## Mine Activity Data

1. **Action:**
   a. New Entry [ ]
   b. Update [✓]

2. **Activity Code:** E01

3. **Event Number:** 4118287

4. **Date Event Started:** 7/1/2008

5. **Date Event Finished:** 9/30/2008

6. **Mine ID:** 46-08436

7. **Organization Code (Mine Assignment):** 20401

8. **Organization Code (AR Assignment):** 20401

9. **Company Name:** PERFORMANCE COAL COMPANY

10. **Mine Name:** UPPER BIG BRANCH MINE-SOUTH

11. **Report Type (check):**
   a. First [ ]
   b. Interim [ ]
   c. Last [ ]
   d. Not Applicable [✓]

12. **Area of Inspections:**
   a. Active Sections [✓]
   b. Idle Sections [ ]

13. **Number of Samples Collected:**
   a. Air 41
   b. Rock Dust Spot 0
   c. Rock Dust Survey 2
   d. Respirable Dust [✓]
   e. Noise 0
   f. Other 0

14. **Impoundments/Refuse Piles:**
   a. Number
   b. FHC
   c. Configuration

15. **Prime Independent Contractor Codes (Major Construction):**

16. **Inspection Results**

<table>
<thead>
<tr>
<th>Citations</th>
<th>Orders</th>
<th>Safeguards</th>
<th>Other</th>
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17. **Remarks:**
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18. **Signature and Card Number of Authorized Representative/Right of Entry Person(s) Responsible for Activity**

   Card Number
   20643
   23644

19. **Key Entered By**
   Date

---

MSHA Form 2000-22. Oct. 85 (Revised) Previous editions are Obsolete
<table>
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</table>
**Mine Citation/Order**

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

---

### Section I - Violation Data

<table>
<thead>
<tr>
<th>1. Date</th>
<th>Mo Da Yr</th>
<th>2. Time (24 Hr. Clock)</th>
<th>3. Citation/Order Number</th>
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<td>09/12/2008</td>
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### 4. Served To
Greg Raines, Safety

### 6. Mine
**UPPER BIG BRANCH MINE-SOUTH**

### 8. Condition or Practice

Per records, the fire valves were last tested on 6/26/07 exceeding the 1 year limit.

---

### Section II - Inspector's Evaluation

<table>
<thead>
<tr>
<th>9. Violation</th>
<th>A. Health Safety [✓]</th>
<th>B. Section of Act</th>
<th>C. Part/Section of Title 30 CFR</th>
</tr>
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<tbody>
<tr>
<td></td>
<td></td>
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<td>75.1103-11</td>
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</table>

### 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:** Yes [✓] No [✓]

### 11. Negligence (check one)
- A. None [✓]
- B. Low [✓]
- C. Moderate [✓]
- D. High [✓]
- E. Reckless Disregard [✓]

### 12. Type of Action

104(a)

### 13. Type of Issuance (check one)

- Citation [✓]
- Order [✓]
- Safeguard [✓]
- Written Notice [✓]

### 14. Initial Action

- A. Citation [✓]
- B. Order [✓]
- C. Safeguard [✓]
- D. Written Notice [✓]

### 15. Area or Equipment

---

### Section III - Termination Action

**16. Termination Due**

<table>
<thead>
<tr>
<th>A. Date</th>
<th>Mo Da Yr</th>
<th>B. Time (24 Hr. Clock)</th>
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**17. Action to Terminate**

---

### Section IV - Automated System Data

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<tr>
<th>19. Type of Inspection (activity code)</th>
<th>20. Event Number</th>
<th>21. Primary or Mill</th>
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<tbody>
<tr>
<td>E01</td>
<td>4118287</td>
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</table>

**22. Signature**

---

**MSHA Form 7000-3, Apr 08 (revised)**

In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small 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, 405 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.
The fire valve test is now being recorded.
The emergency medical arrangements with a hospital, etc. have not been made as required. A letter of arrangement could not be presented for proof.
Section I—Subsequent Action/Continuation Data

<table>
<thead>
<tr>
<th>1. Subsequent Action</th>
<th>2. Dated (Original Issue)</th>
<th>3. Citation/Order Number</th>
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</thead>
<tbody>
<tr>
<td>1a. Continuation</td>
<td>09/12/2008</td>
<td>6619757 - 01</td>
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</table>

