U.S. Department of Labor ne Safety and Health Administration		
ber: 4117130	Mare	7
16-08436		

1. Action: 2. A cod	ctivity le: E01		3. Event N	^{(umber:} 41171	30		1418
	ate Event shed:	9/27/200	6. Mine ID	^{9:} 46-08436)		
7a. Organization Code (Mine Assignment) 20401 b. Wo	ork Group ifier 01	9. Comp	any Name I	PERFORMANCE	COAL COMP	ANY	
8a. Organization Code (AR Assignment) 20401 b. Wo	111	10. Mine	Name I	UPPER BIG BRAN	ICH MINE-SO	DUTH	***************************************
11. Report Type (check a. First b. Interim	c. Last	d. Not Applicable	12. Area Inspecti	a. Achiv		b. Idle Sections	1
c. Outby d. Shafts/ e. Surface Areas Slopes Areas (UG)	f. Surface Workings	g, Compa Records	any 📝 h. A'		ındments [-	ise
k. Major (1) Shaft/ 0 (2) Impoundment Construction Slope Construction Sinking	t 0 (3) Bi) Dragline/ 0 lovel:	(5) Other 0	l. Miscel	laneous 🗌	
m. MMU/Pit Number (1) 029 (2) 030 (3) 040 (4) 041							
				· · · · · ·			
13. Number of Samples Collected a. Air 34 b. Rock Dust Samples Spot		Rock Dust 2 Survey	d. Respirable Dust	17 e. Noise	0 .	f. Other 0	
14. Impoundments/Refuse Piles:		pendent Contractor					
a. Number b. FHC c. Configuration		Codes (Major Construction)		1			
•	16. Inspection	Results	Citations	Orders	Safeguards	ı Oth	er
	a. This Ins	pection	Coal Ind Opr Con	Coal Ind Opr Con	Coal In	đ Coal	Ind Con
	(1) New	Issuances	82				
	(2) Term	inations/Vacations	8210				
		ifications/Extensions	. 3/9				
	(4) Left 1	•					
	b. Previous	sly Issued ifications/Extensions	oli				
	, ,	(2) Terminations/Vacations					
	1		,				
18. Signature and Card Number of Authorized Representa	tive/	17. Remarks:					
Right of Entry Person(s) Responsible for Activity	Card Number	Thorough review of directed the report be	the tracking syste e closed.	m has not been con	apleted. Distric	et Manager h	as
a.	23644						ric.
<u></u> b.	24284						
c.	23973				•		
d.	23879						
19. Key Entered By Date							
				•			
		1			•		

Activity Calendar

Event Number: 4117130

Mine ID: 4608436

Mon Tue Wed Thur Fri Sat Sun Shift 1 2 3 1 2 3 1 2 3 1 2 3 1 2 3 1 2 3 1 2 3 Week 1 7/8/2007 Week 2 7/22/2007 Week 3 7/29/2007 Week 4 8/5/2007 Week 5 $\cdot \square \square \square$ 7/15/2007 Week 6 8/12/2007 Week 7 8/19/2007 Week 8 **V V** 8/26/2007 Week 9 9/2/2007 Week 10 9/9/2007 Week 11 9/16/2007 Week 12

9/23/2007

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

M9197

Section IViolation Data								
7ste Mo Da Yr 2. Time (24 Hr, Clock) 09/17/2007 0912	3. Citation/ Order Number 7268884							
l. Served To	5. Operator							
Harley Taylor, Fireboss	PERFORMANCE COAL COMPANY							
S. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)							
3: Condition or Practice	8a. Written Notice (103g)							
The roof in the No. 3 entry, 4 breaks 1								
	ot firmly installed against the roof and							
the other bolts in the immediate area h								
	ne bolts are extending approximately 1							
foot below the roof.	to borth are executaring approximatery r							
roog perow fue root.								
	0 . 0 . 1 . 1 . 1 . 1 . 1 . 1 . 1 . 1 .							
Note that I are the large to th	Sea Continuation Form (MSHA Form 7000-3a)							
, , , , , , , , , , , , , , , , , , , ,	Part/Section of Title 30 CFR 75.202(a)							
Other	15.202(a)							
Section II-Inspector's Evaluation	ACMANIA TO A TO							
10. Gravity:								
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred							
Injury or Illness could reasonably be expected to be: No Lost Workdays Lost Workd	ays Or Restricted Duty 🗹 Permanently Disabling 🗌 Fatal 🗌							
C. Significant and Substantial: Yes ☐ No ✔	D. Number of Persons Affected: 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 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								
19. Alea of Equipment								
16. Termination Due A. Date Mo Da Yr A. Date OO/19/2007 B. Time (24 Hr. Clock)	0000							
O9/18/2007 B. Time (24 Hr. Glock)	0800							
Section III-Termination Action								
17. Action to Terminate								
	•							
18. Terminated Mo Da Yr								
A. Date B. Time (24 Hr. Clock								
Section IV-Automated System Data								
19. Type of Inspection 20. Event Number 4117120	21. Primary or Mill							
(activity code) E01 20. Event Number 4117130								
22. Signature	23. AR Number 22.644							
	23. Aly Nutriber 23644							
Form 7000 2 May 05 (resident) In accordance with the residence of the Small 5	Puringer Begulaters Enforcement Follmann Act of 4000, the Count Business Administration has							

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

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

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	wifie Safety and Health Administration
Section I–Violation Data	i
1 Pate Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/ 7268885
09/17/2007 1059	Graet rantoer
4. Served To	5. Operator
Harley Taylor, Fireboss	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID 46-08436 (Contractor)
UPPER BIG BRANCH MINE-SOUTH 6. Condition or Practice	8a. Written Notice (103g)
The roof at No.81 and No. 85 breaks in	<u> </u>
	s previously installed are dislodged and
are not providing support at No. 81 bre	
where the top had fallen needs addition	
whore the top had rarrent needs addrered	Tar bapport.
	<u>.</u>
	See Continuation Form (MSHA Form 7000-3a)
	Part/Section of Title 30 CFR 75.202(a)
Safety ✓ of Act T	13.202(a)
Section II-Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely 📝	Reasonably Likely Highly Likely Occurred
Injury or illness could reasonably be expected to be: No Lost Workdays ☐ Lost Workd	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 🗌 Safeguard 🗌
14. Initial Action A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐	E. Citation/ Order Number
	Commence of the commence of th
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr 09/18/2007 B. Time (24 Hr. Clock)	1100
Section III-Termination Action	
17. Action to Terminate	
40 Table ital	·
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 4117130	21. Primary or Mill
22. Signatu	23. AR Number 23644
	43044

\ Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1998, the Small Business Administration has confidence in 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



section I-Violation	on Data												<u>-</u>		
. Pate	Mo Da Y 09/10/20		2. Time (24	Hr. Clo 0220						3.	Citation Order N		26887	71	-
, Served To								perator		COAT	0016	n ል እ ፲ፕ ፖ			
Earl Roles,	Outby M	ainten	ance Chie	f				PERFORMANCE COAL COMPANY							
3. Mine	~ ~ ~	~~~~	DE COLI	CT T			7. N	line ID	46-08	3436				(Çontr	actor)
UPPER BIO		CH ML	ME-200	l H	,						<u> </u>	. 8a	. Written	Notice (103	
The Low	on Dio	. Dw	anah Ma	<u> </u>	halt	fire	SIIDD	ressi	on ar	ativa	ted				
spray (er pro) Dic	shed hi	/• T	id no	t oper	1).	The s	vster	n was	tri	ed 2 t	imes	and	
splay (failed				te a.	10 110	ope.	• ,		1						
Tarrea	DOCII (L.III.C.	J •						•	•		·			
															-
•															
											Sea C	ontiquation Fi	orm (MSHA	\ Form 7000-3	sa)
0 10-1-44-	A 1111-		B. Section				C Part/S	Section of	<u>`</u> .			51161166661111	orni (iiio.i.a		
9. Violatión	A. Health Safety Other	\checkmark	of Act					0 CFR			75.	1107-6			
Section II-Inspe)														
10. Gravity:	-	.,		. —			_			1			0.	-od [•
	r iliness (ha		No Likeliho	od 📙	Ur	nlikely 🗸	Rea	asonably L	ikely] Ri	ghly Like	ily 🗀	Occur	ea 🖂	
Injury o	r iliness cou v be expecte	uld rea- ed to be	No Los	Work	lays 🗌	Lost W	/orkdays (Or Restrict	led Duty			ently Disabli		Fatal [<u> </u>
C. Signific	ant and Su	bstantia	l: Yes		No 🔽					D.	Number	of Persons	Affected	009	
11. Negligen	ce (check o	ne)	A. None]	B, Low		C. Modera	ate 🗸	Đ.	High 🗌		E. Reckles	s Disrega	ard 🗓	
12. Type of A	Action	104	(a)			13. Type of	Issuance	(check on	ne)	Citati	on 🗸	Order [Safegu	ard 🗌
14. Initial Act		der 🗀	C, Safegua	ard 🗀	D, Writte	en Notice		Citation/ Order Num	ber			F.	Dated	Mo Da	Yr
15: Area or E	<u> </u>	4.61							,						<u>,</u>
15. Alea of E	daibment			•						•					
							•								
		·		10.	1	. ,									
16. Terminat	ion Due	A. Date	Mo Da 9 09/10/2		B. Time	(24 Hr. Clo	ck)	0800							•
Section IIITer	mination Acti	00	09/10/2	007	L				<u></u>						
17. Action to		O) I							······································	·	·	<u>, , , , , , , , , , , , , , , , , , , </u>			
17.740001140	Tommato							•							
							•								
18. Termina	ted A, Date	M	Da Yr	B. Tim	e (24 Hr.	Clock	,			<u>,- (</u> ,-				,	
Section IV-Au	Itomated Sve	iem Data		<u> </u>						,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,					
19. Type of (activity	Inspection	E01	20. Even	t Numb	er ,	411713	0	21. Pri	mary of I	Mill					
22. Signatur		ر ک بنید									23. 4	R Number	23	644	

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 ished 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





Section IViolation Data	
Date Mo Da Yr 2. Time (24 Hr. Clock) 1340	3. Citation/
1. served To	5. Operafor
David Taraczkozy (Donut) Chief Electrician	PERFORMANCE COAL COMPANY
3. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID. 46-08436 (Contractor)
8. Condition or Practice	8a. Written Notice (103g)
The Stamler feeder, Serial No. 13283, on MMU, did not have the guard secured who moving pickbreaker coupling.	operated on the No. 2 section 0407041 ch prevented access to the exposed
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A: Health B. Section C: Other Other	Part/Section of 75.1722
Section IIInspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood ☐ Unlikely ✓	Reasonably Likely Highly Likely Occurred
soliably be expected to be:	days Or Restricted Duty. ☐ Permanently Disabiling. ✔ Fatal ☐
C. Significant and Substantial: Yes ⊡ No ✓	D. Number of Persons Affected: 001
	loderate ☑ D. High ☐ E. Reckless Disregard ☐
12. Type of Action 104(a) 13. Type of Issu	ance (check one) Citation V Order Safeguard
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice D.	E. Citation/ Conden Number: F. Dated Mo Da Yr
15. Area or Equipment	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
et ek letevasine en er et et en sugnavnin var helder. Er er alla planen er op de sammen er en blevas Generalen er er et en som en bleven er	en e
16. Termination Due A. Date 08/21/2007 B. Time (24 Hr. Clock)	1355
Section III-Termination Action	Company of the Compan
17. Action to Terminate The guard was secured.	
Will A may Called Constitution De A DE STORE	FOR SYLL (A. POLAZIO RAN BIAN
18. Terminated A. Date Mo Da Yr. B. Time (24 Hr. Clock O8/21/2007	1355 Residence of the control of the
Section IVAutomated System Data	
19. Type of Inspection (activity code) E01 20. Event Number 4117130	21. Primary or Mill
22. Signature	23. AR Number 23644
	But the Burney Burney Burney Burney Ant and Appendix Burney Burney Administration has

\ 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 alshed 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	n/Order			U.S. Depa Mine Safe	artment of La ety and Healt	abor h Administratio	en .	e.ir. 7	<u></u>
Section I-Violatio	n Data				and the second s				-
1 nate	Mo Da Yr 08/08/2007	2. Time (24 Hr. Cloc 1320				3. Citation/ Order Numbe	, 726884	4	
4. Served To	08/08/2007			5. Operator			,		
	(Block Super	ntendant)		PERFOR	MANCE CO	AL COMPAN	Y.	,	
6. Mine	· · · · · · · · · · · · · · · · · · ·			7. Mine ID	46-0843	6		(Contrac	tor)
		IINE-SOUTH		<u> </u>			8a. Written N		
8. Condition or	Practice	ig at No. 11	lancals on	TRR / he	lt is na	rtially c			nq
Th	e stoppii	ig at No. 11	break on	מסח אַ מסח	:TC T2 Pa	TCTGTTT C	,2 (1011)		
belt ai	r and int	ake air to	mlx.					_	
		/-	t .						
		•				Sea Continu	ation Form (MSHA	. Form 7000-3a	2)
	1 14 15	B. Section		C. Part/Section of	of .				
9. Violation	A. Health 🗀 Safety 🗸	of Act		Title 30 CFR		75.333(b)(3)		
	Other _				No. 1000 No. 10 Pallotte	4	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	
Section II-Insp	ector's Evaluation			7700.				<u> </u>	
10. Gravity:		44 × 11 12 × 14 17	I Inflesha 🗐	Ressonsh	ly Likely	Highly Likely	Occum	red 🗍	
	· Illness (has) (is):	The state of the s	Unlikely 🗸						
3. Injury o	r illness could rea- be expected to be	No Lost Work	iays 🗌 🔻 Lost	Workdays Or Res	tricted Duty 🗸	Permanently	Disabling 🔲	Faial 🗌	· · · · · · · ·
***	ant and Substanti	** *	No 🗸	,		D. Number of Pe	ersons Affected:	009	
11. Negligend	e (check one)	A. None	B. Low 🗸	C. Moderate	D, High	E.F	Reckless Disrega	ad 🗌	
12. Type of A		4(a)		f Issuance (check	one)	Citation 🔽	Order 🗌	Safegua	ard 🗌
iz. Type of A	CROST 10	4(a)			· · · · · · · · · · · · · · · · · · ·		F, Dated	Mo Da	Yr
14. Initial Act A. Citation		C. Safeguard	D. Written Notice	E. Citation Order N		,	1, 56,04		
15. Area or E	quipment			•			•		
		,					·		
40 Tanàsan	loo Duo	. Mo Da Yr							
16, Terminat	A.D	ate 08/09/2007	B. Time (24 Hr. Cl	ock) 08(טע				
Section III. To	rmination Action	701 471 MOV 1	1						
17. Action to							•		
TT. AGUON IO	i wiiiiiiwi.					•			

HA 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 established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Falmess Boards to receive comments from small businesses about federal egency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each egency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may cell 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 and 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

23644

Mo Da Yr

E01

20. Event Number

B. Time (24 Hr. Clock)

4117130

18. Terminated

22. Signature

A. Date

Section IV-Automated System Data

19. Type of Inspection

(activity code)

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





Section I-Violation Data			To 0'1-1'1					
1. Date Mo Da Yr	2. Time (24 Hr. Clock) 1215		3, Citation/ Order Number	7268843				
08/08/2007	1/21/3	5. Operator						
A. Lerved To	atondant)	PERFORMANCE COAL COMPANY						
Mike Burke (Block Superin	iteridant)	7. Mine ID 46 0042	6					
UPPER BIG BRANCH M	INF-SOUTH	^{7. Mine ID} 46-0843	0 -		(Contractor)			
O Candidan or Propins				8a, Written Not				
The week one	d ribs in the face are	a of the old No	. 2 Sectio	n, near	spad			
No 21495 had not	t been rock dusted to	within 40' of t	he faces,	as requi	red.			
10.21450, 1144 110			•					
			·					
•			See Continuation	on Form (MSHA Fo	rm 7000-3a) 🔲			
9. Violation A. Health	B. Section C.	Part/Section of						
9. Violation A. Health Safety	of Act	Title 30 CFR	75.402					
Other 🗍		The second secon			<u> </u>			
Section II-Inspector's Evaluation			· · · · · · · · · · · · · · · · · · ·		.,			
10. Gravity:	the control of	Decembly I Waly	Highly Likely	Occurred	П			
A. Injury or Illness (has) (is):	No Likelihood 🗌 Unlikely 🔽	Reasonably Likely	i lightly classy					
B. Injury or illness could rea-	No Lost Workdays Lost Wo	rkdays Or Restricted Duty 🗹	Permanently Dis	sabling 🗌	Fatal 🗌			
sonably be expected to be:	CONTROL OF THE PROPERTY OF THE	,	D. Number of Perso	ons Affected:	001			
C. Significant and Substantial	: Yes ☐ No ✔							
11. Negligence (check one)	A. None B. Low C.	Moderate 🕢 D. High	E. Rec	kless Disregard				
12. Type of Action 104	(a) 13. Type of Iss	uance (check one)	Citation 🗹 Ord	er 🗌	Safeguard 🗌			
		E. Citation/		F. Dated	Mo Da Yr			
14. Initial Action A. Citation B. Order	C. Safeguard D. Written Notice	Order Number						
, hand	,			· · · · · · · · · · · · · · · · · · ·				
15. Area or Equipment	•							
•	•			4				
				······································				
16. Termination Due	B. Time (24 Hr. Clock)	0800						
A. Dat	08/11/2007 B. Time (24 Hr. Clock)	0800						
Section IIITermination Action		and the second s	, — — <u>10 10 10 10 10 10 10 10 10 10 10 10 10 1</u>					
17. Action to Terminate								

In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal 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 and 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

23644

Mo Da Yr

E01

20. Event Number

B. Time (24 Hr. Clock)

4117130

18. Terminated

22. Signature

A. Date

Section IV--Automated System Data

19. Type of Inspection (activity code)

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

12.12.7



Section I-Violation Data			3. Citation/ 7268842				
1 Date Mo Da Yr 08/08/2007	2. Time (24 Hr. Clock) 1155		3. Citation/ Order Number 7268842				
4. Served To		5. Operator					
Mike Burke (Block Superin	tendant)	PERFORMANCE COAL COMPANY					
6. Mine		7. Mine ID 46-08436	(Contractor)				
UPPER BIG BRANCH MI	NE-SOUTH		8a, Written Notice (103g)				
8. Condition or Practice	1	rimatalia 15 fact					
The No.3 ent	ry was advanced approx	XIMacely 40 feet	entry was advanced inby				
cross cut and was	not ventilated. Add. s cut approximately 3	E foot and was r	not wentilated.				
the last pen cros	es cut abbloximacelà 2	J teet and was :					
9. Violation A. Health		Part/Section of	GE 220/L\/3\				
. Safety √	of Act	Title 30 CFR	75.330(b)(2)				
Other			Activity and the second				
Section IIInspector's Evaluation 10. Gravity:	- C - 1	The state of the s	300000000000000000000000000000000000000				
A. Injury or Illness (has) (is):	No Likelihood Unlikely	Reasonably Likely	Highly Likely Occurred 9				
9. Injury or illness could rea-	No Lost Workdays Lost Wor	kdays Or Restricted Duty 🔽	Permanently Disabling Fatal				
sonably be expected to be: C. Significant and Substantial:	Yes No 🗹		D. Number of Persons Affected: 001				
11. Negligence (check one)		Moderate 🗸 D. High	E. Reckless Disregard				
12. Type of Action 104		uance (check one) C	itation 🗹 Order 🗌 Safeguard				
14. Initial Action	C. Safeguard D. Written Notice	E. Citation/ Order Number	F. Dated Mo Da Yr				
	C. Saleguald B. Whiteh House						
15. Area or Equipment	,						
	•						
			the state of the s				
16. Termination Due A. Date	Mo Da Yr 08/08/2007 B. Time (24 Hr. Clock)	1230					
Section IIITermination Action	00100/2007						
		installed.					
111110001110 10111111000 1011	ofilation curtain was .						
	ntilation curtain was		•				
18. Terminated A Date M	o Da Yr 08/2007 B. Time (24 Hr. Clock)	1210					
18. Terminated A Date M	o Da Yr /08/2007 B. Time (24 Hr. Clock)	1210					
18. Terminated A. Date 08. Section NAutomated System Data 19. Type of Inspection	o Da Yr /08/2007 B. Time (24 Hr. Clock)						
18. Terminated A. Date 08. Section N-Automated System Data	o Da Yr /08/2007 B. Time (24 Hr. Clock)	1210	23. AR Number 23644				

In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1998, the Small Business Administration established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal expense 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 and 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 IViolatio	n Data			- Andrews - Just Street - Constitution									
1. Date	Mo Da	(r	2. Time (24						3. Citatio		72688	45	
	08/08/20	07		114)		and the same of th		Urder	Number	12000	, w	
4. Jerved To						1 '	5. Operator PERFORMANCE COAL COMPANY						
Mike Burke	(Block S	uperii	ntendant)	<u> </u>				CE CO	AL CON	TAN	-	VI	
6. Mine	S DD AND	~**	BIE COU	TII		7. Mine ID	46	-0843	6			(Conf	ractor)
UPPER BIO 8. Condition or		CH M	IME-200	ΙΗ							8a. Written	, ,	·
		· ~ · · ·	n tha l		2 Section 1	left ret	บาท เ	vere	damage	-d.	One wa		
Mo 21/	10 4*	rd r	no Mac	011+1	oy and one	was inh	v the	e sam	e spac	д. Н. Т	he sto		_
arushad	Tallor	10 U	ne was	nd r	eturn air t	o mix	hbba	ition	allv.	the			
belt on	arros	T AT	y Mo	2 00	ction and o	one ston	nina	on f	he le:	ft. re	eturn c	f the	old
MO 3 6	ection	. U.L.	ro dam:	aned	allowing h	nelt and	reti	ırn a	ir to	mix.			,
MO. Z		189	((() () () () ()	100:0	HI FOWLING I	JCIC GIA		A	<u> </u>	211,224,24	•		
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9. Violation	A. Health		B. Section	- 1000		C. Part/Section	of			<u> </u>	;		
a. Aloredion	A. Picalui Safety		of Act			Title 30 CFR			75.:	333(b)(3)		
	Other							~				· · · · · ·	
Section II-Inspe	ector's Evalua	ation						<u> </u>				-d-v ****	
10. Gravity:		x e.x.	A 5 - 1 26125-		tiplitahı [4]	800000	bly Likely		_Highly LII	roty 🗆	Occur	red 🗌	
	'Illness (ha		No Likelih	000 [Unlikely 🔽	Reasula	DIY LINEIY	<u> </u>	HBHIY LIF	resh 🗀	Occui	1 00 []	
	illness cou be expected		No Los	t Work	lays 🗌 🛮 Lost V	Vorkdays Or Re	stricted D	uty. 🔽	Perma	nently Di	sabling 🔲	Fatal []
	ant and Sub		: Yes	; [] ·	No 🗸				D. Numbe	r of Pers	ons Affected:	001	
11. Negligeno	e (check on	e)	A. None		B. Low	C. Moderate	f]	D. High		E. Red	kless Disreg	ard 🗌	×
12. Type of A	ction	104	(a)		13. Type of	Issuance (check	one)	C	itation 🗸	Orc	ler 🗌 .	Safeg	usrd 🗌
14. Initial Acti A. Citation		wise []	C. Safegu	ard [D. Written Notice	E. Citation				-	F. Dated	Mo Da	a Yr
		uei [. Oalegu	ard [D. WIRICH HOUSE				<u>;</u>	· · · · · · · · · · · · · · · · · · ·			
15. Area or Ed	quipment												
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16. Termination	on Due	A 10-4	Mo Da	Yr	D Time 194 Un Clas	(A) 0.00	^^			Å.			
		A. Date	08/15/2	007	B. Time (24 Hr. Cloo	k) 08	JU			45 E	4		,
Section IIITen	mination Acti	on .								AN			
17. Action to	Terminate								•		•		
			-				•		•	- (137) - 15-7			٠.
18. Terminate	ed	M	o Da Yr		(0.4.11 - 0.1 - 1.1					7.	,		
	A. Date	•		B. Time	(24 Hr. Clock)					,			
Section IVAut	tomated Syst	em Data	``````````		·								
19. Type of in		ТО 1	20. Even	Numbe	4117130	21.	. Primary	or Mili					
(activity c	_	E01	l		411/13(,							
22. Signature									23.	AR Numb	per 23	644	

PASHA 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 stablished a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal cy 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

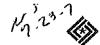


1. Date Mg Date V 2 Times (24 Hr. Clock) 3 3 3 0 3. Clustrow 4623750 4. Served To Public Black Support 4623750 5. Sporter Support Contractor) 6. Mine G Grade Grad	Section I-Violation Data
B. Violetion A. Health B. Section C. C. Pril Section of Title 30 CEP To a 3 3 3 (b) (1) Section III—Imperior's Evaluation Section C. Singlifornia (Soci Finerse): Yes No D. Number of Persons Affected C. Moderate C. Singlifornia (Soci Finerse): Yes No C. Moderate C. Singlifornia (Check one) C. Moderate C. Moderate C. Singlifornia (Check one) C. Moderate C. Moderate C. Singlifornia (Check one) C. Moderate C. Singlifornia (Check one) C. Moderate C. Moderate C. Singlifornia (Check one) C. Moderate C. Singlifornia (Check one) C. Moderate C. Moderate C. Singlifornia (Check one) C. Moderate	0k2 0 0 7 $ 1 2 2 0 $ $ 0 0 0 0 0 0 0 0 0 $
6. Mine B When Bigs Brack Contractor S. Condition of Fractice S. Written Notice (103g) The North Manneth Laborator S. See Continuation Form (MSHA Form 7000 3e) S. Violation S. Violation S. Violation S. Violation S. Violation S. Violation S. Hearth B. Section Other Other Of Act Section Cities City A. Injury or Illness chast (is): No Likelihood Unlikely C. Significant and Substantial (See Reverse): Yes No V. Significant and Substantial (See Reverse): Yes No V. Number of Persona Affected V. Moderato S. Type of Action A. Citation B. Order C. Safoguard D. Wilten S. A rea or Equipment 16. Termination Duo A. Date One Section III—Termination Duo A. Date One Section One Section Order F. Dated Mo De Yr Norder Section III—Termination Duo A. Date One Section One Section One Section One Section Norder One Section One Section Order F. Dated Mo De Yr Norder One Section One S	
Section II—Inspector's Evaluation Section III—Inspector's Evaluation Section Se	
Section II - Injury or Illness (check one) C. Significant and Substantial (See Revise): Yes No D. Number of Persons Affected D. Number 16. Termination Due A. Dato D. Safeguard D. Written D. Written D. Number D. Dato Mo Da Yr 16. Termination Due A. Dato Mo Da Written D. Number D. Number D. Dato Mo Da Yr 16. Termination Due A. Dato Mo Da Written D. Number D. Dato Mo Da Yr 16. Termination Due A. Dato Mo Da Written D. Number D. Dato Mo Da Yr 16. Termination Due A. Dato Mo Da Written D. Dato D. Dato D. Dato D. Dato D. Dato D. Number D. Dato	
9. Violation A. Health B. Section of Act C. Part/Section of Title 30 CER 75 3 3 3 6 5 6 6 6 6 6 6 6 6	8. Condition or Practice 8a. Written Notice (103g)
9. Violation A. Health B. Section of Act C. Part/Section of Title 30 CER 75 3 3 3 6 5 6 6 6 6 6 6 6 6	The North Mains intake is not separate
9. Violation A. Health B. Section of Act C. Part/Section of Title 30 CER 75 3 3 3 6 5 6 6 6 6 6 6 6 6	from the notion in that the down at
9. Violation A. Health B. Section of Act C. Part/Section of Title 30 CER 75 3 3 3 6 5 6 6 6 6 6 6 6 6	break 67 was open when not in use
9. Violation A. Health B. Section of Act C. Part/Section of Title 30 CER 75 3 3 3 6 5 6 6 6 6 6 6 6 6	and the stopping at ligal 60 hs
9. Violation A. Health B. Section of Act C. Part/Section of Title 30 CER 75 3 3 3 C D D Section II-Inspector's Evaluation 10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost Workdays or Restricted duty Permanently Disabling Fatal C. Significant and Substantial (See Reverse): Yes No D. Number of Persons Affected D. High E. Reckless Disregard 11. Negligence (check one) A. None B. Low C. Moderate D. High E. Clation Order Safeguard 14. Initial Action B. Order C. Safeguard D. Written E. Clation Order Safeguard 15. Area or Equipment F. Dated Mo Da Yr 16. Termination Due A. Date Mo Da Yr 16. Termination Action D. A. Date Mo Da Da Da Da Da Da Da D	partially aushed allowing intake
9. Violation A. Health B. Section of Act C. Part/Section of Title 30 CER 75 3 3 3 C D D Section II-Inspector's Evaluation 10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabling Fatal C. Significant and Substantial (See Reverse): Yes No D. Number of Persons Affected D. High E. Reckless Disregard 11. Negligence (check one) A. None B. Low C. Moderate D. High E. Citation Order Safeguard 14. Initial Action B. Order C. Safeguard D. Written E. Citation D. Written D. Written	to return air oftow,
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9. Violation A. Health B. Section of Act C. Part/Section of Title 30 CER 75 3 3 3 6 5 6 6 6 6 6 6 6 6	
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9. Violation A. Health B. Section of Act C. Part/Section of Title 30 CER 75 3 3 3 6 5 6 6 6 6 6 6 6 6	
Section II—Inspector's Evaluation 10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost Workdays or Restricted Outy Permanently Disabling Fatal C. Significant and Substantial (See Reverse): Yes No D. Number of Persons Affected D. Number of Persons Affected D. None C. Moderate D. High E. Reckless Disregard I. None See General D. High See Reverse D	9. Violation A. Health B. Section C. Part/Section of Title 30 CEP 75 3 3 2 / 6 / 75
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred B. Injury or Illness could reasonably be expected to be: No Lost Workdays Lost Workdays or Restricted Duty Permanently Disabling Fatal C. Significant and Substantial (See Reverse): Yes No D. Number of Persons Affected D. Number D. High E. Reckless Disregard C. Totation D. High E. Reckless Disregard D. Number D. Written D. Citation D. Order Safeguard D. Written D. A. Citation B. Order C. Safeguard D. Notice Number Number D. Notice D. Notice D. Notice D. Notice D. Notice D. D. Written D. Citation D. Citation D. D. Written D. Citation D. Citation D. D. Written D. Citation D. Citation D. Citation D. D. Written D. Citation D. Citation D. Citation D. Citation D. D. Written D. Citation D. Citatio	
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 (See Reverse): Yes No D. Number of Persons Affected D. Number of Persons	10. Gravity:
C. Significant and Substantial (See Reverse): Yes No D. Number of Persons Affected D. Number D.	
11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard 12. Type of Action Order Safeguard 13. Type of Issuance (check one) Citation Order Safeguard 14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice Number F. Dated Mo Da Yr Notice Safeguard Number Safeguard Safeguard Safeguard D. Written Safeguard Safeguar	sonably be expected to be: No Lost Workdays Lost Workdays or Restricted Cuty Permanently Disabling Fatal
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14. Initial Action A. Citation B. Order C. Safeguard D. Written Order Notice F. Dated Mo Da Yr Notice Number 16. Termination Due A. Date Da Da Da Da Da Hr. Clock) D G D O Section III—Termination Action	A. None D. High D. High E. Reckless Disregard D.
14. Initial Action A. Citation B. Order C. Safeguard D. Written Order Notice F. Dated Mo Da Yr Notice Section III—Termination Action E. Citation Order Notice D. Written Order Notice D. Written Notice D. Written Order Notice Order Notice Order Notice D. Written Order Notice Notice Notice Order Notice Notic	12. Type of Action
16. Termination Due A. Date	
16. Termination Due A. Date	
A. Date US2 10 7 Hr. Clock) 0 9 0 0 Section III—Termination Action	
A. Date US2 10 7 Hr. Clock) 0 9 0 0 Section III—Termination Action	
Section III—Termination Action	
17. Action to Terminate	
	17. Action to Terminate
18. Terminated A. Date A. Date B. Time (24 Hr. Clock)	
Section IV—Automated System Data	
19. Type of Inspection E 20. Event Number 41 1 7 13 3 21. Primary or Mill	A. Date B. Time (24 Hr. Clock) Section IV—Automated System Data
	Section IV—Automated System Data 19. Type of Inspection FO 2 20. Event Number H 1 1 7 1 3 3 21. Primary or Mill
22 Signature 23. AR Number	Section IV—Automated System Data 19. Type of Inspection (activity code) Description (activity code) A. Date B. Time (24 Hr. Clock) B. Time (24 Hr. Clock) B. Time (24 Hr. Clock) 10. Type of Inspection (activity code) Description (24 Hr. Clock) Description (24 Hr. Clock) 19. Type of Inspection (activity code)

നe Citation/Order

2/27/08

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



Section IViolation Data		and the state of t						
1. Date Mo Da Yr 07/20/2007	2. Time (24 Hr. Clock) 0908		3. Citation/ Order Number 7240627					
4, Served To	,	5. Operator						
Bill Harless, Mine Foreman		PERFORMANCE COA	L COMPANY					
6. Mine	en en en transmission de la compression en	7. Mine ID 46-08436						
UPPER BIG BRANCH MI	NE-SOUTH	40-08430	(Contractor)					
8. Condition or Practice	11.00		8a. Written Notice (103g)					
	b located on the #2 Se							
-	ch connects the number		· · · · · · · · · · · · · · · · ·					
), where persons work							
otherwise control	led to protect persons	s from hazards r	elated to falls of					
material from the	rib. The rib was loo	se and broken f	or a distance of					
approximately 25	feet. When scaled, th	ne largest porti	on of the rib which fell					
	. The right roof bolt							
	b and miners regulary							
TIOM CHE TOOSE IT	.b and miners regulary	work and craver	In the area.					
Mho mileo en the c	and bolons were applied mot	on to productio	n of the besieves of					
	section were scaled pri							
	was evidenced by scare	ed material loca	ted at the base of the					
rib.		•						
4.000			See Continuation Form (MSHA Form 7000-3a)					
		ert/Section of	77.404/ \					
Safety ✓ Other	of Act	itle 30 CFR	75.202(a)					
Section II-Inspector's Evaluation								
10. Gravity:								
A. Injury or Illness (has) (is):	No Likelihood Unlikely	Reasonably Likely	Highly Likely Occurred					
B. Injury or Illness could rea-	TO Enterpool	Troubonably Entry	nginy Entroly [] Coopered [
sonably be expected to be:	No Lost Workdays 🗌 Lost Work	days Or Restricted Duty 🗍	Permanently Disabling 📝 Fatal 🗌					
C. Significant and Substantial:	Yes 🗹 No 🗌		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 Issua	nce (check one) Cita	ition 🗸 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								
10. Fied of Equipment								
16. Termination Due A. Date	Mo Da Yr 07/20/2007 B. Time (24 Hr. Clock)	0914						
Section IIITermination Action								
	soction foremen scale	the loose mate	rial and made the area					
		a che roose mate	ital and made the alea					
safe for work and	i traver.							
To Tolling (A Date	0/2007 B. Time (24 Hr. Clock)	0913						
Section IV-Automated System Data								
19. Type of Inspection (activity code) E01	20. Event Number 4117130	21. Primary or Mill						
22. Signature	The same of the sa	The state of the s	23. AR Number 22.072					
mine differences			23973					

MSHA Form 7000-3; Mar & Nonyes)
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 fife 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



	Q:	7/24/08	Mine Safet	ty and Health	· (
Section I-Vi	olation Data	Parado Caralder and Caralder an	,							
1. Date	Mo Da Yr 07/20/2007	2. Time (24 Hr. Clock) 0918			Citation/ Order Number	7240628				
4. Served T	o		5. Operator							
Bill Harl	ess, Mine Forema	n	PERFORM	PERFORMANCE COAL COMPANY						
6. Mine	NAMES OF THE OWNER, WAS ASSESSED.		7. Mine ID	7. Mine ID 46-08436						
UPPER I	BIG BRANCH M	IINE-SOUTH		70-00-00		(Contractor)				
8. Condition	n or Practice					8a. Written Notice (1	03g) 🔲			
The #2	2 roof bolt	er located on the	right side o	of the #2	section	(040 and 0	41			
-		open crosscut bet ection system was			•	_	_			

operating condition. The water box located at the rear of the machine was dry; the filter box located on the right side of the machine had a door seal which was broken and missing for a distance of 1"; the filter box located on the left side of the machine had a door latch broken and there was evidence that moisture had entered the system.

										·	See C	ontinuati	on Form (MSHA Fo	rm 7000-3a)
9. Violation	A. Health Safety Other		B. Section of Act		,			rt/Section of e 30 CFR			72	.630(b)		
Section II-Inspe	ctor's Evalu	ation					,							- 1	
10. Gravity:				. —									_	_	
A. injury or			No Likelih	00d	Į	Jnlikely 🗌		Reasonably	Likely 🔽	<u>'</u>	Highly Lik	ely 📙	0	ccurred	
B. Injury or sonably l	iliness cou be expected		No Los	st Work	days 🗌	Lost V	Vorkda	ys Or Restric	ted Duty		Permar	iently Di	sabling (Z	Fatal 🔲
C. Significa	int and Sub	etantial:	Yes	s 🗸	No 🗌]			-		D. Number	of Pers	ons Affec	ted:	002
11. Negligence	e (check on	e)	A. None		B. Lov	<i>i</i>	C. Mod	derate 🔽	D.	High [E. Red	ckiess Dis	sregard	
12. Type of Ac	tion	104(a)			13. Type of	issuan	ce (check one))	Ci	tation 🗸	Orc	ier 🗌 .		Safeguard 🗌
14. initial Action	n B. Or	der 🔲	C. Safegu	ard 🔲	D. Writ	tén Notice]	E. Citation/ Order Num	ber				F. Date	d	Mo Da Yr
			Mo Da	.V.		The second secon									
16. Termination		A. Date	07/22/2		B. Tim	e (24 Hr. Cloo	sk)	0700		- \. \					
Section III-Terr	nination Acti	on						dp							
17. Action to 1	erminate														
18. Terminate	A. Date		Da Yr	B. Time	e (24 Hr.	Clock)									
Section IV-Aut		em Data											-	,	
19. Type of in (activity co		E01	20. Even	t Numbe	r	4117130	0	21. Pri	mary or M	1111				. –	
22. Signature						······································		<u></u>			23, /	R Numl	per	2397	3

MSHA Form 7000 visions 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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1	\ \/

Section ISubsequent Action/Continuation Data	The state of the s	
1. Subsequent Action 1a. Continuation 2. Dated Mo Da (Original Issue) 07/20/20	Yr 3. Citation/ 007 Order Number 7240628 - 01	Minn
4. Served To	5. Operator	
Bill Harless, Mine Foreman	PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID (Contractor) 46-08436	
Section II-Justification for Action		

The dust collection system has been repaired.

Section IIISubsequent Action Taken		ogus dalam ar con que qu i				1	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	14A E.	ent Number	1112200				
9. Type of Inspection E01	IO. EV	SHE MOUNDEL	4117130				
			AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Cloc	k)
			23644		07/24/2007	1214	

02/27/08

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



Canifornia Can	Section I–Violation Data			,				
S. Operator S. Operator S. Operator S. Operator PERFORMANCE COAL COMPANY S. Mine D. 46-08436 Contractor) S. Mine D. 46-08436 Contractor) S. Operator PERFORMANCE OAL COMPANY S. Operator PERFORMANCE OAL COMPANY S. Operator Contractor PERFORMANCE OAL COMPANY S. Operator PERFORMANCE COAL COMPANY Contractor PERFORMANCE COAL COMPANY PERFORMANCE COAL COAL COMPANY PERFORMANCE COAL COAL COAL COAL COAL COAL COAL COAL			[3,		629			
2. Mine D. 46-08436 Contractor) 2. Contilion of Practice Sa. Written Natice (103g) D. Contractor) 2. Contributor of Practice Sa. Written Natice (103g) D. Contractor) 2. Contributor of Practice Sa. Written Natice (103g) D. Contractor) 2. Contractor opening width on the right crosscut off of the no. 4 belt entry at spad number 21552 was measured and found to be 27' wide. The crosscut opening width on the right crosscut off of the no. 4 belt entry at spad 11553 (last open crosscut) was measured and found to be 29.5' wide. Miners regularly work and travel in this area. The approved roof control plan allows for a crosscut opening width off of a 22' wide belt entry to be a maximum of 24'. Miners regularly work and travel in this area during production and maintenance shifts. Excessive entry widths contribute to degrading roof conditions and increase the potential for loose and broken ribs which are likely to cause injury to Sea Continuation Form (MSHAForm 7006-3a) 9. Violation A. Health B. Socion C. Patt/Section of Title 30 GFR 75.220(a)(1) Section Linguografic Familiation C. Section C. Patt/Section of Title 30 GFR 75.220(a)(1) Section C. Section C. Section C. Patt/Section of Title 30 GFR 75.220(a)(1) C. Section	4. Served To							
1. Mine D	Bill Harless, Mine Foreman		PERFORMANCE COAL COMPANY					
B. Condition of Practice	6. Mine		7. Mine ID 46-08436		(Contractor)			
The approved roof control plan was not complied with on the #2 section. The crosscut opening width on the right crosscut off of the no. 4 belt entry at spad number 21552 was measured and found to be 27 wide. The crosscut opening width on the right crosscut off of the no. 4 belt entry at spad 21553 (last open crosscut) was measured and found to be 29.5' wide. Miners regulary work and travel in this area. The approved roof control plan allows for a crosscut opening width off of a 22' wide belt entry to be a maximum of 24'. Miners regularly work and travel in this area during production and maintenance shifts. Excessive entry widths contribute to degrading roof conditions and increase the potential for loose and broken ribs which are likely to cause injury to 9. Violation A Health B Section Safety B Section Safety B Section B				8a. Writt				
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22' wide belt entry to be a maximum of 24'. Miners regularly work and travel in this area during production and maintenance shifts. Excessive entry widths contribute to degrading roof conditions and increase the potential for loose and broken ribs which are likely to cause injury to 9. Violation A. Health B. Section S	and traver in thi	.s area.						
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See Continuation Form (MSHA Form 7000-3a) 9. Violation				e potential :	for loose			
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Safety Other Oth				See Continuation Form (M	SHA Form 7000-3a) 🔽			
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B. Injury or Illness could reasonably be expected to be: C. Significant and Substantial: Yes V No D 11. Negligence (check one) A. None B. Low C. Moderate D. D. High E. Reckless Disregard 1 12. Type of Action 104(a) 13. Type of issuance (check one) A. Citation B. C. Safeguard D. Written Notice E. Citation F. Dated Mo Da Yr A. Citation B. Order C. Safeguard D. Written Notice Section III—Termination Due A. Date Mo Da Yr 13. Time (24 Hr. Clock) Section III—Termination Action 17. Action to Terminate 18. Terminated A. Date Mo Da Wo Da Yr B. Time (24 Hr. Clock) Section III—Terminated System Data 19. Type of inspection (activity code) E01 20. Event Number 4117130 21. Primary or Mill C. Safe Niverbush		No Likelihood Unlikely	Reasonably Likely 🗸 Hid	nhly Likely 🗍 Oc	ourred 🗍			
C. Significant and Substantial:	B. Injury or illness could rea-							
12. Type of Action 104(a) 13. Type of Issuance (check one) Citation		Yes 🗸 No 🗌	D. I	Number of Persons Affecte	ed: 001			
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 07/20/2007 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 IV—Automated System Data 19. Type of Inspection (activity code) E01 20. Event Number 4117130 21. Primary or Mill (activity code)	11. Negligence (check one)	A. None B. Low C. N	Aoderate ☑ D. High 🗌	E. Reckless Disr	egard 🗌 .			
A: Citation B. Order C. Safeguard D. Written Notice Order Number 15. Area or Equipment 16. Termination Due A. Date Mo Da Yr O7/20/2007 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) E01 20. Event Number 4117130 21. Primary or Mill		13. Type of issu						
16. Termination Due A. Date Mo Da Yr O7/20/2007 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 IV—Automated System Data 19. Type of Inspection (activity code) E01 20. Event Number 4117130		C. Safeguard D. Written Notice		F. Dated	Mo Da Yr			
16. Termination Due A. Date Mo Da Yr O7/20/2007 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 IV—Automated System Data 19. Type of Inspection (activity code) E01 20. Event Number 4117130	15. Area or Equipment							
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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 4117130 21. Primary or Mill	16. Termination Due A. Date		1500					
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 4117130 21. Primary or Mill	Section III-Termination Action							
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19. Type of Inspection (activity code) E01 20. Event Number 4117130 21. Primary or Mill	18. Terminated A. Date Mo I	Da Yr B. Time (24 Hr. Clock)			The second secon			
19. Type of Inspection (activity code) E01 20. Event Number 4117130 21. Primary or Mill	Section IVAutomated System Data				· · · · · · · · · · · · · · · · · · ·			
Log AD Number	19. Type of Inspection	20. Event Number 4117130	21. Primary or Mill	-	and the state of t			
		-		23. AR Number	22072			

MSHA Form 7000-3, Mar 65 (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 penalites and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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



Section I-Subsequent Action/Continuation Data						
1 - 1	Dated Mo C (Original Issue) 07/20	a Yr /2007	3. Citation/ Order Number	7240629		
4. Served To		5. Opera	,			
Bill Harless, Mine Foreman		PERF(DRMANCE CO	AL COMPANY	,	
6. Mine		7. Mine I	7. Mine ID (Contra			
UPPER BIG BRANCH MINE-SOUT	H	46-08436				
Section II—Justification for Action						

Continuation of 8. Condition or Practice

miners.

