 - 01 | |
| 4. Served To | · · · · · · · · · · · · · · · · · · · | 5. Operator | | | | |
| Rick Hodge; Superintendant | | PERFORMANCE COAL COMPANY | | | | |
| 6. Mine | | | 7. Mine II | | | (Contractor) |
| UPPER BIG BRANCH MINE-SOU | | <u> </u> | 46-08436 | | | |
| Section II-Justification for Action | | | | | | |

The water sprinklers were directed to protect the surfaces of the belt.

| 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 4116771 | |
| 11. Sig | AR Number 12. Date 24329 | Mo Da Yr 13. Time (24 Hr. Clock) 12/06/2007 1005 |

02/21/08

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

| RR | |
|------|------------|
| 12-6 | t-0.7 |
| | |
| | *** |

| 1. Date Mo Da Yr 2. Time (24 Hr. Clock) 1. Online 1. Onl | | Mine Safety and Health Administration |
|--|--|---|
| 12/03/2007 0140 0.00 0 | Section I-Violation Data | |
| Rick Hodge; Superintendant PERRORMANCE COAI, COMPANY T. Mine ID 46-08436 (Contracto) R. Condition or Practice Sa. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Condition of Practice Sa. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Condition of Practice Sa. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Written Notice (1939) T. Mine ID 46-08436 (Contracto) R. Written Notice (1939) T. Mine ID 46-08436 T. Mine I | | |
| 8. Miles ID 46-08436 Contractory 8. Condition or Practice 8. Written Notice (1059) 9. Violation A. Health 8. Section of Act 8. Section of Talls 30 CFR 75.400 8. Section II-Inspector Evaluation 10. Gravity: A. Injury or Illness (nas) (ls): No Likelihood 10. Gravity: A. Injury or Illness (nas) (ls): No Likelihood 10. Gravity: A. Injury or Illness (nas) (ls): No Likelihood 10. Lost Workdays C Restricted Duty 11. Nogligencard and Substantial: Yes 12. Significant and Substantial: Yes 13. Type of Issuance (check one) A. None 8. Low 13. Type of Issuance (check one) Citation 14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice 15. Area or Equipment 16. Termination Dub 8. Time (24 Hr. Clock) 9. Time (24 Hr. Clock) 9. Violation 9. Violation 19. A Date Mo Da Yr 19. Time (24 Hr. Clock) 9. Written Notice 19. Time (24 Hr. Clock) 9. Time | 4. Served To | · · · |
| Contractory | | |
| 8. Gondinion or Practice | | |
| Hydraulic oil and accumulations of coal was permitted to accumulate in and around the #2 Feeder Hydraulic Power Pack being used for the feeder located in the Glory Hole. Section Hole | | |
| See Continuation Form (MSHA Form 7000-3a) 9. Violation A. Health B. Section of Act Title 30 OFR 75,400 Section I-inspector's Evaluation Other | | |
| See Continuation Form (MSHA Form 7000-3a) 9. Violation A. Health B. Section of Act Other Other Other 9. Violation A. Health Safety of Act Other Other 9. Violation A. Health B. Section of Act Other 9. Violation A. Health B. Section 9. Violation A. Health B. Section Of Act 9. Violation A. Illiance Violation Other 9. Violation Other | |
| 9. Violation A. Health Safety B. Section of Act Other C. Part/Section of Title 30 CFR 75.400 Section III—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: C. Significant and Substantial: Yes No Lost Workdays Or Restricted Duty Permanently Disabling Fatal 11. Negligence (check one) A. None B. Low C. Moderate D. Nimber of Persons Affected: 001 12. Type of Action 104(a) 13. Type of Issuance (check one) Citation Order Safeguard 14. Initial Action B. Order C. Safeguard D. Written Notice E. Citation/ Order Number 15. Area or Equipment 16. Termination Due A. Date Mo Da Yr 12/04/2007 B. Time (24 Hr. Clock) 0800 Section III—Termination Action Terminate A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 | the Glory Hole. | |
| 9. Violation A. Health Safety B. Section of Act Other C. Part/Section of Title 30 CFR 75.400 Section III—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: C. Significant and Substantial: Yes No Lost Workdays Or Restricted Duty Permanently Disabling Fatal 11. Negligence (check one) A. None B. Low C. Moderate D. Nimber of Persons Affected: 001 12. Type of Action 104(a) 13. Type of Issuance (check one) Citation Order Safeguard 14. Initial Action B. Order C. Safeguard D. Written Notice E. Citation/ Order Number 15. Area or Equipment 16. Termination Due A. Date Mo Da Yr 12/04/2007 B. Time (24 Hr. Clock) 0800 Section III—Termination Action Terminate A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 | | |
| 9. Violation A. Health Safety B. Section of Act Other C. Part/Section of Title 30 CFR 75.400 Section III—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: C. Significant and Substantial: Yes No Lost Workdays Or Restricted Duty Permanently Disabling Fatal 11. Negligence (check one) A. None B. Low C. Moderate D. Nimber of Persons Affected: 001 12. Type of Action 104(a) 13. Type of Issuance (check one) Citation Order Safeguard 14. Initial Action B. Order C. Safeguard D. Written Notice E. Citation/ Order Number 15. Area or Equipment 16. Termination Due A. Date Mo Da Yr 12/04/2007 B. Time (24 Hr. Clock) 0800 Section III—Termination Action Terminate A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 | | |
| 9. Violation A. Health Safety B. Section of Act Other: C. Part/Section of Title 30 GFR 75.400 Section III—Inspector's Evaluation 10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabiling Fatal C. Significant and Substantial: Yes No D. Number of Persons Affected: 001 11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard 12. Type of Action 104(a) 13. Type of Issuance (check one) Citation Order Safeguard 14. Initial Action B. Order C. Safeguard D. Written Notice E. Citation/ Order Number F. Dated Mo Da Yr 12/04/2007 B. Time (24 Hr. Clock) 0800 Section III—Termination Action 17. Action to Terminate A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated C. Citation C. Citat | | |
| 9. Violation A. Health Safety B. Section of Act Other C. Part/Section of Title 30 CFR 75.400 Section III-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: Oc. Significant and Substantial: Yes No Lost Workdays Or Restricted Duty Permanently Disabling Fatal D. Number of Persons Affected: 001 11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard 12. Type of Action 104(a) 13. Type of Issuance (check one) Citation Order Safeguard 14. Initial Action B. Order C. Safeguard D. Written Notice E. Citation Order Number F. Dated Mo Da Yr 12/04/2007 B. Time (24 Hr. Clock) 0800 Section III-Termination Action A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III-Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III-Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III-Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III-Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III-Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III-Terminated C. Control Report R. Time (24 Hr. Clock) 0800 Section III-Terminated R. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III-Terminated R. Date Dat | | |
| 9. Violation A. Health Safety B. Section of Act Other: C. Part/Section of Title 30 GFR 75.400 Section III—Inspector's Evaluation 10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabiling Fatal C. Significant and Substantial: Yes No D. Number of Persons Affected: 001 11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard 12. Type of Action 104(a) 13. Type of Issuance (check one) Citation Order Safeguard 14. Initial Action B. Order C. Safeguard D. Written Notice E. Citation/ Order Number F. Dated Mo Da Yr 12/04/2007 B. Time (24 Hr. Clock) 0800 Section III—Termination Action 17. Action to Terminate A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated C. Citation C. Citat | | |
| 9. Violation A. Health Safety B. Section of Act Other: C. Part/Section of Title 30 GFR 75.400 Section III—Inspector's Evaluation 10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabiling Fatal C. Significant and Substantial: Yes No D. Number of Persons Affected: 001 11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard 12. Type of Action 104(a) 13. Type of Issuance (check one) Citation Order Safeguard 14. Initial Action B. Order C. Safeguard D. Written Notice E. Citation/ Order Number F. Dated Mo Da Yr 12/04/2007 B. Time (24 Hr. Clock) 0800 Section III—Termination Action 17. Action to Terminate A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated C. Citation C. Citat | | |