											See Continuation F	om 🗌
Section III-Subse	quent Action	1 Taken			,					- CANADASTA-TA- IN INCOME THE INTERNATION OF THE IN		hida anno anno anno anno anno anno anno an
8. Extended To	A. Date	Mo	Da	Yr	B. Time (24	Hr. Clock)		☐ C. V	/acated	D. Terminated	☐ E. Modified	•
Section IV-Inspe	ction Data											
9. Type of Inspe)1		10. E	ent Number	4117130				The state of the s		ATOM COLONIA COLONIA COLO
11. Signatu						AR Number	12. Date	Mo Da	Yr	13. Time (24 Hr. Clo	ck)	
					-	23973		07/20	/2007	0953	The same in the same of the sa	

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

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Section I-Subsequent Act	ion/Continuation Data						
1. Subsequent Action . ✓	1a. Continuation	2. Dated (Original Issue)	Mo E 07/20/		3. Citation/ Order Number	7240629 - 01	
4. Served To	·			5. Opera			
Bill Harless, Mine	Foreman			PERF	DRMANCE CO	AL COMPANY	,
6. Mine				7. Mine i	D 46 0043	^	(Contractor)
UPPER BIG BRANCH MINE-SOUTH					46-0843	0	
Section II-Justification for	Action						

Additional support has been installed narrowing the wide entry.

				,	87.100				See Continuation Form
Section IIISubse	quent Action Tal	(en						,	
8. Extended To	A. Date Mo	Da	Yr	B. Time (24	Hr. Clock)		C. Vacated	✓ D. Terminated	☐ E. Modified
Section IV-Insper	ction Data			,					
9. Type of Inspe	ection E01		10. E	ent Number	4117130				
					AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ock)
					23644		07/24/2007	1205	

123.7	
*1	\\ }

Mine Citation/Order	Mine Safety and Health Administration
Section I-Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 07/20/2007 1017	3. Citation/ Order Number 7240630
4. Served To Bill Harless, Mine Foreman	5. Operator PERFORMANCE COAL COMPANY
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)
8. Condition or Practice	8a. Written Notice (103g)
The No. 2 Section belt head (numbered by type fire suppression system water presented the type of pipe, fittings, valves, and bottom branch line had extremely low was insufficient to provide coverage at apprehension of the dust cap on one spray noza	ssure was not maintained consistent with d nozzles which were installed. The ater flow and pressure which was proximately 3 water sprays and did not

										See C	ontinuation I	form (MSH/	A Form 7000-3a) 🔲
9. Violation	A. Health Safety Othe	√	B. Section of Act				C. Part/Section of Title 30 CFR	of		75	.1101-3		
Section II-Inspe	ector's Evalu	ation			+								
10. Gravity:													
A. Injury or	r Illness (ha	s) (is):	No Likelih	bod 🔲	Un	likely 🗸	Reasonabl	ly Likeh		Highly Lik	ely 🗌	Occur	red 🗌
	r illness cou be expecte		No Los	t Workda	ys 🗌	Lost V	Vorkdays Or Rest	ricted t	Outy 🗌	Permar	nently Disab	ling 🗹	Fatal 🗌 .
C. Signific	ant and Sul	ostantiai:	Yes	• 🗆	No 🗸					D. Number	of Persons	Affected:	001
11. Negligeno	e (check or	ie)	A. None]	B. Low		C. Moderate 🔽		D. High		E. Reckle	ss Disrega	ard [
12. Type of A	ction	104(a	a)		1	3. Type of I	ssuance (check o	ne)		Citation 🔽	Order		Safeguard [
14. Initial Acti A. Citation		rder 🗍	C. Safegua	ard 🔲 I	D. Writte	n Notice	E. Citation/ Order Nu	ımber			F.	Dated	Mo Da Yr
16. Termination	on Due	A, Date	Mo Da		3. Time ((24 Hr. Cloc	k) 080		T				
		<u> </u>	07/21/2	007			000	·	<u>. </u>				
Section III-Ter		ìon		<u> </u>								· · · · · · · · · · · · · · · · · · ·	
17. Action to	Terminate			ļ									·
18. Terminate	A. Date	Mo	Da Yr	B. Time ((24 Hr. C	lock)							
Section IVAu	tomated Sys	lem Data											
19. Type of Ir (activity c		E01	20. Event	Number	4	117130) 21. F	Primary	or Mill				
22. Signature			-	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \			iggapgagaan aan ah da dhiida ah		·	23. 4	R Number	23	973

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1995, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may cell 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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



Section I-Subsequent Ac	tion/Continuation Data			vinosinya kaminin kalaban ili Kalaban piri Al-				and the same
1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)	Mo D 07/20/	,	3. Citation/ Order Number	7240630 - 01		
4. Served To				5. Opera	tor			manuscript and the same
Bill Harless, Mine	Foreman			PERF	DRMANCE CO	AL COMPANY		
6. Mine				7. Mine	D 46 0043		(Contractor)	
UPPER BIG BRANCH MINE-SOUTH					46-0843	6		(
Section IIJustification fo	r Action							

The fire suppression now sprays on the bottom belt as required.

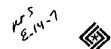
				- Marie Mari		See Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time	(24 Hr. Clock)		☐ C. Vacated	✓ D. Terminated	E. Modified
Section IVInspection Data 9. Type of Inspection E01	10. Event Numb	per 4117130				
		AR Number 23644	12. Date	Mo Da Yr 07/24/2007	13, Time (24 Hr. Clos 1125	ok)

B.42	Citation	10
wine	Ullation	www

22. Signature

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





0/30/07	Wille Salety and Health Admillistration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 08/13/2007 1255	3. Citation/ Order Number 7268822
4. Served To	5. Operator
David Taraczkozy (Donut) Chief Electrician	PERFORMANCE COAL COMPANy
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)
8. Condition or Practice	8a. Written Notice (103g)
Only 3 of the 4 fire suppression spray	
miner JM5852, operated in the No. 2 sec	
tested.	
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	•
	See Continuation Form (MSHA Form 7000-3a)
	art/Section of tile 30 CFR 75.1107-7(b)
Other	·
Section IIInspector's Evaluation 10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred
B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workd	ays 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. Mc	oderate 🗹 D. High 🗌 E. Reckless Disregard 🗌
12. Type of Action 104(a) 13. Type of Issuar	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	
Total of Equipmont	
16. Termination Due Mo Da Yr	
A. Date 08/13/2007 B. Time (24 Hr. Clock)	1310
Section IIITermination Action	
17. Action to Terminate The sprays were restored t	o operative condition.
18. Terminated A. Date	306
Section IVAutomated System Data	
19. Type of inspection 20. Event Number 4117100	21. Primary or Mill
(activity code) E01 20. Event Number 4117130	

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.

23. AR Number

23644

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22. Signature

U.S. Department of Labor



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	•	<i>3/21/08</i>		Mine Safety a	nd Healt	h Adminis	tration	· 🐃
Section IViola					- 10 - 10 - 10 - 10 - 10 - 10 - 10 - 10	and a second of the second	androj nomokoj kaja <u>vistiriji ministro</u> i sak digradom _{por s} <u>sisti nivoj di</u> sakana ja sakana	li decenie de la constanti de
1. Date	Mo Da Yr 08/13/2007	2. Time (24 Hr. Clock) 1430			<u></u>	3. Citation	1116001	3
4. Served To	00/13/2007	11130		5. Operator				
	aczkozy (Donut)	Chief Electrician		PERFORMA	NCE CO	AL COM	PANY	
6. Mine UPPER B	IG BRANCH MI	NE-SOUTH		7. Mine ID 40	6-0843	6		(Contractor)
8. Condition of				!			8a. Written N	
the hea	ad off the	t No. 3 brea roof bolt. required in t	This has	exposed a				
	·							
					<u> </u>	See Co	ntinuation Form (MSHA	Form 7000-3a) 🔲
9. Violation	A. Health Safety V	B. Section of Act	1	Part/Section of Title 30 CFR		75.2	202(a)	
Section II-Insp	ector's Evaluation							
10. Gravity: A, Injury o	or Illness (has) (is):	No Likelihood	Unlikely 🗌	Reasonably Likel	y 	Highly Likel	y 🗌 Occurre	d 🗍
	or illness could rea-	No Lost Workdays	☐ Lost Wo	rkdays Or Restricted I	Duty 🗸	Permane	ently Disabling	Fatal
	cant and Substantial:	Yes ✓ No		· · · · · · · · · · · · · · · · · · ·		D. Number o	of Persons Affected:	001
11, Negligen	ce (check one)	A. None B. I	Low C.	Moderate 🗸	D. High		E. Reckless Disregard	i 🗍
12. Type of A	Action 104(a	1)	13. Type of Iss	uance (check one)	С	itation 🗸	Order	Safeguard 🗌
14. Initial Act A. Citation		C. Safeguard D. V	Vritten Notice	E. Citation/ Order Number			F. Dated	Mo Da Yr
15. Area or E	quipment			·		·	·	
			<u> </u>					
16. Terminat	A. Date	Mo Da Yr 08/14/2007 B. T	ime (24 Hr. Clock)	0800			· · · · · · · · · · · · · · · · · · ·	
	rmination Action				·			
17. Action to	Terminate							
18. Terminat	ed A. Date Mol	Da Yr B. Time (24	Hr. Clock)					
Section IVAL	Itomated System Data							
19. Type of i		20. Event Number	4117130	21. Primary	or Mill			

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1998, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

23. AR Number

23644

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



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Section I-Subsequent Action/Continuation Data								
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 08/13/2	Yr 007	3. Citation/ Order Number	7268833 - 01			
4. Served To			5. Operal	or				
Bill Harless, Mine Foreman		1.1	PERFORMANCE COAL COMPANY					
6. Mine		7. Mine ID (Contractor)						
UPPER BIG BRANCH MINE-SO	UTH			46-0843	ð			
Section IIJustification for Action			distribution of the second					

The area has been cribbed & a header has been installed, therefore the citation is terminated.

								See Continuation Form	
Section IIISubsequent Action Taken									
8. Extended To A. Date Mo Da	Ϋ́r	B. Time (24 Hr	r. Clock)		☐ C. V:	acated	D. Terminated	E. Modified	
Section IV-Inspection Data	organisado (Capita								and the second
9. Type of Inspection E01	10.	Event Number	4117130					and the second s	
		1 _A	R Number	12. Date	Mo Ďa	Yr	13. Time (24 Hr. Clo	ck)	
_		2	3644		08/14/	2007	1153	· · · · · · · · · · · · · · · · · · ·	
CONTRACTOR OF THE PROPERTY OF									

Mine	Citation	/Order
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2/27/08

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

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Section IVi	olation Data	ж орожинде Донуйн түүхийн байгаас байгаас Адан байгаас Адан байгаас б		мишто на принципа на принц На принципа на прин			
1. Date	Mo Da Yr 08/06/2007	2. Time (24 Hr. Clock) 1120	3. Citatio Order	n/ · 7268837			
4. Served T	o		5. Operator				
Mike Bu	rke (Block Super	intendant)	PERFORMANCE COAL COMPANY				
6. Mine			7. Mine ID 46-08436				
UPPER :	BIG BRANCH M	MINE-SOUTH	40-08430	(Contractor)			
8. Conditio	n or Practice			8a. Written Notice (103g)			

There was a loose rock brow on the No. 2 section in the track entry at break 24 (Spad No. 21351) that was not controlled or otherwise supported to protect persons from hazards related to falls of the mine roof and rib. When pulled, the rock broke into two pieces measuring: 48 inches in length and up to 6 inches thick and 48 inches in length and up to 8 inches thick.

	-					See C	Continuation Form	1 (MSHA Form 7000-3a)
9. Violation	A. Health Safety	B. Section of Act		C. Part/Section of Title 30 CFR		75	.202(a)	
	ector's Evaluation							
10. Gravity:								·
	r lliness (has) (is):	No Likelihood 🔲	Unlikely 🗌	Reasonably	Likely 🗸	Highly Llk	ely 🔲	Occurred
	r illness could rea- be expected to be:	No Lost Work	days 🗌 Lost 1	Workdays Or Restr	cted Duty 🗌	Permar	nently Disabling	☐ Fatal 🗸
C. Signific	ant and Substantial	Yes 🗸	No 🗌			D. Number	r of Persons Aff	ected: 001
11. Negligeno	e (check one)	A. None	B. Low	C. Moderate	D. High		E. Reckless I	Disregard 🗌
12. Type of A	ction 104	(a)	13. Type of	Issuance (check or	e)	Citation 🗸	Order 🗌	Safeguard [
14. Initial Acti A. Citation		C. Safeguard	D. Written Notice	E. Citation/ Order Nur	nber		F. Da	ted Mo Da Yr
15. Aréa or E								
16. Terminati	on Due A. Date	Mo Da Yr 08/06/2007	B. Time (24 Hr. Clor	ck) 1220				-
Section III-Ter	mination Action							
17. Action to	Terminate Th∈	bad rock	brow was p	ulled and	timber	s were	set.	
18. Terminate	A. Date 08/	Da Yr 06/2007 B. Tim	e (24 Hr. Clock)	1440				
	tomated System Data							
19. Type of Ir (activity c		20. Event Numbe	4117130) 21. Pr	imary or Mill		. •	
22. Signatu						23. A	R Number	23644

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1998, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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Mine	Cita	tion/	זטי	aer

2/01/08

U.S. Department of LaborMine Safety and Health Administration

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Section I-Vi	olation Data							
1. Date	Mo Da Yr 08/06/2007	2. Time (24 Hr. Clock) 1145		3. Citation/ Order Number	7268838			
4. Served T	Ĩ0		5. Operator					
Mike Bu	rke (Block Super	intendant)	PERFORMANCE COAL COMPANY					
6. Mine			7. Mine ID 46-08436					
UPPER :	BIG BRANCH N	MINE-SOUTH	40-08430		(Contractor)			
8. Condition	n or Practice				8a. Written Notice (103g)			

The roof in the intake escapeway coming off of the No.2 section was not supported or otherwise controlled to protect persons from hazards related to falls of the mine roof. The bad roof was located at Spad No. 21237 and measured 5 feet in width by 5 feet in length and 6 inches thick.

											See	Continuati	on Form (MSH	A Form 7000	3a) . 🔲
9. Violation	A. Health Safet Othe	√	B. Section of Act					rt/Section o le 30 CFR	of		. 7:	5.202(a)		
Section IIinsp	ector's Evalu	ation								<u> </u>					
10. Gravity:															
A. Injury o	r Illness (ha	s) (is):	No Likelih	ood 🗌	Unli	kely 🔽		Reasonabl	ly Likely		Highly Ll	kely 🗌	Occui	rred 🗌	
	or illness cou be expecte		No Los	t Work	days 🗌	Lost V	Vorkda	ays Or Rest	ricted D	Outy 🗌	Perma	nently Di	sabilng 🔽	Fatal [
C. Signific	cant and Sui	bstantial:	Yes	; []	No 🗸						D. Numbe	er of Pers	ons Affected:	001	
11. Negligend	ce (check or	10)	A. None		B. Low	1	C. Mo	derate 🗸		D. High		E. Red	ckless Disreg	ard 🗌	
12. Type of A	ction	104(a	a)		13	3. Type of	Issuan	ce (check o	ne)		Citation 🔽	Ord	ier 🗌	Safegu	ard 🗌
14. Initial Act A. Citation		rder 🔲	C. Safegua	ard 🔲	D. Written	Notice [E. Citation/ Order Nu	mber				F. Dated	Mo Da	Yr
15. Area or E	quipment										,				
16. Terminati	ion Due	A. Date	M6 Da 08/07/2		B. Time (2	4 Hr. Cloc	k)	080	0						
Section IIITer	rmination Act	ion													
17. Action to	Terminate														
18. Terminat	ed A, Date	Mol	Da Yr	B. Tim	e (24 Hr. Cid	ock)									
Section IVAu	tomated Syst	em Data													
19. Type of I	nspection	EΩ1	20. Event	Numbe	er 41	17130)	21. F	rimary	or Mill					
22. Signal							<u> </u>				23.	AR Numb	per 23	644	

MSHA Form 7000-3, Mar 8b (revised) In accordance min the personal 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



Section ISubsequent Action/Continuation Data		
1. Subsequent Action 1a. Continuation (Original)	Mo Da Yr 3. Citation/ 7268838 - 01	
4. Served To	5. Operator	
Mike Burke (Block Superintendant)	PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436	(Contractor)
Section IIJustification for Action		

The intake roof has now been scaled down; therefore, the citation is terminated.

			,			See Continuation Fo	ım 🔲
Section IIISubsequent Action Taken		1	5 We 12 12 12 12 12 12 12 12 12 12 12 12 12				
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 Numb	er 4117130					
		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ock)	
		23644		08/08/2007	1316		

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U.S. Department of Labor



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		0/27/0	8	Mine Safety a	and Health	n Administration	શ.	
Section I-Violat	ion Data							
1. Date	Mo Da Yr 08/06/2007	2. Time (24 Hr. Clock) 1315				3. Citation/ Order Number	7268839)
4. Served To	A TOP ASSESSMENT OF THE PARTY O			5. Operator				
Mike Burk	e (Block Superir	itendant)		PERFORMA	NCE CO.	AL COMPANY	7	
6. Mine UPPER BI	G BRANCH M	NE-SOUTH		7. Mine ID 4	6-08436	5		(Contractor)
8. Condition of							8a, Written No	tice (103g)
		f control plan						
		the No. 2 sect						
unsuppo	rted mine	roof that mea	sured 11	feet wid	e and :	120 inches	in leng	gth.
							÷	
	•	•						
								_
						See Continuatio	n Form (MSHA Fo	orm 7000-3a) 🔲
9. Violation	A. Health ☐ Safety ✔ Other	B. Section of Act		Part/Section of itle 30 CFR		75.220(a)(1	1)	
Section II-Insp	ector's Evaluation							· · · · · · · · · · · · · · · · · · ·
10. Gravity:					. 🗖			
	illness (has) (is):	No Likelihood 🗌	Unlikely 🗸	Reasonably Like	ły 📋	Highly Likely	Occurred	Ц.,
	r illness could rea- be expected to be:	No Lost Workdays	Lost Work	days Or Restricted	Duty 🗌	Permanently Dis	abling 🗌	Fatal 🗸
	ant and Substantial:	Yes No w				D. Number of Perso	ns Affected:	001
11. Negligeno	e (check one)	A. None B. Lov	и 🗌 С. М	loderate 🗸	D. High	E. Reci	kless Disregard	
12. Type of A	ction 104(a)	13. Type of Issua	nce (check one)	Cit	tation 🗹 Orde	er 🗌	Safeguard
14. Initial Acti A. Citation		C. Safeguard D. Wri	tten Notice	E. Citation/ Order Number			F. Dated	Mo Da Yr
15. Area or E	quipment	<u>, , , , , , , , , , , , , , , , , , , </u>			· · · · · · · · · · · · · · · · · · ·		,	· · · · · · · · · · · · · · · · · · ·
			•					
16. Termination	on Due A. Date	Mo Da Yr 08/06/2007 B. Tim	e (24 Hr. Clock)	1800		anger and the second se		
Section IIITen	mination Action	00/00/2007		<u> </u>				
17. Action to		<u> </u>			 			
18. Terminate	A. Date Mo	Da Yr B. Time (24 Hr.	. Clock)		- i			<u> </u>
Section MAut	omated System Data	<u> </u>				dilata and the second		
19. Type of In	spection	20. Event Number	4117100	21. Primar	y or Mill			
(activity c			4117130				• •	
22. Signatur						23. AR Numbe	er 2364	Δ

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.

U.S. Department of LaborMine Safety and Health Administration



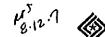
			-0-440404-000-00404-00-0	<u> месындары үчкүн түртү каратын айын айын айын айын айын айын айын ай</u>	
Section ISubsequent Action/Continuation Data				·	
Subsequent Action 1a. Continuation	2. Dated	Mo Da	Yr	3. Citation/	
	(Original Issue)	08/06/20	07	Order Number 7268839 - 01	
4. Served To			5. Operate	or ·	
Mike Burke (Block Superintendant)	<u> </u>	PERFO.	RMANCE COAL COMPANY	•
6. Mine			7. Mine ID		(Contractor)
UPPER BIG BRANCH MINE-SOU	JTH			46-08436	
Section IIJustification for Action	, , , , , , , , , , , , , , , , , , , ,				
					······································

The cited area has been bolted; therefore, the citation is terminated.

						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 4117130				
		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ock)
		23644		08/08/2007	- 1110	

Mine	C	ital	lio	n/	Or	der
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U.S. Department of Labor



23644

Millo Citatio	1,, 01401		8/22/	07	Mine Safe	ty and Heal	th Adminis	tration	8.10	
Section I-Violatio	n Dala									
1. Date	Mo Da Yr 08/06/2007	2, Time (24 Hr. Cla 162			[·		3. Citation Order N		840	
4. Served To	0010012001				5. Operator				-	
Rick Hodge,	Superintenden	ŧ			PERFOR	MANCE CO	OAL COM	PANY		
6. Mine					7. Mine ID	46-0843	36	_		
	BRANCH MI	NE-SOUTH			<u></u>			0 181-44		ntractor)
8. Condition or			ماد ماد ماد				24 22 0		en Notice (10	
		sis of the 29 and 030						s were be		
	stible cor		MMO) TE	svear	eu that	2 01 9	sambre	p were be	TOM CI.	16
THEOMBU	scrnte cor	itelie.	•							
		*								
						•				
		4								
			•							
							See Co	ontinuation Form (MS	SHA Form 700	0-3a)
9. Violation	A. Health ☐ Safety ✔ Other	B. Section of Act			Part/Section of Fitle 30 CFR		75	5.403		
Section IIInspec									***************************************	
10. Gravity:										
	lliness (has) (is):	No Likelihood 🔲	Unlikely	V	Reasonably	Likely 🗌	Highly Llke	ly 🗌 Occ	urred 🔲	
	illness could rea- be expected to be:	No Lost Work	days 🗌	Lost Worl	days Or Restr	icted Duty 🔽	Permane	ently Disabling 🗌	Fatal	
C. Significa	nt and Substantial:	Yes 🗌	No 🗸				D. Number	of Persons Affecte	d: 001	
11. Negligence	(check one)	A. None	B. Low 🗸	C. N	Noderate	D. High		E. Reckless Disre	gard 🗌	
12. Type of Ac	tion 104(a	n)	13. Ty	pe of Issu	ance (check or	ne) (Citation 🗸	Order 🗌	Safe	guard 🗌
14. Initial Action	n B. Order 🔲	C. Safeguard	D. Written Not	ce 🗌	E. Citation/ Order Nur	nber		F. Dated	МоЕ	Da Yr
15. Area or Equ	vipment				· · · · · · · · · · · · · · · · · · ·	•		7		
•										
	4									
16, Termination	n Due A. Date	Mo Da Yr 08/08/2007	B. Time (24 Hr	. Clock)	0800	- -				
Section IIITerm	ination Action	00,00,2001		, , , , , , , , , , , , , , , , , , , 			-,		 	
17. Action to T	erminate						**************************************			
18. Terminated	A. Date Mo	Da Yr B. Time	(24 Hr. Clock)	**************************************				anning and the second paper has been and the second and the secon		
Section IVAuto	mated System Data						W	<u> </u>	<u> </u>	-
19. Type of Ins	pection	20. Event Number	4117	130	21. P	rimary or Mill				*
22. Signatur							23. AI	R Number ,	12644	

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1998, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

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Section ISubsequent Action/Continuation Data			all the control of th		Name of the state		
1. Subsequent Action 1a. Continuation	Dated (Original Issue)	Mo Da 08/06/20	• • •	3. Citation/ Order Number 7268840 - 0	01		
4. Served To			5. Operat	or ·	-		
Bill Harless, Mine Foreman			PERFORMANCE COAL COMPANY				
6. Mine UPPER BIG BRANCH MINE-SOU	TH		7. Mine IE	46-08436	(Contractor)		
Section IIJustification for Action							

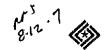
Additional rock dust has been applied to the cited area rendering the float coal dust inert; therefore, the citation is terminated.

,						See Continuation Form
Section IIISubsequent Action Taken					·	
8. Extended To A. Date Mo Da	Yr B. Time (2	4 Hr. Clock)		C. Vacate	d 🗸 D. Terminated	E. Modified
Section IVInspection Data						
9. Type of Inspection $\mathrm{E}01$	10. Event Numb	er 4117130				
		AR Number	12. Date	Mo Da Yr.	13. Time (24 Hr. Cld	ock)
		23644		08/08/2001	7 1446	· · · · · · · · · · · · · · · · · · ·

Mine	Citat	ianl	7-40-
mine	Cirat	tOn/\	Jraer

22. Signatur

U.S. Department of Labor



·	311, 31431	(2/21	1/08		Mine Safe	ty and	l Health	Adminis	tration	H+	8	
Section IViolat	ion Data		Constitution of the second					Old Philippins					
1. Date	Mo Da Yr 08/06/2007	2, Time (24	Hr. Clo 1250						Citation Order N		726884	11	
4. Served To		Chief Dle			- Adding	5. Operator PERFORMANCE COAL COMPANY							
David Tara 6. Mine	czkozy (Donut)	Culei Ele	CIFICIAI	11		7. Mine ID			T) COM	1 1111	·	, , , , , , , , , , , , , , , , , , ,	***************************************
	G BRANCH MI	NE-SOU	ГH			7. 14/010 10	46-	08436				(Con	tractor)
8. Condition or											8a, Written	Notice (10	3g)
The man ET17056 tested. release		d in th	ne No	emergency o. 2 secti dded to th	lon	041-0 I	MMU,	woul	d not	rel		hen	ate
				-							•		
				•						•			
									See C	vatinu atio	n Form (MSHA	Form 7000).an\
9. Violation	A. Health	B. Section			CF	art/Section of		· · · · · · · · · · · · · · · · · · ·	060 00	And in recent	it i otti (worte	1.0111 1000	-va)
o. violadori	Safety 🗸	of Act				itle 30 CFR		4	75.52	3-3(b)	(5)		
Section I-inspe	ector's Evaluation	· · · · · · · · · · · · · · · · · · ·											
10. Gravity:													-,
	Iliness (has) (is):	No Likeliho	od 📙	Unlikely 🗸		Reasonably	Likely	<u> </u>	lighiy Like	ly 📋	Occurr	ed 📋	
	illness could rea- be expected to be:	No Lost	Workd	ays Lost	Work	days Or Restri	cted Du	ty 🗌	Perman	ently Dis	abling 🔲	Fatal [<u> </u>
C. Significa	ant and Substantial:	Yes		No 🗸				[. Number	of Perso	ns Affected:	001	
11. Negligence	e (check one)	A. None)	B. Low	C. M	loderate 🔽	Ε	O. High		E. Rec	kless Disrega	rd 🗌	
12. Type of Ad	ction 104(a	a)		13. Туре о	f Issua	nce (check on	ie)	Cita	tion 🔽	Ord	er 🗌	Safeg	uard 🗌
14. Initial Action A. Citation		C. Safegua	rd 🔲	D. Written Notice		E. Citation/ Order Nun	nber				F. Dated	Mo D	a , Yr
15. Area or Ed	ulpment												<u> </u>
		- Chaidean alan 1911 - 1914 - 1914 - 1914 - 1914 - 1914 - 1914 - 1914 - 1914 - 1914 - 1914 - 1914 - 1914 - 1914				Maryangan kan dan pangan mana kan pangan kan bang dan pangan kan bang dan pangan kan bang dan pangan kan bang		particular particular del Alphania de Lorango par	·	and the second second			
16. Termination	n Due A. Date	Mo Da ` 08/06/20		B. Time (24 Hr. Clo	ock)	1600							
Section III-Terr	nination Action												
17. Action to T	erminate					-							
			-	and the second s	كاريس بحدثها								·
18. Terminate	d A. Date Mo	Da Yr	B. Time	(24 Hr. Clock)									
Section IVAuto	omated System Data	<u> </u>									the state of the s		
19. Type of In (activity/co	spection E01	20. Event	Number	411713	80	21. Pr	imary or	r Mill		······································	,		
(2001)													

MSHA Form 1000-5, war of (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 and 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

23644

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

8-12·7	
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	·
Yr 3. Citation/ Order Number 7268841 - 01	
5. Operator	
PERFORMANCE COAL COMPANY	
7. Mine ID	(Contractor)
46-08436	
2	Order Number 7268841 - 01 5. Operator PERFORMANCE COAL COMPANY

The manual release gauge now operates to show release; therefore, the citation is terminated.

			,			See Continuation Form
Section IIISubsequent Action Taker						
8. Extended To A. Date Mo	Da Yr	B. Time (24 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IVInspection Data						2011 - 1111 - 122 - 123
9. Type of Inspection E01	10. E	vent Number 4117130	_			
		AR Number	12. Date	Mo Da Yr	13, Time (24 Hr. Clo	ick)
		23644	-	08/08/2007	1058	

Mine	Citat	ion/	Orde
IVIIIIG	13116	11.71.17	いれいに

19. Type of Inspection (activity code)

20. Event Number

E01

U.S. Department of Labor



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	8/30/07	Mine Safety and Hea	lth Administration	
Section IViolation Data				
1. Date Mo Da Yr 08/08/2007	2. Time (24 Hr. Clock) 1155	·	3. Citation/ Order Number 72688	342
4. Served To		5. Operator		
Mike Burke (Block Superin	tendant)	PERFORMANCE CO	OAL COMPANY	
6. Mine		7. Mine ID 46-0843	36	
UPPER BIG BRANCH MI	NE-SOUTH			(Contractor)
8. Condition or Practice	ry was advanced app	marimataly 15 for	والمتنا والمتنا والمتناء والمتناء والمتنا	
	ry was advanced app not ventilated. <i>I</i>			
	s cut approximately			anced Inby
the last pen cros	s cut approximater,	7 35 1000 and was	HOC VCHCTERCOU.	•
	·			
		•		
**				
			•	
			See Continuation Form (MSF	iA Form 7000-3a)
9. Violation A. Health Safety ✓ Other	B. Section of Act	C. Part/Section of Title 30 CFR	75.330(b)(2)	
				<u> </u>
10. Gravity:				
A. Injury or Iliness (has) (is):	No Likelihood Unlikely	Reasonably Likely	Highly Likely 🔲 Occu	rred 🗌 🗳
B. Injury or illness could rea- sonably be expected to be:	No Lost Workdays Lost	Workdays Or Restricted Duty 🗹	Permanently Disabling	Fatai 🗌
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 Disreg	pard 🗌
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				
	No Do Vo		and the state of t	
16. Termination Due A. Date	Mo Da Yr 08/08/2007 B. Time (24 Hr. Clo	ock) 1230		
Section III-Termination Action	00/00/2007			
	cilation curtain was	s installed.	**************************************	
4011	Carrender Course Hor	and the state of the state and the SA F		
		•		
18. Terminated Mol	Da Yr	1010		
I A Date	8/2007 B. Time (24 Hr. Clock)	1210		
Section IV-Automated System Data		The state of the s		

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1998, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

4117130

21. Primary or Mill

23. AR Number

23644

Mina	Cita	fion	Order

U.S. Department of Labor



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		<u>81301</u> 1	57	Mine Safety	and Health A	dministration		
Section IViolat	ion Data							
1. Date	Mo Da Yr 08/08/2007	2. Time (24 Hr. Clock 1215)		3.	. Citation/ Order Number	7268843	
4. Served To				5. Operator				
	e (Block Superin	tendant)			ANCE COAL	COMPANY		
6. Mine UPPER BI	G BRANCH MI	NE-SOUTH		7. Mine ID	16-08436			(Contractor)
8. Condition or	and the company of th			ide way was in the same property and an arrange a same			8a, Written No	
			ne face area dusted to n					
			,					
9. Violation	A. Health	B. Section	Tc.ı	Part/Section of		See Continuatio	n Form (MSHA Fo	orm 7000-3a) 🔲
	Safety 🗸 Other	of Act		itte 30 CFR	•	75.402		
	ector's Evaluation							
10. Gravity:	. 10	Mt - I Neakha - J	(Indited to (A)	Dagsanahh (iir	atu 🗀 133	mbb.1 Beats.	المستندين	
	Illness (has) (is):	No Likelihood	Unlikely 🗸	Reasonably Lik	ely 📋 Hig	ghly Likely 🗌	Occurred	
	be expected to be:	No Lost Workday	s Lost Work	days Or Restricted	Duty 🗸	Permanently Dis	abling 🗌	Fatal
	ant and Substantial:	Yes ☐ N	lo 🗸		D. I	Number of Perso	ns Affected:	001
11. Negligenc	e (check one)	A. None 🗌 💮 E	. Low C. M	loderate 🔽	D. High	E. Recl	dess Disregard	
12. Type of A	ction 104(a	1)	13. Type of Issua	ance (check one)	Citatio	on 🗸 Orde	er 🗌	Safeguard 🗌
14. Initial Action		C. Safeguard D	Written Notice	E. Citation/ Order Number			F. Dated	Mo Da Yr
15. Area or Ed	quipment							
16. Termination	on Due A. Date	Mo Da Yr 08/11/2007 B	Time (24 Hr. Clock)	0800				
Section IIITerr	mination Action				**************************************	-		
17. Action to	Terminate.							•
18. Terminate	A. Date Mol	Da Yr B. Time (2	4 Hr. Clock)		a di Masanija mp., ikana ampanasaman a arras a		a de la grada d	en e
Section IVAut	omated System Data		<u> </u>		784,01	 	·····	
19. Type of in	spection ode) E01	20. Event Number	4117130	21. Prima	ry or Mill	,		
22. Signatur						23. AR Numbe	or 2364	

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



Section I—Subsequent Action/Continuation Data						
1. Subsequent Action 1a, Continuation	2. Dated	Mo Da	Yr	3. Citation/	7268843 - 01	
lacksquare	(Original Issue)	08/08/20	07	Order Number	1200043 - 01	
4. Served To			5. Operat	or		
Bill Harless, Mine Foreman	<u>.</u>		PERFO	RMANCE CO	AL COMPANY	
6. Mine			7. Mine ID	46.0040		(Contractor)
UPPER BIG BRANCH MINE-SO	UTH ·			46-0843	b	
Section IIJustification for Action						

Additional rock dust has been applied by hand but additional dusting is needed; therefore, additional time is granted.

Section III-Subseq	uent Action Ta	ken				normania and equipment and		See Continuation Fo	rm 🔲
8. Extended To	A. Date	Da Yo 08/14/200	r B. Time (2	4 Hr. Clock)	0800	☐ C. Vacated	D. Terminated	E. Modified	
Section IV-Inspect	on Data		Annual Careenal						
9. Type of inspec	tion E01	10	. Event Numbe	4117130					
				AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Cl	ock)	
				23644		08/13/2007	1040		

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

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Continuation				1111110 00	noty and riodic	ii / tariiiisottatioii	· ·	4/
Section I-Subsequent	Action/Continuation Data							
 Subsequent Action 	n 1a. Continuation	2. Dated (Original Issue)	Mo Da 08/08/20	1	3. Citation/ Order Number	7268843 - 02		Maria de la composición dela composición de la composición de la composición dela composición dela composición dela composición de la composición de la composición de la composición de la composición dela composición de la composición dela composición de
4. Served To				5. Operator				
Bill Harless, Mi	ne Foreman			PERFORMANCE COAL COMPANY				
6. Mine	4			7. Mine ID			(Contractor)	
UPPER BIG BE	RANCH MINE-SC	UTH		46-08436				
Section IIJustification	for Action							

The old No. 2 section has now been rock dusted by machine, therefore the citation is now terminated.

Castley III. Cubas	overs Solton Tol		0					·		See Continuation Form
8. Extended To	The second secon	Mark Syspeassania and	Yr	B. Time (24	Hr. Clock)		☐ C. Va	cated	✓ D. Terminated	E. Modified
Section IVInspec								· Opposite Company		
9. Type of Inspe	ction E01		10. E	vent Number	4117130					
			<u>. </u>		AR Number	12. Date	Mo Da	Yr	13. Time (24 Hr. Clo	ck)
				-	23644		08/14/2	2007	1115	

Mine	Cito	fion/	Order
WHITIP	1 .112	11177177	

22. Signature



x),12.17	
5·1."	<i>\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\</i>

Mine Citation/Order				8/30/	۸7	•	U.S. Department of Labor Mine Safety and Health Administration					
Section I-Violat	lion Dala	midejyeydamani.		01901		1411110 00100	y and no	aminimbanasaninimmosimmosimposide 11611 1.367 E E III 1994		Commence of the second	National designation of the last of the la	
1. Date	Mo Da 08/08/2		2. Time (24 Hr	. Clock) 1320		Out of the property of the control o		3. Citation Order I	n/ Number 72688	44		
4. Served To	00,00,2	<u> </u>	The state of the s	-		5. Operator						
Mike Burk	e (Block	Superin	ntendant)			PERFORM	MANCE C	COAL COM	IPANY			
6. Mine					(a, 1)	7. Mine ID	46-084	36				
		CH M	INE-SOUTH				70-00-	2 0	- Institution of the second of		ractor)	
8. Condition o	مطاعة فيناه فيستأه وأسروسون	-							والتناج المستخدان والمتحالة فالمتحال والمتحال	Notice (103	7.	
			g at No. ake air			BB 4 bel	it is p	artiall	y crushed,	allo	ving	
	·											
								See C	ontinuation Form (MSH	A Form 7000	-3a) 🔲	
9. Violation	A. Health Safety Othe	√	B. Section of Act			Part/Section of Title 30 CFR		75.3	33(b)(3)			
Section II-Insp	ector's Evalu	ation										
10. Gravity: A. injury o	r Iliness (ha	s) (is):	No Likelihood		nlikely 🗸	Reasonably I	Likely 🔲	Highly Llke	ely 🗌 Occur	red 🗌		
	r illness cou be expecte		No Lost W	orkdays 🗌	Lost Wor	kdays Or Restric	ted Duty 🗸	Perman	ently Disabling 🔲	Fátal []	
C. Signific	ant and Sul	stantial:	Yes [No 🗸				D. Number	of Persons Affected:	009		
11. Negligeno	e (check or	e)	A. None	B. Low	☑ C.	Moderate 🗌	D. High	١ 🗆	E. Reckless Disreg	ard 🔲		
12. Type of A	ction	104(a)		13. Type of Issu	ance (check one	∍)	Citation 🗸	Order 🗌	Safeg	uard 🗌	
14. Initial Acti A. Citation		der 🗌	C. Safeguard	D. Writt	ten Notice	E. Citation/ Order Num	ber		F. Dated	Mo Da	ı Yr	
15. Area or E	quipment											
16. Terminati	on Due	A. Date	Mo Da Yr 08/09/2007	B. Time	(24 Hr. Clock)	0800				· · · · · · · · · · · · · · · · · · ·		
Section IIITer		on										
17. Action to	Terminate									-		
18. Terminate	A. Date		Da Yr B.	îlme (24 Hr.	Clock)		ang ang antanàng at an antang at a mang aban ait at a ta					
Section IVAu		em Data					· · · · · · · · · · · · · · · · · · ·					
19. Type of li (activity o		E01	20. Event Nur	nber	4117130	21. Pri	mary or 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 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 pensities and obtain a hearing before the Federal Mine Safety and Health Review Commission.

23. AR Number

23644

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



Section I-Subsequent Action/Continuation E)ata						
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 08/08/20	′' 1	3, Citation/ Order Number	7268844 - 01		Ĵ
4. Served To			5. Operato	or			
Bill Harless, Mine Foreman			PERFO.	RMANCE CO	AL COMPANY		
6. Mine			7. Mine ID	46.0040		(Contractor)	
UPPER BIG BRANCH MINE	-SOUTH			46-0843	6		
Section IIJustification for Action	`						

Additional plaster has been applied but the stopping still leaks; therefore, additional time is granted.

						See Continuation Form
Section IIISubsequent Action Taken						
8. Extended To A. Date Mo Da 08/13/	Yr 2007 B. Time (24	Hr. Clock)	1600	C. Vacated	☐ D. Terminated	E. Modified
Section IVInspection Data						
9. Type of inspection E01	10. Event Number	4117130				
		AD Alexanders	140 D-44	11. D. V.	ida Timo (24 He Ole	
	· · · · ·	AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	еку
		23644		08/13/2007	1148	

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

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Section I-Subsequent Action/Continuation Data							girinegganay
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo D 08/08/		3. Citation/ Order Number	7268844 - 02		
4. Served To		,	5. Operat	or			
Bill Harless, Mine Foreman			PERFO	RMANCE CO	AL COMPANY		
6. Mine			7. Mine II	16.0042		(Contractor)	
UPPER BIG BRANCH MINE-SO	UTH			46-0843	O		
Section IIJustification for Action		orione-Anni-ser-estated					

The stopping has been sealed.

Section IIISubse	auent Action 1	faken						See Continuation Form
8. Extended To	Separate and the second second	lo Da	Ϋ́r	B. Time (24 Hr. Clock)	a de la composition	C. Vacated	✓ D. Terminated	E. Modified
Section IV-Inspe 9. Type of Inspe	The second secon		10. E	event Number 4117130				
				AR Number 23644	12. Date	Mo Da Yr 08/14/2007	13. Time (24 Hr. Cloc 1212	k)

Mine Citati	on/Order	8/30/07		U.S. Departme Mine Safety and			tion	8.12.7
Section IViolat	lion Data		-					
1. Date	Mo Da Yr 08/08/2007	2. Time (24 Hr. Clock) 1140		o		3. Citation/ Order Num	ber 726884	45
4. Served To	00,00,200,			5. Operator				
	e (Block Superi	ntendant)		PERFORMAN	CE COA	AL COMPA	NY	
6. Mine UPPER BI	G BRANCH M	INE-SOUTH		7. Mine ID 46-	-08436	I		(Contractor)
8. Condition of							8a. Written I	Notice (103g)
Three s	topping i	n the No. 2 Section	lef	t return w	ere d	lamaged.	One wa:	s at spad
	* * -	ne was outby and one				_	The stop	_
	•	belt and return air				-	-	ng in the
		d No. 2 section and						→
	-	re damaged allowing						r circ ord
NO. Z	ecrion Me	te damaged arrowing),CI	c and recu	CALL CLA	· CO III.	- A	
				,				
							•	
				,				
		gar gar ann gargain in agus ann an dean an the gargain ann an dean dean ann an dean ann an dean ann an dean de	1			See Contir	uation Form (MSHA	Form 7000-3a)
9. Violation	A. Health	B. Section of Act		art/Section of ie 30 CFR		75 222	(L)(2)	
	Safety 🗸 Other	of Act	'"	ie ou oi n		75.333((5)(3)	
Section IIInsp	ector's Evaluation		J					-
10. Gravity:				, , , , , , , , , , , , , , , , , , ,	*			<u> </u>
	r Illness (has) (is):	No Likelihood Unlikely 🗸		Reasonably Likely		Highly Likely	Occurr	ed 🗌
	r iliness could rea- be expected to be:	No Lost Workdays Lost	Workd	ays Or Restricted Du	ity. 🗸	Permanenti	y Disabling 🔲	Fatal 🗌
C. Signific	ant and Substantial	Yes No 🗸			C). Number of F	ersons Affected:	001
11. Negligeno	e (check one)	A. None B. Low	C. Mc	derate 🗸 🛚 I	D. High		Reckless Disrega	rd 🗌
12. Type of A	ction 104	(a) 13. Type of	fissuar	ice (check one)	Cita	ation 🗸	Order 🗌 .	Safeguard [
14. Initial Acti	ΔD			E. Citation/			F. Dated	Mo Da Yr
A. Citation	•	C. Safeguard D. Written Notice		Order Number			1. Dateu	WO DO 11
15. Area or Ed	guioment							
	d a ferriorit							
Commence of the Company of the Compa							¥	
16. Termination	on Due A. Date	Mo Da Yr 08/15/2007 B. Time (24 Hr. Clo	ck)	0800		ين (غ ر ان		,
Castles III Yes	mination Action	00,10,200			L	· · · · · · · · · · · · · · · · · · ·	44: 327:	

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

23644

17. Action to Terminate

19. Type of Inspection

(activity code)
22. Signature

A. Date

Section IV--Automated System Data

Mo Da Yr

E01

20. Event Number

B. Time (24 Hr. Clock)

4117130

18. Terminated

Mine Citation/Order
Continuation

U.S. Department of LaborMine Safety and Health Administration

8.16.7	
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Section ISubsequent Action/Continuation Data		
1. Subsequent Action 1a. Continuation 2. Dated Mo Da (Original Issue) 08/08/20	Yr. 3. Citation/ 007 Order Number 7268845 - 01	
4. Served To	5. Operator	
Bill Harless, Mine Foreman	PERFORMANCE COAL COMPANY	
6. Mine	7. Mine ID	(Contractor)
UPPER BIG BRANCH MINE-SOUTH	46-08436	
Section IIJustification for Action		,, , , , , , , , , , , , , , , , , , , ,

The ventilation revision has been approved and the stoppings have been built across the mouth, therefore the citation is terminated.

	on in the same of the same			water to the second			See Continuation Form
8. Extended To A. Date Mo Da	Yr	B. Time (24 I	Hr. Clock)			✓ D. Terminated	E. Modified
Section IVInspection Data 9. Type of Inspection E01	10. E	vent Number	4117130	-			
			AR Number 23644	12. Date	Mo Da Yr 08/14/2007	13. Time (24 Hr. Clor 1233	ck)

⊿ine	Citation	/Order
------	----------	--------

22. Signature

U.S. Department of Labor



				િ	130107		Mine Sa	fety an	id Heal	th Adminis	stration	1	· \
Section IViolat	ion Data					Warran (dament)	are and the second seco		Name of the second seco			Many amountained of the abolishing the 11,000	
1. Date	Mo Da Yr 08/13/200		2. Time (2	4 Hr. Cl 124		••••				3. Citation Order I	n/ Number	726884	46
						5. Operato							
David Tara	czkozy (Do	onut) C	Chief Ele	etricia	n				ICE CO	DAL COM	PANY	<u>r</u>	
6. Mine UPPER BI	G BRANCI	H MIN	√E-SOU	TH			7. Mine ID	46	-0843	36			(Contractor)
8. Condition or							.,						Notice (103g)
	ection,	04	1-0 Mi		continuou read 3.4%								
										,			
												•	
										See C	ontinuatio	on Form (MSHA	Form 7000-3a)
9. Violation	A. Health Safety V		s. Section of Act				Part/Section itle 30 CFR	of		7:	5.342		
Section II-inspe		n					· · · · · · · · · · · · · · · · · · ·						
10. Gravity: A. Injury or	Illness (has) (ís):	No Likeliho	ood. 🗌	Unlikely 🗸		Reasonat	ily Likely		Highly Like	ly 🗌	Occurre	ad []
	illness could r be expected to		No Los	t Worke	lays Lost	Work	days Or Res	tricted D	uty 🗸	Perman	ently Dis	abling	Fatal
	ant and Substa		Yes		No 🗸		-			T		ons Affected:	002
11. Negligence	e (check one)	<i>A</i>	A. None]	B. Low 🔽	C. M	oderate 🗌		D. High		E. Rec	kless Disregar	rd .
12. Type of Ad	ction	104(a))		13. Type of	Issua	ince (check	one)	C	Citation 🗸	Ord	er 🗌	Safeguard [
14. Initial Action A. Citation		· 🗆 (C. Safegua	ırd 🗀	D. Written Notice [E. Citation/ Order N			,		F. Dated	Mo Da Yr
15. Area or Eq	uipment							······		· · · · · · · · · · · · · · · · · · ·			
											•		
16. Terminatio	on Due A.	Date	Mo Da ` 08/13/20		B. Time (24 Hr. Clo	ck)	131	5					
Section III-Tern	· · · · · · · · · · · · · · · · · · ·												
17. Action to T	erminate]	The 1	miner	was	calibrate	d.							
18. Terminate	A. Date		a Yr /2007	B. Time	(24 Hr. Clock)		1254				······································		
	omated System		00 5	N			I A.	D-2			· · · · · ·		
19. Type of In: (activity co		E01	20. Event	Number	411713	0	[21,]	Primary o	or Mill				

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

23644

Mine	Citat	/	\sim	
wine	Citat	ION/	Ora	er

Section I-Violation Data

8/30/07

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

P2-16-1

((X))	

1. Date	Mo Da Yr 08/14/2007	2. Time (24 Hr. Clock) 1428			3. Citation/ Order Number	7268847			
4. Served To				5. Operator					
Bill Harless	s, Mine Foreman	1		PERFORMANCE COAL COMPANY					
6. Mine				7. Mine ID 46-08436					
	G BRANCH M	INE-SOUTH		10-	00730	(Contractor)			
8. Condition or						8a. Written Notice (103g)			
		plan is not be				20 timbers and			
	-	ided as supplem	ental ma	terials.	This section	is taking deep			
cuts. (No. 2 sect	tion)							
	•								
				,					
					•				
	•								
		•							
		•							
					See Continuati	on Form (MSHA Form 7000-3a)			
9. Violation	A. Health 🗌	B. Section		art/Section of	er aaac v				
	Safety <u>✔</u> Other	of Act	41	tle 30 CFR	75.220(a)((1)			
Section II-Inspe	ector's Evaluation			<u></u>					
10. Gravity:		,		<u></u>	<u></u>	and the second s			
	Iliness (has) (is):	No Likelihood 🗌 Un	likely 🗸	Reasonably Likely	Highly Likely	Occurred			
	illness could rea-								
	be expected to be:	No Lost Workdays	Lost Workd	lays Or Restricted Dut	y Permanently Di	sabling Fatal 🗸			
C. Significa	ant and Substantial:	Yes No 🗸			D. Number of Pers	ons Affected: 001			
11. Negligenc	e (check one)	A. None B. Low	C. Me	oderate 🗹 🛚 🖸	D. Hìgh 🗌 E. Red	ckless Disregard			
12. Type of A	ction 104(a	a) 1	3. Type of Issua	nce (check one)	Citation 🗸 Ord	ler Safeguard			
14. Initial Action		C. Coformad E. D. Matthe	- Metico 🗆	E. Citation/ Order Number		F. Dated Mo Da Yr			
A. Citation	B. Order	C. Safeguard D. Writte	n Notice	Older Nulliber	· · · · · · · · · · · · · · · · · · ·				
15. Area or Ed	quipment								
					,				
		•							
16. Termination	n Due	Mo Da Yr			<u> </u>	The state of the s			
TO. Terriman	A. Date	08/15/2007 B. Time (24 Hr. Clock)	0800					
Section III-Terr	nination Action		, ,	<u></u>					
17. Action to		<u>, k</u>							
		•			•				
		D. V.	,	·					
18. Terminate	" A. Date	Da Yr B. Time (24 Hr. C	lock)	,					
Section IVAut	omated System Data								
19. Type of In (activity co		20. Event Number 4	117130	21. Primary or	Mill				
22. Signature	,				23. AR Numl	^{Der} 23644			
MSHA Form 70		In accordance with the provis	ions of the Small E	Jusiness Regulatory Enfo	orcement Fairness Act of 1996.	the Small Business Administration			

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

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Section ISubsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo [08/14	0a Yr /2007	3. Citation/ Order Number	7268847 - 01	
4. Served To			5, Opera			
Bill Harless, Mine Foreman	·		PERF	ORMANCE CO	AL COMPANY	
6. Mine			7. Mine	ID 46 00 40		(Contractor)
UPPER BIG BRANCH MINE-SO	UTH			46-0843	6	
Section IIJustification for Action						

The resin and timbers have been installed on the emergency sled as required; therefore, the citation is terminated.

							See Continuation Form
8. Extended To Mo Da	Yr						
8. Extended To A. Date Mo Da		B. Time (24	Hr. Clock)		C. Vacated	D. Terminated	E. Modified
Section IV-Inspection Data							
9. Type of Inspection E01	10. E	vent Number	4117130				
			AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ock)
		· · · · · · · · · · · · · · · · · · ·	23644		08/15/2007	1133	

Mino	Citation/	Order
11/21/11/12	CHEMINA	1 11/11/25

U.S. Department of Labor



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		શ્રી	30 07		Mine Safety a	nd Health A	dministration	_	
Section IViolati	on Data								
1. Date	Mo Da Yr 08/14/2007	2. Time (24 Hr. 1	Clock) 355		•	3.	Citation/ Order Number	7268848	
4. Served To					5. Operator		, del la		
	, Mine Foremat	1			PERFORMA	NCE COAL	COMPANY	· · · · · · · · · · · · · · · · · · ·	
6. Mine	G BRANCH M	ME-SOUTH			7. Mine ID 4	6-08436			(Contractor)
8. Condition or		1113-300111						8a. Written Notic	
		on the s	coop SN# T3	39-	267R were	found	to be un		The
			o. 2 Section			•			
		-							
							•		
		•							
							.		
9. Violation	A. Health	B. Section		C D	ert/Section of		See Continuation	Form (MSHA For	m 7000-3a)
a. Violation	Safety 🗸 Other	of Act			tle 30 CFR		75.503		
	ctor's Evaluation								
10. Gravity:	Illuses these that	No Likelihood	Unlikely 🗸		Reasonably Likel	. □ Liin	ibbrilleobi 🖂	Ondurred [
	Illness (has) (is): illness could rea-						jhly Likely 🔲	Occurred [
	be expected to be:	No Lost Wo	rkdays Lost	Workd	ays Or Restricted	Duty 🔽 🗆	Permanently Disa	ibling 🗌 💮 F	atal 🗌
C. Significa	ant and Substantial:	Yes 🗌	No 🗸			D. 1	Number of Persor	ns Affected:	001
11. Negligence	e (check one)	A. None	B. Low	C. M	oderate 🔽	D. High 🗌	E. Reck	less Disregard	
12. Type of Ac	tion 104(a)	13. Type of	Issua	nce (check one)	Citatio	n 🗹 Orde	r 🗆	Safeguard
14. Initial Action A. Citation		C. Safeguard	D. Written Notice		E. Citation/ Order Number			F. Dated	Mo Da Yr
15. Area or Ed	uipmeht					· · · · · · · · · · · · · · · · · · ·			
							•		
16. Termination	n Due A. Date	Mo Da Yr 08/14/2007	B. Time (24 Hr. Clo	ck)	1800		, , , , , , , , , , , , , , , , , , ,		
Section IIITerr	nination Action								
17. Action to 1	erminate								
18. Terminate	d A. Date Mo	Da Yr B. Ti	me (24 Hr. Clock)			and the same and t	The state of the s	ak inkakasit sepatentera disebuah beritat sepint 2000 disebuah disebuah	A CONTRACTOR OF THE PROPERTY O
Section IVAuto	omated System Data								
19. Type of In	spection	20. Event Numb	oer 411713	0	21. Primary	or Mill		dalam and the constitution of the desired and and a second	
22. Signature		, , , , , , , , , , , , , , , , , , ,			,		23. AR Numbe	r 23644	

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





Section 1-Subsequent Action/Continuation Data	·			
1. Subsequent Action 1a. Continuation 2. Dated Mo Da	Yr 3. Citation/ Order Number 7268848 - 01			
(Original Issue) 08/14/20	07 Order Number 7200040 - 01			
4. Served To	5. Operator			
David Taraczkozy (Donut) Chief Electrician	PERFORMANCE COAL COMPANY			
6. Mine	7. Mine ID (Contractor)			
UPPER BIG BRANCH MINE-SOUTH	46-08436			
Section IIJustification for Action				

The battery lids have now been secured by a bar; therefore, the citation is terminated.

									See Continuation Form
Section III-Subse	quent Action Ta	ken		Communication of the Communica					
8. Extended To	A, Date Mo	Da	Υr	B. Time (24	l Hr. Clock)		☐ C. Vacated	✓ D. Terminated	☐ E. Modified
Section IVInspec	tion Data	Name and Address of the Owner, where the Owner, which is the Owner, where the Owner, which is the Owner, which i			·				
9. Type of Inspe	ction E01		10. Ev	ent Numbe	4117130				
1					AR Number	12Date	Mo Da Yr	13. Time (24 Hr. Clo	ock)
				·	23644		08/15/2007	1300	·

A 45	A		10.	· F
Mine	Cita	tion	/Or	αer

2/21/08

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



		X/A1/08	Mine Safety and Health Ac	<i>D</i>	`W	
Section I-V	iolation Data	and the second section and the second		SECOND DESIGNATION OF THE PROPERTY OF THE PROP	- 190 Росуман — марта уливану в манастично	en e
1. Date	Mo Da Yr 08/14/2007	2. Time (24 Hr. Clock) 1410		Citation/ Order Number	7268849	
4. Served	То		5. Operator			
Bill Har	less, Mine Forem	an .	PERFORMANCE COAL	COMPANY		
6. Mine UPPER	BIG BRANCH M	MINE-SOUTH	7. Mine ID 46-08436			(Contractor)
8. Conditio	on or Practice				8a. Written Noti	ce (103g) 📗

The vacuum gauge on the left side head on the no. 4 roof bolter SN 95016/200333 indicated 10" where 12" is required.

										See (Continuatio	on Form (MSHA	Form 7000-3a)
9. Violation	A. Health Safety Other		B. Section of Act			C. Part/Section of Title 30 CFR				75.3	370(a)((1)	
Section IIInsp	ector's Evalu	alion									,		
10. Gravity:						_			1				. =
	Illness (ha		No Likelih	ood 📋	Unlikely 🗌	R	easonably	Likely	<u>v</u>	Highly Lik	ely [_]	Occuri	ed []
	illness cou be expecte		No Los	t Workdays	Lost	Workday	Or Restri	cted D	uty 🗸	Perma	nently Dis	sabling 🔲	Fatal 🗌
C. Signific	ant and Sul	stantial:	Yes	s 🗹 N	o 🗌	·····				D. Numbe	r of Perso	ons Affected:	001
11. Negligeno	e (check on	e)	A. None	В	. Low 📋	C. Mode	rate 🔽		D. High		E. Rec	kless Disrega	rd 🗌
12. Type of A	ction	104(a	ı)		13. Type of	Issuance	(check or	ie)	(Citation 🔽	Ord	ler 🗌	Safeguard 🗌
14. Initial Acti A. Citation		der 🗌	C. Safegua	ard D.	Written Notice [Citation/ Order Nur	nber				F. Dated	Mo Da Yr
16. Terminati	on Due	A. Date	Mo Da 08/14/2	10	Time (24 Hr. Clo	ck)	1425						
Section IIITer	mination Acti	on	00/14/2	007					<u> </u>			<u></u>	,
17. Action to	Terminate	The	repai	rs we	e made a	ind 1	2" of	pre	essui	ce was	indi	icated.	
18. Terminate	A. Date	- 08/1	Da Yr 4/2007	B. Time (24	4 Hr. Clock)	142	5						
Section IVAut	omated Syst	em Data										`	
19. Type of Ir (activity c		E01	20. Event	Number	411713	0	21. Pi	imary c	or Mill				
22. Signature									.	23. /	AR Numb	per 23	644 .

Mina	Cita	tion/	Order
MILLER	1.02	} [] [] []	Oraer

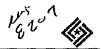
8/30/07

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

8.16.7

Section I-Violat	on Data									
1. Date	Mo Da Yr 08/14/2007	2. Time (24 Hr. Cl			· · · · · · · · · · · · · · · · · · ·			tation/ der Number	72688	50
4. Served To	10 granning and the Control of Co			5.	. Operator		·			
Bill Harless	, Mine Forema	n		P	ERFOR	MANCE (COAL C	OMPANY	7	
6. Mine				7.	. Mine ID	46-084	126			
	G BRANCH M	INE-SOUTH				40-00	+30			(Contractor)
8. Condition or				· · ·						Notice (103g) 🔃
Visible	dust was	present i	n the air	at t	he ta:	ilpiece	e and	extend	ling ou	tby on
the no.	2 sectio	n.								
										•
									,	
	,									
							•	÷		•
-										
							s	iee Continuatio	n Form (MSHA	Form 7000-3a)
9. Violation	A. Health 🗌	B. Section		C. Part	/Section of					
	Safety 🗸	of Act	ļ	Title	30 CFR		7	75.325(a)(3	3)	
A	Other					سپام سین سساند				
	ctor's Evaluation			,	·					وي كالمناف المناف ا
10. Gravity:	Illness (has) (is):	No Likelihood	Unlikely 🔲	5	Reasonably	Likely 🕡	Highly	Likeiy 🔲	Occurr	ed [
	illness could rea-	110 Encontoda [_]	O'IIIIOI []		10000110013		1.19111	LINOIS L		
	be expected to be:	No Lost Work	days 🗌 Lost \	Norkday	s Or Restri	cted Duty 🔽	Per	manently Dis	abling	Fatal 🗌
	ent and Substantial:	Yes 🗸	No 🗌	<u>.</u>			D. Nun	nber of Perso	ns Affected:	001
11. Negligence	e (check one)	A. None	B. Low	C. Mode	erate 🗹	, D. Hig	ıh 🗌	E. Rec	kless Disrega	rd 🗌
12. Type of Ac	ction 104((a)	13. Type of	issuance	e (check on	e)	Citation 1	✓ Ord	er 🗌	Safeguard 🗌
14, Initial Action	on B. Order	C. Safeguard	D. Written Notice	, E.	Citation/ Order Num	ıber			F. Dated	Mo Da Yr
15. Area or Ec										
10. Alea of Ec	lmbureur			-						
16. Termination	on Due A. Date	Mo Da Yr	B. Time (24 Hr, Cloc	·k\	1530				•	-
		08/14/2007	D. 11110 (2.711., 0.80	,,,,	. 1550					
Section III-Terr										
17. Action to 1	Terminate									•
18. Terminate	d A. Date Mo	Da Yr B. Tim	e (24 Hr. Clock)							ominaka 1990 aminaka 1990 pentuaka 1990 pentuaka 1990 pentuaka 1990 pentuaka 1990 pentuaka 1990 pentuaka 1990 p
Section IVAut	omated System Data				j					<u> </u>
19. Type of In		20. Event Numbe	111710		21. Pr	imary or Mill				
(activity co	(E01		4117130)			}			•
22. Signature			and the second s		<u></u>			3. AR Numb	er 73/	544
MSHA Form 70	00-3. Mar 85 (revised	\ In accordance wi	In the provisions of the S	mall kile	ness Regula	ton Enforcem	ent Fairness	Act of 1000 4		

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



Section ISubsequent A	ction/Continuation Data							
1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)	Mo Da	• • •	3. Citation/ Order Number	7268850 - 01	2000	***************************************
<u> </u>		(Original loods)	08/14/20		<u> </u>			
4. Served To				5. Operat				
Bill Harless, Min	e Foreman			PERFO	RMANCE CO	AL COMPANY	· · · · · · · · · · · · · · · · · · ·	
6. Mine				7. Mine ID	(Contractor)			
UPPER BIG BR.	ANCH MINE-SOU	TH		46-08436				
Section IIJustification f	or Action							
Change	From	l	· -	- -	To			
9. C. Part/Section	75.32	25(a)(3)			75.370(a)(1)			
Reason Dust con	ntrol plan requires wa	ater at transfer po	ints.	•				

Water has been applied to the belt and dust is no longer visible; therefore, the citation is terminated.

Section IIISubse	quent Action	Taken							See Continuation Form	n 🔲
8. Extended To	O CONTROL OF THE OWNER,	Mo Da	Yr	B. Time (24	Hr. Clock)		C. Vacated	D. Terminated	☑ E. Modified	mercensulparamentoscal
Section IV-Inspec	ction Data									
9. Type of Inspe	ection E0	1	10. E	vent Number	4117130					<u> </u>
					AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Cid	ock)	
					23644		08/15/2007	1121		

Mino	Citation	/Order

8/30/07

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



		0/30/07	Wille Sale	ity anu neatur	Aummouation		
Section IV	iolation Data						
1. Date	Mo Da Yr 08/14/2007	2. Time (24 Hr. Clock) 1459			3. Citation/ Order Number	7268851	
4. Served	Ö		5. Operator				
Bill Harl	less, Mine Forem	an	PERFOR	MANCE COA	L COMPANY	7	
6. Mine UPPER	BIG BRANCH N	MINE-SOUTH _	7. Mine ID	46-08436		AMBERGARIAN	(Contractor)
8. Conditio	n or Practice					8a. Written Noti	ce (103g)
Secti	on helt LBE	3 #5 & tail roller	was observe	d running	in and r	ubhing a	gainst

Section belt LBB #5 & tail roller was observed running in and rubbing against coal and rock at tailpiece and extending outby approximately 6 feet.

					•						See C	Continuatio	on Form (MSHA	Form 7000-3a)
9. Violation	A. Health Safety Other		B. Section of Act			,		Section of 30 CFR			7	5.400		
Section IIInsp	ector's Evalua	tion												
10. Gravity:														
A. Injury o	r Illness (has) (is):	No Likeliho	od 📙	Unli	ikely 🗌	F	teasonably	Likely	V	Hìghly Llk	ely	Occurr	ed [_]
	r illness coul be expected		No Los	Work	iays 🗌	Lost V	Vorkday	or Restr	icted D	uty 🗸	Permai	nently Dis	sabling 🔲	Fatal
C. Signific	ant and Sub	stantial:	Yes	V	No 🗌						D. Numbe	r of Pers	ons Affected:	001
11. Negligeno	e (check one	9)	A. None]	B. Low]	C. Mode	rate 🗸		D. High		E. Red	kless Disrega	rd 🗌
12. Type of A	ction	104(a	ι)		1;	3. Type of	ssuance	(check or	ne)		Citation 🗸	Ord	ier 🗌	Safeguard 🗌
14. Initial Acti A. Citation		ier 🗀	C. Safegua	rd 🗌	D. Writter	Notice [Citation/ Order Nur	nber				F. Dated	Mo Da Yr
15. Area or E	quipment								,					
16. Terminati	on Due	A. Date	Mo Da 08/14/20		B. Time (2	24 Hr. Cloo	k)	1600)					
Section IIITen	mination Actio	ıЛ												
17. Action to	Terminate													
18. Terminate	A. Date	Mol	oa Yr	B. Time	e (24 Hr. Cl	ock)						•		
Section IVAut	lomated Syste	m Data												
19. Type of In		E01	20. Event	Numbe	4	117130)	21. P	rimary	or Mill				
22. Signature											23. /	AR Numb	oer 230	644

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

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	- Chare would be designed and the control of the co	ORTHODOXIA IN CONTRACTOR CONTRACT				resign is	
Section I-Subsequent Action/Continuation Data							
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 08/14/20		3. Citation/ Order Number	7268851 01	į	
4. Served To			5. Operate	OF .			
Bill Harless, Mine Foreman			PERFO	RMANCE CO	AL COMPANY		
6. Mine			7. Mine ID			(Contractor)	
UPPER BIG BRANCH MINE-SO		46-0843	b				
Section II-Justification for Action							Control

The accumulations have been removed and the area rockdusted; therefore, the citation is terminated.

	e e e e e e e e e e e e e e e e e e e	5000 C		Control of the Contro			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							A CONTRACTOR OF THE PROPERTY O
9. Type of Inspection $ m E01$	10. E	vent Number	4117130				
1			AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clock	
			23644		08/15/2007	1120	

me	Ci	tati	ion	IO:	rdei

22. Signature

02/27/08

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



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		04/27/06	8	Mine	e Safety ar	nd Healtl	h Administ	ration	•	
Section I-Viola	tion Data			Hariotte and more from the	Commence of the Commence of th	Mining Series and Constitution		am-communication	Telegrapischen sone autore en meen me	
1. Date	Mo Da Yr 08/15/2007	2. Time (24 Hr. Cl					3. Citation/ Order No	ımber	726885	2
4. Served To				5. O	perator					
Bill Harles	s, Mine Foreman	l .		PEF	RFORMAN	ICE CO	AL COM	PANY		
6. Mine UPPER BI	G BRANCH MI	NE-SOUTH		7. Mi	ne ID 46	6-0843	6			(Contractor)
8. Condition of	r Practice				***********			{	Ba. Written N	otice (103g)
040/041 to the	. MMU in th section. oppings had	at the ph The phone	n was not b one in the cable with bered to br	prima out a	ry esc phone	apewa was	y was r instal]	ot m .ed t	aintai o brea	ned up k 27.
,							See Cor	itinuation :	Form (MSHA F	orm 7000-3a)
9. Violation	A. Health	B. Section), Part/Se	ction of	, <u></u>	000 001	itistadio()	TOTAL (HIGHAT	O 111 / 000-0a)
	Safety ✓ Other	of Act		Title 30			75.	1502		
***************************************	ector's Evaluation									
	r Iliness (has) (is):	No Likelihood 🔲	Unlikely 🗸	Rea	sonably Likely	. 🔲	Highly Likely	· 🗆	Occurred	3 🗆
	r illness could rea- be expected to be:	No Lost Work	days ⊡ Lost W	orkdays O	r Restricted D	outy 🗌	Permanei	ntly Disab	oling 🗌	Fatal 🗸
C. Significa	ant and Substantial:	Yes 🗌	No 🗸				D. Number o	f Persons	Affected:	009
11. Negligeno	e (check one)	A. None	B. Low C	. Moderat	e 🗹	D. High		E. Reckle	ess Disregard	
12. Type of Ad	ction 104(a)	13. Type of Is	suance (c	heck one)	Ci	itation 🔽	Order		Safeguard 🗌
14. Initial Action		C. Safeguard [D. Written Notice	E. Cit Or	ation/ der Number			F	. Dated	Mo Da Yr
15. Area or Ed	quipment		·							
16. Termination	A. Date	Mo Da Yr 08/15/2007	B. Time (24 Hr. Clock)		2000					
Section IIITerr	······································									
17. Action to 1	Terminate									
18. Terminate	d A. Date Mo E	Da Yr B. Time	e (24 Hr. Clock)							William Street of the Street o
	omated System Data								<u> </u>	рет
19. Type of In: (activity co		20. Event Number	4117130		21. Primary	or 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 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

23644

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





Section ISubsequent Action/Continuation Data 1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 08/15/20	., 1	3. Citation/ Order Number	7268852 - 01	
4. Served To			5. Operate			
Bill Harless, Mine Foreman			PERFO	RMANCE CO.	AL COMPANY	
6. Mine			7. Mine ID	46.0942	<i>r</i>	(Contractor)
UPPER BIG BRANCH MINE-SO	DUTH	· ·	Militaria managana and Militaria	46-0843	D	
Section IIJustification for Action						
	(* 1 1 - 4	. 1	1		1 3	

The phone is now functional and the stoppings are numbered as required; therefore, the citation is terminated.

Section IIISubsequent Action Taken	***	· Arriansk kannanga <u>arransa</u> (Fill Hill Hollands I Hagas daga adala 2005) (Fill Hill Hollands aga adala 2005) (Fill Hill Hollands aga aga aga aga aga aga aga aga aga ag	g da garanta g			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 Data	10. Ev	ent Number 4117130				
A II (THI) (CAI)		AR Number 1. 23644	2. Date	Mo Da Yr 08/21/2007	13. Time (24 Hr. Clos 1200	ck)

Mine	Cita	lion	/Or	dor
wine	CIIS	uon	/UII	зег



•	ion/Order	ଅ/30	07	Mine Safety a	nd Health Adm	inistration	'er 🦚
Section I-Viola	tion Data						
1. Date	Mo Da Yr 08/15/2007	2. Time (24 Hr. C			3. Cita Ore	ation/ ler Number 7268	853
4. Served To		and the second s		5. Operator	· · · · · · · · · · · · · · · · · · ·	TWO TO VICE. W. Color of the Co	
David Tara	aczkozy (Don	ut) Chief Electrici	an	PERFORMA	NCE COAL CO	DMPANY	
6. Mine				7. Mine ID 4	6-08436		40
		MINE-SOUTH		·		00 14/5:46	(Contractor)
8. Condition o		itan on the	Elataban :	roof bolter,	CMOODESO		en Notice (103g)
No. 2 s				ethane when			
was app	JIIÇU.						. •
•			•				
•							
				• .			
	-						
		•					
					e,	ee Continuation Form (MS	HA Form 7000 20)
9. Violation	A. Health	B. Section		C. Part/Section of	,	se Communation Form (Mo	mA Politi 7000-3a)
9, VIOIALION	Safety 🗸	of Act		Title 30 CFR	7	5.342(a)(4)	
Section IIInsp	ector's Evaluation						
10. Gravity:					_		
, .	r Iliness (has) (is)		Unlikely 🗸	Reasonably Like	ly 📗 Highly	Likely 🗌 Occ	urred 🗌
	r illness could rea be expected to b		days 🗌 💮 Lost V	Norkdays Or Restricted	Duty 🗸 Peri	manently Disabling	Fatal 🗌
	ant and Substant		No 🔽		D. Num	ber of Persons Affecte	d: 002
11. Negligeno	e (check one)	A. None 🗌	B. Low 🗸	C. Moderate 🗌	D. High	E. Reckless Disre	gard 🗌
12. Type of A	ction 1()4(a)	13. Type of	Issuance (check one)	Citation 💽	Order 🗌	Safeguard 🗌
14. Initial Acti A. Citation		C. Safeguard	D. Written Notice	E. Citation/ Order Number		F. Dated	Mo Da Yr
15. Area or E	quinment				 		
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.o., ava vi Li	quipinont						
	quipmont						-
16. Termination		Mo Da Yr	B. Time (24 Hr. Cloc	·k) 1415			
16. Termination	on Due A. D	Mo Da Yr ate 08/15/2007	B. Time (24 Hr. Cloc	:k) 1415			
16. Termination	on Due A. D	o8/15/2007					
16. Termination	on Due A. D	A1A					
16. Termination Section III—Ten 17. Action to	on Due A. D mination Action Terminate T	ne roof bol					
16. Termination Section III—Ten 17. Action to	on Due A. D mination Action Terminate T'1	Mo Da Yr 8/15/2007 B. Tim	ter was cal	ibrated.			
Section III-Ten 17. Action to 18. Terminate	on Due A. D mination Action Terminate T} ad A. Date 0 comated System Date	MoDa Yr 8/15/2007 B. Tim	ler was cal	ibrated.	v or Mill		
16. Termination Section III—Ten 17. Action to	on Due A. D mination Action Terminate T1	Mo Da Yr 8/15/2007 B. Tim 20. Event Number	e (24 Hr. Clock)	ibrated.	y or Mill		

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. Y	~ ~	ıuı		, 🔾	uu	

22. Signat

U.S. Department of Labor

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		813011	57		Mine Safety a	nd Health	Administrati	on	6 0	N//
Section I-Violation	on Data								-	
1. Date	Mo Da Yr 08/15/2007	2. Time (24 Hr. Clo 1318					3. Citation/ Order Numb	er 726885	4	
4. Served To	00/13/2007				5. Operator	<u>. </u>		W. D. W. C. L.	****	***************************************
J. D. Taracz	kozy, Section E	Electrician			PERFORMA	NCE COA	AL COMPAI	1Y		
6. Mine	N DD ANIGHTAG	ATT COLUMNIA			7. Mine ID 4	6-08436)		(Camb	
OPPER BIC 8. Condition or	BRANCH MI	NE-SOUTH			<u> </u>	_		8a. Written N		ractor)
		e on the N	Io 1 shut	tle	car. Ser	rial No	ET1688			
	2 section . The set	ting was 1	exceeded	th	e maximum	ı allow	ved insta		3	
	`					•				
					•					
						•				
			•							
	-						See Continu	ation Form (MSHA	Form 7000-	3a) 🗌
9. Violation	A. Health Safety V	B. Section of Act			art/Section of tle 30 CFR		75.601	-1		
Section IIInspec	, Land									
10. Gravity:		. —							. —	
	llness (has) (is):	No Likelihood	Unlikely 🔽		Reasonably Likel	у 📙	Highly Likely	Occurre	<u>d []</u>	
	liness could rea- e expected to be:	No Lost Workd	ays 🗌 Lost	Workd	lays Or Restricted	Duty 🔽	Permanently !	Disabling 🔲	Fatal]
	nt and Substantial:	Yes 🗌	No 🗸				D. Number of Pe	rsons Affected:	002	
11. Negligence	(check one)	A. None	B. Low	C. M	oderate 🗸	D. High	E.R	leckless Disregar		
12. Type of Act	lon 104(a)	13. Type of	Issua	nce (check one)	Cit	ation 🗸 🔾	order _	Safegu	iard 🗌
14. Initial Action A. Citation	-	C. Safeguard	D. Written Notice		E. Citation/ Order Number			F. Dated	Mo Da	Yr
15. Area or Equ	ilpment		and the second s	1						<u>.</u>
			•							
		÷				į.				
6. Termination	Due A. Date	Mo Da Yr 08/15/2007	B. Time (24 Hr. Clo	ck)	1325		e e e e e e e e e e e e e e e e e e e			Mandadada qua
Section III-Term	Ination Action									****************
17. Action to Te	erminate The	setting w	as lowered	l to	an accep	otable	level.			
18. Terminated	A. Date 08/1	Da Yr 5/2007 B. Time	(24 Hr. Clock)	1	320				*	
	nated System Data									ı
9. Type of Insp activit <u>v cod</u>	pection e) E01	20. Event Number	411713	0	21. Primary	or 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 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 about federal agency enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

23. AR Number

23644

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dne.	(. IT	211	77.1	177	ıar



/ ine Citation/Order	8/30/07	U.S. Department of La Mine Safety and Health		(210 ((%)
Section I-Violation Data			, attinguation	
1. Date Mo Da Yr 2. 08/15/2007	Time (24 Hr. Clock) 1350		3. Citation/ Order Number	7268855
4. Served To	1300	5. Operator	<u> </u>	
David Taraczkozy (Donut) Cl	hief Electrician	PERFORMANCE COA	AL COMPAN	Υ
6. Mine		7. Mine ID 46-08436	-	
UPPER BIG BRANCH MINI	E-SOUTH		· -, ·	(Confractor)
8. Condition or Practice		FOOR		8a. Written Notice (103g)
			nches in	depth in the
		•		
	·			
	·	·		
		O. D. Mondon	See Continuati	on Form (MSHA Form 7000-3a)
	Section of Act	C. Part/Section of Title 30 CFR	75.400	
Section IIInspector's Evaluation				
10. Gravity:				
	o Likelihood 🗌 Unlikely 🔽	Reasonably Likely	Highly Likely 🔲	Occurred 🗌
B. Injury or illness could rea- sonably 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 Person	ons Affected: 002
11. Negligence (check one) A.	None B. Low C	C. Moderate 🗹 D. High 🛚	E. Rec	ckless Disregard 🗌
12. Type of Action 104(a)	13. Type of Is	ssuance (check one) Cit	ation 🗸 Ord	ler Safeguard S
14. Initial Action A. Citation B. Order C.	Safeguard D. Written Notice	E. Citation/ Order Number		F. Dated Mo Da Yr

16. Termination Due

15. Area or Equipment

Mo Da Yr A. Date 08/16/2007

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)

20. Event Number

4117130

21. Primary or Mill

E01 22. Signa

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

23644

23. AR Number

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-T34-3247), 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	2. Dated (Original Issue)	Mo D 08/15/2		3. Citation/ Order Number	7268855 - 01			
4. Served To			5. Operator					
David Taraczkozy (Donut) Chief I	Electrician		PERFC	PERFORMANCE COAL COMPANY				
the state of the s				7. Mine ID (Contractor)				
Section IIJustification for Action								

The roof bolter has been cleaned; therefore, the citation is terminated.

		nnem nemenyk pikon program py krypiano a rokusia kole neminokani akolekte nimbol aktivyti.	est getterministeriorische Herrichte Bergesche Herrichte Bergesche	eggana sampene os consensos en acidem en financia en la entre por portuguar a transferencia de contracto de la	and king and a supplementable in the company of the	See Continuation Form
Section III-Subsequent Action Taken						
8. Extended To A. Date Mo Da	Vr I	e (24 Hr. Clock)	•	C. Vacated	✓ D. Terminated	☐ E. Modified
Section IV-Inspection Data		ar esta de la comunicación de la constante de La constante de la constante d				resented elektrik et kysses kentli illem til elektrik kilopensi kanklipen kilopensi kilopensi quben yaka se ensus saselij
Name and the second of the sec	10. Event Nu	mber 4117130	en e	o kanimang ng mananan na manakan kangpang panamban na banang mana	ra eren sagt enne mys framindra teru sinjaksi ili mellen kerbejunisti ili membenari men nu papu	of management of the state of the
		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ock)
		23644		08/21/2007	1155	,
				•	,	

Mi	ne	Cita	ation	n/O	rder
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U.S. Department of Labor Mine Safety and Health Administration

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<i>U</i>	

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Section I-V	lotation Data	The state of the s		A STATE OF
1. Date	Mo Da Yr 08/15/2007	2, Time (24 Hr. Clock) 1208	3. Citation/ Order Number 7268856	
4. Served	Го		5. Operator	
Rick Ho	dge, Superintende	ent	PERFORMANCE COAL COMPANY	
6. Mine UPPER	BIG BRANCH N	MINE-SOUTH	7. Mine ID 46-08436 (Contractor)) :
8. Conditio	n or Practice		8a. Written Notice (103g)	

The methane and dust control plan was not being following on the No. 2 section, 041-0 MMU, in that only 5,400 cubic feet of air could be measured at the end of the line curtain in 5 Right where the continuous mining machine was operating with a scrubber. The plan requires a minimum of 6,000 cubic feet.