| 9. Violation A. Health Safety B. Section of Act Other: C. Part/Section of Title 30 GFR 75.400 Section III—Inspector's Evaluation 10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabiling Fatal C. Significant and Substantial: Yes No D. Number of Persons Affected: 001 11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard 12. Type of Action 104(a) 13. Type of Issuance (check one) Citation Order Safeguard 14. Initial Action B. Order C. Safeguard D. Written Notice E. Citation/ Order Number F. Dated Mo Da Yr 12/04/2007 B. Time (24 Hr. Clock) 0800 Section III—Termination Action 17. Action to Terminate A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated C. Citation C. Citat | | |
| 9. Violation A. Health Safety B. Section of Act Other C. Part/Section of Title 30 CFR 75.400 Section III—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: C. Significant and Substantial: Yes No Lost Workdays Or Restricted Duty Permanently Disabling Fatal 11. Negligence (check one) A. None B. Low C. Moderate D. Nimber of Persons Affected: 001 12. Type of Action 104(a) 13. Type of Issuance (check one) Citation Order Safeguard 14. Initial Action B. Order C. Safeguard D. Written Notice E. Citation/ Order Number 15. Area or Equipment 16. Termination Due A. Date Mo Da Yr 12/04/2007 B. Time (24 Hr. Clock) 0800 Section III—Termination Action Terminate A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section III—Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 | | |
| Safety Other Of Act Title 30 CFR 75.400 | · | See Continuation Form (MSHA Form 7000-3a) |
| Section -Terminated A, Date Mo Da Yr 12/04/2007 B. Time (24 Hr. Clock) Section -Terminated A, Date Mo Da Yr A. Date Mo Da Yr B. Time (24 Hr. Clock) Section -Terminated A, Date B. Time (24 Hr. Clock) Section -Terminated System Data | | |
| Section -Inspectors 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: C. Significant and Substantial: Yes No D. Number of Persons Affected: 001 11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard 12. Type of Action 104(a) 13. Type of Issuance (check one) Citation Order Safeguard 14. Initial Action B. Order C. Safeguard D. Written Notice E. Citation/Order Number 15. Area or Equipment A. Date Mo Da Yr 12/04/2007 B. Time (24 Hr. Clock) 0800 Section II-Termination Action T. Action to Terminate A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section II-Termination Action E. Order C. Sevent Number A. Date C. Sevent Number C. S | | Fitle 30 CFR 75.400 |
| A. Injury or Illness Chas) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred Disabling Fatal Disably be expected to be: No Lost Workdays Dr. Restricted Duty Permanently Disabling Fatal D. Number of Persons Affected: 001 11. Negligence (check one) A. None B. Low D. High E. Reckless Disregard D. High D. High E. Reckless Disregard D. Lost Workdays Dr. Restricted Duty Permanently Disabling Fatal D. Number of Persons Affected: 001 11. Negligence (check one) A. None B. Low D. High E. Reckless Disregard D. Lost Vorder D. High E. Reckless Disregard D. Lost Vorder D. High E. Reckless Disregard D. Lost Vorder D. High E. Reckless Disregard D. Lost Vorder D. Lost | Section II-Inspector's Evaluation | |
| B. Injury or illness could reasonably be expected to be: C. Significant and Substantial: Yes No D 10. Number of Persons Affected: O01 11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard D 12. Type of Action 104(a) 13. Type of Issuance (check one) Citation D Order Safeguard D 14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number 15. Area or Equipment 16. Termination Due A. Date Mo Da Yr 12/04/2007 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) Eggt 20. Event Number 4116771 21. Primary or Mill | 10. Gravity: | |
| Somebly be expected to be: No Lost Workdays Lost Workdays Cr. Sterricted Duty Permanently Disabling Fatal On Number of Persons Affected: On 1 11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard 12. Type of Action 104(a) 13. Type of Issuance (check one) Citation Order Safeguard 14. Initial Action B. Order C. Safeguard D. Written Notice E. Citation/ Order Number 15. Area or Equipment A. Date Mo Da Yr 12/04/2007 B. Time (24 Hr. Clock) 0800 16. Termination Due A. Date Mo Da Yr 12/04/2007 B. Time (24 Hr. Clock) 0800 17. Action to Terminate A. Date Mo Da Yr B. Time (24 Hr. Clock 18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock 19. Type of Inspection (activity code) E03 20. Event Number 4116771 21. Primary or Mill 10. Number of Persons Affected: 001 D. High E. Reckless Disregard D. High | | Reasonably Likely 📝 Highly Likely 🗌 Occurred 🗌 |
| C. Significant and Substantial: Yes V No | | days Or Restricted Duty 📝 Permanently Disabling 🗌 Fatal 🗍 |
| 11. Negligence (check one) A. None B. Low C. Moderate D. D. High E. Reckless Disregard 12. Type of Action 104(a) 13. Type of Issuance (check one) Citation Droper Safeguard 14. Initial Action B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr A. Citation Due A. Date Mo Da Yr 12/04/2007 B. Time (24 Hr. Clock) 0800 Section III-Termination Action 17. Action to Terminate A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section IV-Automated System Data 19. Type of Inspection (activity code) E.9.1 20. Event Number 4116771 21. Primary or Mill (activity code) E.9.1 20. Event Number 4116771 | C. Circuifoant and Cubatautal. | |
| 12. Type of Action 104(a) 13. Type of Issuance (check one) Citation Order Safeguard 14. Initial Action 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 12/04/2007 B. Time (24 Hr. Clock) 0800 Section III-Termination Action 17. Action to Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock) 0800 Section IV-Automated System Data 19. Type of Inspection (activity code) EQA 20. Event Number 4116771 21. Primary or Mill (activity code) EQA 20. Event Number 4116771 | - 1es 🐼 140 🗍 | 001 |
| 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 12/04/2007 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 IV—Automated System Data 19. Type of Inspection (activity code) E. Citation/ Order Number F. Dated Mo Da Yr B. Time (24 Hr. Clock) 21. Primary or Mill C. Citation/ Order Number 4116771 21. Primary or Mill C. Citation/ Order Number F. Dated Mo Da Yr A. Date Mo Da Yr B. Time (24 Hr. Clock) Section IV—Automated System Data 19. Type of Inspection (activity code) E. Other Number 4116771 | | |
| A. Citation B. Order C. Safeguard D. Written Notice Order Number 15. Area or Equipment 16. Termination Due A. Date Mo Da Yr 12/04/2007 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) E03 20. Event Number 4116771 21. Primary or Mill | 12. Type of Action $104(a)$ 13. Type of Issu | iance (check one) Citation ☑ Order ☐ Safeguard ☐ |
| 16. Termination Due A. Date Mo Da Yr 12/04/2007 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 IVAutomated System Data 19. Type of Inspection (activity code) E03 20. Event Number 4116771 | 14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice | |
| 16. Termination Due A. Date Mo Da Yr 12/04/2007 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 IVAutomated System Data 19. Type of Inspection (activity code) E03 20. Event Number 4116771 | 15. Area or Equipment | |
| 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) E02 20. Event Number 4116771 21. Primary or Mill | | |
| 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) E02 20. Event Number 4116771 21. Primary or Mill | | |
| 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) E02 20. Event Number 4116771 21. Primary or Mill | 16 Termination Due Mo Da Yr | |
| 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) E02 20. Event Number 4116771 21. Primary or Mill | I B Data Data Data Od Hr Clock) | 0800 |
| 18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock Section IVAutomated System Data 19. Type of Inspection (activity code) E03 20. Event Number 4116771 21. Primary or Mill | Section III-Termination Action | |
| A. Date B. Time (24 Hr. Clock Section IVAutomated System Data 19. Type of Inspection (activity code) E03 20. Event Number 4116771 21. Primary or Mill | 17. Action to Terminate | |
| A. Date B. Time (24 Hr. Clock Section IVAutomated System Data 19. Type of Inspection (activity code) E03 20. Event Number 4116771 21. Primary or Mill | | |
| A. Date B. Time (24 Hr. Clock Section IVAutomated System Data 19. Type of Inspection (activity code) E03 20. Event Number 4116771 21. Primary or Mill | | |
| 19. Type of Inspection (activity code) E02 20. Event Number 4116771 21. Primary or Mill | 18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock | |
| 19. Type of Inspection (activity code) E02 20. Event Number 4116771 21. Primary or Mill | Section IVAutomated System Data | |
| O2 Circulus | 19. Type of Inspection 20. Event Number | 21. Primary or Mill |
| | 22. Signature | 23. AR Number 24329 |

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may cail 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.

12.10-07

| Mine | Citation/Order |
|-------|----------------|
| Conti | nuation |

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

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| Oortinaation | | | MINIO OF | liety and realth Authinstration | |
|---|---|--|---|---|--|
| Section I-Subsequent Action/Continuation Data | Anna Anna Anna Anna Anna Anna Anna Anna | and the second section of the section of the second section of the secti | ekselmen er er er er er er er er er er er er er | | |
| 1. Subsequent Action 1a. Continuation | Dated (Original Issue) | Mo Da 12/03/20 | Yr 107 | 3. Cítatlon/ Order Number 7279684 - 01 | |
| 4. Served To | | | 5. Operat | or | |
| Rick Hodge; Superintendant | | | PERFO | RMANCE COAL COMPANY | |
| 6. Mine | | | 7. Mine II | | (Contractor) |
| UPPER BIG BRANCH MINE-SOL | JTH | | | 46-08436 | |
| Section IIJustification for Action | Accessed to the second | | | | and province from a regulation of the company of the control of th |

The accumulations of hydraulic oil and coal have been cleaned.

| Section IIISubsequent Action Taken | . | | | | | See Continuation Form |
|---|--------------|------------------------|----------|------------------------|------------------------------|-----------------------|
| 8. Extended To A. Date Mo Da | Υr | B. Time (24 Hr. Clock) | | C. Vacated | ✓ D. Terminated | E. Modified |
| Section IV-Inspection Data 9. Type of Inspection E01 | 10. Ev | ent Number 4116771 | | | | |
| 11. Signatu | | AR Number 24329 | 12. Date | Mo Da Yr 12/06/2007 | 13. Time (24 Hr. Clo 1025 | ck) |

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 IViolation Data | | | | |
| 1. Date Mo Da Yr 2. Time (24 Hr. Clock) 12/03/2007 0355 | 3. Citation/ Order Number 7279685 | | | |
| 4. Served To | 5. Operator | | | |
| Rick Hodge; Superintendant | PERFORMANCE COAL COMPANY | | | |
| 6. Mine | 7. Mine ID 46-08436 | | | |
| UPPER BIG BRANCH MINE-SOUTH | (Col | ntractor) | | |
| 8. Condition or Practice | 8a, Written Notice (1) | | | |
| Five Nozzles were not directed so that upper and bottom surfaces of the top be belt on the #1 UBB Section Belt Conveyo | elt and the upper surface of the bot | | | |
| Safety of Act Other | See Continuation Form (MSHA Form 700 Part/Section of Title 30 CFR 75.1101-1(b) | 0-3a) <u> </u> | | |
| 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- | lays 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. M | oderate 🗸 D. High 🗌 E. Reckless Disregard 🗍 | | | |
| 12. Type of Action 104(a) 13. Type of Issu | ance (check one) Citation ✓ Order ☐ Safe | guard 🗌 | | |
| 14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice | E. Citation/ F. Dated Mo I Order Number | Da Yr | | |
| 15. Area or Equipment 16. Termination Due Mo Da Yr | | | | |

Section III-Termination Action 17. Action to Terminate

12/04/2007

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

4116771 E01 (activity code) 22. Signatur 23. AR Number 24329

MSHA Form 7000-5, war so (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 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 ISubsequent Action/Continuation Data | |
|--|---|
| 1. Subsequent Action 1a. Continuation 2. Dated Mo Da (Original Issue) 12/03/20 | Yr 3. Citation/ 07 Order Number 7279685 - 01 |
| 4. Served To | 5. Operator |
| Rick Hodge; Superintendant | PERFORMANCE COAL COMPANY |
| 6. Mine | 7. Mine ID (Contractor) |
| UPPER BIG BRANCH MINE-SOUTH | 46-08436 |
| Section IIJustification for Action | |