													See Co	ontinuati	on Form ((MSHA I	orm 7000-	sa) 🗍
9. Violation	A. Health Safet Othe	y 🔽	B. Section of Act	- Andrew State - Angres	ek et et fygg magazische			Part/Sect Title 30 C						70(a)(
Section IIInspe	ector's Evalu	ation																
10. Gravity: A. Injury or	Illness (ha	s) (is);	No Likelih	ood [Ĺ	Jnlikely []	Reaso	nably	Likely	V	High	ly Llke	ly 🔲	c	ocurre	g []	
B. Injury or sonably	illness cou be expecte		No Los	t Worke	iays 🗌	Los	st Work	days Or	Restri	cted D	uty 🗸	Р	ermani	ently Dis	sabling		Fatal	
C. Significa	ant and Su	bstantial:	Yes	s 🔽	No 🗀]						D. No	ımber	of Perso	ons Affe	cted:	002	
11. Negligenc	e (check or	1е)	A, None		B. Low	<u> </u>	C. N	oderate	V		D. High	· 🗆		E. Red	kless Di	sregard		
12. Type of A	ction	1040	(a)			13. Туре	of Issua	ance (che	ck on	e)		Citation	V	Ord	er 🗌		Safegu	ard 🗌
14. Initial Action		rder 🔲	C. Safegui	ard 🗌	D. Writ	ten Notice		E. Cital Orde	ion/ r Nun	ıber				, !	F. Date	ed	Mo Da	Yr
15. Area or Ed	quipment								•									
16. Termination	on Due	A. Date	Mo Da 08/15/2	-	B. Time	e (24 Hr. C	lock)		223									
Section IIITerr	mination Act	ion					1						· · · · · · · · · · · · · · · · · · ·					
17. Action to	Terminate	Adj	ustmen	ts w	ere	made	and	10,	759	cfr	n co	uld	be	meas	surec	1.		····
18. Terminate	A. Date	3	Da Yr 15/2007	B. Time	(24 Hr.	Clock)		1419										-
Section IVAut	omated Sys	lem Data																
19. Type of In	spection	F01	20. Event	Number		<u>4117</u> 1:	30		21. Pr	mary o	or Mill							
22, Sigr													23. AI	R Numb	er	2364	14	

лine	Cit	tati	on	/OI	rdei

9/11/07

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





Section IViolation Data						
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 08/21/2007 2 1230	3. Citation/ Order Number 7268858					
4. Served To	5. Operator					
David Taraczkozy (Donut) Chief Electrician	PERFORMANCE COAL COMPANY					
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)					
8. Condition of Practice of the transfer of the second of	- 200 Rt. 1999 Philipper eff to the second service (103g) .					
The Fairchild No. 2 scoop, Serial No. T	339-231R, operated in the No. 2					
section 040/041 MMU, was not permissib	ole in that an opening in excess of .007					
inch was present in the tram motor.						
The property of the statement of the sta	and the second testion of the design of second of the contraction of t					
er selfer i kontrol er gjit se i trigitishte kontrol etë						
	(1) (1) (1) (1) (1) (1) (1) (1) (1) (1)					
the Committee of the Edition	सम्बद्धाः स्थानसम्बद्धाः स्थानसम्बद्धाः स्थानसम्बद्धाः ।					
 A SEC AL SECTION AND A CONTRACT OF A CONTRACT	ing a Bin t he complete laboration in the production of the complete in the c					
(1) 19 1 (1) 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	An in the control of					
	See Continuation Form (MSHA Form 7000-3a)					
9. Violation A. Health B. Section 1997 April 1997 C. P	VallOpplier of					
	ard Section, of title 30 CFR 75,503					
Other And Andrews Company of the Com	्राच्यासम्बद्धाः (श्रेष्ठाः)					
Section IIInspector's Evaluation						
10. Gravity: 59 / 10 10 10 10 10 10 10 10						
A/Injury or Iliness (has) (is): No Likelihood: 🔃 🕬 Unlikely 🔽	Reasonably Likely Highly Likely Occurred					
B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workday	ays Or Restricted Duty ✓ Permanently Disabling ☐ Fatal ☐					
C. Significant and Substantial: Yes No. V	D. Number of Persons Affected: 001					
11. Negligence (check оле) A. None						
12. Type of Action 104(a) 13. Type of issua						
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 William E. Child Control of the Control						
Community of the control of the cont						
•	se totoek mederg, a asar					
16. Termination Due Mo Da Yr Davis Court On the						
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)	# 1245 - 144 100 - 400 to 100 to					
Section IIITermination Action	 And the state of t					
1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-	ed. The second of the second o					
president personal properties and properties						
ए जान के गर्द रहा । एक सार ना स्क्रीय वाक के के में में के दूसर दिन महारक्षी	THE BOOK					
18. Terminated A. Date Mo Da Yr 08/21/2007 B. Time (24 Hr. Clock 1	310					
Section IVAutomated System Data	And Constitution and the second second					
19. Type of Inspection 20. Event Number 4117130	21. Primary or Mill and the second of the second se					
22. Signature	23. AR Number 23644					

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





Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 08/21/2007 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4	3. Citation/ Order Number 7268859
4. Served To	5. Operator
David Taraczkozy (Donut) Chief Electrician	PERFORMANCE COAL COMPANY
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)
8. Condition or Practice	Modela (103g) - Lander Maritten Notice (103g) - Lander Maritten Notice (103g)
The Stamler feeder, Serial No. 13283, o	perated on the No. 2 section 040/041
MMU, did not have the guard secured whi moving pickbreaker coupling.	ch prevented access to the exposed
entropological de la companya de la	the stable of the first tendency to the stable of the stab
(18) A Francis of the desirable of the desirable of the control	(ii) A september of the activities were selected in the selection of th
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health ☐ B. Section C. P Safety ☑ of Act Ti Other ☐	art/Section of 75.1722
Section II-Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood ☐ Unlikely ✓	Reasonably Likely See Highly Likely Action Occurred
deligely an expected to per	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	oderate ☑ D. High 📋 E. Reckless Disregard 🔲
12. Type of Action 104(a) 13. Type of Issua	ance (check one) Citation ☑ Order ☐ Safeguard ☐
A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ Programme Transfer of the Control of t
15. Area or Equipment	
The Property of the Community of the Com	er filt i skill yet en i sled til skill de stillet i de skillet en er en e
16. Termination Due A: Date Mo Da Yr B. Time (24 Hr. Clock)	1355
Section IIITermination Action	State Selection of the
17. Action to Terminate The guard was secured.	
NOTE BOOK THE DESCRIPTION TO A SECRETARY	9080818 (School 980) 1865) 1865) 1865
18. Terminated A. Date	355 An Order of the Control of the C
Section IVAutomated System Data	
19. Type of Inspection (activity code) E01 20. Event Number 4117130	21. Primary or Mill
22. Signatur	23. AR Number 23644
MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small B	lusiness Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has

Mine Citation/Order

Section I--Violation Data

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

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	a Yr 2007	2. Time (24 Hr. C 233			,	3. Citation/ Order Number	7268860)	
09/09/2007 2339 4. Served To			5, Operator						
Earl Roles, Outby Maintenance Chief					PERFORMANCE COAL COMPANY				
6. Mine	1144141			7. Mine ID			- 	 	
UPPER BIG BRA	NCH MI	NE-SOUTH	•		46-0843	0		(Contractor)	
8. Condition or Practic	e						8a. Written No	otice (103g)	
The inby se	t of c	loors on t	he track a	at Plumley	' Switch	were open	when not	in use.	
	•					•			
		,	•						
		•		•		•			
								•	
						0-1-0-15-1-1	E 210114 E.	7000 0-1	
O Matellan A He	104 C 1	D. Castian		C. Part/Section of		See Continual	lon Form (MSHA Fo	orm 7000-3a)	
9. Violation A. Hea	fety 🗹	B. Section of Act		Title 30 CFR		75.333(d)	(3)		
	her '					, 0.555 (u)			
Section IIInspector's Ev	aluation								
10. Gravity:									
A. Injury or Illness		No Likelihood	Unlikely 🗸	Reasonably	/ Likely 📋	Highly Likely	Occurred		
B. Injury or illness sonably be expe		No Lost Work	days 🗌 Lost N	Workdays Or Restr	icted Duty 🔽	Permanently D	isabling 🗌	Fatal	
C. Significant and	Substantial	Yes 🗌	No 🗸			D. Number of Per	sons Affected:	001	
11. Negligence (chec	k one)	A. None	B. Low	C. Moderate	D. High	E. Re	ckless Disregard		
12. Type of Action	104(a	1)	13. Туре с	of Issuance (check	one) Ci	itation 🗸 💮 Or	der 🗌	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 Equipmen		<u> </u>		<u> </u>	<u> </u>		<u> </u>		
To. Alea of Equipmen	н		•						
• .		•							
16. Termination Due	A. Date	Mo Da Yr 09/09/2007	B. Time (24 Hr. CI	ock) 2350)		• • • • • • • • • • • • • • • • • • • •	·	
Section IIITermination	<u> </u>	09/09/2007	J						
17. Action to Termina		.,					······································	······································	
17. Action to Termina	ue ING	doors wer	re Crosed.						
18. Terminated	Ma	Da Yr	·····		1	, 1 to 4 to 1 to 1 to 1 to 1 to 1 to 1 to		·	
A. D	inta	9/2007 B. Tim	e (24 Hr. Clock	2341	1				
Section IV-Automated 5		7,2001	**************************************	,	<u></u>				
19. Type of Inspectio (activity code)		20. Event Number	er 411713	30 ^{21. F}	Primary or Mill			······································	
22. Signature	1.0 t	<u> </u>				23. AR Nun	nber 2364	<u></u>	
							2304	T	

Mine	Cito	tion	$/ \cap r$	dar
IVIII IE	1117		rt Jie)

U.S. Department of Labor

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			9,	11/07		Mine Safe	ty and	Health A	dministra	tion	82,	
Section IViolat	tion Data	en egyen 40-0 til krigisk referirisk som krigisk som k			D-No Commonwell					(Makedan 1997)		
1. Date	Mo Da Yr 08/22/2007	2. Time (24 Hr. Clo 135:				,	3	3. Citation/ Order Nun	nber 7268	861	
4. Served To			/			5. Operator				······································		
	lor, Fireboss					PERFORI	MAN	E COAL		NY		
6. Mine UPPER BI	G BRANCH N	MINE-SOU	ΙΤΗ			7. Mine ID	46-	08436	,		(0	Contractor)
8. Condition of	or Practice									8a. Writt	en Notice	(103g)
in the	round coal intake fi 14, a dist	om the	Nort	th Mains	sect	ion (b	reak					
							•					
					,							
				•								
		•						-	See Contir	nuation Form (MS	HA Form 7	000-3a)
9. Violation	A. Health Safety V	B. Section of Act	-	· .	1	art/Section of tle 30 CFR			75.4	00	•	
Section IIInspe	ector's Evaluation									· · · · · · · · · · · · · · · · · · ·		
10. Gravity: A. Injury o	r iliness (has) (is):	No Likelih	ood [Unlikely [v	Reasonably	Likely (Hig	hly Likely	Occ	urred 🗍	
	r illness could rea- be expected to be		t Workda	ays 🗌 Los	t Workd	ays Or Restric	ted Dut	y 🗹 🗆	Permanently	Disabling [Fata	ıl 🔲
Ç. Signific	ant and Substanti	al: Ye	s 🗌	No 🔽		·		D.	Number of I	Persons Affecte	ed: 00	01
11. Negligeno	e (check one)	A, None]	B. Low 🗌	C. Mo	oderate 🗹	D	. High 🗌	E. I	Reckless Disre	gard 🗌	
12. Type of A	ction 104	(a)		13. Туре	of Issua	ince (check o	пе)	Citati	on 🗸	Order 🗌	Sa	feguard 🗌
14. Initial Acti A. Citation	on B. Order	C. Safegu	ard 🔲 I	D. Written Notice		E. Citation/ Order Nun	nber		······································	F. Dated	Mo	Da Yr
15. Area or E	quipment											
16. Termination	on Due A. Dat	Mo Da e 08/29/2		B. Time (24 Hr.	Clock)	0800						
Section IIITern												
17. Action to	Terminate											
18. Terminate	A. Date Me	Da Yr	B. Time	(24 Hr. Clock								
	omated System Data											
19. Type of in (activity co	spection ode) E01	20. Even	t Number	41171	30	21. Pri	тагу ог	Mill				
22. Signature						· · · · · · · · · · · · · · · · · · ·	,		23. AR N	umber 2	3644	<u>,,</u>

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





Section ISubsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation	Dated (Original Issue)	Mo Da 08/22/20	• •	3. Citation/ Order Number	7268861 - 01	
4. Served To		5. Operator				
Bill Harless, Mine Foreman		PERFORMANCE COAL COMPANY				
6. Mine				46-0843	6	(Contractor)
UPPER BIG BRANCH MINE-SOL			せい-いひろ	U .		
Section IIJustification for Action						

Operator needs additional time to finish the rock dusting. A smaller rock dusting machine will be needed to reach the area still to be finished

						See Continuation Form
Section IIISubsequent Action Taken						
8. Extended To A. Date Mo Da 09/04/	Yr 2007 B. Time (2	4 Hr. Clock)	0800	C. Vacated	☐ D. Terminated	☐ E. Modified
Section IV-Inspection Data						
9. Type of Inspection E01	10. Event Numb	^{∍r} 4117130		200		
(6) (7)(0)						
11. Signature		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ck)
		24284		08/29/2007	1431	
MSHA Form 7000-58, wat 65 (revised)						

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



Section I-Subsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 08/22/20	Yr)07	3. Citation/ Order Number	7268861 - 02	
4. Served To		5. Operator				
Harley Taylor, Fireboss		PERFORMANCE COAL COMPANY				
6. Mine			7. Mine ID (Contract			(Contractor)
UPPER BIG BRANCH MINE-SO			46-0843	0		
Section II—Justification for Action						

The area has been cleaned and rockdusted.

Breiningsterne Seitlerungszeren, gekongegeren geschieben geren zu der der geschieben geschieben der geschieben						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	Section IVinspection Data							
9. Type of Inspection E02	10. Event Nur	nber 4117134						
		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	OCK)		
		23644		09/05/2007	1350			

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Mine	Cita	tion	/Ch	'der

9/11/07

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

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111101	Willie Carety and Flediti 7 territified along
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 08/22/2007 1545	3. Citation/ Order Number 7268862
4. Served To	5. Operator
Bill Harless, Mine Foreman	PERFORMANCE COAL COMPANY
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)
8. Condition or Practice	8a. Written Notice (103g)
Laboratory analysis of the rock dust su	
section, 040/041MMU, revealed that 4 of	
required incombustible content.	
·	•
•	
	See Continuation Form (MSHA Form 7000-3a)
	eart/Section of title 30 CFR 75.403
Section IIInspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely 🗹	Reasonably Likely Highly Likely Occurred
B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workday	ays Or Restricted Duty 🗹 Permanently Disabling 🗌 Fatal 🗌
C. Significant and Substantial: Yes ☐ No ✓	D. Number of Persons Affected: 009
11. Negligence (check one) A. None B. Low C. Mc	oderate ☑ D. High ☐ E. Reckless Disregard ☐
12. Type of Action 104(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/ Order Number F. Dated Mo Da Yr
15. Area or Equipment	
To Table of Equipmon	
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)	0800
Section IIITermination Action	
17. Action to Terminate	
40 Test state III No Do Va	
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 4117130	21. Primary or Mill
22. Signature ()	23. AR Number 23644
	## W 1 1

Mine	Citation/Order
Conti	nuation

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

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Section I-Subsequent Action/Continuation Data 1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 08/22/20	• • •	3. Citation/ Order Number	7268862 - 01		
4. Served To			5. Operat				
Bill Harless, Mine Foreman				PERFORMANCE COAL COMPANY			
6. Mine UPPER BIG BRANCH MINE-SO	ŲTH		7. Mine II	46-0843	6	(Contractor)	
Section IIJustification for Action				·			

The area indicated on old no.2 section was rock dusted

			and the second s			See Continuation Form
8. Extended To A. Date Mo Da	Yr R	. Time (24 Hr. Clock)		C Vacated	✓ D. Terminated	☐ E. Modified
Section IVInspection Data	de compression de la compressi			O. Vacated	w D. Formillated	E. Wouned
9. Type of Inspection E01	10. Eve	nt Number 4117130				
11. Signatur		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Cl	ock)
-		24284		08/27/2007	1050	· · · · · · · · · · · · · · · · · · ·

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

Mine Citation/Order

22. Signature

U.S. Department of Labor

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9/28/07	Mine Safety and Health Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 09/05/2007 1258	3. Citation/ Order Number 7268863
4. Served To	5. Operator
Rick Nicolau, (maintenance chief)	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID 46-08436
UPPER BIG BRANCH MINE-SOUTH 8. Condition or Practice	(Contractor) 8a. Written Notice (103g)
Coal and oil, damp in nature, up to 3	
, <u> </u>	roof bolter, Serial No. 95067/2004328,
operated in the No. 1 section 030 MMU.	· · · · · · · · · · · · · · · · · · ·
turned thru the coal.	•
	•
	See Continuation Form (MSHA Form 7000-3a)
	Part/Section of
1 2000	Title 30 CFR 75.400
Other Section IIinspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely 🗸	Reasonably Likely Highly Likely Occurred
B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays	days 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. N	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/ F. Dated Mo Da Yr Order Number
15. Area or Equipment	,
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)	1400
Section IIITermination Action	
17. Action to Terminate The accumulations were re	moved from the machine.
18. Terminated Mo Da Yr	
A. Date 09/05/2007 B. Time (24 Hr. Clock	1355
Section IVAutomated System Data	
19. Type of Inspection (activity code) E01 20. Event Number 4117130	21. Primary or MIII

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.

23. AR Number

23644

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U.S. Department of Labor



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			9/38	<u> </u>	Mine Safety a	nd Health A	\dministration	•	
Section IViola	tion Data								
1. Date	Mo Da Yr 09/05/2007	2. Time (24 Hr. 0	Clock) 15				 Citation/ Order Number 	726886	54
4. Served To		<u> </u>			5. Operator				
Rick Nicol	lau, (maintenanc	e chief)			PERFORMA	NCE COA	L COMPANY	<i>T</i>	
6. Mine			.,		7. Mine ID 4	6-08436			
	G BRANCH MI	NE-SOUTH		, ,	<u> </u>			5 11111	(Contractor)
8. Condition of		<u> </u>	m3 - 11		C 1 - 7	G = 2 = 3	NI - 0 - 0 - 0		Notice (103g)
	front light								
	ed in the N								
-	nad an oper	ning in e	xcess (or .007	inch and	the re	rt light	nad a c	aamagea
flame p	patn.	-							
									• *
			•						
								,	
•									
	•						•		
							See Continuation	on Form (MSHA	Form 7000-3a)
9. Violation	Safety 🗸	B. Section of Act			Part/Section of Fitle 30 CFR		75.503	•	
Castley 0, tass	Other ector's Evaluation						· · · · · · · · · · · · · · · · · · ·	·	
10. Gravity:	ector's Evaluation				<u></u>				
	or Iliness (has) (is):	No Likelihood	Unii	kely 🗸	Reasonably Like	ly □ H	ighly Llkely	Occurre	ed 🗍
B. injury o	or illness could rea- y be expected to be:	No Lost Worl	days 🗌	Lost Work	days Or Restricted	Duty 🗸	Permanently Dis	abling [Fatal
	cant and Substantial	Yes 🗌	No 🗸			D	Number of Pers	ons Affected:	002
11. Negligen	ce (check one)	A. None 🗌	B. Low	C. M	loderate 🗸	D. High 🔲	E. Rec	kless Disregar	d 🗌
12. Type of A	Action 104(a	a)	1:	3. Type of Issu	ance (check one)	Citat	ion 🗹 Ord	er 🗌	Safeguard [
14. Initial Act		C. Safeguard	D. Written	Notice	E. Citation/ Order Number			F. Dated	Mo Da Yr
15. Area or E	Equipment				•				
					•	:			
	•	•							
16. Terminat	tion Due A. Date	Mo Da Yr 09/05/2007	B. Time (24 Hr. Clock)	2359				
Section III. Ter	rmination Action	09/03/2007	<u> </u>		· · · · · · · · · · · · · · · · · · ·			·	
17. Action to		 			······································				, , , , , , , , , , , , , , , , , , ,
,									
	,								
18. Terminal	A. Date Mol	Da Yr B. Tin	ne (24 Hr. C	lock				· · · · · · · · · · · · · · · · · · ·	
Section IVAu	itomated System Data	<u> </u>				<u></u>			· · · · · · · · · · · · · · · · · · ·
19. Type of I	Inspection code) E01	20. Event Numb	er 4	117130	21. Primar	y or Mill			· · · · · · · · · · · · · · · · · · ·
22. Signature	e				<u>l</u>		23. AR Numb	er 226	A A

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

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Section I-Subsequent Action/Continuation Data	THE RESERVE OF THE PROPERTY OF						
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo D 09/05/2	- ,.	3. Citation/ Order Number	7268864 - 01		
4. Served To			5. Opera	ntor			
John Henline, Evening Shift Maintenance Chief				PERFORMANCE COAL COMPANY			
6. Mine UPPER BIG BRANCH MINE-SOUTH				7. Mine ID (Contractor) 46-08436			
Section IIJustification for Action							

The lights have been restored to permissible condition; therefore, the citation is terminated.

			See Continuation Form
Section IIISubsequent Action Taken			
8. Extended To A. Date Mo Da	B. Time (24 Hr. Clock)	C. Vacated D. Terminated	E. Modified
Section IVInspection Data			
9. Type of Inspection E01	10. Event Number 4117130	· ·	and a contraction that the population was represented by the contraction and trace and
	AR Number 12, Date N	no Da Yr 13. Time (24 Hr. Clo	ck)
	23644	09/11/2007 1951	, , ,

Mine	Cita	tion/	Order
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U.S. Department of Labor

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		2/27/08		Mine Safety	and Health.	Administration	4	\
Section IViola	ition Data					· · · · · · · · · · · · · · · · · · ·		
1. Date	Mo Da Yr 09/05/2007	2. Time (24 Hr. C				3. Citation/ Order Number	7268865	
4. Served To				5. Operator		J		
Bill Harles	ss, Mine Forema	n		PERFORM	ANCE COA	AL COMPANY		
6. Mine				7. Mine ID	46-08436	í ·		
	IG BRANCH M	INE-SOUTH				, <u> </u>	*	(Contractor)
8. Condition				. 1	11.1		8a. Written Noti	ce (103g)
			on system t					
	-	oper opera	iting condit	ion. wnen	tested	tne system	m railed	to
function	on.		•					
	•	* .						
						·		
			•	•				
		•				,		
							4	
<u> </u>					 	See Continuation	Form (MSHA Form	1 7000-3a) 🔲
9. Violation	A. Health Safety V	B. Section of Act		C. Part/Section of Title 30 CFR		75.1502		
Section IIinsp	ector's Evaluation							
10. Gravity:				,				
	or Illness (has) (is):	No Likelihood 🗌	Unlikely 🗌	Reasonably Lik	ely 🗸 🗼	lighly Likely	Occurred []
	or illness could rea- y be expected to be:	No Lost Work	days 🗌 Lost Wo	rkdays Or Restricted	d Duty 🗌	Permanently Disa	bling 🗸 🛭 Fa	atal 🗌
C. Signific	cant and Substantial	Yes 🗸	No 🗌			D. Number of Perso	ns Affected:	009
11. Negligen	ce (check one)	A. None	B. Low C	Moderate 🗸	D. High	E. Reckl	ess Disregard []
12. Type of A	\ction 104(a	a)	13. Type of Is	suance (check one)	Cita	ition 🗸 Orde	r 🗌 🤸	Safeguard 🗌
14. Initial Act A. Citation		C. Safeguard	D. Written Notice	E. Citation/ Order Numbe	er	I	F. Dated	Mo Da Yr
15. Area or E	quipment							
			,					
			•					
16. Terminat	ion Due A. Date	Mo Da Yr 09/05/2007	B. Time (24 Hr. Clock	3) 1700				
Section IIITer	mination Action	07/05/2007	<u> </u>					·
17. Action to						······································	· · · · · · · · · · · · · · · · · · ·	
			•					
18. Terminat	ed A. Date Mo	Da Yr B. Tim	e (24 Hr. Clock		- 174			· · · · · · · · · · · · · · · · · · ·
Section IVAut	tomated System Data				دا <u>ن ۋې د استې باين د د پالېد.</u>			,
19. Type of I	nspection code) E01	20. Event Numb	er 4117130	21. Prima	ary or Mill			
22. Signature	(12)(7)(0)				'w'	23. AR Numbe	er 23644	77

Mine	Citation/Order
Conti	nuation

U.S. Department of LaborMine Safety and Health Administration

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Section ISubsequent Action/Continuation Data				
1. Subsequent Action 1a. Continuation 2. Dated Mo Da (Original Issue) 09/05/20	Yr 3. Citation/ 07 Order Number 7268865 - 01	1		
4. Served To	5. Operator	FA-T-0-0		
John Henline, Evening Shift Maintenance Chief	PERFORMANCE COAL COMPANY			
6. Mine	7. Mine ID 4.6. 09.42.6	(Contractor)		
UPPER BIG BRANCH MINE-SOUTH	46-08436			
Section IIJustification for Action				

The phone has been restored to operative condition; therefore, the citation is terminated.

Costian III. Subacquent Asing 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. Ev	vent Number 4117130				gels and its greatest and all more many to great greatest and the second
		AR Number 23644	12. Date	Mo Da Yr 09/11/2007	13. Time (24 Hr. Clo	ock)

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U.S. Department of Labor

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Section IViolal	tion Data		19-12-2-16-16-16-16-16-16-16-16-16-16-16-16-16-					
1. Date	Mo Da Yr 09/05/2007	2. Time (24 Hr. C				3. Citation/ Order Nun	nber 726886	66
4. Served To				5. Operator	· · · · · · · · · · · · · · · · · · ·		<u> </u>	
	s, Mine Forem	an		PERFORMA	ICE CO	AL COMPA	NY	
6. Mine	G BRANCH M	ONE COUTE		7. Mine ID 46	5-08436	5		(Contractor)
8. Condition of		III OCCUPII					8a, Written	Notice (103g)
		ction, the	stopping lo	cated at s	pad 2:	1707 bet		
		•	completely		_			
not pla	stered at	all on th	e return sid	e.			•	
			•					
•				•				
			*					
				•				
	•							
	•		•					
0.11.11	1			5.100		See Contin	nuation Form (MSHA	Form 7000-3a)
9. Violation	A. Health ☐ Safety ✔ Other	B. Section of Act		Part/Section of Title 30 CFR		75,333	3(h)	
Section IIInspe	ector's Evaluation		· · · · · · · · · · · · · · · · · · ·					
10. Gravity:			1 to the Leading	Benevelberg				. —
	r Iliness (has) (is): r Iliness could rea-	No Likelihood	Unlikely 🔽	Reasonably Likely		Highly Likely	Occurre	3d ∐
	be expected to be	. No Lost Work	days 🗌 Lost Work	days Or Restricted D	uty 🗌	Permanently	Disabling 🗸	Fatal 🗌
C. Signific	ant and Substantia	l: Yes □	No 🗸			D. Number of F	Persons Affected:	009
11. Negligeno	e (check one)	A. None	B. Low C. A	Noderate 🔽	D. High] E. I	Reckless Disregar	d 🗌
12. Type of A	ction 104	(a)	13. Type of Issi	rance (check one)	Cit	ation 🗸	Order 🗌	Safeguard [
14. Initial Acti A. Citation	on B. Order	C. Safeguard	D. Written Notice	E. Citation/ Order Number		•	F. Dated	Mo Da Yr
15. Area or E	guipment	 		·		· · · · · · · · · · · · · · · · · · ·		
	. ,							
16. Termination	on Due A. Date	Mo Da Yr 09/05/2007	B. Time (24 Hr. Clock)	1700				· · · · · · · · · · · · · · · · · · ·
	A. Date	Mo Da Yr 09/05/2007	B. Time (24 Hr. Clock)	1700				
16. Termination Section ill—Tem 17. Action to	A. Date	09/05/2007	B. Time (24 Hr. Clock) has been pla	****	ly.			
Section III-Tem	A. Date	09/05/2007		****	ly.		·	
Section III-Tem	A. Date	09/05/2007 stopping		****	ly.			
Section III-Tem 17. Action to 18. Terminate	A. Date	09/05/2007 stopping	has been pla	stered ful	ly.			
Section III-Tem 17. Action to 18. Terminate	A. Date A. Date	09/05/2007 stopping	has been pla	stered ful				

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U.S. Department of Labor



23644



		3/21/08		Mine Safety a	nd Health A	Administration	્ય		
Section IViolation	n Data							1	
	Mo Da Yr 09/05/2007	2. Time (24 Hr. Clock) 1420	,	3. Citation/ Order Number 7268867			7		
4. Served To			5. Operator						
Bill Harless, Mine Foreman			PERFORMANCE COAL COMPANY						
6. Mine			7. Mine ID 4	6-08436			(Contractor)		
UPPER BIG BRANCH MINE-SOUTH 8. Condition or Practice			<u></u>			8a. Written No	(Contractor)		
		is not adequa	tely roc	kdusted fi	com 17				
The UBB #2 belt is not adequately rockdusted from 17 break to the section tailpiece. The there are accumulations of loose coal and the entire bottom is black in color. The ribs are not covered adequately and have areas black in color along entire length from 17 break to the tail.									
	•				1				
		+ 7	•			-			
		•					4.		
						See Continuation	Form (MSHA F	orm 7000.3a)	
9. Violation A	A. Health	B. Section		C. Part/Section of		See Continuation Form (MSHA Form 7000-3a)			
	Safety 🗸	of Act		itle 30 CFR		75.402			
Sastian II transata	Other							· · ·	
Section II-Inspecto	ot s Evatuation						*************************************	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
•	lness (has) (is):	No Likelihood 🔲 👢	Jnlíkely 🗸	Reasonably Like	ly 🔲 🖁 H	ighly Likely 🔲	Occurred		
	iness could rea-	No Lost Workdays	Lost Worke	lays Or Restricted	Duty 🗆	Permanently Disat	olina 🐼	Fatal []	
	expected to be: t and Substantial			,.	~ `~ ~	Number of Person			
		199 - 10 (4				·		003	
11. Negligence (·	A. None B. Lov	,	oderate 🔽	D. High		ess Disregard	<u> </u>	
12. Type of Action	on 104(a	a)	13. Type of Issu	ance (check one)	Cital	tion 🗹 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 Equi	Ipment		· · · · · · · · · · · · · · · · · · ·						
·									
•									
16. Termination	Due A. Date	Mo Da Yr 09/07/2007 B. Tim	e (24 Hr. Clock)	0800		 			
Section IIITermina	ation Action		······································			 			
17. Action to Ter	rminate			,		,			
				•		•			
					• .				
18. Terminated	A. Date Mo	Da Yr B. Time (24 Hr	. Clock	,					
Section IVAutoma	A second second								
19. Type of Insp (activity code	ection e) E01	20. Event Number	4117130	21. Primar	y or Mill				
22. Signature					······································	23. AR Number	r 2264	i A	

Mine Citation/Order
Continuation

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

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1. Subsequent Action 1a. Continuation	Dated (Original Issue)	Mo Da 09/05/20		Citation/ Order Number	7268867 - 01	
4. Served To			5. Operat	or		
Earl Roles, Outby Maintenance Cl	nief		PERFO	RMANCE CO	AL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SO) विद्या		7. Mine IE		······································	(Contractor)
Section II-Justification for Action	UIII			1C+00-U+	J	

Rock dust has been applied from break 17 to break 36 but additional rock dusting is needed to terminate the citation; therefore, additional time is granted.

Castian III. Cubacquast Asilan Takan					See Continuation Form
8. Extended To A. Date Mo Da 09/11/2	Yr 2007 B. Time (24 Hr. Clock)	0800	C. Vacated	D. Terminated	E. Modified
Section IV-Inspection Data 9. Type of Inspection E01	10. Event Number 411713	30			
	AR Number 23644	12. Date	Mo Da Yr 09/10/2007	13. Time (24 Hr. Clo 0315	ock)

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



Section I-Subsequent Action/Continuation Data	and the second s	THE TAXABLE PARTY OF THE PARTY	neadantiness with maximum			
1. Subsequent Action 1a, Continuation	2. Dated	Mo Da	Ϋ́r	3. Citation/	## COOCH OO	
	(Original Issue)	09/05/20	07	Order Number	7268867 - 02	
4. Served To		-	Operat	or		
John Henline, Evening Shift Maint	enance Chief	mar kommunication in Land	PERFO	RMANCE CO.	AL COMPANY	·
6. Mine			7. Mine II			(Contractor)
UPPER BIG BRANCH MINE-SO	UTH		1	46-0843	6	
Section II—Justification for Action	,				,	

Additional rock dust has been applied to the cited area; therefore, the citation is terminated.

Section IIISubsequent Action Taken		A Company of the Comp	and the second 			See Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time (2	4 Hr. Clock)	etirikki Ten filmboukki kitalograf Allinadi ganjanan sayigenang	C. Vacated	✓ D. Terminated	E. Modified
Section IV-Inspection Data 9. Type of Inspection E01	10. Event Numb	er 4117130	in the second		anderde med en militar krimper gebeure en	от до на применя на пр В применения на применения применения на применения на применения на применения на применения на применения на
		AR Number 23644	12. Date	Mo Da Yr 09/11/2007	13. Time (24 Hr. Clo 2140	ock)

Mino Citotion/Order

22. Signature



wine Citatio	on/Order		02/21	108		42-48-53-48-64-6-4-4-4-4-4-4-4-4-4-4-4-4-4-4-4-4			nd Health		stration		• • • • • • • • • • • • • • • • • • • •	
Section IViolat	on Data													
1. Date	Mo Da 09/06/2		2. Time (24 Hr. C 135						3. Citation Order	on/ Number	72688	868	
4. Served To			**************************************				5. Opera				·····			
Harley Tay	lor, Fire	boss							NCE CO	AL CON	<i>I</i> PANY			
6. Mine UPPER BI	G BRAN	ICH M	INE-SOU	TH			7. Mine I	D 4	6-0843	6			(Con	tractor)
8. Condition o												8a. Writte	n Notice (10	
The Fly	gt Re	ady	pump i	nsta	lled at k	real	c 60 :	ln th	ne Mai	n reti	urn wa	as no	t	
permiss detecte		Th	e pump	was	running	wher	obse	erved	d. Me	thane	of 0	.05 pe	ercent	was
									•					
												•		
•														*
		 					,	 		See (Continuation	Form (MSI	IA Form 7000	-3a) 🗌
9. Violation	A. Health Safet Othe	y 🔽	B. Section of Act				art/Sectio			7	75.503	•	•	
Section IIinspe		لبسب												
10. Gravity: A. Injury o	r Illness (h	as) (is):	No Likelih	ood 📋	Unlikely [Reasona	biy Likel	у 🗸	Highly Llk	ely 🗌	Occu	irred 🗍	
B. Injury o sonably	r illness co		. No Los	t Work	days Los	t Workd	ays Or Re	stricted I	Duty 🗸	Perman	ently Disa	bling [Fatal []
C. Signific	ant and Su	ıbstantia	i: Ye	s 🗸	No 🗌					D. Numbe	r of Persor	ns Affecte	d: 001	
11. Negligeno	e (check o	one)	A. None [J	B. Low	C. M	oderate 🕟		D. High		E. Reckle	ess Disreg	jard 🗌	
12. Type of A	ction	1040	(a)		13. Туре	of Issu	ance (che	k one)	Ci	tation 🗸	Order		Safegi	uard 🗌
14. Initial Act		rder 🗌	C. Safegu	ard 🗌	D. Written Notice		E. Citatio Order	n/ Number			F	Dated	Mo Da	Yr
15. Area or E	quipment									******			(1 	
16. Terminati	on Due	A. Date	Mo Da 09/06/2		B. Time (24 Hr.	Clock)	14	05					· · · · · · · · · · · · · · · · · · ·	
Section IIITen	nination Act	ion			<u> </u>		 							· · · · · · · · · · · · · · · · · · ·
17. Action to	Terminate	The	e pump	was	disconnec	cted			 					
18. Terminate	A. Date	^	Da Yr 06/2007	B. Tim	e (24 Hr. Clock]	358							
Section IVAut		tem Data												
19. Type of Ir		E01	20, Even	t Numbe	er 41171	30	21	. Primary	y or 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 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

23644

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THIT OILGE	0.11 0.1 0.0		02/27/0	8		Mine Sal	ety and H	lealth Ac	Iministra	tion	
Section I-Violat	tion Data						Action to the second		,		
1. Date	Mo Da \ 09/10/20		2. Time (24 H	r. Clock) 0205				3.	Citation/ Order Nur	nber 726886	59
4. Served To	99.19,29					5. Operato		خچىلىنىنىن	 		
Earl Roles,	, Outby M	ainten	ance Chief			PERFO	RMANCE	COAL	COMPA	ANY	
6. Mine		~~~~		-		7. Mine ID	46-0	8436			
8. Condition of		ЭН МЦ	NE-SOUTE							Ra Mritton	(Contractor) Notice (103g)
			Sarial	Mo 10	9664 1	ocated o	on the	trac	k waa	not perm	
										ss of .00	
						· .					
			•								
								*			
										٠	
,						•					
									See Conti	nuation Form (MSHA	Form 7000-3a)
9. Violation	A. Health Safety Other		B. Section of Act			C. Part/Section Title 30 CFR	of		75.5	603	
Section IIInsp		lion		· · · · · · · · · · · · · · · · · · ·				·			
10. Gravity:		, , , , , ,			_						
	or Illness (ha		No Likelihood	U	nlikely 🗌	Reasonab	ly Likely 🔽	Higi	hly Likely	Occurre	∌d ∐
	or illness cou y be expecte		No Lost W	orkdays 🗌	Lost Wo	rkdays Or Rest	ricted Duty	√ P	ermanentl	y Disabling 🔲	Fatal 🗌
C. Signific	cant and Sub	stantial:	Yes 🗸	No _]		·	D. N	lumber of	Persons Affected:	001
11. Negligen	ce (check or	ie)	A. None	B. Low	, □ C.	Moderate 🗸	D. 1	High 🗌	E.	Reckless Disrega	d 🗌
12. Type of A	Action	104(a	ι)		13. Type of is	suance (check	one)	Citatio	n 🗹 🗋	Order [Safeguard [
14. Initial Act		ler [C. Safeguard	D. Writt	en Notice	E. Citation. Order N		······		F. Dated	Mo Da Yr
15. Area or E	quipment		 ,			 				·····	· · · · · · · · · · · · · · · · · · ·
					,					-	
16. Terminat	ion Due	A. Date	Mo Da Yr 09/10/2007	, B. Time	e (24 Hr. Clock) 140	0	· · · · · · · · · · · · · · · · · · ·	·		
Section IIITer	mination Actio	n									
17. Action to	Terminate							,			- , , , , , , , , , , , , , , , , , , ,
18. Terminat	A. Date	Mol	Da Yr B.	Time (24 Hr.	Clock	· · · · · · · · · · · · · · · · · · ·				· · · · · · · · · · · · · · · · · · ·	
Section IVAu	tomated Syste	m Data	· · · · · · · · · · · · · · · · · · ·			character and a second and	<u>.l</u>				
19. Type of I	nspection	E01	20. Event Nu	mber	4117130	21.	Primary or N	Aili		**** *** · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·
22. Signature									23. AR N	Number 32/	

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.

U.S. Department of LaborMine Safety and Health Administration



Section ISubsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo E 09/10/	a Yr 2007	3. Citation/ Order Number	7268869 - 01	
4. Served To			5. Opera			-
John Henline, Evening Shift Mainte	enance Chief		PERF(DRMANCE CO.	AL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOI		7. Mine	d6-0843	6	(Contractor)	
Section II-Justification for Action						

The damaged light has been replaced restoring the scoop to permissible condition.

Section IIISubsequent Action Taken			See Continuation Form
8. Extended To A. Date Mo Da	B. Time (24 Hr. Clock)	☐ C. Vacated ☑ D. Terminated	E. Modified
Section IV-Inspection Data 9. Type of Inspection E01	10. Event Number 4117130		
	AR Number 12. Date 23644	Mo Da Yr 13. Time (24 Hr. Clc 09/10/2007 1725	ock)

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Section IViolat	ion Data	amu, dialah kama									·			N-1-1
1. Date	Mo Da 09/10/20		2. Time (24 Hr. C 032						3. Citati Orde	on/ r Number	72688	70	
4. Served To							5. Operator				-			
Earl Roles,	, Outby M	[ainter	nance Chi	ef	····		PERFOR	MAN	ICE CC	AL COI	MPANY			
6. Mine	~ ~ ~ ~	~TT3.	~~ ×E 00E	**************************************			7. Mine ID	46	-0843	6				
UPPER BI 8. Condition of		CH M	INE-SOC	ΙH			<u> </u>					On Misitton	(Contracto Notice (103g)	r)
		~110.10	aunn?	f od	for the	No.	11 Toor	1.20	c man	nfact	11200			<u> </u>
					's 10 y			was	o man	uract	urea	TH 6/3		
exceedi	ing cire	e mai	питасс	UT GT	о то й	Car I	rre.							
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÷														
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			-											
						··· ···				See	Continuatio	n Form (MSH/	A Form 7000-3a)	
9. Violation	A. Health Safety Other	$\overline{\mathbf{V}}$	B. Section of Act				Part/Section of the 30 CFR	λf		75.	1714-3(a)		
Section IIInspe	I	└	· · · · · · · · · · · · · · · · · · ·		 			-		···				
10. Gravity:							· · · · · · · · · · · · · · · · · · ·	***************************************			 			_
A. Injury o	r Illness (ha	s) (ls):	No Likelih	ood 📋	Unlikel	y 🔽	Reasonably	/ Likely		Highly LII	kely 🗌	Occur	red 🗌	
	r iliness cou be expecte		No Los	t Worko	days 🗌	Lost Workd	ays Or Restr	icted D	uty 🗌	Permai	nently Dis	abling 🗌	Fatal 🗹	
C. Signific	ant and Sub	stantial	: Ye	3 🗌	No 🔽					D. Numbe	er of Perso	ns Affected	001	
11. Negligend	ce (check or	ne)	A. None]	B. Low	C. M	oderate 🔽		D. High		E. Reck	less Disrega	ırd 🗌	
12. Type of A	ction	104(a)		13. 7	ype of Issu	ance (check	one)	C	itation 🗹	Orde	er 🗌	Safeguard [\Box
14. Initial Acti A. Citation		ier 🗍	C. Safegu	ard 🔲	D. Written No	otice [E. Citation/ Order Nu	mber		•		F. Dated	Mo Da Yr	
15. Area or E	guioment					· · · · · · · · · · · · · · · · · · ·	 					,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
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	= 1		M- D-	V-	г				7	·				
16. Terminati	on Due	A. Date	Mo Da 09/10/2		B. Time (24	Hr. Clock)	0800)						
Section IIITerr	mination Actio	n	09/10/2	007	<u> </u>				<u>-L.,</u> .		·	·		ماسيت
17. Action to										···				
										•				
			D . V-		,			τ						
18. Terminate	A. Date	Mo	Da Yr	B. Tim	e (24 Hr. Cloc	k								
Section IVAuto		m Data												
19. Type of In	ode)	E01	20. Even	Numbe	er 411	7130	21. F	rimary	or Mill					
22. Signatur										23.	AR Numb	er 23	644	_

MSHA Form 7000-5, mar as prevised)

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

U.S. Department of LaborMine Safety and Health Administration

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Section ISubsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	,,,,	Da Yr /2007	3. Citation/ Order Number	7268870 - 01	rigid van seemaan van de spille seede kunde geste kom te een seemaan van het een seemaan van de kom een seemaa Seemaan van de spille seemaan van de spille seemaan van de geste kom een van de spille seemaan van de spille s
4. Served To			5. Opera	tor		
John Henline, Evening Shift Maint	enance Chief		PERFC	RMANCE CO	AL COMPANY	
6. Mine			7. Mine I	D 46 00 42		(Contractor)
UPPER BIG BRANCH MINE-SO	UTḤ			46-0843	6	·
Section IIJustification for Action			20 10			

The outdated SCSR has been replaced with 156545 manufactured 3/07; therefore, the citation is terminated.

		See Continuation Form
Section IIISubsequent Action Taken		
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	☐ C. Vacated ☑ D. Terminated ☐ E. Modified
Section IV-Inspection Data		
9. Type of Inspection E01	10. Event Number 4117130	
	AR Number 12. Date	Mo Da Yr 13. Time (24 Hr. Clock)
	23644	09/10/2007 1712

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22. Signature

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.∕line Citatio	n/Order		02/27/	18				U.S. Dep Mine Saf				istration		Palla	
Section IViolation	n Data	ىلىنىدىنى <u>بىرى</u>	100		-	- HALL	Transferança d	· · · · · · · · · · · · · · · · · · ·	- Juli	W 1 (OB)	·	noudioi	,	The state of the s	
1. Date	Mo Da 09/10/2		2. Time (2	24 Hr. Cl						······································	3. Citat	tion/ er Numbe	72688	71	
4. Served To	05/10/2	7007		*****			*	5. Operato	r	· · · · · · · · · · · · · · · · · · ·					
Earl Roles,	Outby N	Mainte	nance Chi	ef				PERFOR	RMAN	ICE CC	AL CO	MPAN	Y		
6. Mine	DDAN	7/177 3 4	DE OOI	TTT	· · · · · · · · · · · · · · · · · · ·			7. Mine ID	46	-0843	6			/0-	*
UPPER BIO		ICH M	TIME-200	111				<u> </u>					8a. Written		tractor)
The Lowe		~ D~	anah M	o 1	bol+	t fix		nnxocc	idon	20+1		J b+			
spray (:													water 2 times		JL
failed h	-			ut u		or ob	GII) .	1116	эўз	cem w	ias ci	ried ,	z times	anu	
ratted :	20 611	CTITIE	٥.							•					
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											See	Continuati	on Form (MSH/	4 Form 7000	-3a) 🔲
9. Violation	A. Health		B. Section		,		C. F	art/Section of	of	· · · · · · · · · · · · · · · · · · ·	······································				
]	Safety		of Act				T	itle 30 CFR			7	5.1107-	6		
Section II-Inspec	Othe														·
10. Gravity:	AOI 8 EVAIU	BUOIS						· · · · · · · · · · · · · · · · · · ·			· · · · · · · · · · · · · · · · · · ·				
A. Injury or	iliness (h	as) (is):	No Likelih	ood 🗍	Ur	nlikely 🗸	1	Reasonably	y Likely	\Box	Highly Li	ikely	Occur	red 🗍	
B. Injury or		uld rea-	Malaa	t Works				ays Or Restr			Perma	nently Di	sabling []	Fatal [
C. Significa		***************************************	1.	 	No 🔽				-,		D. Numb	er of Pers	ons Affected	009	
11. Negligence	(check o	ne)	A. None		B. Low		C. Mo	oderate 🔽		D. High		E. Rec	kless Disrega	ırd 🗌	
12. Type of Ac	tion	104((a)			13. Type	of Issu	ance (check	one)	С	itation 🔽	Orc	ier 🗌	Safeg	uard 🗌
14. Initial Actio A. Citation [der 🗍	C. Safegua	ard 🗌	D. Writte	en Notice		E. Citation/ Order Nu					F. Dated	Mo Da	i Yr
15. Area or Eq		***************************************					ر <u>ــــــــ</u>								
		, -				,		······································			سنجاب سيدا				
16. Termination	n Due	A. Date	Mo Da 09/10/2		B. Time	(24 Hr. C	lock)	080	0					· 	
Section IIITermi	nation Acti	on													
17. Action to To	erminate							•		•					
															÷
18. Terminated	A. Date	Мо	Da Yr	B. Time	e (24 Hr.	Clock		, ,		***					
Section IVAutor	nated Suet	em Dele		<u></u>	***************************************				ــــــــــــــــــــــــــــــــــــــ						
19. Type of Ins		ou Dalg	20. Even	t Numbe			~	21 F	rimary	or Mill				·	بيستني ونسست
to type of the	Pennin	EO1	20. LVG11	LITUITION	. 4	411713	3()	~'`'	ui y	21 (21)(1	1				

MSHA Form 7000-5, war as grevised)

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

23, AR Number

23644

Mine (Citation/Order
Contin	uation

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

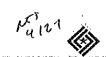


Section I-Subsequent Action/Continuation Data		ос чино замене заборе завре	man militarism man de se de			
1. Subsequent Action 1a, Continuation	Dated (Original issue)	Mo D 09/10/2		3. Citation/ Order Number	7268871 - 01	
4. Served To			5. Opera			
John Henline, Evening Shift Mainte	enance Chief		PERF	DRMANCE CO.	AL COMPANY	
6. Mine			7. Mine I	D 46 0042	~	(Contractor)
UPPER BIG BRANCH MINE-SOL	JTH			46-0843	0	
Section II-Justification for Action		Maningay (S. M. Claids				

Repairs were attempted on the fire suppression but the system does not operate as required when tested; therefore, additional time is granted to replace the snapper valve.