The nozzles were directed so that the spray protected the surfaces of the belt.

| Saction III Cultura and Astron Taken | | | | | | See Continuation Form |
|--------------------------------------|---------------|--------------------|----------|------------------------|---------------------|-----------------------|
| 8. Extended To A. Date Mo Da | Yr B. Time | (24 Hr. Clock) | | C. Vacated | ✓ D. Terminated | E. Modified |
| 9. Type of Inspection E01 | 10. Event Num | ber 4116771 | | | | |
| 11. Si | | AR Number 24329 | 12. Date | Mo Da Yr 12/07/2007 | 13. Time (24 Hr. Cl | ock) |

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

| Mine | Citation/Order | |
|-------|----------------|--|
| MINIC | Citation/Order | |

2/27/68

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

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|---|--|---|----|----|
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| | | | wife Safety and Health Administration | | | | |
|--------------|------------------------|--------------------------------|---------------------------------------|--------------|--|--|--|
| Section IVic | olation Data | | | | | | |
| 1. Date | Mo Da Yr 12/03/2007 | 2. Time (24 Hr. Clock) 0515 | 3. Citation/ Order Number 727968 | 6 | | | |
| 4. Served 1 | Го | | 5. Operator | | | | |
| Rick Hoo | ige; Superintend | ant | PERFORMANCE COAL COMPANY | • | | | |
| 6. Mine | | | 7. Mine ID 46-08436 | | | | |
| UPPER I | BIG BRANCH M | IINE-SOUTH | 40-00430 | (Contractor) | | | |
| 8. Condition | n or Practice | | 8a. Written N | otice (103g) | | | |

Seven nozzles would not spray when tested and several other nozzles were not directed so that the water would discharge on both the upper and bottom surfaces of the top belt and the upper surface of the bottom belt on the #2 North Mains Belt Conveyor Drive and Storage Unit.

| | | | | | | | | | See (| Continuation | Form (MSH | A Form 7000-3a) | |
|---------------------------------|------------------------------|-----------|-------------------|-----------|--------------------|---------------------------------------|-----------------------|---|------------|--------------|-------------|-----------------|----------|
| 9. Violation | A. Health Safety Other | | B. Section of Act | | | C. Part/Se Title 30 | | | 75.1 | 101-1(b |) | | |
| Section IIInspe | ector's Evalua | tion | | | | · · · · · · · · · · · · · · · · · · · | | | | | | | |
| 10. Gravity: | | | | _ | _ | | | | | | | | |
| | r iliness (ha | | No Likelih | ood 🗌 | Unlikely 🔽 | Reas | onably Like | ly 🗌 | Highly Lik | ely 🔲 | Occu | rred 🗌 | |
| | r iliness cou be expecte | | No Los | t Workday | ys 🗌 🛮 Lost V | Vorkdays O | r Restricted | Duty 🗌 | Perman | ently Disa | bling 🔽 | Fatal 🗌 | |
| C. Signific | ant and Sul | ostantial | : Ye: | s 🗌 🔝 | No 🗸 | | | | D. Numbe | r of Persor | ns Affected | t: 001 | |
| 11. Negligeno | e (check o | 10) | A. None |] [| 3. Low 🗌 | C. Moderat | e 🗸 | D. High | | E. Recki | ess Disreg | ard 🗌 | |
| 12. Type of A | ction | 104(| a) | | 13. Type of | issuance (| check one) | (| Citation 🔽 | Order | | \$afeguard [| |
| 14. Initial Acti A. Citation | on B. Or | ier 🔲 | C. Safegua | ard D | . Written Notice | | tation/ der Number | | | f | . Dated | Mo Da Yr | |
| 15. Area or E | drubutetit | | | | | | | | | | | | |
| 16. Termination | on Due | A. Date | Mo Da 12/04/2 | | , Time (24 Hr. Clo | ock) | 0800 | | . <u>-</u> | | | | |
| Section III-Tern | nination Actio | ก | | | | | | | | | | | \equiv |
| 17. Action to | Terminate | | | | | | | | | | | | |
| 18. Terminate | A. Date | Мо | Da Yr | B. Time (| 24 Hr. Clock | | | · • • • • • • • • • • • • • • • • • • • | | | | | |
| Section IV-Auto | omated Syste | m Data | | | | | | ·· | | | | | |
| 19. Type of In (activity co | | E01 | 20. Even | Number | 411677 | 1 | 21. Prima | y or Mili | | | | | |
| 22. Signati | | | | | | · · · · · · · · · · · · · · · · · · · | | · | 23. | AR Numbe | er 2 | 4329 | _ |

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

12-10-07

| Mine Citation/Order |
|---------------------|
| Continuation |

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

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| Section I-Subsequent Action/Continuation Data | | vonniki pi panajana manaja pan | | | With the second | | |
|---|------------------------------|---------------------------------------|----------------|------------|---|--------------|--------------|
| 1. Subsequent Action 1a. Continuation | 2. Dated (Original Issue) | Mo 12/0 | Da Y 3/2007 | r | 3, Citation/ Order Number | 7279686 - 01 | |
| 4. Served To | | | 5. O | perato | ır | | |
| Rick Hodge; Superintendant | | | PEI | FOI | RMANCE CO. | AL COMPANY | |
| 6. Mine | | · · · · · · · · · · · · · · · · · · · | 7. M | ne ID | 46.00.40 | | (Contractor) |
| UPPER BIG BRANCH MINE-SOUTH | | | | | 46-0843 | 6 | |
| Section II-Justification for Action | | | | | | | |

The nozzles have been cleaned and they are directed to protect the surface of the belt.