Section IIISubsequent Action Taken				See Continuation Form
8. Extended To A. Date Mo Da Yr B. Time (24 Hr. Clock)	0200	C. Vacated	D. Terminated	E. Modified
Section IV-Inspection Data 9. Type of Inspection E01 10. Event Number 4117130				
(h) (7)(C)	I42 Data	Ada Da Va	13. Time (24 Hr. Clo	ALA .
AR Number 23644	12. Date	Mo Da Yr 09/10/2007	0835	CK)

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



Section I-Subsequent Action/Continuation	on Data							
1. Subsequent Action 1a. Continua	1	Da Yr 3. Citation/ O/2007 Order Number 726887	71 - 02					
4. Served To		5. Operator						
John Henline, Evening Shift	Maintenance Chief	PERFORMANCE COAL COM	PANY					
6. Mine		7. Mine ID	(Contractor)					
UPPER BIG BRANCH MIN	NE-SOUTH	46-08436						
Section IIJustification for Action								
Change	From	То						
10. A. Injury or Illness	Unlikely	Reasonably Likely	Reasonably Likely					
Reason Belt would continue	to burn							
10. C. Significant and Substantial	No	Yes						
Reason Past history of mining	g							
The fire suppress terminated.	ion now sprays as r	equired; therefore, the	citation is					

				S	ee Continuation Form
Section III-Subsequent Action Taken					
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)		C. Vacated	D. Terminated	E. Modified
Section IV-Inspection Data					
9. Type of Inspection E01	10. Event Number 4117130		transfer and the second and the seco	erconnect sick reconnections of text and as Law American School Convencion Security	and the second control of course Country of the second country of
	AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clock))
	23644		09/11/2007	1711	нишевнийнин мерени в суместронного помера филосоного не предорждения ф

Mino	Citatio	n/Order
IVITIE	CHRILL	пилкие

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

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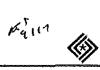
	7
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Glock) 09/10/2007 0200	3. Citation/ Order Number 7268872
4. Served To	5. Operator
Earl Roles, Outby Maintenance Chief	PERFORMANCE COAL COMPANY
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)
8. Condition or Practice	8a. Written Notice (103g)
The automatic emergency-parking brake f	
did not engage within 5.0 seconds when	
was located on the track when examined.	
	·
•	•
•	
	See Continuation Form (MSHA Form 7000-3a)
	art/Section of title 30 CFR 75.523-3(b)(2)
Section IIInspector's Evaluation	·
10. Gravity:	
A. Injury or Illness (has) (is); No Likelihood Unlikely 🗹	Reasonably Likely Highly Likely Occurred
B. Injury or illness could reasonably be expected to be: No Lost Workdays ☐ Lost Workd.	ays Or Restricted Duty 🗹 Permanently Disabling 🗌 Fatal 🔲
C. Significant and Substantial: Yes No 🗸	D. Number of Persons Affected: 001
11. Negligence (check one) A. None B. Low C. Mc	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 B. Time (24 Hr. Clock)	0215
Section IIITermination Action	
17. Action to Terminate The brake was adjusted.	
	,
18. Terminated Mo Da Yr	
A. Date 09/10/2007 B. Time (24 Hr. Clock 0	215
Section IVAutomated System Data	Total Attn
19. Type of Inspection (activity code) E01 20. Event Number 4117130	21. Primary or Mill
22. Signature	23. AR Number 23644

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1995, 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.

Mina	Citatio	nn/∩i	rdai
IVIIII	L 311 - 1111	34 17 4 31	

02/21/08

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



Section I Violati	on Data													
1. Date	Mo Da Yr 09/10/2007	2. Time (2	24 Hr. Clo 012				***		3. Citation Order N		7268	873		
1. Served To	05,10,200,				. ,	5. Operator			<u>,, </u>					
Earl Roles,	Outby Mainte	nance Chi	ef			PERFOR	MAN	CE COA	L COM	PANY			-1	
5. Mine			cent Y			7. Mine ID	46	-08436						
	G BRANCH M	IINE-SOU	TH			<u> </u>					8a. Writte	•	Contrac	
3. Condition of	oal dust	in and	1 01:100	1 to 2001	m177 -		~~~	caizod	Comp				(1039)	
	Products												Λ	
belt.	FIOGUCES	Start	THA Y	JOA, DELL	ат г	40. TOO	J-01	J 4.50 F.	TOCA	Leu	он пр	071 0	• =	
Derc.														
			•											
								,						
													-ann n-1	
9. Violation	A. Health	B. Section		·		Part/Section o	.6	· · · · · · · · · · · · · · · · · · ·	See Co	าแกนลแด	n Form (MS	HA FORM	/000-3a)	
a. Violation	Safety 🗸	of Act				itle 30 CFR	,,		75	.400				
	Other	<u> </u>												
	ctor's Evaluation													
 Gravity: A. Injury or 	r Iliness (has) (is):	No Likelih	ood 🗆	Unlikely	1	Reasonably	Likely	⊘ Hi	ghiy Likel	<i>,</i> 🗆	Occ	urred 🗍		
	r illness could rea-								<u> </u>					
	be expected to be		t Workd	ays [_] Lost	Workd	ays Or Restri	icted D	uty 🛂	Permaner	itly Disa	abling 📋	Fat	al 🗍	
C. Şignifiç	ant and Substantia	al: Yes	s 🗸	No 🗌	•			D.	Number of	of Perso	ns Affecte	ed: 0	09	
11. Negligeno	e (check one)	A. None		B. Low	C. M	oderate 🔽		D. High		. Reck	less Disre	gard 🗌		
12. Type of A	ction 104	(a)	 	13. Type	of Issu	ance (check o	one)	Citati	on 🔽	Orde	r 🗌	Sa	feguard	1 🗌
14. Initial Acti A. Citation		C. Safegua	ard 🗆 🗆	D. Written Notice	П	E. Citation/ Order Nu		· · · · · · · · · · · · · · · · · · ·	,		F. Dated	М	Da Y	r
15. Area or E	<u> </u>	o. caloga			<u></u>			,	,,,,,,,,, ,,,,,,,,,,,,,,,,,,,,,,,,,,,					
15. Alea of E	doibiueur	*												
			V. 1					1		'				
16. Termination	on Due A. Dat	e Mo Da 9 09/10/2		B. Time (24 Hr. C	lock)	0900)							
Section IIITern	nination Action	09/10/2	00/			· · · · · · · · · · · · · · · · · · ·		1	·	•		,,,,,		
17. Action to		 												
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,					•									
18. Terminate	ad Me	o Da Yr	· · · · ·		,		<u> </u>	·,						
1	A. Date ""		B. Time	(24 Hr. Clock										
Section IVAuto	omated System Data	<u> </u>					<u> </u>				to t		<u> </u>	
19. Type of In		20. Even	t Number	41171:	30	21. P	rimary	or Mill		<u> </u>		*************************************		
22. Signature	·	` <u></u> _			٠,	<u> </u>		······································	23. AF	Numbe	er 2	3644		
														

MSHA Form 7000-3; Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1998, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

U.S. Department of LaborMine Safety and Health Administration



Section ISubsequent Action/Continuation Data				ikanika samanan mukhinga tahun taraha					
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo 09/10	Da Yr 0/2007	3. Citation/ Order Number	7268873 - 01				
4. Served To		7	1 '	5. Operator					
John Henline, Evening Shift Maint	tenance Chief		PERF	PERFORMANCE COAL COMPANY					
6. Mine UPPER BIG BRANCH MINE-SO	UTH		7. Mine	46-0843	36	(Contractor)			
Section IIJustification for Action		rada. eta a							

The accumulations have been removed from the cited area; therefore, the citation is terminated.

			angapagi Si Oliv					See Continuation Form
Section IIISubse	quent Action Take	∍n						
8. Extended To	A. Date Mo	Da	Ϋ́r	B. Time (24 Hr. Clock)		☐ C. Vacated	D. Terminated	E. Modified
Section IVInspec	tion Data		anique como					
9. Type of Inspe	ection E01		10. E	vent Number 4117130	and the second s		·	THE CONTRACT OF THE CONTRACT O
				AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Cl	ock)
				23644	m14	09/10/2007	1743	

Mine	Cit	tatio	n/C)rdei
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U.S. Department of Labor Mine Safety and Health Administration



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Section IViolati					-									
1. Date	Mo Da 09/10/2		2. Time (2	24 Hr. C 24 14 014						3. Cit	ation/ der Number	7268	874	
4. Served To							5. Operator							
Earl Roles,	Outby M	lainter	nance Chi	ef			PERFOR	MAN	CE CO	DAL CO	OMPANY	<i>I</i>		
3. Mine UPPER BIO	3. Mine UPPER BIG BRANCH MINE-SOUTH						7. Mine ID	46	-0843	36			(Contr	ractor)
8. Condition o												8a. Writte	n Notice (103	
Float c	oal di	ust	was al	lowe	d to accum	ul	ate on	enei	rgize	ed co	mponer	nts in	the LE	3B
No. 2 b	elt st	tart	ing bo	х.					-		-			
													•	
							·							-
											•			
										94	o Confinuati	on Carm /MCL	-1A Form 7000-3	30)
9. Violation	A. Health	П	B. Section	· · · · · · · · · · · · · · · · · · ·		С	Part/Section o	ıf			se continuati	on rum (wor	IN PORTI 7000A) a j [_]
o. violation	Safety		of Act				Title 30 CFR	,			75.400			
	Other		·····			,	·				· · · · · · · · · · · · · · · · · · ·			
Section IIInspe	ector's Evalua	ation												
10. Gravity:	r Iliness (ha	ae) /(e)·	No Likelih	nod 🗀	Unlikely		Reasonably	ı l ikalı		Highly I	Ikalı 🗆	Occu	irred 🗌	
	r Illness co		NO LIKERIT	000	Offinery		reasonably	LINGIN	<u>V</u>	riigriiy i	INGIY	- Occi	uted []	
sonably	be expecte	ed to be		t Work	days Lost V	Vork	days Or Restri	icted D	uty 🔽		anently Dis		Fatel]
C. Signific	ant and Su	bstantia —	l: Yes	V	No 🗌					D. Num	ber of Pers	ons Affecte	d: 009	
11. Negligeno	e (check o	ne)	A. None		B. Low	C. N	toderate 🔽		D. High		E. Rec	kless Disreg	jard 🗌	
12. Type of A	ction	104((a)		13. Type of	Issu	ance (check o	one)		Citation v	Ord	er 🗌	Safegu	ard 🗌
 Initial Acti A. Citation 		der 🗌	C. Safegua	ard [D. Written Notice]	E. Citation/ Order Nu	mber				F. Dated	Mo Da	Yr
15. Area or E	quipment			',					·	· · · · · · · · · · · · · · · · · · ·	• • • • • • • • • • • • • • • • • • • •		······································	,
			,											
16. Terminati	on Due	A. Date	Mo Da		B. Time (24 Hr. Clo	nck)	0900			·			• ··	
			09/10/2	007			0,500	, 	<u> </u>			- N		
Section IIITerr		on				,	· · · · · · · · · · · · · · · · · · ·	, _				· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	
17. Action to	Terminate													
					·									
18. Terminate	∋d A. Date	Мо	Da Yr	B. Tim	e (24 Hr. Clock			7						
Section IVAut	omated Svet	em Data									***************************************			
19. Type of Ir	spection	E01	20. Even	t Numbe	er 411713	0	21. P	rimary	or Mill					
	441-14-1-1	- ا	i	•	.22,10	_) AD. :	· · · · · · · · · · · · · · · · · · ·		
22. Signature										23	3. AR Numl	per 2:	3644	

MSHA Form 700 and 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.

./line	Citation/Order
Conti	nuation

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

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Section ISubsequent Action/Continuation Data								
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo E 09/10/	oa Yr 2007	3. Citation/ Order Number	7268874 - 01			
4. Served To				5. Operator				
John Henline, Evening Shift Maintenance Chief				PERFORMANCE COAL COMPANY				
6. Mine			7. Mine I	D 46 0942	<i>(</i>	(Contractor)		
UPPER BIG BRANCH MINE-SOUTH				46-0843	0	`		
Section IIJustification for Action								

The accumulations have been removed from the cited area; therefore, the citation is terminated.

Section IIISubsequent Action Taken		and the second s	i makakatan maka	rkund Maria Harry Parlament ay yang Parlament ay sang birang sang birang sang birang sang birang sang birang s	micros (I. Alexandro) e esta e en el contrato de la compansión de la compa	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 Num	ber 4117130				
2) (Z)(C)		AR Number 23644	12. Date	Mo Da Yr 09/10/2007	13. Time (24 Hr. Cl	ock)

R. Att.	014 -	L!	10	
Mine	Ulla	llon.	/Urae	:1

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

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Section IViolati	ion Data													
1. Date	Mo Da 09/10/20		2, Time (2	24 Hr. C						3. Cit Ord	ation/ der Numl	_{per} 7268	8875	
4. Served To						5. Operator				_				
Earl Roles,	Outby M	[ainten	ance Chi	ef			PERFOR	MAN	ICE CO	DAL CO	DMPA1	NY		
6. Mine							7. Mine ID	16	-0843	26				
UPPER BIG	G BRAN	CH M	NE-SOU	JTH				40	-0043	50				(Contractor)
8. Condition o	r Practice											8a. Writ	ten Noti	ice (103g)
Float c	oal di	ıst v	was al	lowe	d to accur	mula	ite on	ene	raize	ed co	mpon	ents in	a th	e LBB
					Products									
					,					,				
							٠							
														•
									•					
										Se	e Continu	ation Form (M	SHA Fori	m 7000-3a)
9. Violation	A. Health		B. Section			C. P	art/Section o	of						
	Safety		of Act			Ti	tle 30 CFR				75.40	0		
	Other													
Section IIInspe	ector's Evalua	tion												
10. Gravity:				. —	·	1						-		_
	r Illness (ha		No Likelih	ood 📋	Unlikely		Reasonably	Likely		Highly	_lkely	Oc	curred	
	r illness cot be expecte		No Los	t Work	days 🗌 Lost	Workda	ays Or Restri	icted D	uty 🗸	Perm	anently	Disabling [] F	atal 🗍
C. Signific	ant and Sul	ostantial	: Ye	s 🔽	No 🗌					D. Num	ber of P	ersons Affect	ted:	009
11. Negligeno	ce (check or	ne)	A. None		B. Low	C. Mo	oderate 🔽		D. High		E.R	eckless Disn	egard [
12. Type of A	ction	104(a)		13. Type o	of Issua	nce (check o	one)	C	Citation 🔽		Order 🗌		Safeguard 🗌
 14. Initial Acti A. Citation 		der 🔲	C. Safegu	ard 🗌	D. Written Notice		E. Citation/ . Order Nu	mber		-		F. Dated		Mo Da Yr
15. Area or E	aujoment		······································					-				<u>-</u>		······································
	.qu.pmom						•							
					•									
16. Terminati	ion Due	A. Date	Mo Da 09/10/2		B. Time (24 Hr. C	lock)	0900)			_			
Section IIITerr	mination Actio	n												
17. Action to											······································	*	-	
				Υ										
18. Terminate	A. Date	Mo	Da Yr	B. Tim	e (24 Hr. Clock									
Section IVAut	tomated Syste	em Data												··········
19. Type of Ir			20. Even	t Numbe	95 4117710	20	21. P	rimary	or Mill					
(activity c	code)	E01			41171 3	5 U	_ [' ` `	,		. [
22. Signature	+									2	3. AR Nu	mber	 23644	

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.

Mine	Citation/Order
Conti	nustion

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

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Section ISubsequent Act			barra Markata						
1. Subsequent Action	1a. Continuation	2. Dated	Мо	Da	Υr	3. Citation/	7268875 - 01		no comment of the com
		(Original Issue)	09/	10/20	07	Order Number	7200073 - 01		
4. Served To					Opera	tor			
John Henline, Eve	ning Shift Main	tenance Chief			PERFO	DRMANCE CO	AL COMPANY		
6. Mine					7. Mine I	D 46 00 42		(Contra	actor)
UPPER BIG BRA	NCH MINE-SO	UTH				46-0843	6		
Section It-Justification for	Action	and the state of t			***************************************				
Control of the Contro				Strain Section 1				omersia de la companie de la compani	

The accumulations have been removed from the cited area; therefore, the citation is terminated.

	Section IIISubsec	quent Action Take	ii	en de la competition			ami katungunga di madayan di Kalangayan di Kalangayan di Kalangayan di Kalangayan di Kalangayan di Kalangayan	os uro-Toplos s	Proposer i sant an eng ine palaj esser i		See Continuation Form
	8. Extended To	A. Date Mo	Da	Υr	B. Time (24	Hr. Clock)			C. Vacated	✓ D. Terminated	E. Modified
	Section IV-Inspect 9. Type of Inspec		The Section of Publisher Sec	10. E	vent Number	4117130					
(þ)	(Z)(G)					AR Number 23644	12. Date		Da Yr /11/2007	13. Time (24 Hr. C	•
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ine Citati	on/Oraer				9/20/07		Mine Safety a			stration		rat	
Section Violat	tion Data	والجشيع مستجمع	-	A	and the standard of the standa	- College and Coll	CONTRACTOR OF CO	Angel Control	Olivina de la companya de la company	Walter and Street		Cimen, Payletine in application in	
1. Date	Mo Da Y 09/11/20		2. Time (24 Hr. C 172	•				3. Citati Orde	on/ r Numbei	72688	77	
4. Served To		<u> </u>		·····	A	~~~~~	5. Operator			***************************************	······································		
John Henli	ne, Evenir	g Sh	ift Mainte	nance	Chief		PERFORMA	NCE CO	AL CO	MPAN'	Υ <u>.</u>		
6. Mine	C 33D 437C	<u> </u>	THE COL	TTILE			7. Mine ID 4	6-0843	6				
UPPER BI 8. Condition of		HM	INE-SOU	IH						,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Ro: Meiton	(Contra Notice (103g	
		he	It hox	พลร	not secur	ed	to prever	t cor	tact	with			
compone		DC	TC DOV	·	noc becar	Cu	co prever	10 001	rcacç	AA T (**11	energr	260	
o o p o i i o													
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											•		
							•						
									Şee	Continuati	on Form (MSH/	A Form 7000-3a) 🗌
9. Violation	A. Health Safety		B. Section of Act				art/Section of itle 30 CFR			75.512			
Section IIInspe	Other _ ector's Evaluati	on l				<u> </u>	<u></u>		· · · · · · · · · · · · · · · · · · ·	······································			
10. Gravity:				··············	· · · · · · · · · · · · · · · · · · ·		**************************************		*+	······································			
	r Illness (has		No Likelih	ood 🗌	Unlikely 🗌		Reasonably Likel	y v	Highly Lil	cely 🗌	Occur	red 🗌	
B. Injury or	r Iliness could be expected	i rea-	No Los	t Worke	iays 🗌 Lost V	Vorkd	ays Or Restricted I	Outy 🔲	Permai	nently Dis	abling	Fatal 🗸	
	ant and Subs		s.	s 🗸	No 🗌		the same of the sa		D. Numbe	r of Pers	ons Affected		
11. Negligeno	e (check one)	A. None		B. Low	C. M	oderate 🗸	D. High		E. Rec	kless Disrega	ırd 🗌	
12. Type of A	ction	104(a)		13. Type of	Issua	ance (check one)	C	itation 🗹	Ord	er 🗌	Safeguar	rd 🔲
14. Initial Acti A. Citation		er 🗀	C. Safegu	ard 🗀	D. Written Notice	7	E. Citation/ Order Number	,			F. Dated	Mo Da `	Υr̀
15. Area or E	<u>uipment</u>								71				
	• •								•	•			
											•		
16. Termination	on Due	·	Mo Da	Yr			5	7	· · · · · · · · · · · · · · · · · · ·		····		
·	4A	. Date	09/11/2		B, Time (24 Hr. Clo	ck)	2300						
Section IIITem	nination Action												
17. Action to	Terminate												
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···•				 				·					
18. Terminate	A. Date	Mo	Da Yr	B. Time	e (24 Hr. Clock							·	
Section IVAuto		ı Data					Annual Control of the						
19. Type of In	spection	F01	20. Even	t Numbe	er 411713	0_	21. Primary	y or Mill			-		
		LV				.			1 120	AD About			
22. Signature									23.	AR Numb	^{per} 23	644	

MSHA Form 7000
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.

/line	Citation/Order
Confi	nuation

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

Section ISubsequent Action/Continuation Data		
1. Subsequent Action 1a. Continuation 2. Dated (Original	Mo Da Yr 3. Citation/ Order Number 7268877	- 01
(Ongmar	9) 09/11/2007 Order Number 7200077	VI
4. Served To	5. Operator	
Mike Kiblinger, Fireboss	PERFORMANCE COAL COMPA	NY
6. Mine	7. Mine ID	(Contractor)
UPPER BIG BRANCH MINE-SOUTH	46-08436	
Section IIJustification for Action		

The box has been secured.

	Section III-Subsequent Action Taken				and Pallaching an accept Through the constitution of the section o		See Continuation Form
	8. Extended To A. Date Mo Da Yr	B. Tim	e (24 Hr. Clock)		☐ C. Vacated	✓ D. Terminated	E. Modified
	Section IV-Inspection Data						
(þ)	9. Type of Inspection $E01$ 10.	Event Nu	mber 4117130				
			AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ock)
			23644		09/19/2007	1035	
Н					•		

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Willie Ollatii	on/Order			9/	28/07		Mine Safe				stratior	1	
Section I-Violat	ion Data	udalan pan Pilitain pan											
1. Date	Mo Da 09/11/20		2. Time (2	24 Hr. C 18						3. Citati Orde	ion/ r Numbe	_r 72688	378
4. Served To							5. Operator						
John Henli	ne, Eveni	ng Sh	ift Mainte	nance	Chief		PERFOR	MAN	ICE CO.	AL CO	MPAN	Y	
6. Mine UPPER BI	C DD ANI	ርግይያ አ <i>ለ</i>	TNE SOL	TU	•		7. Mine ID	46	6-0843	6			(Contractor)
8. Condition of		C11 1V1	ME-DOC	TII						- William .		8a. Writter	Notice (103g)
There a	re 5 r	olac	es fro	m 37	break to	49	break	on	the U	BB No	. 2	belt 1:	ne (No. 1
					ndicates me								
than 6-	·1/2' ł	nigh	. Thi	s Wa	s observed	l at	49, 4	6,	44, 4	0 and	37	breaks.	1
					-								
•							4						
													•
											5		
9. Violation	A. Health	<u> </u>	B. Section		·	C 5	Part/Section o	.f		560	Continuat	on Form (MSH	A Form 7000-3a)
9. Violation	Safety Other	∀	of Act				itle 30 CFR	11			75.807		
Section II-Inspe						<u> </u>					·		
10. Gravity:	- III (b	-1 (i=1)	Ala I Banka	ا تممد	Hallisahi 🗐		Dogoonoble	. I lleads	, [Litable t II		0	
	r Illness (ha r illness cou		No Likelih	000 [Reasonably			Highly LII	көту 📋	Occu	rred
	be expecte		No Los	t Work	days 🗌 Lost l	Vorkd	ays Or Restri	icted D	uty 🗌	Perma	nently Di	sabling 🔲	Fatal 🗸
C. Signific	ant and Sub	stantia	l: Ye	s 🗌	No 🗸					D. Numb	er of Per	sons Affected	i: 001
11. Negligend	e (check or	ie)	A, None]	B. Low	C. M	oderate 🗸		D. High		E. Red	kless Disreg	ard 🗌
12. Type of A	ction	104((a)		13. Type o	f Issu	ance (check o	one)	Ci	tation 🔽	Ore	der 🗌	Safeguard [
14. Initial Acti A. Citation	*	ler 🔲	C. Safegu	ard 🗌	D. Written Notice [E. Citation/ Order Nu	mber				F. Dated	Mo Da Yr
15. Area or E	quipment	······································	· · · · · · · · · · · · · · · · · · ·						, , , , , , , , , , , , , , , , , , , 			·!	
16. Terminati	on Due	A. Date	Mo Da 09/12/2		B. Time (24 Hr. Cl	ock)	0200) .					
Section III-Terr	nination Actio	n .											
17. Action to	Terminate		,	,									· · · · · · · · · · · · · · · · · · ·
							Maria Maria						
18. Terminate	A. Date	Мо	Da Yr	B. Tim	e (24 Hr. Clock						-		
Section IV-Auto		m Data								****			
19. Type of In (activity c	spection ode)	E01	20. Even	t Numb	^{er} 411713	0	21. P	rimary	or Mill				
22. Signature										23.	AR Num	ber 😙	3644

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.

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

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Section ISubsequent Action/Continuation Data					
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/11/20	• • •	3. Citation/ Order Number 7268878 - 01	
4. Served To			5. Opera		
Mike Kiblinger, Fireboss			PERFO	DRMANCE COAL COMPANY	
6. Mine			7. Mine I		(Contractor)
UPPER BIG BRANCH MINE-SOU	JTH			46-08436	
Section IIJustification for Action .					

The highline has been guarded or raised.

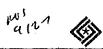
			See Continuation Form
8. Extended To Mo Da	Yr I	· · · · · · · · · · · · · · · · · · ·	
A. Date	B. Time (24 Hr. Clock)	☐ C. Vacated	D. Terminated
Section IVInspection Data			
9. Type of Inspection E01	10. Event Number 4117130		, ,
The same of the sa			
	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
	23644	09/19/2007	1321

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9/28/07

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





Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 09/11/2007 1835	3. Citation/ Order Number 7268879
4. Served To	5. Operator
John Henline, Evening Shift Maintenance Chief	PERFORMANCE COAL COMPANY
5. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)
8. Condition or Practice	8a. Written Notice (103g)
Combustible material in the form of oil	up to 1/2 inch in depth was present in
the bucket of the Ingersol Rand mainter	nance scoop, Serial No. 1253, located at
the No. 1 section 029/030 MMU.	
	•
	See Continuation Form (MSHA Form 7000-3a)
	Part/Section of
Safety ✓ of Act T	itle 30 CFR 75.400
Section II-Inspector's Evaluation	
10. Gravity:	· ·
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred
B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workd	ays Or Restricted Duty 🗸 Permanently Disabling 🗌 Fatal 🗍
C. Significant and Substantial: Yes No 🗸	D. Number of Persons Affected: 001
11. Negligence (check one) A. None B. Low C. Mo	oderate 🗹 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 09/11/2007 B. Time (24 Hr. Clock)	2359
Section IIITermination Action	
17. Action to Terminate	
•	•
18. Terminated A Dott Mo Da Yr D Time (24 Ht Clock	
A. Date B. Time (24 Hr. Clock	
Section IVAutomated System Data	
19. Type of Inspection 20. Event Number 4117120	21. Primary or Mill
(activity code) E01 20. Event Number 4117130	
22. Signature	23. AR Number 23644
	20011

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.

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

Obligitation	100		mino oc	noty and mount	i rammon anon	
Section ISubsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/11/20	•••	Citation/ Order Number	7268879 - 01	
4. Served To			Operat	or		
Mike Kiblinger, Fireboss			PERFO	RMANCE CO.	AL COMPANY	
6. Mine			7. Mine II	16.0042		(Contractor)
UPPER BIG BRANCH MINE-SC	UTH			46-0843	O .	
Section IIJustification for Action						

Accumulations have been removed from the cited machine.

		-			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
Codles B/ tangeting Data					
Section IV-Inspection Data 9. Type of Inspection E01	Event Number 4117130				·
	AR Number	12. Date	Mo Da Yr 09/19/2007	13. Time (24 Hr. Clo	ock)
	23644		Q211214QQ1	1505	

Mine	Citation	n/Order

9/28/07

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



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9/28/07	Mine Safety and Health Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 1920	3. Citation/ Order Number 7268880
4. Served To	5. Operator
John Henline, Evening Shift Maintenance Chief	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID 46-08436
UPPER BIG BRANCH MINE-SOUTH	(Contractor) 8a. Written Notice (103g)
8. Condition or Practice	
The manual release on the automatic em shuttle car, ET17505, operated on the	
and would not release the brake when t	
and would not refease the plake much c	saceu.
	•
	•
	•
the state of the s	See Continuation Form (MSHA Form 7000-3e)
	Part/Section of Title 30 CFR 75.523-3(c)(2)
Section IIInspector's Evaluation	the state of the s
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	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. N	oderate 🗹 D. High 🗌 E. Reckless Disregard 🗍
12. Type of Action 104(a) 13. Type of Issu	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	
. a. r. to a or _dalpinom	
16. Termination Due Mo Da Yr	
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)	1935
Section IIITermination Action	the state of the s
	and now functions as required.
18. Terminated A Date Mo Da Yr	1005
A. Date 09/11/2007 B. Time (24 Hr. Clock	1935
Section IVAutomated System Data	
19. Type of Inspection (activity code) E01 20. Event Number 4117130	21. Primary or Mill
22. Signature	23. AR Number 23644

MSHA Form 70005, Mar of (reviseo) In accordance with 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/O	rder

U.S. Department of Labor



					. 9/28/0	27	Mine Safety ar	nd Health ,	Adminis	tration			>//
Section IViolat	tion Data												and the same of th
1. Date	Mo Da 09/11/2		2. Time (2	4 Hr. C 194		-			 Citation Order 	n/ Number	726888	31	
4. Served To							5. Operator					*	*
John Henli	ne, Even	ing Shi	ft Mainte	nance	Chief	······································	PERFORMANCE COAL COMPANY						
6. Mine UPPER BI		ICH MI	NE-SOU	TH			7. Mine ID 4	6-08436				(Contrac	
8. Condition of	والمناور والمناور					 _					-	Notice (103g)	-
							ed in the actuator a					MMU, h	.as
	-		•										
									•				
									See C	ontinuation	Form (MSHA	Form 7000-3a)	
9. Violation	A. Healtl Safet Othe	y 🗹	B. Section of Act				Part/Section of itle 30 CFR		75.110	07-4(a)	(2)		
Section IIInsp													
10. Gravity: A. Injury o	or Iliness (h	as) (is):	No Likelih	ood 🗀	Unlikely	V	Reasonably Likel	у 🗇 🕒 Е	lighly Llke	iy 🗍	Occurr	ed 🗍	
	r illness co / be expect		No Los	t Worke	lays 🗍 L	ost Workd	ays Or Restricted	Duty 🗸	Permane	ently Disa	bling 🗌	Fatal 🗌	
C. Signific	ant and Si	ıbstantlal:	Ye	s 🗌	No 🔽			Ľ). Number	of Perso	ns Affected:	002	
11. Negligen	ce (check o	ne)	A. None]	B. Low 🗌	C. M	oderate 🔽	D. High		E. Recki	ess Disrega	rd 🗌	
12. Type of A	ction	104(a	1)		13. Ty	pe of Issua	ince (check one)	Cita	tion 📝	Orde	r 🔲	Safeguard	d 🗌
14. Initial Act A. Citation		rder 🗌	C. Safegui	ard 🔲	D. Written Not	ice 🗌	E. Citation/ Order Number				F. Dated	Mo Da Y	(s
15. Area or E	quipment			, , , , , , , , , , , , , , , , , , , 		,							
16. Terminati	ion Due	A. Date	Mo Da 09/12/2		B. Time (24 H	Ir. Clock)	0800					Aghanangang (Pallachan yannang Shaffan anangan agan)	
Section IIITer	mination Act	ion											
17. Action to	Terminate							•					
18. Terminat	ed A. Dat	Mo I	Dá Yr	B. Tim	e (24 Hr. Clock	,					A		
Section IVAut	tomated Sys	tem Data				, and the second							
19. Type of li	nspection	E01	20. Even	t Numbe	411′	7130	21. Primar	y or Mill					
22. Signature								***	23. A	R Numbe	er 236	511	

MSHA Form 70
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

Section ISubsequent Action/Continuation Data 1. Subsequent Action 1a, Continuation	2. Dated (Original Issue)	Mo Da 09/11/20	Yr 07	3. Citation/ Order Number 7268881 - 01	
4. Served To Mike Kiblinger, Fireboss			5. Opera	<u></u>	
6. Mine UPPER BIG BRANCH MINE-SOU	JTH		7. Mine I	46-08436	(Contractor)
Section IIJustification for Action					

The missing bottle has been replaced.

One No. 100 Only			erocensonio	u n mann derdo	duranta irra katalan		of the Said Said Said Said Said Said Said Said	· · · · · · · · · · · · · · · · · · ·			See Continuation Form	
8. Extended To	de la companya de la	Mo	Da	Yr	B. Time (24	Hr. Clock)		☐ c.\	/acated	✓ D. Terminated	E. Modified	
Section IV-Inspec												
9. Type of Inspe	ection E(01		10. E	vent Numbe	r 4117130						
						AR Number	12. Date	Mo Da	Yr	13. Time (24 Hr. Cl	ock)	
						23644		09/19	/2007	1255		

À	Aina	Cito	tion	/Order	
n	MINE.	Ulld	IUOH	/C/IUUI	

22. Signature

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Mille Citalic	m/Qruer			9/28/07	7	Mine Safety			tration	• 6	41°	
Section IViolati	on Data		<u> </u>					· · · · · · · · · · · · · · · · · · ·				Continue minusera hilling
1. Date	Mo Da 09/11/2		2. Time (24 H	. Clock) 2110			The state of the s	3. Citatio Order	n/ Number 72	268882		***************************************
4. Served To	07/11/2	<u> </u>		<u> </u>		5. Operator	····		, At			
John Henli	ne, Even	ing Sh	ift Maintenar	ce Chief		PERFORMA	ANCE CO	AL COM	PANY			
6. Mine	G BRAN	ICH M	INE-SOUTH			7. Mine ID	46-0843	6	,		(Contr	actor)
8. Condition o							<u> </u>		8a. \	Written Not		
The No.	1 sc	000,	Fairchi	ld T339-3	396, op	erated i	n the	No. 1	section	1 029/	030	
				of coal						The		•
and mud	is p	acke	d agains	t the spp	ed red	ucer.						
			·									
•								See C	ontinuation Form	n (MSHA For	m 7000-3	}a) □
9. Violation	A. Health Safety Other	/ V	B. Section of Act			art/Section of tle 30 CFR	-		5.400		· · · · · · · · · · · · · · · · · · ·	
Section II-Inspe	ctor's Evalua	atlon										
10. Gravity:	_ 101	> 6-1	11 - 125 - 134 A	☐ (1±8)1	🗂	D 1.1.1.1.1		1 P - t- 1 - 1 D				
	r Illness (ha r illness co		No Likelihood	,		Reasonably Like		Highly Like	ely 📋	Occurred		
	be expect		No Lost W	orkdays 🗌	Lost Workda	ays Or Restricted	d Duty 🕢	Permane	ently Disabling	F	atai 🗌	
C. Signific	ant and Su	bstantia	i: Yes 🗸	No 🗌				D. Number	of Persons A	ffected:	001	
11. Negligeno	e (check o	ne)	A. None	B. Low	C. Mo	derate 🗸	D. High		E. Reckless i	Disregard [
12. Type of A	ction	104(a)	13. 7	Type of Issua	nce (check one)	Ci	itation 🗸	Order 🗌		Safegua	ard 🗌
14. Initial Act		rder 🗌	C. Safeguard [D. Written No	otice 🗌	E. Citation/ Order Numbe	er ·		F. Da	ited	Mo Da	Yr
15. Area or E	quipment						<u> </u>					
•				•								
16. Terminati	on Due	A. Date	Mo Da Yr 09/12/2007	B. Time (24	Hr. Clock)	0800		vilialija – morani olajako maragu n			······································	· · · · · · · · · · · · · · · · · · ·
Section IIITerr	mination Acti	ion					حجبب کا احجب					
17. Action to	Terminate											
18. Terminate	A. Date	Mo	Da Yr B.	lime (24 Hr. Cloc	k		<u></u>		la de la composito de la composito de la composito de la composi to de la composito de la com	*		
Section IVAut	omated Syst	iem Data							.	<u> </u>		
19. Type of I		E01	20. Event Nu	mber 411	7130	21. Prima	ary or 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 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

23644

U.S. Department of LaborMine Safety and Health Administration

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	res a later and a second secon	on the same of	Supplementary and service and an arrangement of the service and the service an	POTONO DE LO COMPONIO DE LO COMPONID		
Section ISubsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation	Dated (Original Issue)	Mo [09/11/	Da Yr /2007	3. Citation/ Order Number	7268882 - 01	
4. Served To			5. Opera			VOLUME TO THE PROPERTY OF THE
Mike Kiblinger, Fireboss			PERFO	DRMANCE CO	AL COMPANY	
6. Mine		•	7. Mine	ID 46 09 42		(Contractor)
UPPER BIG BRANCH MINE-SOU	JTH			46-0843	O .	
Section IIJustification for Action		Graphs of such and Suffer designation				

Accumulations have been removed from the cited machine.

				Desgradopalanti mozanto a Desardo de Consegue o esta perso g	a di kacamatan kacam	See Continuation Form
Section IIISubsequent Action Taken						
8. Extended To A. Date Mo Da	Yr B. Time (24	4 Hr. Clock)		☐ C. Vacated	D. Terminated	E. Modified
Section IVInspection Data		F-502C10014				
9. Type of Inspection E01	10. Event Numbe	r 4117130				
		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Cld	ock)
		23644		09/19/2007	1245	

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IV	111111111111111111111111111111111111111	UHAI	PE 31 I	кин	H.I

U.S. Department of Labor

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			9/28/07	Mine Safet	y and Health	Administration		(%)
Section IViolat	tion Data							
1. Date	Mo Da Yr 09/11/2007	2. Time (24 Hr. Clod 2248				3. Citation/ Order Number	7268883	3
4. Served To	09/11/2007			5. Operator				
	ne, Evening Shi	ft Maintenance C	hief	PERFORM	MANCE COA	L COMPANY		\ \
6. Mine UPPER BI	G BRANCH M	NE-SOUTH		7. Mine ID	46-08436			(Contractor)
8. Condition of							8a, Written No	otice (103g)
		kaminations No. 2 secti						and/or
				•				
			•					
9. Violation	A. Health	B. Section	- Ic	Part/Section of		See Continuation	n Form (MSHA Fo	orm 7000-3a)
or violation	Safety 🗸 Other	of Act		Title 30 CFR		75,512	•	
	ector's Evaluation				<u> </u>			
10. Gravity:		Ma I Bathand [7]	I Initiative [117]	Reasonably I	thate D t	tieble filmber		
	or Illness (has) (is): or illness could rea-	No Likelihood	Unlikely [lighly Likely 🗌	Occurred	
sonably	be expected to be:	No Lost Workday	ys ∐ Lost Worl	days Or Restric		Permanently Disa	***************************************	Fatal 🗸
C. Signific	ant and Substantial	Yes 🗸	No 🗌		C). Number of Perso	ns Affected:	001
11. Negligen	ce (check one)	A. None 🗌 1	B. Low 🗌 C.	Moderate 🗸	D. High] E. Reck	less Disregard	
12. Type of A	Action 104(a)	13. Type of Iss	uance (check or	1e) Cita	tion 🗹 Orde	r 🔲 💹	Safeguard 🗌
14. Initial Act A. Citation		C. Safeguard D	. Written Notice	E. Citation/ Order Num	ıber		F. Dated	Mo Da Yr
15. Area or E	quipment						***************************************	· · · · · · · · · · · · · · · · · · ·
		•	•					
16. Terminat	ion Due A. Date	Mo Da Yr 09/12/2007	3. Time (24 Hr. Clock)	0800	alah garangan pungan Palambah kepadandakan pangan ana ana nganggap da katawa.	general ment and a special control of the special control of the special control of the special control of the	ada da la	
Section IIITer	mination Action	0)/12/2007						
17. Action to	Terminate							***************************************
18. Terminat	ed A. Date Mo	Da Yr B. Time (24 Hr. Clock			2 4 - 14 - 14 - 14 - 14 - 14 - 14 - 14 - 	ind alay ang palaban ang m	
Section IV-Au	tomated System Data							
19. Type of I	nspection code) E01	20. Event Number	4117130	21. Pri	mary or Mill			
22. Signatu	and the control of th					23. AR Numbe	er 2364	

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.

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

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Section ISubsequent Action/Continuation Data						N. Carlotte and Ca
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/11/20	* * *	3. Citation/ Order Number	7268883 - 01	
4. Served To			5. Operat	or	,	
Mike Kiblinger, Fireboss			PERFO	RMANCE COA	AL COMPANY	
6. Mine		•	7. Mine IE	16.00.40		(Contractor)
UPPER BIG BRANCH MINE-SO	UTH			46-0843	5	
Section IIJustification for Action						

The electrical examinations have been performed and recorded for the No. 2 section, Nos. 1 and 2 belts per records.

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 4117130		
	AR Number 12. Date 23644	Mo Da Yr 13. Time (24 Hr. Clo 09/19/2007 0917	ock)

Mino	Citation	NOrda.
MILLING	CHETE	ก/เมากดเ

10/9/07

U.S. Department of LaborMine Safety and Health Administration

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Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 09/17/2007 0912	3. Citation/ Order Number 7268884
4. Served To Harley Taylor, Fireboss	5. Operator 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 roof in the No. 3 entry, 4 breaks f	
	t firmly installed against the roof and
the other bolts in the immediate area h	ave loose coal and rock stacked over
the bolts, not supporting the roof. The	e bolts are extending approximately 1
foot below the roof.	
·	
•	
	→ ,
	See Continuation Form (MSHA Form 7000-3a)
	art/Section of tile 30 CFR 75.202(a)
Other Other	13.202(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 Workday	ays Or Restricted Duty 📝 Permanently Disabling 🗌 Fatai 🗌
Office and and Outstandar	
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/ Order Number F. Dated Mo Da Yr
15. Area or Equipment	
	•
· ·	
16. Termination Due A. Date Mo Da Yr 09/18/2007 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) E01 20. Event Number 4117130	21. Primary or Mill
22. Signatu	23, AR Number 23644
MSHA Form Yours, was on general, an accordance must are provisions of the Small B	usiness Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has

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

U.S. Department of LaborMine Safety and Health Administration

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Section ISubsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation	Dated (Original Issue)	Mo 09/1	Da Yr 7/2007	3. Citation/ Order Number	7268884 - 01	
4. Served To			5. Opera			
Mike Kiblinger, Fireboss			PERFO	RMANCE CO.	AL COMPANY	
6. Mine			7. Mine I	D 46 00 42	<i>p</i>	(Contractor)
UPPER BIG BRANCH MINE-SOU	TH			46-0843	0	
Section II-Justification for Action						

The area has been dangered off; therefore the citation is terminated.