| | | | 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 | Event Number 4116771 | | |
| 11. Sign | AR Number 12. Date | Mo Da Yr 13. Time (24 Hr. C | lock) |
| - | 24329 | 12/07/2007 0600 | |

| Mine Citatio | on/Order | 02/ | 27/08 | U.S. Departm Mine Safety ar | e nt of Labor nd Health Administrati | 77 4 - 07 |
|--------------------------------|--|------------------------|----------------------|------------------------------------|--|---------------------------------|
| Section IViolati | | | | | | |
| 1. Date | Mo Da Yr 12/03/2007 | 2. Time (24 Hr. C | | | 3. Citation/ Order Num | ner 7279687 |
| 4. Served To | 12/03/2007 | V1, | 4.5 | 5. Operator | | |
| Rick Hodge | ; Superintenda | nt | | 3 ' | NCE COAL COMPA | NΥ |
| 6. Mine | | | | 7. Mine ID | C 00126 | |
| | 3 BRANCH M | NE-SOUTH | | 41 | 6-08436 | (Contractor) |
| 8. Condition of | | | | | | 8a. Written Notice (103g) |
| | | | | | mitted to accu nary roller to | |
| 9. Violation Section II–Inspec | A. Health Safety (Other Cotor's Evaluation | B. Section of Act | | C. Part/Section of Title 30 CFR | See Continu 75.40 | uation Form (MSHA Form 7000-3a) |
| 10. Gravity: | | | | | | |
| | Iliness (has) (is): | No Likelihood | Unlikely 🔽 | Reasonably Likel | y 📗 Highly Likely 🏻 | Occurred |
| | illness could rea- be expected to be: | No Lost Work | days Lost W | orkdays Or Restricted I | Duty 🗹 Permanently | Disabling Fatal F |
| C. Significa | nt and Substantial | Yes 🗌 | No 🗸 | | D. Number of P | ersons Affected: 001 |
| 11. Negligence | check one) | A. None 🗌 | B. Low 🗌 💢 C | . Moderate 🗸 | D. High 🗌 E. F | teckless Disregard [] |
| 12. Type of Ac | tion 104(a | 1) | 13. Type of I | ssuance (check one) | Citation 🗹 | Order Safeguard |
| 14. Initial Action A. Citation | on B. Order | C. Safeguard [| D. Written Notice | E. Citation/ Order Number | | F. Dated Mo Da Yr |
| 15. Area or Eq | uipment | | | | | |
| 16. Terminatio | n Due A. Date | Mo Da Yr 12/04/2007 | B. Time (24 Hr. Cloc | k) 1600 | | |
| Section III-Term | ination Action | | • | | | |
| 17. Action to T | erminate | | | | | |

MSHA Form 700 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.

21. Primary or Mill

23. AR Number

24329

Mo Da Yr

E01

20. Event Number

B. Time (24 Hr. Clock

4116771

18. Terminated

22. Signature

A. Date

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

(activity code)

Mine Citation/Order Continuation

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

12-10-07

| | | | | Wille Salety and Health Administration | | | |
|--|--|--|--|---|--|--|--|
| Section ISubsequent Action/Continuation Data | | | | | | | |
| 1. Subsequent Action 1a, Continuation | 2. Dated (Original Issue) | Mo Da 12/03/200 | | 3. Citation/ Order Number 7279687 ~ | 01 | | |
| 4. Served To | | | 5. Operate | or | | | |
| Rick Hodge; Superintendant | | | PERFORMANCE COAL COMPANY | | | | |
| 6. Mine | | | 7. Mine II |) 16.00106 | (Contractor) | | |
| UPPER BIG BRANCH MINE-SOI | UTH | | | 46-08436 | | | |
| ection IIJustification for Action | | | | | | | |
| | The state of the s | mening and an arrange of the same of the | Company of the Property of the Company | was required to the second of | - The state of the | | |

The belt drive was cleaned and appears to be in adequate condition.

| | na na na na na na na na na na na na na n | | na lago a consequipi prima del la consequipi processo de la consequipi prima del la consequipi processo del la | | | See Continuation Form |
|--|--|--------------|--|--------------|----------------------|-----------------------|
| Section IIISubsequent Action Taken | | | | | | |
| 8. Extended To A. Date Mo Da | Yr B. Time (2 | 4 Hr. Clock) | The state of the s | ☐ C. Vacated | ✓ D. Terminated | E. Modified |
| Section IVInspection Data | | | No. | | | |
| 9. Type of Inspection E01 | 10. Event Numb | er 4116771 | | | | |
| 11. Signature | | AR Number | 12. Date | Mo Da Yr | 13. Time (24 Hr. Clo | ck) |
| termina di alguni anche di alg | | 24329 | | 12/06/2007 | 0950 | |

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

| .no | Citation/Order | |
|------|----------------|--|
| ∍ne. | Citation/Order | |

22. Signatur

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| 12 | -10 | ~ Ø = |

| 3 | -10 | -07 | $\langle\!\!\langle \rangle\!\!\rangle$ |
|---|-----|-----|---|

| ine Citation/Order | 2/27/08 | U.S. Department of L Mine Safety and Healt | | 12-10-07 |
|---|---|---|------------------------|-----------------------------|
| Section IViolation Data | · | | | |
| 1. Date Mo Da Yr | 2. Time (24 Hr. Clock) | | 3. Citation/ | 279688 |
| 12/05/2007 | 1245 | | Order Number 12 | .17000 |
| 4. Served To | | 5. Operator | | |
| Rick Hodge; Superintend | ant | PERFORMANCE CO | OAL COMPANY | |
| 6. Mine | | 7. Mine ID 46-0843 | 36 | |
| UPPER BIG BRANCH N | MNE-SOUTH | 10 00 15 | | (Contractor) |
| 8. Condition or Practice | | | | Written Notice (103g) |
| Manager for the belt, track and | led to follow the v No. 2 LBB Section (two other entries (ng the air ventilati section. | MMU 040 and 041). No.'s 2,3,4, and 5 | The air venti | llating the in the wrong |
| | | | Soo Continuation For | m (MSHA Form 7000-3a) |
| 9. Violation A. Health ☐ Safety ✓ Other ☐ | B. Section of Act | C. Part/Section of Title 30 CFR | 75.370(a)(1) | - (money controvo-sa) |
| Section IIInspector's Evaluation | | | | |
| 10. Gravity: | | · · · · · · · · · · · · · · · · · · · | | . 🗔 |
| A. Injury or Illness (has) (is): | | Reasonably Likely 🗸 | Highly Likely | Occurred |
| B. Injury or illness could reasonably be expected to be | | Workdays Or Restricted Duty | Permanently Disabling | ı |
| C. Significant and Substantia | al: Yes 🗹 No 🗌 | | D. Number of Persons A | ffected: 010 |
| | | | | |

11. Negligence (check one) A. None B. Low 🗸 C. Moderate D. High E. Reckless Disregard 13. Type of issuance (check one) Safeguard [12. Type of Action Citation 🔽 Order [104(a) E. Citation/ F. Dated Mo Da Yr 14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice Order Number 15. Area or Equipment Mo Da Yr 16. Termination Due B. Time (24 Hr. Clock) A. Date 1345 12/05/2007 Section III--Termination Action The operator found and repaired a stopping that had been crushed 17. Action to Terminate out. This correction caused the air to move in the proper direction. Mo Da Yr 18. Terminated A. Date B. Time (24 Hr. Clock 1400 12/05/2007 Section IV--Automated System Data 20. Event Number 21. Primary or Mill 19. Type of Inspection 4116771 E01 (activity code)