			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 Number 4117130	от пред на история в на принципа на	
	AP Number 12. Date	Mo Do Y: 13 Time (24 Hr Cla 09/19/2007 0952	nok)

Mine	Citat	lion.	\cap	der

U.S. Department of Labor

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23644

	2 0		10.	19/0	7			Mine Saf	ety ai	nd Healtl	h Admini	stration	1			
Section I–Violati	ion Data														************	***************************************
1. Date	Mo Da 09/17/2		2. Time (2	4 Hr. Cl 105							3. Citati Orde	on/ r Numbei	72688	385		
4. Served To			1		,			5. Operato							,	
Harley Tay	lor, Fire	boss						PERFOR	[AMS	NCE CC	AL CO	MPAN	Y			
6. Mine	C DD AX	tori va	ATT COL	TTT				7. Mine ID	40	6-0843	6			,	Contra	atari
UPPER BIG 8. Condition o	·	ICH IVI	NE-SOC	III		to the second of the second of the part of the second of t		1				<u> </u>	8a. Writte	,		
The roo		No 8	and	No.	85 h	reaks	in	main i	nta	ke is	not	adedi		.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	11443	<u>(b.j</u>
support														l oda	ed a	and
are not													ea at 1			
where t	he to	p had	i fall	en n	eeds	addit	ior	nal sur								
		1							_							
																•
				•				,								
													•	•		
															•	
											Sée	Continuati	on Form (MSI	łA Form	7000-3a	л П
9. Violation	A. Health		B. Section	· · · · · · · · · · · · · · · · · · ·			C. F	art/Section	of							
	Safet	y 🗸	of Act				т	Itle 30 CFR			7.	5.202(a)			
Contlan II Jacon	Othe						<u></u>				····	, , , , , , , , , , , , , , , , , , , ,			·	
Section IIInspe	ector s Evalu	ation	 	· · · · · · · · · · · · · · · · · · ·						,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,						
A. Injury of	r Illness (h	as) (is):	No Likelih	ood 🗌	Ů	Intikely 🗸		Reasonabl	y Likel	у 🗆	Highly LI	kely 🗌	Occu	rred 🔲		
B. Injury o	r illness co	ould rea-	Na Las	4 18/4-1-	ا منبعا	l and M	laded	ava Or Boot	rintad l	Dustra [a]	Dormo	nandu Di	nahlina 🗆	Cat	ai 🗆	0
sonably	be expect	ted to be:	NO LOS	t Worko	ıayş 📋	LOST V	vorka	ays Or Rest	ricted i	Duty 🛂			sabling 🔝		al 🗌	
C. Signific	ant and St	ubstantial	Ye	s 🗌	No 🗸						D. Numb	er of Pers	ons Affecte	d: 0	01	
11. Negligeno	ce (check o	one)	A. None		B. Lov			oderate 🗸		D. High		E. Red	kless Disreg	jard 🗌		
12. Type of A	Action	104(a)			13. Type of	f Issu	ance (check	one)	C	itation 🔽	Ord	ier 🗌	Sa	afeguar	d 🗌
14. Initial Act A. Citation		rder 🗌	C. Safegu	ard 🗍	D. Writt	ten Notice		E. Citation/ Order No				,	F. Dated	M	o Da `	Yr
15. Area or E	guioment					, , , , , , , , , , , , , , , , , , , 			——————————————————————————————————————		-	<u> </u>				
		•														
									•							
16. Terminat	ion Due	A. Date	Mo Da		B Time	e (24 Hr. Clo	nck)	110	Λ			<u> </u>	 			-
*****			09/18/2	007	. , , , ,	O (2.7, 111. O)	, , , , , , , , , , , , , , , , , , ,	110	v			1		····	· · · · · · · · · · · · · · · · · · ·	
Section IIITen															.,	*****
17. Action to	Terminate	}				. 64										
						<u>.</u>										
18. Terminat	ed A. Dat	e Mo	Da Yr	B. Tim	e (24 Hr.	. Clock		·	T	<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>			nie kon Communitation welgten der worden.	nyamin'ny farantany ara		······································
Section IV-Au							-	andre a strange and a strange				·			- باربور - انجواد	·
19. Type of I		iem vala	20. Even	t Numbe	ar	144-1-	^	21 1	Primar	y or Mill	. [· · · · · · · · · · · · · · · · · · ·		**********	
(activity	code)	E01	20. 200	i i i i i i i i i i i i	··	411713	0	[""	· · · · · · · · · · · · · · · · · · ·	, o, m	·		•			
22. Signatur											23.	AR Num	ber o	3644		<u></u>

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.

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

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Section I-Subsequent Action/Continuation Data					
1. Subsequent Action 1a. Continuation 2. Dated Mo Da (Original Issue) 00/17/2	Yr 3. Citation/ Order Number 7268885 - 01	Онения до хомин Извесия			
(Original Issue) 09/17/2	V/	, 			
4. Served To	5. Operator				
Mike Kiblinger, Fireboss	PERFORMANCE COAL COMPANY				
6. Mine	7. Mine ID (Contractor)				
UPPER BIG BRANCH MINE-SOUTH	46-08436				
Section IIJustification for Action					

Timbers have been installed at the cited area.

Section III-Subsequent Action Taken			androphysical desirations of the second seco					See Continuation Form]
8. Extended To A. Date Mo Da	Ÿr	B. Time (24 Hr. Clo	ck)		☐ C. Vac	cated	✓ D. Terminated	E. Modified	and and
Section IV-Inspection Data 9. Type of Inspection E01	10. E	/ent Number 41	17130						
the state of the s	1	AR Nur 23644	1	12. Date	Mo Da 09/19/2	Yr :007	13. Time (24 Hr. Clo 1015	ock)	

/line	Cita	tion	in	rdar
AIMH:	United	111(71)	/L):	ı aer

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/line 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) 09/17/2007 1345	3, Citation/ Order Number 7268886
4. Served To	5. Operator
Harley Taylor, Fireboss	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID 46-08436
UPPER BIG BRANCH MINE-SOUTH 8. Condition or Practice	(Contracto
	rom break No. 62 to break No. 63 is not
adequately supported, in that, the bo	olts previously installed have pulled inted and hanging and obvious cutting along
·	
9. Violation A. Health B. Section	See Continuation Form (MSHA Form 7000-3a) C. Part/Section of
Safety of Act Other	Title 30 CFR 75.202(a)
Section II-Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred
B. 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	C. Moderate D. High ☐ E. Reckless Disregard ☐
12. Type of Action 104(a) 13. Type of	Issuance (check one) Citation ✓ Order ☐ Safeguard
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr 09/19/2007 B. Time (24 Hr. Clock)	ck) 0900
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	
10 Torre Management 100 Torret Mumber	21. Primary or Mill
(activity code) E01 20. Event Number 4117130	
22. Signatur	23. AR Number 23644

MSHA Form 7 bes-o, mar or prevised in accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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



Section ISubsequent Action/Continuation Data		atikainiilikaikinteksiäteessäänyöstyksiä siin maysenymen anna muunna muuna
1. Subsequent Action 1a. Continuation 2. Dated Mo (Original Issue)	Da Yr 3. Citation/ 0717/2007 Order Number 7268886 - 01	
(Original issue) (19)	/17/2007 Order Number / 200000 - 01	
4. Served To	5. Operator	
Mike Kiblinger, Fireboss	PERFORMANCE COAL COMPANY	
6. Mine	7. Mine ID	(Contractor)
UPPER BIG BRANCH MINE-SOUTH	46-08436	
Section IIJustification for Action		

Additional cribs and headers have been installed at the cited area; therefore the citation is terminated.

Section IIISubsequent Action	Taken	4						See Continuation Form
The second secon	/lo Da	Yr	B. Time (24	Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IVInspection Data 9. Type of Inspection E0		10. Ev	vent Number	4117130				
14 Qimahaa				AR Number 23644	12. Date	Mo Da Yr. 09/26/2007	13. Time (24 Hr. Clo 1134	ck)

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

Mine Citation/Orde	e
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02/21/08

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





Section IViolat	ion Data													
1. Date	Mo Da 09/24/2		2. Time (2	24 Hr. Cl 124						3. Citati Orde	on/ r Number	72688	387	
4. Served To			1				Operator							
Charles Ser	nenske, l	Fireboss	5				PERFOR	MAN	CE CO	AL CO	MPANY	•		
6. Mine							7. Mine ID	46	-0843	6				
UPPER BIO		ICH MI	NE-SOU	ΤΗ				+0	-0043					tractor)
8. Condition or													n Notice (10	
The No.	1 LBB				ccumulation.									
the tai					as rubbing	_								
scraper	was	turni	.ng in	the	packed acc	cum	ulatio	n wl	nich	was w	et to	damp	in na	ture.
												4		
					•									
•				-										
														•
		÷												
					•					See	Continuatio	n Form (MSI	1A Form 7000	հ 3a\ □
9. Violation	A. Health		B. Section			СР	art/Section of	-					211 0111 7 4 4 4	- GE,
0. 110.01.0()	Safet		of Act				tle 30 CFR				75.400		•	
	Othe	r 🗌												•
Section IIInspe	ector's Evalu	ation												
10. Gravity:														
A. Injury or			No Likelih	00d []	Unlikely 🗌		Reasonably	Likely	<u> </u>	Highly LI	kely	Occu	rred	
B. Injury or sonably	illness cou be expecte		No Los	st Work	days Lost W	/orko	lays Or Restr	icted D	uty 🗸	Perma	nently Dis	abling 🔲	Fatal []
C. Significa	ant and Sui	bstantial:	Ye	s 🔽	No 🗌					D. Numb	er of Perso	ns Affected	009	
11. Negligeno	e (check or	ne)	A. None]	B. Low 🗌 💢 🤇	C. Mo	oderate 🗹		D. High		E. Recl	dess Disreg	ard 🗌	
12. Type of Ad	ction	104(a	ı)		13. Type of Is	ssuai	nce (check or	ne)	С	itation 🔽	Orde	er 🗌	Safeg	uard 🗌
14. Initial Action		rder 🗀	C. Safegu	ard 🗀	D. Written Notice		E. Citation/ Order Nur	nber				F. Dated	.Mo Da	a Yr
15. Area or Ed									<u> </u>		<u>l</u>			
	-faibilietit				· .							·	·	
16. Termination	on Due	A. Date	Mo Da 09/25/2		B. Time (24 Hr. Clock	()	0800						·	
Section IIITen	mination Act	lion						_						
17. Action to	Terminate			<u> </u>						-				
18. Terminate	.d T	Mol	Da Yr	Γ	· · · · · · · · · · · · · · · · · · ·									
•	A. Date	•	-u 11	B. Time	e (24 Hr. Clock)		, 		-					
Section IVAut		tem Data	·•								<u>.</u>			
19. Type of In (activity co		E01	20. Even	Numbe	^r 4117130) 	21. P	rimary (or Mill		•			
22. Signature										23.	AR Numbe	er 23	3644	
						_								

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

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	- VI

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Section I-Subsequent Action/Continuation Data			NAME OF THE OWNER, AND THE OWNER, AN		,			
1. Subsequent Action 1a. Continuation	2. Dated Mo (Original Issue) 0	Da 09/24/200	'''	3. Citation/ Order Number	7268887 - 01			
4. Served To				5. Operator				
Bill Harless, Mine Foreman		PERFORMANCE COAL COMPANY						
6. Mine	7. Mine ID (Contractor)		(Contractor)					
UPPER BIG BRANCH MINE-SO		46-0843	D .					
Section IIJustification for Action		V						

The accumulations have been removed; therefore the citation is terminated.

		See Continuation Form
Pr B. Time (24 Hr. Clock)	☐ C. Vacated ☑ D. Terminated	E. Modified
10. Event Number 4117130		
AR Number 12. Date 23644	Mo Da Yr 13. Time (24 Hr.) 09/25/2007 111	•
	10. Event Number 4117130 AR Number 12. Date	B. Time (24 Hr. Clock) C. Vacated J. D. Terminated 10. Event Number 4117130 AR Number 12. Date Mo Da Yr 13. Time (24 Hr.

/line	Cif	atio	n/i	nr.	d۵r
/III II	1 111	75111	16 17 4	. /!!) HI

22. Signaturè



Aine Citation/Ord	ier		2	127/08		U.S. Departm Mine Safety at			ation		
Section IViolation Data	<u></u>				····		· · · · · · · · · · · · · · · · · · ·				hitting of Commission (Marie Innovance of Marie Innovance of Commission
	Da Yr 7/2007	2. Time (2	4 Hr. C 14(er- _{erf} onosynyo			3. Citation/ Order Nu	ımber	726888	38
4. Served To	.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,					5. Operator	***************************************	· · · · · · · · · · · · · · · · · · ·		 	
Harley Taylor, F	ireboss					PERFORMA	NCE CO	DAL COMP	ANY	•	
6. Mine						7. Mine ID	C 0040	76	· · · · · · · · · · · · · · · · · · ·		·
UPPER BIG BR	ANCH M	IINE-SOU	TH			40	6-0843	90			(Contractor)
8. Condition or Pract							· .	· /	8	a. Written I	Notice (103g)
The area f	rom th	e trac	k ov	ercast (br	eak	: 131) to	North	Mains	Brea	k No.	75 in
the main in	ntake	was no	t ad	lequately r and coal, g	ock	dusted,	in th	nat ther	e we	re la:	rge
								See Con	tinuation F	orm (MSHA	Form 7000-3a)
9. Violation A. He	olth 🗍	B. Section	····		C F	art/Section of			a.iacibo	VIII (IIIO) D ((o / o o o o o
Sa	fety 🗸 ther	of Act				itle 30 CFR		75.	402		
Section IIInspector's E	valuation										
 Gravity: A. Injury or Illness 	(has) (is):	No Likelih	ood 🗌	Unlikely 🗸		Reasonably Likel	y 🗀	Highly Likely		Occurre	ed [
B. Injury or illness sonably be exp			t Work	days ☐ Lost ₩	Vorkd	ays Or Restricted I	Outy 🔽	Permanent	iy Disabl	ing 🗌	Fatal 🗌
C. Significant and		-1-	s []	No 🗸				D. Number of	f Persons	Affected:	005
11. Negligence (che	k one)	A. None		B, Low	C. Mo	oderate 🗹	D. High	☐ E	. Reckles	s Disregar	d 🗌
12. Type of Action	104	(a)		13. Type of	Issua	nce (check one)	C	itation 🔽	Order [Safeguard 🗌
14. Initial Action A. Citation B	Order 🗌	C. Safegua	ard 🔲	D. Written Notice		E. Citation/ Order Number			F.	Dated	Mo Da Yr
15. Area or Equipme	nI										
			dans a caleman								
16. Termination Due	A. Dat	Mo Da 9 09/24/2		B. Time (24 Hr. Clo	ck)	0800					
Section IIITermination	Action										
17. Action to Termina	ate								•	•	
18. Terminated A. D)ate Mo	Da Yr	B. Tim	e (24 Hr. Clock							
Section IVAutomated	System Data					<u></u>	······································				
19. Type of Inspection (activity code)		20. Even	Numbe	411713	0	21. Primary	or Mill		 		and the second s

MSHA Form 70to-5, war 80 (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. In accordance with the /provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has

23. AR Number

23644

✓ Mine Citation/Order ✓ Continuation

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

$\langle\!\langle\rangle\!\rangle$

1. Subsequent Action 1a. Continuation 2. Dated (Original	Mo Da Yr 3. Citation/ 726	68888 - 01				
4. Served To	5. Operator	5. Operator				
Mike Kiblinger, Fireboss	PERFORMANCE COAL C	PERFORMANCE COAL COMPANY				
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436	7. Mine ID (Contractor) 46-08436				
Section IIJustification for Action						

Additional rock dust has been applied to the cited area; therefore the citation is terminated.

Section IIISubsequent Action Taken	kadit sarmay ny material and anagy publishes managan		Mi China sayan qayan sa isalah masa sa			See Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time (24	1 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IVInspection Data			77.			The second secon
9. Type of inspection $E01$	10. Event Number	4117130		i		
		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Cloc	k)
	-	23644		09/26/2007	1148	

N۸	ine	Cife	ation	\O	rder

2/27/08

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

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Section I-Violati	lon Data												
1. Date	Mo Da 09/17/2		2. Time (24 Hr. C 132		,			3.	Citation/ Order Numb	er 72688	89	
4. Served To	(1)11112	<i>1</i> 007		13			5. Operator			· · · · · · · · · · · · · · · · · · ·			
Harley Tay	lor, Fire	boss					PERFOR	MANCE	COAL	COMPAN	ĮΥ		
6. Mine							7. Mine ID	46-0	8436				******
UPPER BI		<u>√CH M</u>	INE-SOL	JTH			<u> </u>				0 - 104-14	(Contr	
8. Condition o		اما ج	11 har		exists k	202121	oina ot	+ h o	+ 100 cole	0770 200		Notice (103	
					ng to bi								
					fallen a		•				.дпассту	4000	
							-		· · •	1 -			
					4						,		
		,											
						·							
	•												
										See Continue	ation Form (MSH/	A Earm 7000 1	ia 🗆
9. Violation	A. Healt	h i	B. Section			101	Part/Section of			See Continue	mon conn linous	4 FOIM 7000-3	ia)
o. Violation	Safet	y •	of Act	•			itle 30 CFR	_		75.364(b)(1)		
Section IIInspe	1											· · · · · · · · · · · · · · · · · · ·	
10. Gravity:				,					1			. —	
A. Injury o			No Liketii	100d [Unlikely		Reasonably	Likely 🗸	j Hig	hly Likely	Occur	red 🗌	
B. Injury o sonably	r illness co be expec			st Work	days 🗌 💮 L	ost Workd	lays Or Restric	cted Duty	✓ F	ermanently D	Disabling 📋	Fatal 🗌	
C. Signific		The second secon	1_	s 🗸	No 🗌			Milatang sepang) - 170 - 20 - 20 - 20 - 20 - 20 - 20 - 20 -	D. 1	Number of Pe	rsons Affected	001	
11. Negligeno	ce (check	one)	A. None [B. Low	C. M	oderate 🗸	D. I	High 🔲	E. Ře	eckless Disrega	ard 🗌	
12. Type of A	ction	104((a)		13. Ty	pe of Issu	ance (check o	nė)	Citatio	on 🗹 💍 🗘	rder 🗌	Safegua	ard 🔲
14. Initial Act		rder 🗌	Ç. Safegu	ard 🗀	D. Written Noti	ice	E. Citation/ Order Nur	nber	_		F. Dated	Mo Da	Yr
15. Area or E						•	L		•				· · · · · · · · · · · · · · · · · · ·
7077404 01 44	.qa.p.mom												
40 Taraffasti	face Proces		Mo Da	V-									-
16. Terminati	on Dire	A. Date	9 09/24/2		B. Time (24 H	r. Clock)	0800						
Section IIITen	mination Ac	Ltion	0714712						~		· · · · · · · · · · · · · · · · · · ·		
17. Action to												1 - 19 - 200 - 10 1	
18. Terminate	ed A. Dat	Mo te	Da Yr	B. Tim	ne (24 Hr. Clock	,		· · · · · · · · · · · · · · · · · · ·	- CONTRACTOR OF THE CONTRACTOR	·····	Company and British Associated to the Conference of the Conference		Kananja danga ka
Section IV-Aut	tomated Svs	stem Data	· · · · · · · · · · · · · · · · · · ·	ــــــــــــــــــــــــــــــــــــــ			i i	· · · · · · · · · · · · · · · · · · ·		, , , , , , , , , , , , , , , , , , ,	Marine Laboratoria	·	
19. Type of I	nspection	E01	20. Eve	nt Numb	er 4117	 /130	21. Pr	imary or N	Aiji		aranda arang ng n		
22. Signature	<u> </u>		1							23. AR Nur	nber aa	C11	

MSHA Form 7000-3, 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 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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Outundation		FA. W. Y. W.	Trillo Od	roty and rican	ti i taliminoti attori		<u> </u>
Section I-Subsequent Action/Continuati	on Data						TOTAL CONTRACTOR
1. Subsequent Action 1a. Continua	tion 2. Dated (Original Issue)	Mo Da 09/17/20	1	3. Citation/ Order Number	7268889 - 01		
4. Served To			5. Operato	•			
Harley Taylor, Fireboss			PERFO	RMANCE CO	AL COMPANY		
6. Mine			7. Mine ID	16 00 12		(Contractor)	
UPPER BIG BRANCH MII	NE-SOUTH			46-0843	6		
Section IIJustification for Action						,	

The area has been scooped from 131 to 49 break; therefore the citation is terminated.

					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					The second secon
9. Type of Inspection E01	10. Event Number	4117130			
		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clock)
		23644		09/26/2007	1124

Mine	Ci	itati	l۸n	/O	rde	ľ
IVIII	\sim	II.a.	UII	$^{\prime}$. uci	

Mo Da Yr

Section I--Violation Data

1. Date

2. Time (24 Hr. Clock)

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

3. Citation/

<i>(</i> (3)
(%)

1. Date	Mo Da Yr 09/24/200		2. Time (2	4 Hr. Cloo 1420		_					3. Citatio Order	n/ Number	72688	90	
4. Served To	03/200							5. Operator	······································	• • • • • • • • • • • • • • • • • • • •					
Charles Sea	menske, Fir	eboss						PERFOR	MAN	CE CC	AL CON	1PANY			
6. Mine	~ DD 4310	* * * 413	m cori	TOY Y				7. Mine ID	46	-0843	6			(0	44N
UPPER BI 8. Condition of		н мш	и <u>Б-20 п</u>	IH						····			8a, Written		tractor)
		e+ 1.7	e nr	esent	- On	1 5011	th	track b	not:	veen.	hreak	s Nos			
in conn									7661	ACCII	DICAN	3 1103	1.10 60	41 a.	110
111 CO111.	·	OLO	· ·		2012	111 1100		•							
	-														
					•										
						•									
											See (Continuatio	n Form (MSH	A Form 7000)-3a) 🔲
9. Violation	A. Health] [3. Section					Part/Section of							
	Safety V		of Act				1	itle 30 CFR			7	5.400			
Section IIInsp	ector's Evaluati	on I	·				<u>}</u>								
10. Gravity:							•••								
	r Iliness (has)		No Likelih	ood 🗌	ι	Jnlikely 🔽		Reasonably	Likely		Highly LIE	ely 🗌	Occur	red 🗌	
	r illness could be expected t		No Los	st Workd	ays 📋	Lost	Work	days Or Restri	cted D	uty 🔽	Perma	nently Dis	abling 🗌	Fatal [
·	ant and Subst										D Numbe	r of Perso	ns Affected:		
O. Oigiline	ZIII UIII OUDS		Yes	3 <u> </u>	No 🗸	<u>'</u>			<u></u>		D, Ivalinoc	0110100	THEOREM.	001	
11. Negligeno	ce (check one)	, <u>.</u>	A. None]	B. Lov	<u> </u>	C. N	foderate 🗸		D. High		E. Rec	kless Disrega	ard 🗌	
12. Type of A	ction	104(a)			13. Type of	Issu	ance (check on	ie)		itation 🗸	Ord	er 🗌	Safeg	guard 🗌
14. Initial Act A. Citation		er 🔲	C. Safegua	ard 🔲	D. Writ	ten Notice [E. Citation/ Order Nun	nber				F. Dated	Mo D	a Yr
15. Area or E	quipment	••••••	 												
								•							
16. Terminati	ion Due .		Mo Da	Yr	D T	(0.4.11	-13	2000							
	٩	. Date	09/25/2		B. 1 ime	e (24 Hr. Clo	ск)	0800							
Section IIITe	rmination Action	1	· · · · · · · · · · · · · · · · · · ·												
17. Action to	Terminate														
		-													
40.7		54	\-\\-\\-\-\-						·····				··· ·		
18. Terminat	A. Date	WOL	a Yr	B. Time	(24 Hr.	Clock)									
Section IVAu	itomated System	n Data													
19. Type of I		E01	20. Event	Number		411713	0	21. Pr	imary	or Mill					
(activity of		ĽVΙ										AR Numb	er		
Oignatur												11.7 CAMILLE	23	3644	
MSHA Form 7	000-3, Mar 85 (revised)	In accor	dance will	n the pro	visions of the	Small	Business Regul	atory E	nforcemen	t Fairness Ac	t of 1996, t	he Small Busi	ness Admini	stration

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	r
Continuation	

U.S. Department of LaborMine Safety and Health Administration

19.26.1	
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Section ISubsequent Action/Continuation Data				
1. Subsequent Action 1a. Continuation 2. Dated Mo Da (Original Issue) 09/24/20	Yr 3. Citation/ Order Number 7268890 - 01			
4. Served To	5. Operator			
Mike Kiblinger, Fireboss	PERFORMANCE COAL COMPANY			
6. Mine	7. Mine ID (Contractor)			
UPPER BIG BRANCH MINE-SOUTH	46-08436			
Section IIJustification for Action				

Additional rock dust has been added to the cited area rendering the float coal dust inert; therefore the citation is terminated.

		See Continuation Form
Section IIISubsequent Action Taken 8. Extended To Mo Da	Yr	
A. Date	B. Time (24 Hr. Clock)	C. Vacated D. Terminated E. Modified
Section IVInspection Data		
9. Type of Inspection E01	10. Event Number 4117130	
	AR Number 12. Date	Mo Da Yr 13. Time (24 Hr. Clock)
	23644	09/25/2007 1047

22. Signatu



Mine Citatio	n/Order	10/91	07		irtment of L ty and Heal	_abor th Administration		
Section IViolation	on Data							
1. Date	Mo Da Yr 09/19/2007	2. Time (24 Hr. Clo 153			degree and the second s	3. Citation/ Order Number	7268891	
4. Served To	07/17/2007			5. Operator				
George Lev	o-Engineer	•	4	PERFOR	MANCE CO	DAL COMPANY	Y	
6. Mine		- Common Carolina Carolina	<u></u>	7. Mine ID	46-084	26		
	G BRANCH M	NE-SOUTH			40-004.	30 		(Contractor)
8. Condition of	r Practice	<u> </u>					8a. Written No	
section 09/11/2 given t	without poor. The omine with	prior appropriate plan was thin that	oval of th not approv distance u	e Distric red until Intil that	t Manage that da date.	No. 18A on er. This was te. Permiss The operate equested di	was obse sion was tor is w	rved on not
		·						
						See Continuati	ion Form (MSHA F	orm 7000-3a)
9. Violation	A. Health Safety V Other	B. Section of Act		C. Part/Section of Title 30 CFR	of	75.1700)	
Section IIInspe	ector's Evaluation							
10. Gravity: A. Injury o	r Illness (has) (is):	No Likelihood	Unlikely 🗸	Reasonabl	/ Likely 🔲	Highly Likely	Occurred	4 🗌
B. Injury o sonably	r illness could rea- be expected to be	No Lost Work	days ☐ Lost \	Norkdays Or Rest	icted Duty 📝	Permanently Di	sabling 🗌	Fatal 🗌
C. Signific	ant and Substantia	Yes 🗌	No 🗸	W.C		D. Number of Per	sons Affected:	009
11. Negligend	ce (check one)	A. None	B. Low	C. Moderate 🗸	D. High	ı ☐ E. Rec	ckless Disregard	
12. Type of A	ction 104(a)	13. Type o	f Issuance (check	one)	Citation 🗸 Ord	der 🗌	Safeguard 🗌
14. Initial Act A. Citation		C. Safeguard	D. Written Notice	E. Citation/			F. Dated	Mo Da Yr
15. Area or E	quipment							
16. Terminati	A. Date	Mo Da Yr 09/19/2007	B. Time (24 Hr. Ci	ock) 164	3			ymatha
Section IIITen	mination Action							
17. Action to			were disco the engin			ment at th	e mine w	ho
18. Terminat	A. Date 09/	Da Yr 19/2007 B. Tim	e (24 Hr. Clock	1645		4,004,00		
Section IV-Aut	tomated System Data							
19. Type of I		20. Event Number	er 411713	0 21.1	Primary or Mill		······································	

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

23. AR Number

23644

Mine	Citatio	n/Order

U.S. Department of Labor

23644



	· · · · · · · · · · · · · · · · · · ·	10/3/	07		Mine Safety a	nd Healt	h Administrati	on	ares	\\\\\
Section IViolati	on Data	and the second s								
1. Date	Mo Da Yr 09/24/2007	2, Time (24 Hr. Cla 125					3. Citation/ Order Numb	er 7268	892	
4. Served To	V V V V V V V V -				5. Operator					
	nenske, Firebo	OSS		n.b	PERFORMA	NCE CC	AL COMPAI	VΥ		
6. Mine	a				7. Mine ID 4	6-0843	6			
8. Condition or		MINE-SOUTH						مالانالا م	n Notice (1	ontractor)
		s over the	track at	the	mouth of	T.T.B N	io 1 hal	t for a		
•		y 10 feet.	CLACK AC	CITE	modell of	ע מנדנד	o. r per	L IUI a	arsc	ance
or abbr	ONTINGECT	y 10 1ccc.					-			
		•								
			•							
•		•								
							See Continu	ation Form (MS	UA Form 70	νω 3°/ □
9. Violation	A. Health	B. Section		C. F	Part/Section of		GCG GOMMA	and the comp	TIPET OHIT TO	
	Safety 🗸	of Act			itle 30 CFR		75.140)3		
Castian II Inone	Other	<u> </u>								
10. Gravity:	cioi s Evaluation			·····	 				 	
•	· Illness (has) (is):	No Likelihood	Unlikely 🗸]	Reasonably Like	у 🗍	Highly Likely	Occ	urred 🗌	
B. Injury or	illness could rea-			•••	daya Oz Daaldalad	Dotte [4]		Dis-615- []		
***********	be expected to be		days ∐ Los	E VVOIK	days Or Restricted	Duty 🔽	<u> </u>	Disabling [Fatal	<u> </u>
C. Significa	ant and Substanti	al: Yes 🗌	No 🗸				D. Number of Pe	rsons Affected	j: 00	9
11. Negligeno	e (check one)	A. None	B. Low	C. N	loderate 🗸	D. High	□. E. F	Reckless Disre	gard 🗌	
12. Type of Ad	ction 10	4(a)	13. Type o	of Issua	ance (check one)		itation 🗹 🤇	Order 🗌	Saf	eguard
14. Initial Action	on			•	E. Citation/	4	636408	F. Dated	Mo	Da Yr
A. Citation	B. Order	C. Safeguard 🗸	D. Written Notice		Order Number		030-100		08/	05/1996
15. Area or Ed	quipment						• •			
	•									
16. Termination	on Due A. Da	Mo Da Yr te 09/25/2007	B. Time (24 Hr. Cl	ock)	0800					
Section IIITen	mination Action									
17. Action to	Terminate					,				
18. Terminate	A. Date	No Da Yr B. Time	e (24 Hr. Clock)						#	
Section IVAut	omated System Da	ia .								
19. Type of In	spection	20. Event Numbe	41171;	30	21. Primar	or Mill		·····		
(activity co	ode) F.C		711/1,	<i></i>						
22, Signatu					1		23. AR Nu	mber 🧠	2644	

ா accordance with the provisions or ine Sman 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 and taley a response from the Chindren and the control of the Chindren activities and taley a response from the Chindren activities and tale activities activities and tale activities activities and tale activities and tale activities activities activities and tale activities activities activities activities activities and tale activities activ

Mine Citation/Order Continuation

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



				harver and recognition and the control free and references to	A STATE OF THE PROPERTY OF THE	
Section I-Subsequent Action/Continuation Data					<u> </u>	
Subsequent Action 1a, Continuation	2. Dated	Mo Da	. Yr	3. Citation/		
	(Original Issue)	09/24/20	07	Order Number	7268892 - 01	
4. Served To			5. Operato	or		
Bill Harless, Mine Foreman		PERFORMANCE COAL COMPANY				
6. Mine				7. Mine ID (Contractor)		
UPPER BIG BRANCH MINE-SO			46-0843	6		
Section IIJustification for Action			Control of the State of the Sta		·	

The track at the mouth of LBB has been raised out of the mud and water; therefore the citation is terminated.

litili a managaman musa a sa		and the second s		57. V. Selen Salata and M. Taraka and Co.				Commission of the Commission o	See Continuation Form	
Section IIISubse	quent Action Ta	ken							<u> </u>	
8. Extended To	A. Date Mo	Da	Yr	B. Time (24	Hr. Clock)		C. Vacated	D. Terminated	E. Modified	
Section IVInspec	Section IVInspection Data									
9. Type of Inspe	ection E01	H-W	10. E	vent Number	4117130			MANAGER AND COMMENT OF THE STATE OF THE STAT		
					AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ock)	
					23644		09/25/2007	1115		

Mine	Citation	/Order
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02/27/08

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





U	4 Jet 1/U o	while Salety and Health	Auministration
Section IViolation Data			
1. Date Mo Da Yr 2. 09/24/2007	Time (24 Hr. Clock)		3. Citation/ Order Number 7268893
4. Served To		5. Operator	
Charles Semenske, Fireboss		PERFORMANCE COA	L COMPANY
6. Mine LIDDED DICEDD ANCH MINE	Z COLTTU	7. Mine ID 46-08436	(Contractor)
UPPER BIG BRANCH MINI 8. Condition or Practice	2-300TH		8a. Written Notice (103g)
	lack in color, and co	oal has been all	owed to accumulate from
· · · · · · · · · · · · · · · · · · ·	e portal On the No. 1		
•			•
	·		•
	•		
		•	
		•	
	·		•
	•		See Continuation Form (MSHA Form 7000-3a)
Safety 🔽		Part/Section of itle 30 CFR	75.400
Other Section IIInspector's Evaluation			
10. Gravity:			,
•	o Likelihood Unlikely	Reasonably Likely	Highly Likely Occurred
B. Injury or illness could reasonably be expected to be:		days Or Restricted Duty 🔽	Permanently Disabling Fatal F
C. Significant and Substantial:	Yes ✓ No 🗌	[O. Number of Persons Affected: 001
11. Negligence (check one) A.	None B. Low C. N	loderate 🗸 D. High	E. Reckless Disregard
12. Type of Action 104(a)	13. Type of Issue	ance (check one) Cita	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 Equipment			
Territory Light Property Control			·
	Mo Da Yr 9/25/2007 B. Time (24 Hr. Clock)	1000	
Section IIITermination Action	9/23/2007		
17. Action to Terminate			
18. Terminated A. Date Mo Da	Yr B. Time (24 Hr. Clock)		,
Section IVAutomated System Data		,	
	20. Event Number 4117130	21. Primary or Mill	
22. Signature			23. AR Number 23644
			43011

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

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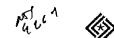
Section ISubsequent Action/Continuation Data								
1. Subsequent Action 1a. Continuation	Dated (Original Issue)	Mo Da 09/24/20	• • •	3. Citation/ Order Number	7268893 - 01			
4. Served To		-	5. Operator					
Mike Kiblinger, Fireboss		PERFORMANCE COAL COMPANY						
6. Mine			7. Mine ID (Contractor)					
UPPER BIG BRANCH MINE-SO			46-0843	6				
Section IIJustification for Action								
						<u> </u>		

The belt has been dusted from No.22 break to the portal; therefore the citation is terminated.

			~				,	See Continuation Form
Section IIISubse	quent Action Ta	aken						
8. Extended To	A. Date) Da	. Yr	B. Time (24 Hr. Clock)	60mi - 2,000 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 -	C. Vacated	✓ D. Terminated	E. Modified
Section IVInspec	ction Data							
9. Type of Inspe	ection E01		10. E	vent Number 4117130				от на принципания в до 10 м година (ССС) и ССС) и ССС
				AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ock)
				23644		09/25/2007	1040	

Mine	C	itat	เกเ	٦/	O	rd	ei

U.S. Department of Labor



23644



		02/27/08	Y		Mine Safety	and Health	Administ	ation ^બ	· \
Section IViolat	lion Data		The state of the s			Water Water and Water Street Street			de la companya de la
1. Date	Mo Da Yr 09/24/2007	2. Time (24 Hr. C					3. Citation/ Order Nu	mber 726889)4
4. Served To					5. Operator				
	menske, Firebo	OSS			PERFORM	ANCE COA	AL COMP	ANY	
6. Mine	ርረ ወወ ለአነርነቷ ነ	MINE-SOUTH			7. Mine ID	46-08436	ó		(Contractor)
8. Condition of		VIII -300 III	· · · · · · · · · · · · · · · · · · ·					8a, Written	Notice (103g)
		tion coupli	ng guard	at t	he No.	l south	belthe		
		act with mo							
								•	
•									
			,						
			,						
	·								
	•				•		San Car	itinuation Form (MSH/	Sarm 7000 20)
9. Violation	A, Health	B, Section		l C. F	art/Section of	· -	369.00	musion Form (WSF&	(Form 7000-3a)
	Safety 🗸 Other	of Act			itle 30 CFR		77.4	00(a)	
Section IIInsp	ector's Evaluation								
10. Gravity:	III	No Likelihood	l fullsohe		Reasonably Li	koh. 🗆	Lliable I Hab		
	r Illness (has) (is): r illness could rea-						Highly Likely	Occum	eu []
	be expected to be		days 🗌 L	ost Work	days Or Restrict	ed Duty	Permaner	ntly Disabling 🔽	Fatal
C. Signific	cant and Substanti	al: Yes 🗌	No 🔽				D. Number o	f Persons Affected:	001
11. Negligeno	ce (check one)	A. None	B. Low	C. N	loderate 🔽	D. High		E. Reckless Disrega	rd 🗌
12. Type of A	otion 10	4(a)	, 13. Тур	e of Issua	ance (check one)	Ci	tation 🗸	Order 🗌	Safeguard 🗌
14. Initial Act A. Citation		C. Safeguard	D. Written Notic	же []	E. Citation/ Order Numb	er		F. Dated	Mo Da Yr
15. Area or E	quipment				•				
						,			
			•						•
16. Terminat	ion Due A. Da	Mo Da Yr 09/25/2007	B. Time (24 Hr.	Clock)	0800		· · · · · · · · · · · · · · · · · · ·		
Section IIITer	rmination Action								
17. Action to	Terminate	•							
-									
18. Terminat	ed A. Date	no Da Yr B. Tim	e (24 Hr. Clock)				·		
Section IVAu	itomated System Da	la ·			- <u></u>	· · · · · · · · · · · · · · · · ·			
19. Type of li		20. Event Numb	er 4117.	130	21. Prim	ary or Mill			
22. Signat							1 23. AR	Number 22	644

MSHA Form.

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

Mine Citation/Order . Continuation

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

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CONTRACTOR OF THE PROPERTY OF	<u> </u>

\$20-19-19-19-19-19-19-19-19-19-19-19-19-19-			STATE OF THE PARTY	de la companya de la		
Section ISubsequent Ac	tion/Continuation Data	,			Chamat	
1. Subsequent Action	1a. Continuation	2. Dated	Mo Da	Yr	3. Citation/ 70 (0004 01	CHARLES CHILD CHARLES CHARLES CHARLES CHILD CONTROL CO
V		(Original Issue)	09/24/20	07	3. Gitation/ Order Number 7268894 - 01	
4. Served To	,			5. Operato	or ·	
Mike Kiblinger, F	ireboss			PERFO	RMANCE COAL COMPANY	
6. Mine				7. Mine ID	16.00106	(Contractor)
UPPER BIG BRA	NCH MINE-SO	UTH			46-08436	
Section IIJustification for	r Action					·

The guard has been secured on the speed reducer; therefore the citation is terminated.

Section IIISubse	quent Actio	n Take	n									See Continuation Form
8. Extended To	A. Date	Мо	Da	Yr	B. Time (24 Hr. Clock)				C. Va	cated	✓ D. Terminated	☐ E. Modified
Section IVInspec	tion Data											
9. Type of Inspe	ction E	01		10. E	vent Number 4117	130			S			
					AR Numbe	r 1:	2. Date	Мо	Da	Yr	13. Time (24 Hr. Cl	ock)
					23644			0	9/25/	2007	1002	

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111116-5	しれた	41 [[]]	мис	ıeı

10/31/07

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





and the state of t								
ction IViolatio								
Date	Mo Da Yr 09/24/2007	2. Time (24 Hr. Clo 152				3. Citation Order N		95
Served To				5. Operator				
	nenske, Firebo	SS			MANCE C	COAL COM	PANY	
Mine PPER BIO	G BRANCH N	MINE-SOUTH		7. Mine ID	46-084	36		(Contractor)
Condition or	Practice							Notice (103g)
ne sil	o walkway	ys are cove	red in roc	k and coa	l on bo	th side	·S.	
•		. •						
		,						·
			, 			See C	ontinuation Form (MSH.	A Form 7000-3a) [
Violation	A. Health ☐ Safety ✔ Other ☐	B. Section of Act		C. Part/Section of Title 30 CFR		77.	205(b)	
	ector's Evaluation							
. Gravity:	r Illnoon (han) (lo):	No Likelihood	Halikolu 🗍	Reasonably	Hikohr [7]	Highly Like	oh	rod [
B. Injury or	r Illness (has) (is):	NI- I L Marke	Unlikely	Workdays Or Restri			ently Disabling	redFatal
	be expected to be ant and Substantia		No 🗍			- 1	of Persons Affected:	001
. Negligence	e (check one)	A. None	B. Low	C. Moderate 🗸	D, Hig	h 🗌	E. Reckless Disrega	ard []
. Type of Ac	ction 104	l(a)	13. Type of	lssuance (check on	ıe)	Citation 🗸	Order 🗌	Safeguard _
. Initial Action		C. Safeguard	D. Written Notice	E. Citation/ Order Nun	nber		F. Dated	Mo Da Yr
. Area or Ec	quipment							
. Terminatio	on Due A. Da	Mo Da Yr 1e 09/26/2007	B. Time (24 Hr. Cloc	ok) 0800				
otion IIITerr	mination Action							
Action to	Terminate							
							•	
Terminate	A. Date	lo Da Yr B. Time	e (24 Hr. Clock)					
	omated System Dat	9						
Type of In		20. Event Number	411713	0 21. Pi	rimary or Mill			
Signatur						23. A	R Number 23	644

HA Form 7000-5, war so (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fatness Act of 1996, the Small Business Administration established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fatness Boards to receive comments from small businesses about federal ney enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the procedure of the National Ombudsman, 409 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, uding 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



Section I-Subsequent Action/Continuation Data		A-MANAGEMENT AND				
1, Subsequent Action 1a, Continuation	2. Dated (Original Issue)	Mo Da 09/24/20		3. Citation/ Order Number	7268895 - 01	
4. Served To			5. Operat			CONTROL OF THE CONTRO
Mike Kiblinger, Fireboss			PERFO	RMANCE CO	AL COMPANY	
6, Mine			7. Mine II	16,0040	((Contractor)
UPPER BIG BRANCH MINE-SO	OUTH			46-0843	Ö	
Section IIJustification for Action					•	

The accumulations have been removed from the silo walkways; therefore the citation is terminated.

			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 4117130	·	
	AR Number 12. Date	Mo Da Yr 13. Time (24 Hr. Clo	ck)
	23644	09/25/2007 1013	

Mine	Citat	ion	/O	rder
IVIIII	Vilui			ıvvı

22. Signatur

02/21/08

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

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Section IViolation Data							
. Date Mo Da Yr	2. Time (24 Hr. Cl			3.	. Citation/	7273085	
07/12/2007 4. Served To	110	0	5. Operator		Order Number	, _ , _ , _ ,	
Renny Presley (Block Su	nt)		PERFORMAN	NCE COAL	COMPANY		
6. Mine			7 14 15	5-08436			
UPPER BIG BRANCH M	IINE-SOUTH	-	40	0-08430			(Contractor)
3. Condition or Practice						8a, Written No	
An area of unsup the No. 2 entry controlled to pr been damaged to	50ft inby cotect pers	spad 21507. T ons from fall	he area w s from th	as not e roof.	supporte Two roo	d or oth f bolts	nerwise
		•					
	•						
						•	
				:	See Continuatio	n Form (MSHA Fo	rm 7000-3a)
9. Violation A. Health Safety ✓ Other	B. Section of Act	į - · · ·	art/Section of itle 30 CFR		75.202(a)	١	
Section IIInspector's Evaluation							
10. Gravity:							
A. Injury or Illness (has) (is):		Unlikely	Reasonably Likely	y 🚺 Hig	ghly Likely	Occurred	
 B. Injury or illness could rea- sonably be expected to be 		lays 🗌 🔻 Lost Workd	ays Or Restricted [Duty 🗸 🛚 I	Permanently Dis	abling 🗌	Fatal 🗌
C. Significant and Substanti		No 🗌		D.	Number of Person	ons Affected:	001
11. Negligence (check one)	A. None	B. Low C. Mo	oderate 🗸	D. High	E. Reck	less Disregard	
12. Type of Action 104	(a)	13: Type of Issua	ance (check one)	Citatio	on 🗹 Orde	er 🗌	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. Dat	Mo Da Yr e 07/12/2007	B. Time (24 Hr. Clock)	1130	-			
Section IIITermination Action							
17. Action to Terminate The	e agent of	the operator	had the r	coof bol	ts r epla	ced	
	o Da Yr /12/2007 B. Time	e (24 Hr. Clock)	1125		÷		
Section IVAutomated System Data							
19. Type of Inspection (activity code) E0	20. Event Numbe	4117130	21. Primary	y or 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 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

24284

Mine	Citati	on/	Orc	ler
IVIIII	CHOIL	VI 17	VII.	

22. Signature

02/27/08

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

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, - , / 33	mino saloty and risality tariffication
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 1145	3. Citation/ Order Number 7273086
4. Served To	5. Operator
Benny Presley (Block Supt.)	PERFORMANCE COAL COMPANY
5. Mine	7. Mine ID 46-08436
UPPER BIG BRANCH MINE-SOUTH	(Contractor)
8. Condition or Practice	8a. Written Notice (103g)
The 480 volt AC No. 2 Section scoop ch section is not being maintained in safe	
does not operate properly. There is no	÷
disconnecting the DC cables from the ba	
	See Continuation Form (ASSUA Form 7000 2c)
9. Violation A. Health B. Section C. F	See Continuation Form (MSHA Form 7000-3a)
	itle 30 CFR 75.512
Section IIInspector's Evaluation	
10. Gravity:	December liber C
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Llkely Occurred
B. Injury or illness could reasonably be expected to be: No Lost Workdays ☐ Lost Workd	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	oderate 🔽 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
	Crock Mullipol
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr 07/13/2007 B. Time (24 Hr. Clock)	0800
Section IIITermination Action	
17. Action to Terminate	
·	
18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)	
Section IVAutomated System Data	
40. Tune of Ingression 20. Event Number	21. Primary or Mill
(activity code) E01 20. Event Number 4117130	

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

24284

.ine Ci	tation/Order
Continu	ation

U.S. Department of LaborMine Safety and Health Administration

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7-19.7	

			aroty arra trouts		
Section ISubsequent Action/Continuation Da	la				
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da Yr 07/12/2007	3. Citation/ Order Number	7273086 - 01	
4. Served To		5. Opera	itor		
Benny Presley (Block Supt.)		PERFO	DRMANCE CO.	AL COMPANY	
6. Mine		7. Mine	16 09 42		(Contractor)
UPPER BIG BRANCH MINE-S	SOUTH		46-0843	0	
Section IIJustification for Action					
Change	From	, , , , , , , , , , , , , , , , , , , ,	То		
8. Condition Or Practice					
Reason To add "The operator ren	noved the scoop char	ger from service."			
To add "The agent of	the operate	or removed t	he scoop c	harger from	service"

<u></u>						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 4117130				
(b) (7)(C)	}					
11. Signat		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ock)
		24284		07/12/2007	1515	

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

Mine Citation/Order Continuation

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

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Continuation				1,1	AIIIIO OS	noty and Hoan	(i Administration		`//
Section ISubsequent Act	Automorphisms (Automorphisms (Automo								
1. Subsequent Action	la. Continuation	2, Dated	Мо	Da	Yr	3, Citation/	<i>ማሳማሳ</i> ለበረ ሰላ		THE RESIDENCE AND ADDRESS OF THE PERSONS ASSESSED.
V		(Original Issue)	07/1	2/200	7	Order Number	7273086 - 02		
4. Served To				[8	5. Operato	or .	<u></u>		******
Benny Presley (Blo	ock Supt.)			1	PERFO	RMANCE CO	AL COMPANY		
6. Mine				7	7. Mine ID	4.6.00.40	·	(Contractor)	
UPPER BIG BRA	NCH MINE-SO	UTH	·			46-0843	6		
Section II-Justification for	Action							The second secon	Production of the Production o

The charger stop controls were repaired

	uskoo daan Areka ya kana caa uu uu uu uu uu kan kanka kaka ka	underspressendlag skulktiverin (kviiniteli	See Continuation Form
Section IIISubsequent Action Taken			
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	☐ C. Vacated	D. Terminated E. Modified
Section IV-Inspection Data			
9. Type of Inspection E01	10. Event Number 4117130		
11. Signa	AR Number . 1	2. Date Mo Da Yr 1	3. Time (24 Hr. Clock)
describbook displating data displated.	24284	07/24/2007	1210

Mine	Citation	n/Ordei
IVILIE	Onado	" Oluci

02/21/08

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

14.13	.1	(>>)
44,		\ }//

Section IVio	olation Data				
1. Date	Mo Da Yr 07/12/2007	2. Time (24 Hr. Clock) 1155		3. Citation/ Order Number 72	73087
4. Served 1 Benny Pr	resley (Block Suj	ot.)	5. Operator PERFORMAN	CE COAL COMPANY	
6. Mine UPPER 1	BIG BRANCH M	IINE-SOUTH	7. Mine ID 46-	-08436	(Contractor)
8. Conditio	n or Practice			8a. V	Vritten Notice (103g)

The automatic emergency-parking brake on the battery powered scoop No. 2 located on the 029/030 MMU No.1 section would not bring the machine to a stop when the de-energization was activated. The machine continued to roll.

									See C	ontinuation Form	(MSHA F	orm 7000-3a)
9. Violation	A. Health Safety Other		B. Section of Act			Part/Section of itle 30 CFR			75,52	23-3(b)(1)		
Section IIInsp	ector's Evaluation	on								-		
10, Gravity:										•		
A. Injury o	r Illness (has)) (is):	No Likelihood	Unlikely 🗌		Reasonably	Likely	✓	Highly Llk	ely 🗌	Occurred	i 🗌
	r illness could be expected		No Lost Work	days 🗌 Lost 🗎	Vorkd	ays Or Restric	ted D	uty 🗌	Perman	ently Disabling	V	Fatal
C. Signific	eant and Subs	tantial:	Yes 🗸	No 🗌					D. Numbe	r of Persons Af	fected:	001
11. Negligen	ce (check one))	A. None	B. Low	C. M	oderate 🔽	-	D. High		E. Reckless [Disregard	
12. Type of A	Action	104(a	ı)	13. Type o	f Issu	ance (check o	ne)	C	itation 🗹	Order 🗌		Safeguard 🗌
14. Initial Act A. Citation		er 🗌	C. Safeguard	D. Written Notice		E. Citation/ Order Nun	nber			F. Da	ted	Mo Da Yr
15. Area or E	quipment											1 ,
	·											
16. Terminat	ion Due A	. Date	Mo Da Yr 07/12/2007	B. Time (24 Hr. C	ock)	1255						
Section IIITer	mination Action											
17. Action to	Terminate	The	brake was	adjusted	an	d the ma	ach:	ine w	ill no	ow stop	when	the
panic 1	bar is	ope:	rated	-								
18. Terminat	A. Date	07/1	Da Yr 2/2007 B. Tim	e (24 Hr. Clock)		1205		-				
Section IVAu	tomated Systen	n Data										
19. Type of I		E01	20. Event Number	411713	30	21. Pr	imary	or Mill				
22. Signature	e								23. /	AR Number	2428	 34

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	Citatio	on/Orde	ı
IMILIA	Ultalit	711/OIUC	

19. Type of Inspection

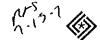
(activity code)

22. Signature

20. Event Number

E01

U.S. Department of Labor



02/27/08	Mine Safety and Health Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 07/12/2007 1216	3. Citation/ Order Number 7273088
4. Served To	5. Operator
Benny Presley (Block Supt.)	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID 46-08436
UPPER BIG BRANCH MINE-SOUTH	(Contractor)
8. Condition or Practice The No. 2 Fairchild scoop on the 029/0	8a. Written Notice (103g)
-	There is an opening in excess of .005
inches in the permissible enclosure co	
indies in the permissione encrosure co	medining the main circuit bleaker.
•	
•	
,	
	,
·	_
	See Continuation Form (MSHA Form 7000-3a)
	Part/Section of Title 30 CFR 75.503
Section IIInspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood ☐ Unlikely ✓	Reasonably Likely
B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Work	days Or Restricted Duty 🗸 Permanently Disabling 🗌 Fatal [
C. Significant and Substantial: Yes ☐ No ✔	D. Number of Persons Affected: 001
11. Negligence (check one) A. None B. Low C. F	Moderate ☑ D. High ☐ E. Reckless Disregard ☐
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/ F. Dated Mo Da Yr Order Number
15. Area or Equipment	
	•
·	•
16. Termination Due A Date Mo Da Yr D Time (24 lb. Clast)	
A. Date 07/12/2007 B. Time (24 Hr. Clock)	1300
Section IIITermination Action	
17. Action to Terminate The panel cover was remove	red, scraped and re-installed. The flame
path specification is now correct.	
18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)	1230
Section IVAutomated System Data	1.

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

4117130

21. Primary or Mill

23. AR Number

24284

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U.S. Department of Labor





		819/07		Mine Safety	and Health A	dministration	11.5
Section IViolat	ion Data						
1. Date	Mo Da Yr 07/24/2007	2. Time (24 Hr. Clock) 1115	_		3.	Citation/ Order Number 7273	3093
4. Served To			, , , , , , , , , , , , , , , , , , ,	5. Operator			
	ley (Block Supt	,)			INCE COAL	COMPANY	
	G BRANCH M	INE-SOUTH		7. Mine ID	16-08436		(Contractor)
8. Condition or	Commence of the party of the pa						ten Notice (103g)
MMU) is	not effe	high voltag ctively grou on the secti	inded to t	he high vo		No. 1 Section ound. The win	
			•	•			•
			•				
						•	
	•			*			
						See Continuation Form (M	SHA Form 7000-3a)
9. Violation	A. Health Safety 🗸 Other	B. Section of Act	(C. Part/Section of Title 30 CFR		75.811	
	ector's Evaluation			***************************************			
10. Gravity:	- lila - oo /bao\ /ia\:	No Likelihood	timiliante [4]	Reasonably Lik	ak [T] Lii	mbhailliata 🗔 💮 🗛	curred 🗀
	r illness (has) (is): r illness could rea-	No Lost Workdays	Unlikely 🗸	orkdays Or Restricted			
***************************************	be expected to be: ant and Substantial:		LOSI W	orkdays or Restricted		Permanently Disabling Number of Persons Affect	
11. Negligeno		163 [_] 11		. Moderate	D. High	E. Reckless Dis	

12. Type of A	ction 104(a)	13. Type of is	suance (check one)	Citatio		Safeguard
14, Initial Acti A. Citation		C. Safeguard D.	Written Notice	E. Citation/ Order Numbe	r	F. Dated	Mo Da Yr
15. Area or E	quipment						, , , , , , , , , , , , , , , , , , , ,
			. '		•	•	
16. Termination	on Due A. Date	Mo Da Yr 07/24/2007 B.	Time (24 Hr. Clock) 1130			ayanayan an ayang ang adag ada ang ang al-ga pilan al-banharan la ang anang an
Section III-Ter	mination Action						
17. Action to	Terminate ${ m The}$	ground was	attached	to the cab	le car b	y an agent o	f the
operato	or.						
18. Terminate	I A I Data	Da Yr 24/2007 B. Time (2	4 Hr. Clock)	1120	·	onen en	agazantaki ingki tamban tamupun piyining mga ki ta
Section IVAu	tomated System Data						
19. Type of Ir (activity c		20. Event Number	4117130	21. Prima	ry or Mill		
22. Signature			gargayan ya <u>nnan yayan da aya da kab</u> ababa	<u> </u>		23. AR Number	24284

sions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration MSHA Form 70 Stones of the Small Business Act of 1995, 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	U.S. Department of Labor Mine Safety and Health Administration
Section IViolation Data	The state of the s
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 07/24/2007 1145	3. Citation/ Order Number 7273094
4. Served To	5. Operator
Benny Presley (Block Supt.)	PERFORMANCE COAL COMPANY
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)
8. Condition or Practice	8a. Written Notice (103g)
Roof bolt torque on the 029/030 MMU No.	1 section could not be reliably
checked. Both torque wrenches on this s	section had defective dials would not
indicate with reliablity the actual tor	
·	
	See Continuation Form (MSHA Form 7000-3a)
	Part/Section of title 30 CFR 75.204(f)(4)
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 Lost Workdays	days Or Restricted Duty 🔽 Permanently Disabling 🗌 Fatal 🗌
C. Significant and Substantial: Yes ☐ No ✓	D. Number of Persons Affected: 001
11. Negligence (check one) A. None B. Low C. M	oderate 🗹 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 B. Time (24 Hr. Clock)	1800
Section IIITermination Action	
17. Action to Terminate	

MSHA Form 7000 or, may do (refuse) and Consensus manual 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

24284

Mo Da

A. Date

Section IV--Automated System Data

18. Terminated

19. Type of Inspection

(activity co 22. Signature

Ϋ́г

20. Event Number

B. Time (24 Hr. Clock)

4117130

Mine Citation/Order Continuation

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

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Section I-Subsequent Action/Continuation Data					
1. Subsequent Action 1a. Continuation 2. Dated Mo Da (Original Issue) 07/24/20	Yr 3. Citation/ 007 Order Number 7273094 - 01				
4. Served To	5. Operator				
Benny Presley (Block Supt.)	PERFORMANCE COAL COMPANY				
6. Mine	7. Mine ID (Contractor)				
UPPER BIG BRANCH MINE-SOUTH	46-08436				
Section IIJustification for Action					

Both torque wrenches were replaced

						See Continuation Form.
Section IIISubsequent Action Taken						
8. Extended To A. Date Mo Da	Yr B. Time	e (24 Hr. Clock)		☐ C. Vacated	✓ D. Terminated	E. Modified
Section IVInspection Data					,	
9. Type of Inspection E01	10. Event Nur	mber 4117130				
11. Signature		AR Number	12. Date	Mo Da Yr	13, Time (24 Hr. Clos	Ek)
ANTERNOOMAN SERVICE AMERICA - STEERAGE SERVICE		24284		08/01/2007	1020	

Mine	Citat	inn/	(O)	der

U.S. Department of Labor



24284

				9	1/28/	67		Mine S	afety a	and Hea	Ith Admini	stration		* {	
Section I-Violat	ion Data				od objetlikatok		akaanisana						Parkettali kiparki kustandi medileksi 1	Maria de maria de la companya de la	
1. Date	Mo Da Y 07/24/20		2. Time (2	4 Hr. Ck 123							3. Citatio Order	n/ Number	727309	5	
4. Served To		(*************************************	<u> </u>	-			elett al addissaulat e	5. Opera						gamenta de la composição	
Benny Pres	ley (Block	Supt.)							NCE C	OAL CON	PANY			
6. Mine	C' DD ANG	*11	NIEZ CONT	या ।				7. Mine I	D 4	6-084	36			(01	
UPPER BI 8. Condition or		H MI	NE-SUU	IH		,		1	L.,	·		· · · · ·	Ba. Written N	(Contr	
The ope		is r	ot su	กกไข	ina	additi	ona	al re	scue	rs su	fficier		all	ionoc (105	<u> </u>
passeng	gers ca	pabl	e of	ridi	ng o	n the	No	4 and						rips	
enter a	ind exi	t tr	e min	e on	ar	egular	ba.	asis.			•				
											•				,
,						•									
•															
											0	###!	C 240114	F 7000	<u>.</u>
9. Violation	A, Health	T	B. Section	·	*****		l c i	art/Section	n of		366.	OHUBIKAL	Form (MSHA	Point 7000-	за) <u>[</u>]
0. 1.0.0.0.0.1	Safety	= 1	of Act				1	itle 30 CF			75.1	714-4(b))		
Section IIInsp	Other	lion					<u> </u>		······································				· · · · · · · · · · · · · · · · · · ·		
10. Gravity:	octor a Lvaluar	1011				 		· · · · · · · · · · · · · · · · · · ·			<u>,</u>				
-	r Illness (has)) (is):	No Likelih	ood 🔲	ŧ	Inlikely 🔽		Reason	ably Like	ely 🔲	Highly Lik	ely 🗌	Occurre	ad 🗀	
	r iliness could		No Los	t Work	days 🗌	Lost '	Work	days Or R	estricted	J Duty 🖂	Permar	nently Disal	olina 🗀	Fatal 🗸	r)
***************************************	be expected ant and Subs			3 []	No 🗸	/					D. Number			009	-1
11. Negligeno	e (check one	·)	A. None	·	B, Lov		C M	loderate		D. Higi	<u> </u>	F Rackle	ess Disregar		
12. Type of A		104(a			D. 200	13. Type of	ninastarp.e			Pi Tigi	Citation 🗸	Order	· · · · · · · · · · · · · · · · · · ·		uard 🗌
14. Initial Acti		10-1/6	+1					E. Citatio					. Dated		· · · · · · · · · · · · · · · · · · ·
A. Citation		ler 🗀	C. Safegu	ard 🗍	D. Writ	ten Notice [_		number Number				. Daleu	Mo Da	Tr
15. Area or E	aulpment				***				unu uurun a Sepusia laan					100-114-114-114-114-114-114-114-114-114-	demonstration of the second
														•	
															•
16. Termination	on Due		Mo Da	Yr								,	-		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
, , , , , , , , , , , , , , , , , , , ,	1	A. Date	07/31/2		B. Time	e (24 Hr. Clo	ck)	0	300						
Section III-Ter	mination Actio	R													
17. Action to	Terminate														
			٠												•
				· · · · · · · · · · · · · · · · · · ·				ئىيدا يىسلىرى			***************************************				ru-wa-m-pa-p
18. Terminate	A. Date	Mo	Da Yr	B. Time	e (24 Hr.	Clock)								•	
Section IVAu	tomated Syste	m Data		L,	<u> </u>					***************************************	de de la companya de				
19. Type of Ir (activity o	spection	EΔ1	20, Event	Number	· ·	411713	0	2	. Primai	ry or Mill		· · · · · · · · · · · · · · · · · · ·			han yan sa
22. Signature						d a state of the s	and the state of t		dente promise una		23. /	R Number	240		
											,		79.47		

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 abrualty 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.

⊿ine Citation/Order	٠
Continuation	

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

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Section I-Subsequent Ac	ion/Continuation Data						
1. Subsequent Action	1a. Continuation	2. Dated	Mo	Da Yr	3. Citation/	ማኅማኅለባል ለ1	i ·
V		(Original Issue)	07/24	/2007	Order Number	7273095 - 01	
4. Served To		<u> </u>		5. Open	ator		
Benny Presley (Bl	ock Supt.)			PERF	ORMANCE CO	OAL COMPANY	
6. Mine			····	7. Mine	ID 46 00 40		(Contractor)
UPPER BIG BRA	NCH MINE-SO	UTH			46-0843	6	
Section IIJustification for	Action		Hermografia proposal constitue con	AND THE RESERVE AND THE PROPERTY OF THE PROPER		And the same of th	

The operator has requested that the abatement time for this citation be extended. SCSR's have just been received on 8/01/2007, therefore an extension is justified.

Miller consumer, we observe the hand are as substantial to the substan			samusakain maay oli maanain aksampa, kini in maan		ee Continuation Form
ection III-Subsequent Action Taken			kanda uurus makkanna maanaa kalaban k		
Extended To A. Date Mo Da Yr 08/06/200		0800	C. Vacated	D. Terminated	E. Modified
ection IV-Inspection Data	The state of the s				
. Type of Inspection E01 10.	Event Number 4117130				
1. Signat	AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clock)	
444-millionary of participation of the state	24284		08/01/2007	1341	

Mine	Citation/Order
Confi	nuction

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

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0-1-1-0-1	attender Date		talian managarita	taran managan					Services.
Section ISubsequent Action/C	ontinuation Data		eensi Winasaa oo aan						
1. Subsequent Action 1a. C	ontinuation	2. Dated (Original Issue)	Mo 07/2	Da 24/200	'' 1	Citation/ Order Number	7273095 - 02		
4. Served To					5. Operate	or			
Rick Hodge, Superint	endent]I	PERFO	RMANCE CO	AL COMPANY		
6. Mine				7	7. Mine IC			(Contractor)	
UPPER BIG BRANCH MINE-SOUTH				\		46-0843	66		
Section IIJustification for Actio	n					······································			

Additional SCSRs have been ordered; therefore, additional time is granted.

					See Continuation Form
8. Extended To A Date Mo Da	Vr I				······································
8. Extended To A. Date 08/22	B. Time (24 Hr. Cloc	ck) 0800	C. Vacated	D. Terminated	E. Modified
Section IVInspection Data					
9. Type of Inspection E01	10. Event Number 41	17130			
(b) (7)(C)					
	AR Num	nber 12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ock)
	23644		08/08/2007	1600	

Mine Citation/Order Continuation

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



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Section I-Subsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 07/24/20	"	3. Citation/ Order Number	7273095 - 03	
4. Served To			5. Operato	or		
Bill Harless, Mine Foreman			PERFO	RMANCE CO	AL COMPANY	
6. Mine			7. Mine ID	46.0040		(Contractor)
UPPER BIG BRANCH MINE-SO	OUTH			46-0843	Ö	
Section IIJustification for Action						

The no. 7 mantrip has been equipped with the required number of SCSR's in the cache. The no. 4 mantrip is still awaiting the arrival of the SCSR's on order. The SCSR's are due to arrive on 09-10-2007.

				See Continuation Form	n 🔼
Section III-Subsequent Action Taken					
8. Extended To A. Date Mo Da Yr O9/10/2007 B. Time (24 Hr. Clock)	1200	C. Vacated	D. Terminated	E. Modified	
Section IVInspection Data					
9. Type of Inspection E01 10. Event Number 41 171	30	,			
		4 800			
AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ck)	
23644		08/14/2007	1613		

Mine	Citation/Order
Confi	nuetion

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

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Section I-Subsequent Action/Continuation Data			
1. Subsequent Action 1a. Continuation 2. Dated	Mo Da Yr	3. Citation/ 7272005 04	
☑ (Origin	1 Issue) 07/24/2007	Order Number 7273095 - 04	
4. Served To	5. Opera	tor	,
Earl Roles, Outby Maintenance Chief	PERFC	RMANCE COAL COMPANY	
6. Mine	7. Mine I	D 46 00 40 6	(Contractor)
UPPER BIG BRANCH MINE-SOUTH		46-08436	
Section II-Justification for Action			

The required self-rescuers have now been supplied on the No. 4 mantrip completing the requirements; therefore, the citation is terminated.

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 4117130				
	AR Number 23644	12. Date	Mo Da Yr 09/09/2007	13, Time (24 Hr. Clo 2328	ck)

√ine	A16.	ation	10	-4
wille.	UII	auoi	1/ U	luer.

22. Signature

U.S. Department of Labor





8/9/07	Mine Safety and Health Administration
Section I–Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 07/24/2007 1130	3. Citation/ 7273096 Order Number
4. Served To	5. Operator
Bill Harless, Mine Foreman	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID 46-08436
UPPER BIG BRANCH MINE-SOUTH 8. Condition or Practice	(Contractor) 8a, Written Notice (103g)
	ead are energized with exposed elements.
	3-10-10-10-10-10-10-10-10-10-10-10-10-10-
	•
	See Continuation Form (MSHA Form 7000-3a)
	C. Part/Section of
Safety of Act Other	Title 30 CFR 75.522-1(a)
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 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	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 Mo Da Yr R Thu (2411) Clark	
A. Date 07/24/2007 B. Time (24 Hr. Clock) 1200
Section III-Termination Action	
17. Action to Terminate The bulbs were replaced.	
·	
18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)	1338
Section IVAutomated System Data	
	21. Primary or Mili
19. Type of Inspection (activity (add 7)(0) FO1 20. Event Number 4.117130	

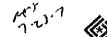
ess Act of 1996, the Small Business Administration as established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small businesses. If you wish to comment on the inforcement 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 and 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, notuding the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

23. AR Number

-23644-2428

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4116	Ulti	รแบ	11/	ノモレ	131

2. Signature





ine Ollan	on/Oider	8/9/	07		Mine Safety			ation	
Section I-Violat	ion Data								
1. Date	Mo Da Yr. 07/24/2007	2. Time (24 H	r. Clock) 1120	<u></u>			3. Citation/ Order Nur	nber 72730	97
4. Served To	.0112112001		2 4 20 20 20 20 20 20 20 20 20 20 20 20 20	· · · · · · · · · · · · · · · · · · ·	5. Operator		**************************************		<u></u>
Bill Harles	s, Mine Forer	ทลท				ANCE CO	DAL COMP	ANY	
6. Mine	3, 141IIIO 1 OTO	116474			7 14:- 15		ويبخسط ويبدب فللتخارض سنسط		200000000000000000000000000000000000000
	G BR ANCH	MINE-SOUTH	1			46-0843	6		(Contractor)
8. Condition or		MINTE-SOUTI			<u> </u>			8a \Mritten	Notice (103g)
مداري والمستقل المستقل والمستقل		will not		+ TD1	NA E V	2024 /X	70 7 70		nen the
					5 NO. 5 I	read (r	vo. Z se	CCTOH) WI	ten the
test bu	itton was	s mashed (3 tries)	•					
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							Can Cani	luvetina Ferra 04014	10 E 7000 0-> □
	1 = 1						269 COU	inuation Form (MSF	A Form 7000-3a) . 🔲
9. Violation	A. Health	B. Section			Part/Section of Fitle 30 CFR	•	75 110	11 17-1	
	Safety	of Act			ILLE SO CER		75.110	11-1(a)	
Castian II In	Other ector's Evaluation								
10. Gravity:	SCIOI S EVAIUATION	 							**************************************
A. Injury or	Illness (has) (is		I Unii	kely 🗸	Reasonably Li	kely 🗌	Highly Likely	Occu	rred 🗌
B. Injury or sonably	lliness could rea be expected to b	i- e: No Lost V	Vorkdays 🗌	Lost Worl	days Or Restricte	ed Duty 🗸	Permanen	tly Disabling	Fatal
C. Significa	ant and Substan	tial: Yes [No 🗸				D. Number of	Persons Affected:	010
11. Negligeno	e (check one)	A. None	B. Low [v	C. N	/loderate	D. High		. Reckless Disreg	ard 🗌
12. Type of A	otion 1()4(a)	13	. Type of Issu	ance (check one)		Citation 🗸	Order 🗌	Safeguard 🗌
14. Initial Action A. Citation		C. Safeguard	□ ħ \Wri#fen	Notice	E. Citation/ Order Numb	er		F. Dated	Mo Da Yr
		o. oajeguaia		110000					
15. Area or Ed	quipment								
		•							
						•			
16. Termination	on Due	Mo Da Yr	B Time (2	4 Hr. Clock)	1230	į			
		o7/24/200	7 5. 1		1230				
Section IIITen	mination Action								
17. Action to	Terminate ጥ	he deluge	now ope	rates w	hen test	ed.			
	~-								
									4
8. Terminate	"IA Data	Mo Da Yr	Time (24 Hr. Ck	nck)	1344	*		-	
	A. Date (7/24/2007	THIS (Z4 FIL CH	~n)	1344	i.			
lection IVAut	omated System D	The second secon							
9. Type of In		20. Event Nu	ımber	117100	21. Prim	ary or Mili			
(activity co		01	4	117130	.]	.,			

Is HA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1998, the Small Business Administration as established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal 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 inforcement 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 of 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, cluding the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

23. AR Number

23644 24284

Mine	Citation	n/Order
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Mine Citatio	on/Order		8/9/0	7		U.S. Departn Mine Safety a			tration	7.1	,5.01	
Section IViolat	lon Data						**************************************		erronyear-document		AND DESCRIPTION OF THE PARTY OF	
1. Date	Mo Da 07/24/20		2. Time (24 Hr. C					3. Citation Order N		727309	8	<u> </u>
4. Served To		<u> </u>			dolong, and the find of	5. Operator	<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>					
Bill Harless	s. Mine F	orema	n .			PERFORMA	NCE CO	AL COM	PANY			
6. Mine			and the same constitution of the same constitu		handisha (Ashiran)	7. Mine ID	6 0042			The state of the s	<u></u>	
UPPER BIO	G BRAN	CH M	INE-SOUTH			4	6-0843	O			(Conti	ractor)
8. Condition or									, {	Ba, Written N		
			offside o									
was not	secu	red	to prevent	contact	with	n moving]	parts	on the	$_{ m LBB}$	No. 5	belt.	•
						•						
								•				
					÷					•		
										•		
								See Co	ontinuation	Form (MSHA	Form 7000 -	.3a) 🗌
9. Violation	A. Health	П	B. Section		C. F	art/Section of					و (ماطاند سند سانت	
	Safety		of Act			itle 30 CFR		75	.1722			
	Other	<u> </u>										
Section IIInspe	ector's Evalua	ation		<u>,</u>	,					d		
10. Gravity:	illness (has	e) (ie)·	No Likelihood	Unlikely		Reasonably Like	ehr 🗀	Highly Like	lv 🖂	Occurre	ud [T]	
	illness cou		140 Elicellilood	Onnon	<u> </u>	iteasonably Like	ei y [_]	ragany Line	יבן עי	·	u []	
	be expected		No Lost Worl	days ☐ L	ost Work	days Or Restricted	l Duty 🗌	Permane	ently Disal	oling 🗸	Fatal []
	ant and Sub		Yes 🗌	No 🗸	-			D. Number	of Person	Affected:	001	
11. Negligeno	e (check on	e)	A, None	B. Low	Ç. M	oderate 🗸	D. High		E. Reckl	ss Disregar	d [
12. Type of A	ction	1040	(a)	13. Тур	e of Issua	ince (check one)	(Citation 🗸	Order		Safegi	uard [
14. Initial Action			C Cofemies [7]	D 10/rHan Natio		E. Citation/			F	. Dated	Mo Da	Yr
A. Citation	B. Or	ger	C. Safeguard	D. Written Notic	* []	Order Number						
15. Area or Ed	quipment											
16. Termination	on Due	A. Date	Mo Da Yr	B. Time (24 Hr.	Clock)	2300		·				en-electronic and a second plan
			07/24/2007	D. 13110 (2.1111	410011	2300						
Section IIITen		on	·			,						
17. Action to	Terminate		•			,						
-										•		
18. Terminate	d .	Mo	Da Yr				***************************************	,			and the state of t	
	A. Date	ı	B. Tim	e (24 Hr. Clock)								
Section IV-Aut	omated Syst	em Data										
19. Type of in	spection		20. Event Number	A 1 1 77	120	21. Prima	ry or Mill					
(activity co		E01	1	4117	130	· }						

MSHA Form 7000-3, mar as (revised) In accordance with the provisions of the Ombudsman and 10 Regional Fairness Boards to receive comments from 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

-23644

22. Signature

ane Citation/Order

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





Continuation		an and an annual state of the s		Mine S	afety and Healt	h Administration	У.	
Attended to the Control of the Contr	t Action/Continuation Data							
1. Subsequent Acti	on 1a. Continuation	2. Dated (Original Issue)	Mo Da 07/24/2		3. Citation/ Order Number	7273098 - 01		
4. Served To				5. Opera	tor .			
Bill Harless, M	line Foreman			PERF	DRMANCE CO	AL COMPANY		
6. Mine				7. Mine	D 46 0043		(Contractor)	
UPPER BIG B	RANCH MINE-SO	UTH	WANTED TO BE SEEN TO SEE		46-0843	0		-
Section II-Justification	n for Action							,

The guard on the rear motor was replaced

· · · · · · · · · · · · · · · · · · ·		L CONTRACTOR	e production in					the transfer of the same of		See Continuation Form
. Extended To	quent Action Take Mo A. Date	Da	Yr	B. Time (24	Hr. Çlock)		☐ c.\	/acated	D. Terminated	E. Modified
ection IVinspe	ection E01		10, Ev	vent Number	4117130					person all the later company of the later company o
1. S					AR Number 24284	12. Date	Mo Da 08/01	Yr /2007	13. Time (24 Hr. Ck	ock)

⊿ine C	itation	ı/Order
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23644 2428

Aine Citation/Order	U.S. Department of Labor Mine Safety and Health Administration	12,
Section I-Violation Data		
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 07/24/2007 1443	3. Citation/ Order Number 727	73099
4. Served To	5. Operator	
Bill Harless, Mine Foreman	PERFORMANCE COAL COMPANY	
6. Mine	7. Mine ID 46 00426	
UPPER BIG BRANCH MINE-SOUTH	7. Mine 10 46-08436	(Contractor)
8. Condition or Practice	8a, W	ritten Notice (103g)
The LBB No. 1 belt has 6 rollers turn	ing in gob and 4 stuck rollers	beginning
at the airlock and extending to the he	ead, a distance of approximate	ely 100 feet.
•	•	
·		
	•	
·		
	•	
	See Continuation Form	(MSHA Form 7000-3a)
9. Violation A. Health B. Section	. Part/Section of	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Safety of Act	Title 30 CFR 75.400	
Other _		
Section II-Inspector's Evaluation		
10. Gravity:		
A. Injury or Illness (has) (is); No Likelihood Unlikely	Reasonably Likely Highly Likely C	Occurred
B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays	orkdays Or Restricted Duty 🗹 Permanently Disabling	☐ Fatal ☐
C. Significant and Substantial: Yes ☐ No ☑	D. Number of Persons Affe	cted: 010
11. Negligence (check one) A. None B. Low C	. Moderate ☑ D. High ☐ E. Reckless D	isregard 🗌
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/ F. Date Order Number	ed Mo Da Yr
15. Area or Equipment	angan dan dan dan dan dan dan dan dan dan d	
10. Alea of Equipment		ř
16, Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)	1600	
Section III-Termination Action		
17. Action to Terminate	Minagen and American	<u> </u>
17.7 Octob to Terminato	•	
		•
18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)		ina yang distributa yang distr
Section IVAutomated System Data		Parameter Proposition of Parameter State (1997) All Conference State (1997)
9. Type of inspection (activity code) E01 20. Event Number 4117130	21. Primary or Mill	Alexander de la compansión de la compans
2. Signature	23. AR Number	22611 0 U 2 Set

ISHA Form 70
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U.S. Department of Labor Mine Safety and Health Administration



Section I-Subsequent Action/Continuation Data	on some Armen of the Armen of t	pleases to provide the second provide the second poly		promision in the section of the sect	and the second control of the second of the second control of the	aranda alikaringa sakaringa sakaringa sa makaringa na manga pakarang sa sakaringa sakaringa sakaringa sakaring Baranda alikaringa sakaringa sakaringa sa makaringa sakaringa pakarang sa sakaringa sakaringa sakaringa sakari
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 07/24/20	• •	3. Citation/ Order Number	7273099 - 01	
4. Served To			5. Operate	or		e Taly α _τ ου <u>του του του του του του του του του του </u>
Bill Harless, Mine Foreman			PERFO	RMANCE CO	AL COMPANY	
6. Mine			7. Mine ID	46.0043	<i>C</i>	(Contractor)
UPPER BIG BRANCH MINE-SO	UTH		1	46-0843	0	
Section IIJustification for Action						,

The LBB No.1 belt area listed in the original action has been cleaned and rock dusted

					si Sanga Paganasa Ata Banasa			See Continuation Form]
ection III-Subsequent Action Taken		electrica	er sommer denne år er			an Kalangan ang ang ang ang ang ang ang ang an	anna da anternamentalista de martino anternamento de la companya de la companya de la companya de la companya		/// ·
. Extended To A. Date Mo Da	Υr	B. Time (24	Hr. Clock)		C. Va	cated	D. Terminated	☐ E. Modified	
ection IV-Inspection Data						· · · · · · · · · · · · · · · · · · ·			Section 1
Type of inspection E01	10. E	vent Number	4117130	open de la company de la compa	Application of the second seco		A STATE OF THE PROPERTY OF THE	ontoner til han menga kilanga ar nyagang kili mengga kada kada kada kada kada kada kada k	ma
(b) (7)(C)	1								
I. Signature			AR Number	12. Date	Mo Da	Ϋ́r	13. Time (24 Hr. Clox	ж)	2.00
			24284		08/01/	2007	0900	•	
						-		and the second s	jest-
SHA Form 7000-0a, war oo (revised)									

<i>.d</i> ine	Cita	ti∩n.	/Ordei

8/13/07

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



Section I-Vi	olation Data					the same of the sa	Peter and Company on the Company of the Com-
1. Date	Mo Da Yr 08/01/2007	2. Time (24 Hr. Clock) 1215		3	. Citation/ Order Number	7273102	
4. Served T	Ö		5. Operator				
Benny Pr	resley (Block Sup	t.)	PERFORM	MANCE COAL	. COMPANY		_
6. Mine			7. Mine ID	46-08436	and the second s		**************************************
UPPER :	BIG BRANCH N	IINE-SOUTH		40-00430			(Contractor)
8. Condition	n or Practice					8a. Written Notic	e (103g)

The no. 15 permissible pump located at the no. 14 break in the LBB Mains right return entry is not being maintained in a permissible condition. There is an opening in excess of 0.010 inch in the cover plate of the breaker box.

				•				
						See Co	ntinuation Form (MSHA	Form 7000-3a)
Ott	ety 🗸 ner 🗌	Section of Act		C. Part/Section of Title 30 CFR	f	75	.503	
Section II-Inspector's Eva	luation				سين بير سيد مستمير بين مسارية مستوري			
10. Gravity: A. Injury or Iliness (I	see) (ie):	No Likelihood	Unlikely 🗸	Descensh	ty Likely	Highly Likel	y 🗍 Occurr	
		MO FIVEILLOOG	Onnikery (V	I/edaviidn	ly cinely	riigiliy Like	y [] Occom	eu []
B. Injury or illness of sonably be expec		No Lost Work	iays 🗌 Lost	Workdays Or Resi	ricted Duty 🔽	Permans	ntly Disabling	Fatal 🗍
C. Significant and S	ubstantial:	Yes 🗌	No 🗸			D. Number of	of Persons Affected:	001
11. Negligence (check	one) A	None 📋	B. Low 🔲	C. Moderate 🗸	D. High		E. Reckless Disrega	rd 🗌
12. Type of Action	104(a)		13. Type of	f Issuance (check c	ne)	Citation 🗸	Order 🗌	Safeguard [
14. Initial Action A. Citation B.	Order 🔲 🤇	C. Şafeguard [D. Written Notice	E. Citation/ Order Nu	ımber		F. Dated	Mo Da Yr
15. Area of Equipment	!							
. ,								. *
	•							
16. Termination Due	A. Date	Mo Da Yr 08/02/2007	B. Time (24 Hr. Ck	ock) 080	0	,		akaligan neggang bi kacamatan kan manga mpinantah bada kangang gagapa saman
Section III—Termination A	ction						,	
7. Action to Terminate)			,		, , , , , , , , , , , , , , , , , , , ,		,
						•		
							•	
8. Terminated A. Da	Mo Da	a Yr B. Time	e (24 Hr. Clock)	g galanggang ang galandang ay yang galang a		Tanadania, <u>and State</u> and State and	·	i dida pinangan di dida mangangan di d
ection IVAutomated S	rstem Data						distriction of the state of the	
9. Type of Inspection		20, Event Numbe	r/11/71	21.1	rimary or Mill			, , , , , , , , , , , , , , , , , , , ,
(activity code)	(NDA16	\		· · ·				
2, Signature	,		of	,		23. Ai	₹ Number 242	284

ISHA Form 7000-3, Mar 85. Small Business Administration as established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal 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 nforcement 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 of 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, cluding 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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8.1-	•

6.14.1	
•	\ }}

Section ISubsequent Action/Continuation Data					
1. Subsequent Action 1a. Continuation 2. Dated Mo Da	\sim 1 7772100 01	X-10-00-00-00-00-00-00-00-00-00-00-00-00-			
✓ (Original Issue) 08/01/2	007 Order Number 7273102 - 01				
4. Served To	5. Operator				
Mike Burke (Block Superintendant)	PERFORMANCE COAL COMPANY				
6. Mine	7. Mine ID (Contracto	or)			
UPPER BIG BRANCH MINE-SOUTH	46-08436				
Section IIJustification for Action					

The opening on the pump breaker box was closed; therefore, the citation is terminated.