In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has MSHA Form 7000-3, Mar 85 (revised) 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

24329

| Mine | Citatio | n/Order |
|---------|---------|---------|
| IVIIIIC | URGUV | |

E01

(activity code) 22. Signature

| RR 12-11 | ~~\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\ |
|-------------|--|
|-------------|--|

| Mine Citation | on/Order | | 15/1 | 1/08 | (یے | U.S. Departm Mine Safety a | | | ration | | |
|---------------------------------|-----------------------------|------------|-------------------------|----------------|--------------|---------------------------------------|------------|------------------------|-----------|-----------------|--------------|
| Section IViolat | ion Data | | 0 40 10 | 9/ | 1- | | | | | | |
| 1. Date | Mo Da 12/10/2 | | 2. Time (24 Hr. C | | | | | 3. Citation Order N | | 727968 | 9 |
| 4. Served To | | | | | | 5. Operator | | | | | |
| Rick Hodge | e; Superi | ntenda | ent : | | | PERFORMA | NCE CO | AL COM | PANY | 7 | |
| 6. Mine | | | | , | | 7. Mine ID | 6-0843 | 6 | | | |
| UPPER BI | G BRAN | ICH M | INE-SOUTH | | | 4 | 0-0043 | U | | | (Contractor) |
| Condition of | r Practice | | | | | | | | | 8a. Written N | otice (103g) |
| The cer | tifie | d pe | rson condu | icting t | the on- | -shift exa | aminat | ion in | the | e belt h | aulage |
| entries | in t | he N | o. 5, 4, 3 | 3, and 2 | LBB S | Section be | elt ha | ulage | entr | ries fai | led to |
| certify | by i | niti | als, date | and tim | ne at e | enough lo | cation | s to s | how | that th | e entire |
| area ha | d bee | n ex | amined. | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | · · · · · · · · · · · · · · · · · · · | | See Co | ntinuatio | on Form (MSHA F | orm 7000-3a) |
| 9. Violation | A. Health Safety Othe | √ ✓ | B. Section of Act | | | Part/Section of itle 30 CFR | | 75.30 | 62(g)(| 1) | |
| Section ilInspe | ctor's Evalu | ation | | | | | | | | | |
| 10. Gravity: A. Injury o | r Illness (h | as) (is): | No Likelihood | Unlikel | y V | Reasonably Like | ly 🗌 | Highly Likel | у 🗌 | Occurre | d [<u>]</u> |
| B. Injury o sonably | r illness co be expect | | . No Lost Work | days 🗌 | Lost Worko | lays Or Restricted | Duty 🗌 | Permane | ntly Dis | abling 🔽 | Fatal [] |
| C. Signific | ant and Su | bstantia | l: Yes 🗌 | No 🗸 | | | : | D. Number | of Pers | ons Affected: | . 014 |
| 11. Negligeno | e (check c | ne) | A. None | B. Low | C. M | oderate 🔽 | D. High | | E. Recl | dess Disregard | i [] |
| 12. Type of A | ction | 104(| a) | 13. 1 | Type of Issu | ance (check one) | C | itation 🗸 | Ord | er 🗌 | Safeguard 🗌 |
| 14. Initial Acti A. Citation | | der 🗌 | C. Safeguard | D. Written No | otice | E. Citation/ Order Number | | | | F. Dated | Mo Da Yr |
| 15. Area or E | | | | | | | | · <u></u> | | | |
| | | | | | | | | | | | |
| 16. Terminati | on Due | A. Date | Mo Da Yr 12/10/2007 | B. Time (24 | Hr. Clock) | 1230 | | | | | |
| Section IIITerr | nination Acti | on | | | | | | | | | |
| 17. Action to | Terminate | The | belt haul | Lage ent | cries ' | were exam. | ined a | nd cer | tifi | .ed by | |
| initial | .s, da | te a | nd time by | y a cert | tified | person. | | | | | |
| 18. Terminate | A. Date | 1 | Da Yr 10/2007 B. Tim | e (24 Hr. Cloc | k | 1200 | | | | | |
| Section IVAut | omated Syst | em Data | | | | | | | • • | | _ |
| 19. Type of It | | E01 | 20. Event Numb | er 411 | 6771 | 21. Prima | ry or Mill | | | | |

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

24329

| ле Citation/Order | 02/27/08 | U.S. Department of Labor Mine Safety and Health Administration | 12-11-07 |
|--|--|--|------------------------------|
| Section IViolation Data | | | |
| 1. Date Mo Da Yr 12/10/2007 | 2. Time (24 Hr. Clock) 1345 | 3. Citation/ Order Numbe | , 7279690 , |
| 4. Served To | | 5. Operator | |
| Rick Hodge; Superintendat | nt | PERFORMANCE COAL COMPAN | Y |
| 6. Mine | | 7. Mine ID 46-08436 | |
| UPPER BIG BRANCH MI | NE-SOUTH | 10 00130 | (Contractor) |
| 8. Condition or Practice | | of loose coal and float d | 8a. Written Notice (103g) |
| | e belt conveyor stor | ns Belt Haulage Conveyor f age unit. | Iom Bleak 75 co |
| 9. Violation A. Health | B. Section of Act | C. Part/Section of Title 30 CFR 75.400 | ion Form (MSHA Form 7000-3a) |
| 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 W | orkdays Or Restricted Duty 🗹 💮 Permanently Di | sabling [] Fatal [] |
| C. Significant and Substantial: | Yes No 🗸 | D. Number of Per | sons Affected: 001 |
| 11. Negligence (check one) | A. None B. Low 🔽 | C. Moderate D. High E. Red | ckless Disregard [] |
| 12. Type of Action 104(a | 13. Type of | Issuance (check one) Citation 🗹 Ore | der Safeguard [] |
| 14. Initial Action A. Citation B. Order | C. Safeguard D. Written Notice | E. Citation/ Order Number | F. Dated Mo Da Yr |
| 15. Area or Equipment | | | |

16. Termination Due

A. Date Mo Da Yr 12/14/2007

B. Time (24 Hr. Clock)

4116771

1600

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

21. Primary or Mill

22. Signatu

23. AR Number 24329

MSHA Form Assistance of 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 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.