Section IIISub	sequent Action Take	n						See Continuation Form
8. Extended		Da	Yr	B. Time (24 Hr. Clock)		☐ C. Vacated	d 🗸 D. Terminated	E. Modified
Section IVIns	pection Data		10. E	ent Number 4117130				
				AR Number 23644	12. Date	Mo Da Yr 08/08/2007	13. Time (24 Hr. C 7 1340	•

íno	Cita	tion/	Cod	lor
ane .	t ana	mom		

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-					9/6	18/07		Mine Safety a	nd Health	Adminis	stration		<u> </u>
Section IViolat						· · · · · · · · · · · · · · · · · · ·		Plate No.					
1. Date	Mo Da 08/27/2		2. Time (2	4 Hr. Clo 1230		,				3. Citation	on/ Number	72731	04
4. Served To								5. Operator			,		
Bill Harles	s, Mine l	oremai	1		····			PERFORMA	NCE COA	AL CON	<i>I</i> PANY		dantara
6. Mine UPPER BI	G BRAN	ІСН МІ	NE-SOU	TH_				7. Mine ID 4	6-08436	5			(Contractor)
8. Condition of	or Practice											8a. Written	Notice (103g)
the No.	6 Nor	th Ma nditi	ins b	eltli	ne is	s not	be	hose is ing main of each l	cained	in a	usab	le and	
										,			
										San	Cantlewatia	n Porm /MCLI	A Form 7000 20)
9. Violation	A. Health Safety Othe	/ ②	B. Section of Act					art/Section of le 30 CFR	, 	 -	5.1100-3		A Form 7000-3a)
Section IIInsp	ector's Evalu	ation											
10. Gravity:													
	or Illness (h		No Likeliho	od 🗌	Unli 	kely 🔽		Reasonably Like	ly 🗌	Highly Llk	cely 🗍	Occur	red 🗌
	or iliness co y be expect		No Los	Workda	ıys 🗌	Lost Wo	orkda	ys Or Restricted	Duty 🗸	Permar	nently Dis	abling 🗌	Fatal 🗌
C. Signific	cant and Su	ıbstantlal	Yes		No 🔽					D. Numbe	er of Perso	ons Affected	: 001
11. Negligen	ce (check o	one)	A. None]	B. Low	C	. Mo	derate 🗸	D, High		E. Reck	dess Disrega	ard 🗌
12. Type of A	Action	104(a	a)		13	3. Type of I	ssua	nce (check one)	Cit	tation 🔽	Orde	er 🗌	Safeguard 🗌
14. Initial Act A. Citation		rder 🗌	C. Safegua	ırd 🔲 [D. Written	Notice [E. Citation/ Order Number	•			F. Dated	Mo Da Yr
15. Area or E	Equipment			,							<u> </u>		
16. Terminat	ion Due	A. Date	Mo Da 08/28/2		B. Time (24 Hr. Cloc	k)	0800		سناه پستان سن	· · · · · · · · · · · · · · · · · · ·		
Section IIITer	mination Act	ion					<u> </u>					· · · · · · · · · · · · · · · · · · ·	
17. Action to	Terminate												,
18. Terminat	A. Dat	Mo e	Da Yr	B. Time	(24 Hr. C	lock							
Section IVAu		iem Data									,		
19. Type of I (activity	inspection code)(남사	7\/ E01	20. Even	Number	4	117130)	21. Prima	ry or Mill				
2. Signature						**************************************			· · · · · · · · · · · · · · · · · · ·	23.	AR Numb	er a	284

ASHA Form 7000-3, Name of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has stabilished a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency nforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the nforcement 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 treet, 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.

.vline	Citation/Order
Conti	nuction

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

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Section ISubsequent Action/Continuation Data							
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 08/27/2	• •	3. Citation/ Order Number	7273104 - 01		
4. Served To		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	5. Operal	or			
Bill Harless, Mine Foreman				PERFORMANCE COAL COMPANY			
6. Mine			7. Mine II	16 00 10	,	(Contractor)	
UPPER BIG BRANCH MINE-SOL			46-0843	6			
Section IIJustification for Action							

The threaded ends of the fire fighting hose have been cleaned and protected

Section IIISubsequent Action Taken	**************************************		and the state of t			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						
(b) (7)(C)	10. Event Numb	per 4117130				
11. S		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ck)
-		24284		08/28/2007	1225	
MSHA Form 7000-3a, Mar 85 (revised)						

Adina	Citati	/0	
nnina	TOTAL 1	nn// 1	racr

22. Signature

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	J.,, G. 401		9/28/07	Mine Safety an	d Health Adminis	stration	(%)
Section IViolat	ion Data						
1. Date	Mo Da Yr 08/27/2007	2. Time (24 Hr. Cl			3. Citatio Order	on/ Number 727310)5
4. Served To				5. Operator	107 00 11 001		
Marie Street, Street, Square,	s, Mine Forem	an			VCE COAL CON	APANY	
6. Mine	G BRANCH M	INF-SOUTH		7. Mine ID 46	5-08436	•	(Contractor)
8. Condition of		H(1) 000111				8a. Written	Notice (103g)
offside	of No.5 The acc	North Main	in nature has beltline are 0-12 in	from No.50	brk back to	o and includ	ding the
				ì	-		•
				1	See	Continuation Form (MSHA	Form 7000-3a)
9. Violation	A. Health ☐ Safety ✔ Other	B. Section of Act		: Part/Section of Title 30 CFR	•	75,400	
Section IIInspe	ector's Evaluation						
	r liiness (has) (is):		Unlikely 🗸	Reasonably Likely	y 🔲 Highly Lik	kely 🗌 Occurr	ed [
B. Injury o	r illness could rea- be expected to be	No Lost Work	days ☑ Lost Wo	rkdays Or Restricted I	Outy Perman	nently Disabling	Fatal []
***************************************	ant and Substanti		No 🗸		D. Numbe	er of Persons Affected:	001
11. Negligeno	ce (check one)	A. None	B. Low C.	Moderate 🔽	D. High	E. Reckless Disrega	rd [
12. Type of A	ction 104	(a)	13. Type of is	suance (check one)	Citation 🗸	Order 🔲	Safeguard [
14. Initial Act		C. Safeguard	D. Written Notice	E. Citation/ Order Number		F. Dated	Mo Da. Yr
15. Area or E	quipment						
16. Terminati	on Due A. Dat	Mo Da Yr e 08/28/2007	B. Time (24 Hr. Clock	0800			
Section III-Ten	mination Action						
17. Action to	Terminate	•					
18. Terminate	A. Date		e (24 Hr. Clock				
	omated System Data						
19. Type of Ir		20. Event Number	^{er} 4117130	21. Primary	y or Mill		

23. AR Number

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

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Section ISubsequent Action/Continuation Data	and the second of the second s				
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 08/27/2	,	3. Citation/ Order Number 7273105 - 01	et de agrecia en contra esta de describir por esta contra de agrecia de contra en contra de agrecia de especia Esta de agrecia en contra esta de agrecia de
4. Served To			5. Opera	tor	
Bill Harless, Mine Foreman			PERFC	RMANCE COAL COMPANY	•
6. Mine			7. Mine I	D 46 00 40 6	(Contractor)
UPPER BIG BRANCH MINE-SO	UTH			46-08436	,
Section IIJustification for Action				and the second continuous framed at the second continuous framework to the second for the second continuous framework to	

The accumulations cited have been cleaned up

		**************************************								See Continuation Form
Section III-Subsec	quent Action Take	n								~
8. Extended To	A. Date Mo	Da	Yr	B. Time (24 Hr. (Clock)		□ c. v	acated	✓ D. Terminated	☐ E. Modified
Section IVInspec										
9. Type of Inspe	ection E01		10. E\	ent Number	4117130					
11. Sign				AR	Number	12. Date	Mo Da	Yr	13. Time (24 Hr. Cl	ock)
Marie Bayeron and an annual factors				242	284		08/28/	2007	1245	

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22. Signature

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			9/28/07	ı	vline Saf	ety an	d Health	n Administr	ation		~//
Section I-Violat	ion Data				4-11-2-11-11-11-11-11-11-11-11-11-11-11-1						<u> </u>
1. Date	Mo Da Yr	2. Time (24 Hr. Cl						3. Citation/		7273106	`
(0	08/27/2007	132	20					Order No	ımber	1210100	
4. Served To	a Mina Fasama				5. Operato		ነሶፑ ርብ	AL COMP	ANT		
6. Mine	s, Mine Forema	1			7. Mine ID				AINI		>>>
	G BRANCH M	NE-SOUTH			. WILLE ID	46	-0843	6			(Contractor)
8. Condition o		112 200 111					<u> </u>		8	a. Written No	
operato	rworking	alone at	ot provide No.5 North he did no	Ma	ins be	∍lt (drive	in the	tra		
										·	
								Son Con	atiorratian E	Form (MSHA F	orm 7000 3a)
9. Violation	A. Health	B. Section		C Pa	rt/Section	nf		369 (10)	ionuauon i	OHII (WORLA FI	Jini 7000-3a)
or eloiation	Safety 🗸	of Act			e 30 CFR	0,		75.1	714-7		
0	Other _							·			
10. Gravity:	ector's Evaluation										
•	r Iliness (has) (is):	No Likelihood	Unlikely 🗸		Reasonabl	v Likelv	· 🗆	Highly Likely	, I	Occurred	ı 🗀 ·
B. Injury o	r illness could rea-	*** 1 12 Min. to		·							
	be expected to be: ant and Substantia		No ✓	voikda	ys Or Rest	licted D	outy 🔽	Permaner D. Number o			Fatal [] 001
		169		• •• •• ••							
11. Negligeno	ce (check one)	A. None	B. Low	C. Mod	lerate 🗸		D. High	[. Reckle	ss Disregard	
12. Type of A	ction 104(a)	13. Type of	Issuar	ice (check	one)	C	itation 🗹	Order		Safeguard 🗌
14. Initial Act A. Citation		C. Safeguard	D. Written Notice		E. Citation/ Order No		• • • • • • • • • • • • • • • • • • • •		F.	. Dated	Mo Da Yr
15. Area or E	quipment .			,							
16. Terminati	on Due A. Date	Mo Da Yr 08/27/2007	B. Time (24 Hr. Clo	ck)	140	0					
Section IIITer	mination Action						`				
17. Action to			er operato	r b	olting	g al	ong t	he trac	ck en	try was	3
provide	ed with a	multi gas	detector.								
18. Terminat		Da Yr 27/2007 B. Tim	e (24 Hr. Clock	13	325						<u></u>
	lomated System Data					*					
19. Type of I	nspection	20. Event Number	411713	0	21. 1	Primary	or Mill				

MSHA Form 700 or man so (onco) in a second solution 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

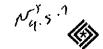
٨	/line	Cite	tion	VO	rda	r
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U.S. Department of Labor

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,		9/2	8/07	Mine Safety	and Health Ad	Iministration	` 🐃
Section IViolati	on Data						
1. Date	Mo Da Yr 08/27/2007	2. Time (24 Hr. Clock) 1015				Citation/ Order Number 7273	107
4. Served To				5. Operator			
	s, Mine Foreman	1			ANCE COAL	COMPANY	
6. Mine UPPER BIG	G BRANCH MI	NE-SOUTH		7. Mine ID	46-08436		(Contractor)
8. Condition o							en Notice (103g)
being m		cathead providing a usable of the contract of					
							•
					-		
						·	
						See Continuation Form (MS	HA Form 7000-3a)
9. Violation	A. Health ☐ Safety ✔ Other ☐	B. Section of Act		art/Section of itle 30 CFR		75.900-3	
	ctor's Evaluation						
10. Gravity: A. Injury or	'Iliness (has) (is):	No Likelihood	Unlikely 🗸	Reasonably Lik	cely Hig	hly Likely 🗌 Occ	urred [
	illness could rea- be expected to be:	No Lost Workdays	Lost Workd	ays Or Restricte	d Duty 📝 🛛 P	ermanently Disabling	Fatal 🗌
C. Significa	ant and Substantial	Yes 🗌 No 🕟	<u> </u>		D. ì	Number of Persons Affects	ed: 001
11. Negligeno	e (check one)	A. None B. Lo	w 🗌 C. Mo	oderate 🗹	D. High 🔲	E. Reckless Disre	gard 🗌
12. Type of A	ction 104(a	a)	13. Type of Issua	ance (check one) Citatio	n 🗸 Order 🗌	Safeguard 🔲
14. Initial Acti A. Citation	on B. Order	C. Safeguard D. Wri	tten Notice	É. Citation/ Order Numb	er	F. Dated	Mo Da Yr
15. Area or E	quipment		· · · · · · · · · · · · · · · · · · ·				
16. Termination	on Due A. Date	Mo Da Yr 08/27/2007 B. Tin	ne (24 Hr. Clock)	1500			
Section III-Tem							
17. Action to	Terminate The	latch was rep	placed				
18. Terminate	I Δ 135tΔ	Da Yr 17/2007 B. Time (24 H	r. Clock]	345		· · · · · · · · · · · · · · · · · · ·	
Section IVAuto	omated System Data				 		
19. Type of In (activity c	spection odely vz-vz-E01	20. Event Number	4117130	21. Prim	ary or Mill	<u></u>	
22. Signature					· ·	23. AR Number	4284

22. Signature



Mine Citatio		_	9/28/07		partment of fety and Hea	Labor alth Administ	ration	
Section I-Violati	ion Data							
1. Date	Mo Da Yr 08/29/2007	2. Time (24	Hr. Clock) 1410			3. Citation Order N		108
4. Served To	man (Chief Ele	actrician)		5. Operato		COAL COM	PANV	
6. Mine	man (Cinei Ei	curician)		7. Mine ID		<u> </u>	LILLI	
UPPER BI	G BRANCH M	IINE-SOUT	Н	7. Mille ib	46-084	l36 ·		(Contractor)
8. Condition o		·	<u> </u>			·		en Notice (103g)
			not provided in 50 ft of t				e sensing	system
						٠.		
						•		
						ł		
	•					See Co	ntinuation Form (MS	SHA Form 7000-3a)
9. Violation	A. Health Safety Other	B. Section of Act		C. Part/Section Title 30 CFR			.1103	
Section IIInspe	ector's Évaluation	1						
10. Gravity: A. Injury o	r Iliness (has) (is):	No Likelihoo	d ☐ Unlikely ✓	Reasonab	ly Likely	Highly Likel	v	urred
B. Injury o	r illness could rea- be expected to be			Vorkdays Or Res	-		ntly Disabling	Fatal []
	ant and Substantia		□ No 🗸	A Name and Annual Control of the State of the Annual Control of th		D. Number	of Persons Affect	ed: 001
11. Negligeno	ce (check one)	A. None	B. Low	C. Moderate 🗸	D. Hig	h 🗆	E. Reckless Disre	gard 🗌
12. Type of A	ction 104	(a)	13. Type of	Issuance (check	(one)	Citation 🗹	Order 🗌	Safeguard 🗌
14. Initial Act A. Citation		C. Safeguard	D. Written Notice	E. Citation Order N			F. Dated	Mo Da Yr
15. Area or E	quipment							
				•			•	
16. Terminati	on Due A. Dat	Mo Da Yr e 09/04/200		ck) 08(00	<u> </u>		
Section IIITen	mination Action							· · · · · · · · · · · · · · · · · · ·
17. Action to	Terminate							
18. Terminat	ed . M	o Da Yr			<u> </u>			
	A. Date		. Time (24 Hr. Clock			dalamatan kilongaya ana ayayin ana		
	omated System Data		lumbar	754	Drimon: or Mill			
19. Type of I	nspection	20. Event N	411713	$0 = ^{21}$	Primary or Mill			

MSHA Form 7 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

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

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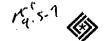
							<i>.</i>				
	Section ISubsequent Action/Continuation Data						2000000				
	1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 08/29/20	Yr 07	3. Citation/ Order Number 7273108 - 01		en e				
	4. Served To			5. Operator							
	Virgil Bowman, Electrician Forem	an		PERFC	RMANCE COAL COMPANY						
-	6. Mine	-		7. Mine I		(Contractor)					
	UPPER BIG BRANCH MINE-SO	UTH		46-08436							
	Section IIJustification for Action										

The lightning arrestors have been installed as required.

				-			See Continuation Form
Section III-Subsequent Actio	n 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	01	10. Eve	nt Number 4117130				
			AR Number	12. Date	Mo Da Yr	13, Time (24 Hr. Clo	nok)
			23644	12. Date	09/06/2007	0820	JON
			14,3044	<u></u>	03/00/2007	1 0040	

Balina	Citation	Jana
MINE	Citation	M Jraer

22. Signatur



wine Chauc	in/Order			9/28/0	7					4.	
Section IViolati	on Data		e in familie is a fine a fine in familie in f	The state of the s					,		***************************************
1. Date			1		,		· · · · · · · · · · · · · · · · · · ·	3. Citation/ Order Numbe	, 727310	19	cardinalement timel / lanked had
4. Served To	, , , , , , , , , , , , , , , , , , ,					5. Operator			,		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
	man (Ch	ief Ele	ctrician)			PERFORMA	NCE COA	AL COMPAN	Y		
6. Mine	7 707 431	CHIT & E	DIE COLUEIL	•		7. Mine ID 46	6-08436	5		(0-	-ttV
		CH M	INE-SOUTH			<u> </u>			Ro Written I		
		ho i	roponei	hla for r	nonito	ring the	Duott-	-Boone Ca			
_			-			•	_				
Section II-Inspector's Postalism Section II-Inspector's Postalism 10. Date											
OL CIIC	o y o c c i		de cherg	rze cne ,		y backap	III Car	02 105	o or ver	16114	, 0 1, 011 .
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				•							
		-							•		
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										-	•
	· · · · · · · · · · · · · · · · · · ·					den de la companya de		See Continual	ion Form (MSHA	Form 700	0-3a) 🗌
9. Violation	Safety	/☑ ·						75,1103	3		
Section IIInspe	L			, , , , , , , , , , , , , , , , , , , 							
•				,		5.2 V	, , , , , , , , , , , , , , , , , , , ,	7			
			No Likelihood	Unlikely	✓	Reasonably Likel	у 🗌	Highly Likely	Occurre	∌d □	
			No Lost Wo	kdays 🗌 🏻 L	.ost Workd	ays Or Restricted I	Duty 🗸	Permanently Di	sabling 🗌	Fatal	
A. Served to Virgil Bowman (Chief Electrician) 5. Operator PERFORMANCE COAL COMPANY 6. Mine to 46-08436 Contractor) 8. Condition or Practice 9. Violation or A. Health B. Section or Act The backup in case of loss of ventilation 9. Violation A. Health B. Section or Act The 30 CPR 75.1103 Section III-Inspector's Evolution or Act The 30 CPR 75.1103 Section III-Inspector's Evolution or Act The 30 CPR The practice or											
11. Negligeno	e (check o	ne)	A. None	B. Low	C. Mo	oderate 🗸	D. High	E. Re	ckless Disregar	d 🗌	
12. Type of A	ction	104(a)	13. Ty	pe of Issua	ance (check one)	Cit	ation 🗹 Or	der 🗌	Safe	juard 📋
		der 🔲	C. Safeguard	D. Written Not	ice 🗌				F. Dated	Мо 🛭	a Yr
15. Area or E	aulpment		____\\\								4
40. T	D	r	Ita Da Ve						· · · · · · · · · · · · · · · · · · ·	·	
				B. Time (24 h	lr. Clock)	0800					
<u> </u>		ion								·	
17. Action to	Terminate										
10 Termin-4	-dl	i.i.~	Da Ve T	·	 		.,,	· · · · · · · · · · · · · · · · · · ·	414	···	······································
Okar											
Section IV-Au	omated Sval	iem Data				1	,		CONTRACTOR OF THE CONTRACTOR O		
		****	20. Event Num	ber 4141	7120	21. Primar	y or Mill	7			
(activity e	۱۵۵۵	ክስ1		<u> </u>	/130			1			

MSHA Form Assessment 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

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



Section ISubsequent Action/Continuation Data							
1. Subsequent Action 1a. Continuation 2. Dated Mo Da	Yr 3. Citation/ Order Number 7273109 - 01						
✓ (Original Issue) 08/29/20	07 Order Number 7273103 01						
4. Served To	5. Operator						
Virgil Bowman, Electrician Foreman	PERFORMANCE COAL COMPANY						
	7. Mine ID (Contractor)						
UPPER BIG BRANCH MINE-SOUTH	46-08436						
Section IIJustification for Action							

The day shift and evening shift as well as the CO supervisor acknowledged they have been trained on the "kill" switch" as required.

			See Continuation Form									
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	C. Vacated	✓ D. Terminated ☐ E. Modified									
	D. Title (24 Tit. Olone)		E 5. Formation									
9. Type of Inspection E01 10. Event Number 4117130												
	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)									
	23644	09/06/2007	1635									
Section IV-Inspection Data	10. Event Number 4117130 AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)									



24284

ine Citatio	n/Order			0	128/07			Depart Safety					ration		,	4.7	
Section IViolati	on Data		<u> </u>		100101		1411110	Carcty	una	1100	idi 7 (di	1811101	i attori	Name of the last o	and the same of th		
1. Date	Mo Da 08/29/2		2. Time (2	4 Hr. Clo 120		· · · · · · · · · · · · · · · · · · ·		***				Citatior Order i	n/ Number	7273	110		
4. Served To			<u></u>				5. Ope				· · · · · · · · · · · · · · · · · · ·		*				
Dean Jones	(section	ı forem	an)				PERI	FORM	ANC	CE C	OAL	COM	PANY	<i>T</i>			
6. Mine							7. Min	e ID	46-	084	36						
UPPER BIO		ICH M	INE-SOU	TH								***************************************				(Contra	
8. Condition o					not being							-		8a. Writte			
continu mining	ous m coal ume w	iner near as p	. The a a gas resent	mine: wel:	rmful gase r was loca l. When ar is volume	ited i ai	d in ir me	the easu:	ma rme	in nt	left was	no mad	.1 e e or	entry aly 29	whil	le cfm	
								٠.									
•												Con C		5 640	914 C	ስ ብርርኛ _ተ	-\ [_J
9. Violation	A Haaisi	, — 1	B. Section			101	art/Sec	tion of				268 C	or (on uau	on Form (MS	HA FOR	n 7000-3	a) 📋
9. VIOIALION	A. Healtl Safet		of Act				itle 30 (75.3	25(a)(1)		•	
	Othe												()(
Section IIInspe	ctor's Evalu	ation							·						مين بسيستين	-	
10. Gravity:	- 111	> (ta).	No tileailh.	ا لمه	I Inilianta 🗀		Dogga	nabbeli	traite		Ulah	5.1 H.a	s. 🗀	0	آلممست		
A. Injury or			No Likelih	000	Unlikely [Reasc	nably Li	Kely	<u> </u>	- rign	ly Like	ıy 📋	Ucc	urred [
B. injury or sonably	r iliness co be expect		No Los	t Workd	ays 🗌 Lost \	Vork d	ays Or	Restricte	ed Du	ty 🔲	Pe	ermane	intly Dis	abling 🔽	F	atal 🔲	
C. Signific	مك أخاره يديب والمساحد	أست نظال يهريز وسبطات	1.	· 🔽	No 🔲						D. N	umber	of Pers	ons Affecte	ed:	002	
11. Negligeno	e (check o	one)	A. None		B. Low	C. M	oderate	V	Γ). Higi	ì 🗌		E. Rec	kless Disre	gard []	
12. Type of A	ction	104((a)		13. Type o	f Issu	ance (cl	heck one))		Citation	V	Ord	er 🗌	;	Safegua	ard 🗌
14. Initial Acti		rder 🗌	C. Safegua	ard 🗀	D. Written Notice		E. Cita Ord	ation/ er Numb	er	······································		- Paladagana'a		F. Dated		Mo Da	Yr
15. Area or E		, ,,					L						***************************************	<u></u>		,	
10.7400012	dashureur							•						٠	-		
16. Terminati	on Due	A. Date	Mo Da 08/29/2		B. Time (24 Hr. Cl	ock)		1215									
Section III-Terr	nination Act	ion															
17. Action to	Terminate	The	minin	ıg ma	chine was	rei	nove	d fr	om	the	ent	ry	and	minin	.g, ce	∍ase	d .
18. Terminate	A. Dat	Δ	Da Yr 29/2007	B. Time	(24 Hr. Clock		1210										
Section IV-Aut		tem Data															
19. Type of Ir (activity c	nspection ode)(b) (7	7\/Æ01	20. Even	t Numbe	411713	30		21. Prin	nary o	r Mill					 -	-,	
2. Signature											<u></u>	23. A	R Numl	er ,	34204		

4SHA Form 7000-3, 1996, the Small Business Administration has stablished a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency stabilished a Authorial Shall Business and Agriculture Regulatory Ornaudsman and to Regulatory Shall business and Agriculture Regulatory Ornaudsman and to Regulatory Shall Business and Interest Shall Business and Interest Shall Business and Interest Shall Business. If you wish to comment on the inforcement 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 treet, 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

17.19.1	«
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Section I-Subsequent Action/Continuation Data		
1. Subsequent Action 1a. Continuation 2. Dated Mo D (Original Issue) 05/08/	" " 1	
4. Served To	5. Operator	
Rick Hodge, Superintendent	PERFORMANCE COAL COMPANY	·
6. Mine	7. Miné ID	(Contractor)
UPPER BIG BRANCH MINE-SOUTH	46-08436	
Section IIJustification for Action		

The ventilation department is still reviewing the plan; therefore, additional time is granted.

Section III-Subse	auent Actic	on Taken		~ <u></u>	·		·				See Continuation Form	
8, Extended To	A. Date	Мо 07	Da /26/2	Yr .007	B. Time (24	Hr. Clock)	0800	C. Vac	ated	D. Terminated	E. Modified	ipotenia
Section IVInspec	ction Data		od mendelet see			`						
9. Type of Inspe	ction E	201		10. E	ent Number	4117130						
						AR Number 23644	12. Date	Mo Da 07/12/2	Yr .007	13. Time (24 Hr. Clo 1300	ck)	

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





Section ISubsequent Action/Continuation Data											
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo 05/08	Da Yr 3/2007	3. Citation/ Order Number	7268775 - 06						
4. Served To			5. Oper	5. Operator							
Rick Hodge, Superintendent			PERF	PERFORMANCE COAL COMPANY							
6. Mine		,	7. Mine	7. Mine ID (Contra							
UPPER BIG BRANCH MINE-SO	UTH			46-0843	6						
Section IIJustification for Action											

The plan has been received and approved by the district manager; therefore, the citation is terminated.

E-,			,			- 10.W					See Continuation Fo	rm 🔲
Section IIISubsec	quent Action	Taken									······································	
8. Extended To	A. Date	Мо	Da	Yr	B, Time (2	4 Hr. Clock)		C. Va	acated	✓ D. Terminated	E. Modified	
Section (VInspec	tion Data			ي 16 الشنوابي								
9. Type of Inspe	ection E0	1		10. E	vent Numb	er 4117130				Octobrony Russia (presentation of the presentation of the presenta	999-999-999-999-999-999-999-999-999-99	dad water darkedame
						AR Number 23644	12. Date	Mo Da 07/31/	Yr 2007	13. Time (24 Hr. Cl 1011	ock)	

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

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Section I-Subsequent Action/Continuation Data 1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 08/20/20	• • •	3, Citation/ Order Number	7268857 - 01	подорожно с страто постоя по техно на постоя по техно на постоя по техно на постоя на постоя на постоя на пост На постоя по техно на постоя н
4. Served To Harley Taylor, Fireboss			5. Operat		AL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SO	ITTU	·	7. Mine II			(Contractor)
Section IIJustification for Action	OIII					

The stopping line has been moved at break 60 and the stopping is now intact. The open door was closed when cited.

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
9. Type of Inspection Data	10. Event Number 4117130		
	AR Number 23644	12. Date Mo Da Yr 08/22/2007	13. Time (24 Hr. Clock) 0919

Plan Review

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

3. Mine Name UPPER BIG BRANCH MINE-SOUTH Roof Control ✓ Adequate □ Deficiencies in Plan (Briefly Describe) Plan appears adequate if followed. Plan was discussed almost daily with management or roof bolt operators.	1. MSHA Office 0401 - Mt. Hope, WV		2. Mine ID 46-08436					
✓ Adequate ☐ Deficiencies in Plan (Briefly Describe) Plan appears adequate if followed. Plan was discussed almost daily with management or roof bolt operators. Ventilation ✓ Adequate ☐ Deficiencies in Plan (Briefly Describe)	·							
Plan appears adequate if followed. Plan was discussed almost daily with management or roof bolt operators. Ventilation ✓ Adequate □ Deficiencies in Plan (Briefly Describe)	Roof Control							
Ventilation ☑ Adequate □ Deficiencies in Plan (Briefly Describe)	✓ Adequate ☐ Deficiencies in Plan (Briefly Describe)							
✓ Adequate ☐ Deficiencies in Plan (Briefly Describe)	Plan appears adequate if followed. Plan was discuss	sed almost daily with managei	ment or roof bolt operators.					
✓ Adequate ☐ Deficiencies in Plan (Briefly Describe)								
✓ Adequate ☐ Deficiencies in Plan (Briefly Describe)								
✓ Adequate ☐ Deficiencies in Plan (Briefly Describe)								
✓ Adequate ☐ Deficiencies in Plan (Briefly Describe)								
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✓ Adequate ☐ Deficiencies in Plan (Briefly Describe)		·						
✓ Adequate ☐ Deficiencies in Plan (Briefly Describe)	•							
✓ Adequate ☐ Deficiencies in Plan (Briefly Describe)								
✓ Adequate ☐ Deficiencies in Plan (Briefly Describe)		•						
✓ Adequate ☐ Deficiencies in Plan (Briefly Describe)								
✓ Adequate ☐ Deficiencies in Plan (Briefly Describe)								
✓ Adequate ☐ Deficiencies in Plan (Briefly Describe)								
✓ Adequate ☐ Deficiencies in Plan (Briefly Describe)	•		•					
✓ Adequate ☐ Deficiencies in Plan (Briefly Describe)	Ventilation							
\cdot								
Than appears designation in instruct. That was dissented almost daily with management of operators.		sed almost daily with manage	ment or operators					
\cdot		ood annoot dany with manager	mont of operators.					

Date Supervisor Signature Date
9-27-7 Run Sauda 9-28-07

MSHA Form 7000-101, June 93 (revised)

MSHA Form 7000-101

Supervisor's D&I 660 9107 Page No. 5

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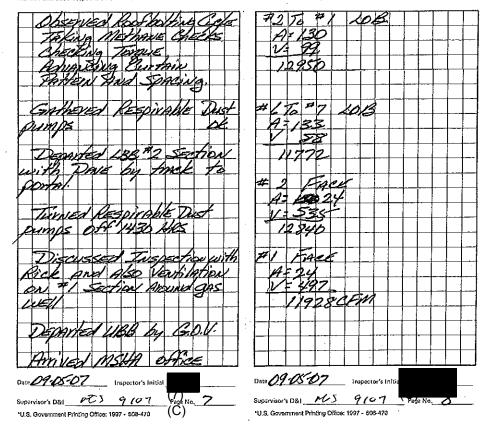
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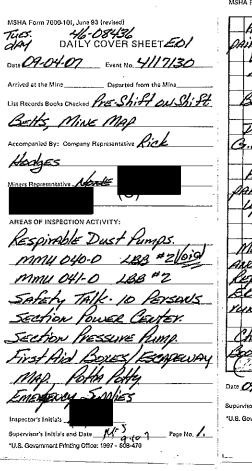
Supervisor's D&I

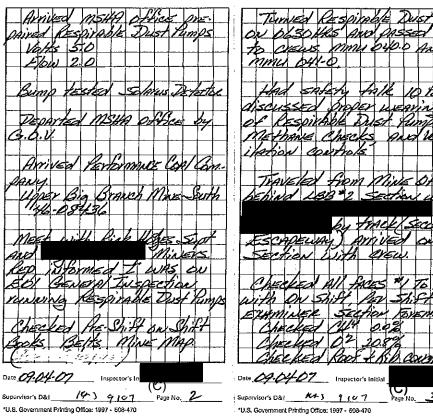
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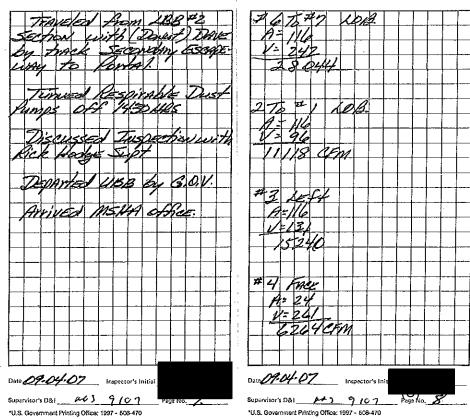
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PERFORMANCE EXECUTIVE

NO.	021	Ρ,	5

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

ection ⊢viois														
1. Date	Mo Da 08/13/ <u>2</u>		2. Time (24 Нг. С 14:							tation/ der Num	_{per} 7268	833	
4. Served To							5. Operator							
David Tara	aczkozy (Donut)	Chief El	ectrici	an		PERFOR	MAN	NCE CO	OAL C	OMPA	NY		
6, Mine							7. Mine ID	46	5-0843	36		***		**************************************
UPPER BI		ICH M	INE-SOU	ЛН]	114	, 001					intractor)
8. Condition o		1	7. 37	O 1									n Notice (1	
					reak on th								lt pul	Lling
the hea								3	kett.	Lebot	tom.	Addit	ional	
support	. MITT	pe :	requir	ea 1	n this are	a.								
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					•							•		
				•							•		•	
											-			
										•				
										S	ee Contin	ıatlon Form (MS	HA Form 700	101-3a) [
9. Violation	A. Health		B. Section			C.P	art/Section of	!		_ _		and the own the	11717 (3111 700	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
	Safety	/☑	of Act				lie 30 CFR				75.202	(a)		
G -123- ii 1-	Othe	- Lumb				<u> </u>								
Section II-Insp.	ecrol & EASIN	auon		. ———	<u> </u>		<u> </u>			······································	<u></u>			
	r Illness (ha	s) (is):	No Likelih	ood 🗀	Unlikely 🔲		Reasonably	/ Likely		Hìahly	Likely [Dec	urred 🗍	
	r illness cou													
	be expecte		No Lo	t Work	days 🗌 Lost	Worke	ays Or Restr	icted C	outy 🔽	Per	manentiy	Disabling 🗌	Fatal	
C. Signific	ant and Sui	ostantial:	Ye	s 🗹	No 🗌					D. Nur	nber of P	ersons Affected	d: 001	ί
11. Negligeno	a (check or	ie)	A. None]	B, Low	C. M	oderate 🗹	· · · · · · · · · · · · · · · · · · ·	D. High		E.1	Reckless Disre	daiq 🗌	
12. Type of A	ction	104(a)		13. Type of	Issua	nce (check or	ne)	(Citation [2	Order 🔲	Safe	guard 🗌
14, Initial Acti A. Citation		rder 🗀	C. Safegu	ard 🗌	D. Written Notice [_	E. Citation/ Order Nur	nber				F. Dated	Mo I	Da Yr
15. Area or E	quipment		····		. 1									,
	1 (****						•							
-			1											
16. Terminati	on Due	A. Date	Mo Da 08/14/2		B. Time (24 Hr. Ck	ock)	0800)						
Section HI-Ter	mination Act	ол			<u></u>						_			
17. Action to				······································										
							•					·		
18. Terminate	ad A. Date	Mo	Da Yr	B. Tim	e (24 Hr. Clock)									
Postine B7 Acr				<u> </u>	·									
Section IV-Aut		em DSta	20 5	Mu-b-	<u> </u>	······································	24 0	rimary	oc Mai					
19. Type of In (activity o	ode)	E01	20. Even	פסתוניאי ז	411713	0	[41, 5]	ranaty	O) WILL					
22. Signature										2	3. AR N	imber 2	3644	

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 Falmess Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman ennually 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 confest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

18, Tommaled

22. Signatur

A. Date

Section N-Automated System Data

19. Type of Inspection

(activity code)

Mo Da Yr

08/14/2007

E01

20. Event Number

B. Time (24 Hr. Clock)

4117130

AUG. 20. 200/ 4:5/PM PERFORMANCE EXECUTIVE	E NO. 021 P. 4
Mine Citation/Order	U.S. Department of Labor Mine Safety and Health Administration
Section 1-Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 08/14/2007 1410	3. Citation/ Order Number 7268849
4. Served To	5. Operator
Bill Harless, Mine Foreman	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID 46-08436
UPPER BIG BRANCH MINE-SOUTH	(Contractor)
8. Condition or Practice	8a. Witten Notice (103g)
The Vacuum gauge on the left side head 95016/200333 indicated 10" where 12" i	
· ·	•
·	
	•
•	
	, '
	See Continuation Form (MSNA Form 7000-33)
	Part/Section of Title 30 CFR 75.370(a)(1)
Section II-frapector's Evaluation	
10_Gravity; A. Injury or liiness (has) (is); No Likelihood [] Unlikely []	Reasonably Likely Highly Likely Occurred
8. Injury or illness could responsibly be expected to be: No Lost Workdays . Lost Workdays . Lost Workdays .	Ridays Or Restricted Duty 🗹 Permanently Disabling 🗌 Patal 🔲
C. Signifficant and Substantial: Yes 💟 No 🔲	D. Number of Persons Affected: 001
11. Negligence (check one) A. None 🗌 8, Low 🗌 C. 1	Moderate D. High E, Reckless Disregard
12. Type of Action 104(a) 13. Type of Issu	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 of Equipment	
16. Termination Due A. Date 08/14/2007 B. Time (24 Hr. Clock)	1425
Section III-Termination Action	
17. Action to Terminate The repairs were made and	12" of pressure was indicated.
	•

MSHA Form 7

With Form Form 8

With Form 7

With Form 8

With Form 8

With Form 9

1425

21. Primary or Mill

23. AR Number

18. Terminated

22. Signatu

19. Type of Inspection

(activity code)

Mo Da

E01

20. Event Number

B. Time (24 Hr. Clock)

4117130

A. Dafe.

Section IV-Automated System Data

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Mine Citation/Or	der				U.S. Departm Mine Safety a			tion	
Section L-Violation Data							t .		
	Da Yr 5/2007	2. Time (24 Hr. C	iœk) 39		-	,	3. Citation/ Order Nuro	ber 72688	52
4. Served To Bill Harless, Min	<u> </u>		***		5. Operator PERFORMA	NCE CO	AL COMPA	NY	•
6. Mine UPPER BIG BR	<u> </u>		**************************************	***************************************	7. Mine ID 4	б-08 4 3(5		(Contractor)
8. Condition of Practic			,					8a. Written	Notice (103g)
The emerger 040/041 MM to the sect The stoppin section.	J in t	hat the pl The phone	none in the cable wit	e p cho	rimary esc ut a phone	spewa:	y was no installe	t mainta d to bre	ined up ak 27.
					•	·			
							See Condni	udon Form (MSH)	(Form 7000-3a)
Sa O	aith in fety 2 ther in the interval in the int	B, Section of Act			Pan/Section of the 30 CFR		75.15	02	
Section II-Inspector's Ev	noitsulm							<u> </u>	
10, Gravity: A. injury or litness		No Likelihood 🔲	Unlikely 💆	·	Reasonably Likely	(.	Highly Likely [Occum	ed []
B. Injury or illness of sonably be expe		No Lost Work	ɗays ∐ Lost	Work	days Or Restricted D		Реплавелій		. Fatal 💆 .
C. Significant and	Substantial:	Yes 🗌	No 🗹				D. Number of Pe	rsons Affected:	009
11. Negligence (check	(оле)	A. None 🗌	B. Low 🔲		locierate 🔽 .	D. High [teckless Disrega	uq 🗌 ,
12. Type of Action	104(1)	13. Type of	Issu	ance (check one)	Cit	абол 💟 🤇	order 🗌	Safeguard 🗌
14. Initial Action A. Citation B.	Order [C. Safeguard 🗍	D. Written Notice (E. Charlon/ Order Number			F. Dated	Mo Da Yr
is. Area or Equipment	,								
16, Termination Due	A. Date	Mo Da Yr 08/15/2007	B. Time (24 Hr. Clo	ck)	2000				
ection Ul-Termination	Action							1-	
17. Action to Terminal	e ,					•	•		-

MSHA Form 7000-S, May 86 (revised) In accordance with the provisions of the small Business Regulatory Emforcement Folimess Act of 1996, the Small Business Administration in the 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 actions and rates each agency responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest cristians and proposed possibles and obtain a hearing before the Federal Mine Safety and Health Review Commission.

21. Primary or Mili

23, AR Number

AUG. 20. 2007 4:56PM PERFORMANCE EXECUTI	VE NO. 021 P. Z
	U.S. Department of Labor Mine Safety and Health Administration
Section I-Violation Data	
1. Date Mo Da Yr 2, Time (24 Hr. Clock) 08/15/2007 1208	3. Citation/ Order Number 7268856
	5. Operator
	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID 46-08436
UPPER BIG BRANCH MINE-SOUTH	(Contractor)
8.Condition or Practice The methane and dust control plan was n	88. Whiten Notice (103g)
section, 041-0 MMU, in that only 5,400	cubic feet of air could be measured at where the continuous mining machine was
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	• · · · · · · · · · · · · · · · · · · ·
	• See Continuation Form (MSHA Form 7600-3a)
	See Continuation Form (MSHA Form 7600-3a) TVSection of e 30 CFR 75.370(a)(1)
Safety of Act Till	nt/Section of
Safety of Act Other Section —Inspector's Evaluation 10. Gravity: A injury or liness (has) (is): No Likelinood Unlikely	nt/Section of
Safety of Act Other Section II—Inspector's Evaluation 10. Gravity: A. Injury or liness (nas) (is): No Liketinood Unlikely B. Injury or diness could rea-	n/Section of e 30 CFR 75.370(a)(1)
Safety of Act Other Section II—inspector's Evaluation 10. Gravity: A. Injury of liness (has) (is): No Liketinood Unlikely H. Injury of liness could be a	n/Section of e 30 CFR 75.370(a)(1) Reasonably Likely Highly Likely Occurred
Safety of Act Other Ot	T/Section of e 30 CFR 75.370(a)(1) Reasonably Likely Highly Likely Occurred ays Or Restricted Duty Permanently Disabling Fatal
Safety of Act Other Ot	T/Section of ie 30 CFR 75.370(a)(1) Reasonably Likely Highly Likely Occurred Tys Or Restricted Duty Permanently Disabling Fatal D. Number of Persons Affected; 002
Safety of Act Other Section II—Aspector's Evaluation 10. Gravity: A. Injury or Iliness (has) (is): No Likelinood Unlikely B. Injury or Iliness could reasonably be expected to be: No Lost Workdays Lost Workday C. Significant and Substantial: Yes No U 11. Negligence (check one) A. None B. Low C. More 12. Type of Action 104(a) 13. Type of Issuan	T/Section of e 30 CFR 75.370(a)(1) Reasonably Likely Highly Likely Occurred mys Or Restricted Duty Permanently Disabling Fatal D. Number of Persons Affected; 002
Safety of Act Other Othe	T/Section of e 30 CFR 75.370(a)(1) Reasonably Likely Highly Likely Occurred Permanently Disabling Fatal D. Number of Persons Affected; 002 Section D. High E. Reckless Disregard ce (check one) Citation Order Safeguard E. Citation/ F. Dated Mo Da Yr
Safety of Act Other Othe	T/Section of e 30 CFR 75.370(a)(1) Reasonably Likely Highly Likely Occurred Permanently Disabling Fatal D. Number of Persons Affected; 002 Section D. High E. Reckless Disregard ce (check one) Citation Order Safeguard E. Citation/ F. Dated Mo Da Yr
Safety of Act Other Section II—Aspector's Evaluation 10. Gravity: A. Injury or Iliness (has) (is): No Likelinood Unlikely B. Injury or Iliness could reasonably be expected to be: No Lost Workdays Lost Workday C. Significant and Substantial: Yes No U 11. Negligenca (check one) A. None B. Low C. Mor 12. Type of Action 104(a) 13. Type of Issuan 14. Initial Action	T/Section of e 30 CFR 75.370(a)(1) Reasonably Likely Highly Likely Occurred Permanently Disabling Fatal D. Number of Persons Affected; 002 Section D. High E. Reckless Disregard ce (check one) Citation Order Safeguard E. Citation/ F. Dated Mo Da Yr
Safety of Act Other Othe	T/Section of e 30 CFR 75.370(a)(1) Reasonably Likely Highly Likely Occurred mys Or Restricted Duty Permanently Disabling Fatal D. Number of Persons Affected; 002 Section D. Highr E. Reckless Disregard to (check one)

se Regulatory Enforcement Falmess Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudaman and 10 Regional Falmess Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudaman 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 (1-888-724-3247), or write the Ombudaman at Small Business Administration, Office of the National Ombudaman, 409 and Street, SW MC 2120, Washington, DC 20416. Pleaso, note, however, that your right to like a comment with the Ombudaman is in addition to any other rights you may have, including the right to contest charlons and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

1419

21. Primary or Mill

23, AR Number

23644

Mo Da Yr

08/15/2007

E01

20. Event Number

B. Time (24 Hr. Clock)

4117130

18. Terminated

22 Signature

19. Type of inspection

(activity code)

A. Date

Section IV-Automated System Data