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

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| Continuedon | | Mine Salety and Health Administration | | | | | | |
|-----------------------------|-----------------------------|--|--|--|--|---|--|-------------------|
| Section ISubsequer | nt Action/Continuation Data | | | | | | | |
| 1. Subsequent Ac | tion 1a. Continuation | 2. Dated (Original Issue) | Mo Da 12/10/20 | Yr 107 | 3. Citatioп/ Order Number | 7279690 - 01 | | |
| 4. Served To | | | | 5. Opera | tor | | | |
| Rick Hodge; S | uperintendant | | | PERFO | RMANCE CO | AL COMPANY | | |
| 6. Mine | | | | 7. Mine ID | | | | |
| UPPER BIG BRANCH MINE-SOUTH | | | | | 46-0843 | 6 | | |
| Oralia II hadifaalla | - A- A-ti | Automotive and an experience of the second discount of the second di | Service Servic | and the same of th | and a supplemental of the control of | Anna VIIII Carago managa and Anna Anna Anna Anna Anna Anna Anna | mixture of a finite in the contract of the con | XXXXXX-QUQUATOTTO |

The belt conveyor has been cleaned and rock dusted.

| | | | 4 | When the same and | numero es ción dos con morros esta solición. | | Continuos anni Che Elevani VIII (Continuo | | and deliverable control of the contr | See Continuation Form | and the second s |
|------------------|---------------------|----------------------|--------|---|---|--|---|----------|--|-----------------------|--|
| Section IIISubse | quent Action Take | n | | | | | | | | | |
| 8. Extended To | A. Date | Da | Yr | B. Time (24 H | r. Clock) | | ☐ C. Va | cated | ✓ D. Terminated | ☐ E. Modified | |
| Section IVInspec | tion Data | MINIPARTIN MANAGEMAN | | A SAN THE SHAPE WAS A SAN THE | ing time (Charles of Engineer personal control of Charles | Aprilla particular de la companya de | | New York | | | |
| 9. Type of inspe | ection E01 | | 10. Ev | ent Number | 4116771 | | | | | | |
| | | | | | | | | | | | |
| 11. Sign | | | | A | R Number | 12. Date | Mo Da | Yr | 13. Time (24 Hr. Clo | ock) | |
| | | | | 2 | 4329 | | 12/14/2 | 2007 | 1300 | | |
| MSHA Form 7000 | -3a, IMOI OD (IEVIS | ea) | | | | | | | | | |

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| 16 K (2-11) | |
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| Mine Citation/Order | 02/2 | 27/08 | U.S. Department of L Mine Safety and Healt | | (2-16) |
|---|--------------------------------|---------------------------------------|---|------------------------------|--|
| Section I-Violation Data | | | | | |
| 1. Date Mo Da 12/10/2 | - | Clock) 50 | | 3. Citation/ Order Number | 7279691 |
| 4. Served To | 3007 1 | | 5. Operator | | |
| Rick Hodge; Super | intendant | | PERFORMANCE CO | OAL COMPANY | |
| 6. Mine | | | 7. Mine ID 46-0843 | 2.6 | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, |
| UPPER BIG BRAN | NCH MINE-SOUTH | | 40-0043 | | (Contractor) |
| Condition or Practice | | | | | 8a. Written Notice (103g) |
| accumulate a | _ | 1 South Main | of loose coal ar s Belt Haulage (| | |
| 9. Violation A. Healti Safet Othe Section IIInspector's Evalu | y ✓ of Act er | (| C. Part/Section of Title 30 CFR | See Continuation | Form (MSHA Form 7000-3a) |
| 10. Gravity: | | · · · · · · · · · · · · · · · · · · · | | | |
| A. Injury or Illness (h | as) (is): No Likelihood | Unlikely 🗸 | Reasonably Likely | Highly Llkely | Occurred [|
| B. Injury or illness co sonably be expec | | kdays Lost Wo | orkdays Or Restricted Duty 🗸 | Permanently Disa | bling Fatal |
| C. Significant and S | ubstantial: Yes | No 🗸 | | D. Number of Perso | ns Affected: 001 |
| 11. Negligence (check | one) A. None | B. Low 🗸 C | . Moderate D. High | E. Reckl | less Disregard 🗍 |
| 12. Type of Action | 104(a) | 13. Type of Is | ssuance (check one) | Citation 🗸 Orde | r 🗌 Safeguard 🗌 |
| 14. Initial Action A. Citation B. O | rder 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 12/14/2007 | B. Time (24 Hr. Clock | k) 1600 | | |
| Section IIITermination Act | ilon | | | | |
| 17. Action to Terminate | • | | | | |

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

21. Primary or Mill

23. AR Number

24329

Mo Da Yr

E01

20. Event Number

B. Time (24 Hr. Clock

4116771

18. Terminated

22. Signatu

A. Date

Section IV--Automated System Data

19. Type of Inspection

(activity code)

| Mine Citation/Order |
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| Continuation |

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

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| 12-17 | -07 |
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| Section I-Subsequent Action/Continuation Data | | | | | | | | |
| Subsequent Action 1a. Continuation | 2. Dated | Mo Da | Υr | 3. Citation/ | 7070701 01 | Annual West Control of the Control o | most manufactures our | |
| | (Original Issue) | 12/10/20 | 007 | Order Number | 7279691 - 01 | | | |
| 4. Served To | | | 5. Opera | itor | | | | |
| Rick Hodge; Superintendant | | | | PERFORMANCE COAL COMPANY | | | | |
| 6. Mine | | | 7. Mine | | | (Contractor) | | |
| UPPER BIG BRANCH MINE-SOUTH | | | | 46-0843 | 6 | | | |
| Section II-Justification for Action | | | and the second of the second state of the seco | <u>ang pangunan na ang ang a taon na ang ang ang ang ang ang ang ang ang</u> | <u>and a series of the series of</u> | <u>and a state of the state of th</u> | | |

The belt conveyor has been cleaned and rock dusted.

| | | day (and an an an an an an an an an an an an an | ing a saint and a saint and a saint a saint a saint a saint a saint a saint a saint a saint a saint a saint a | | See Continuation Form |
|--|---------------------------|---|---|---|-----------------------|
| 8. Extended To A. Date Mo Da Yr | B. Time (24 Hr. Clock) | ere ere ere ere ere ere ere ere ere ere | C Vecated | ✓ D. Terminated | E. Modified |
| Section IVInspection Data | 5. (IIIIo (24 ()). Olook) | | U. Vacatou | W D. Tommington | |
| PARTY CONTROL OF THE PARTY CON | vent Number 4116771 | ranemaken samat nemphal tanpulan kelajungan ka | nennennekkelegggillikkennepte Kinggan (ilikkelebenski lega) | ц рукур (т. 666) 18 бан төсө дө жийдөө мүү күй бай бай бай бай бай бай бай бай бай ба | |
| 11. Si | AR Number | 12. Date | Mo Da Yr | 13. Time (24 Hr. Clo | eck) |
| 240000000000000000000000000000000000000 | 24329 | | 12/14/2007 | 1330 | |

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

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| | · | 02/01/00 | Mine Safety and Health Administration | | | | | |
|---------------|------------------------|--------------------------------|---------------------------------------|------------------------|----------------------|------------|--|--|
| Section IVi | olation Data | | | | | | | |
| 1. Date | Mo Da Yr 12/17/2007 | 2. Time (24 Hr. Clock) 2000 | | Citation/ Order Number | 7279692 | | | |
| 4. Served | Го | | 5. Operator | | | | | |
| Rick Hoo | dge; Superintend | ant | PERFORMANCE COAL COMPANY | | | | | |
| 6. Mine UPPER | BIG BRANCH N | MINE-SOUTH | 7. Mine ID 46-0843 | 6 | (C | ontractor) | | |
| 8. Conditio | n or Practice | | | | 8a. Written Notice (| 103g) | | |
| | | | | | | | | |

The manual pump on the Fairchild 35C Scoop (Co. NO. 1; SN: T339-145) would not release and reengage the brakes without energizing the equipment.

| | | | | | | | | | | | See | Continuat | ion Form (MS | HA Form | 7000-38 | a) [] |
|---------------------------------|------------------------------|-----------|-------------------|---------|-----------|---------------|--------|--------------------------|---------------|---------|------------|------------|--------------|---------|---------|-------|
| 9, Violation | A. Health Safety Other | V | B. Section of Act | | | | | art/Section le 30 CFR | of | | 75.: | 523-3(c |)(2) | | | |
| Section IIInspe | ector's Évalua | ation | | | | | | | | | | | | | | |
| 10. Gravity: | | | | | | | | | | | | | | | | |
| A. Injury o | r Iliness (ha | is) (is): | No Likeliho | od 🗌 | U | nlikely 🗸 | | Reasonabl | y Likely | / 🔲 | Highly Li | kely 🗌 | Occ | urred 🗌 | | |
| | r illness cou be expecte | | No Losi | Workd | lays 🗌 | Lost V | Vorkda | ys Or Rest | ricted [| Outy 🔽 | Perma | nently Di | sabling 🔲 | Fat | al 🗌 | |
| C. Signific | ant and Su | bstantia | l: Yes | | No 🗸 | · | | | | · | D. Numb | er of Pers | sons Affecte | ∍ġ: 0 | 01 | |
| 11. Negligeno | ce (check o | ne) | A. None |] | B. Low | V | C. Mo | derate 🗌 | | D. Hìgh | | E. Red | kless Disre | gard 🗌 | | |
| 12. Type of A | ction | 104(| a) | | | 13. Type of | Issua | nce (check | one) | (| Citation 🔽 | Ore | der 🗌 | Sa | afegua | rd 🗌 |
| 14. Initial Acti A. Citation | | der 🗌 | C. Safegua | rd 🔲 | D. Writte | en Notice | | E. Citation/ Order N | | | | | F. Dated | M | o Da | Yr |
| 15. Area or E | quipment | | | | | | | | | | | | | | | |
| 16. Terminati | on Due | A. Date | Mo Da 12/19/20 | | B. Time | e (24 Hr. Clo | ck) | 160 | 0 | | | | | | | |
| Section III-Terr | mination Action | on | | | | | | | | | | | | | | |
| 17. Action to | Terminate | | | | | | | | | | | | | | | |
| 18. Terminate | A. Date | Мо | Da Yr | B. Time | e (24 Hr. | Clock | | | | | | | | | | |
| Section IV-Auto | omated Syste | em Data | | | | | | | | | | | | | | |
| 19. Type of In | | E01 | 20. Event | Numbe | or . | 411677 | 1 | 21, | Primary | or Mill | | | | | | |
| 22. Sig | | | | | | | | | - | | 23 | . AR Num | nber / | 24329 | | |

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

12-19-07

| Mine C | itation/Order |
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U.S. Department of Labor Mine Safety and Health Administration

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| Continuation | | | | Mine Sa | fety and Health | | N// | |
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| | nt Action/Continuation Data | | | | | | | |
| 1. Subsequent Ac | tion 1a. Continuation | 2. Dated (Original Issue) | Mo Da 12/17/20 | Yr 07 | 3. Citation/ Order Number | 7279692 - 01 | 424200 | |
| 4. Served To | | | | 5. Operator | | | | |
| Rick Hodge; Superintendant | | | | PERFORMANCE COAL COMPANY | | | | |
| | | | 7. Mine ID | | _ | (Contractor) | | |
| UPPER BIG BRANCH MINE-SOUTH | | | 46-08436 | | | | | |
| Section II-Justification | on for Action | *************************************** | | - Carrier House Control of the Contr | - Annual Control of the Control of t | man for the country of the first of the country of the first of the country of the first of the country of the first of the country of the co | A TOTAL STREET, STREET | Value of the last |

The manual pump was replaced and would release and reengage the brakes without energizing the equipment.

| | | | | | 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 | (24 III. Olock) | | O. Vacated | w D. Tellimated | |
| 9. Type of Inspection E01 10. Event Num | ber 4116771 | | | | |
| 11. Signe | AR Number | 12. Date | Mo Da Yr | 13. Time (24 Hr. Cl | ock) |
| | 24329 | <u></u> | 12/19/2007 | 1154 | |

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

| Mine | Citation/Order | | | | | |
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| Continuation | | | | | | |

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| distriction on the same (220022). The | William Company of the Company of th | non-re-surrenterant |

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 D 10/04/ | oa Yr 2007 | 3. Citation/ Order Number | 7279641 - 01 | Program And Control of the Control o | |
| 4. Served To | | | 5. Opera | tor | | | |
| Rick Hodge; Superintendant | | | PERFO | RMANCE CO | AL COMPANY | | |
| 6. Mine | | | 7. Mine I | D 46 00 40 | | (Contractor) | |
| UPPER BIG BRANCH MINE-SO | UTH | | | 46-0843 | 6 | | |
| Section IIJustification for Action | | | And the second section of the left of the section o | | en en en en en en en en en en en en en e | | |

The unsupported top located at spad # 8915 was timbered to control the mine roof. The unsupported top located at breaks 21 and 24 was dangered off and the travelway was routed around the area.

| Section IIISubsequent Action Taken | - | | | | | See Continuation Form |
|------------------------------------|-----------|---------------------|----------|------------|----------------------|-----------------------|
| 8. Extended To A. Date Mo Da | Yr B. | Time (24 Hr. Clack) | | C. Vacated | . D. Terminated | E. Modified |
| Section IVInspection Data | | | | | | , |
| 9. Type of Inspection E01 | 10. Event | Number 4116771 | | | | |
| 1 | | AR Number | 12. Date | Mo Da Yr | 13. Time (24 Hr. Clo | ck) |
| | | 24329 | <u> </u> | 10/10/2007 | 0945 | |