4. Served To
Homer Wallace, Supt

6. Mine
UPPER BIG BRANCH MINE-SOUTH

7. Mine ID (Contractor)
46-08436

Section II—Justification for Action

A letter to provide medical care in case of an emergency has been obtained from one of the area hospitals, Raleigh Hospital.
The same scenario (fire) was used for the escapeway drills performed in June on all drills except 1 crew which performed explosion.
A different scenario for escapeway drills performed has been performed and recorded.
Mine Citation/Order

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

Section I - Violation Data
1. Date Mo Da Yr 07/10/2008
2. Time (24 Hr. Clock) 0740
3. Citation/Order Number 7183875

4. Served To
Scott Halstead, Weekly Examiner

5. Operator
PERFORMANCE COAL COMPANY

6. Mine
UPPER BIG BRANCH MINE-SOUTH

7. Mine ID 46-08436

8. Condition or Practice
The Travelway along the North Mains Return was not being Maintained Safe.
There was Loose Roof Located Between the Last Roof Bolt and the Rib at No. 49 Crosscut. The Rock Measured Approximately 10 feet in Length, 48 Inches in width and 2 inches in Thickness beginning at the Inby Corner and Extended Outby for Approximately 10 Feet. The Overall Height in the area is 6 Feet.

8a. Written Notice (103g)

9. Violation
A. Health [ ] Safety [ ] Other [ ]
B. Section of Act
C. Part/Section of Title 30 CFR 75.202(a)

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: Yes [ ] No [ ]
D. Number of Persons Affected: 001

11. Negligence (check one)
A. None [ ] B. Low [ ] C. Moderate [ ] D. High [ ] E. Reckless Disregard [ ]

12. Type of Action
104(a)

13. Type of Issuance (check one)
A. Citation [ ] B. Order [ ] C. Safeguard [ ] D. Written Notice [ ]
E. Citation/Order Number
F. Dated Mo Da Yr

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 07/11/2008
B. Time (24 Hr. Clock) 0700

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) 001
20. Event Number 4118287
21. Primary or Mill

22. Signature

MSHA Form 7000-3, Mar 86 (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.
The loose roof has been taken down and additional supports, jacks and timbers, have been installed in the affected area.
The Approved Roof Control Plan, Permit No. 4-RC-11-94-12307-11, was not being complied with in the No.1 Entry, Return, of North Mains. At the No.9 Crosscut the entry had been driven 21 to 24 feet in width beginning 25 feet outby the corner and extended inby for approximately 25 feet. The Approved Control Plan requires that the entry width not exceed 20 feet except where the track and belt conveyor are to be in the same entry. The overall height in the area is 6 feet.
Additional supports, jacks and timbers, have been installed in the area reducing the entry to 20 feet.
Citation No. 7183876 is being modified.

- To add the word "roof", and make the sentence "read the approved roof control plan".

MSHA Form 7000-3a, Mar 95 (revised)
The Energized High Voltage Cable, 12,470 Volts AC, Supplying Power to the No.2 Section was not Guarded where Persons are Required to Pass under it. The Cable Located 2 Crosscuts Outby the Section Feeder was 4 1/2 to 5 Feet from the Mine Floor to the Cable.
A guard has been provided for the high voltage cable where persons are required to pass under it.
The Personnel Doors Installed in the Stoppings along the Left Return off of No. 2 Sections were not Marked for Identification to Direct a Person Traveling the Return to the Main Intake Escapeway.
Mine Citation/Order
Continuation

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 Yr 07/14/2008
3. Citation/Order Number 7183878 - 01

4. Served To
Charles Semenske, Foreman

5. Operator
PERFORMANCE COAL COMPANY

6. Mine
UPPER BIG BRANCH MINE-SOUTH

7. Mine ID
46-08436

(Contractor)

Section II--Justification for Action

Change From To
10. D. Persons Affected 10 1

Reason To lower the numbers of persons affected. Only one person, the weekly examiner, is in this area.

The outby door has been replaced restored the airlock system.
Mine Citation/Order Continuation

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

<table>
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<tr>
<th>Section I - Subsequent Action/Continuation Data</th>
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<td>1. Subsequent Action</td>
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<th>4. Served To</th>
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<td>Charles Semenske, Foreman</td>
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Section II - Justification for Action

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<tr>
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<th>From</th>
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| Reason | To state in the body of the termination that the doors have been marked and identified. |

The termination for Citation No. 7183878 is being modified.
The Left Return from the No.2 Section was not Separated from the No.7 Belt Conveyor Entry and the Track Entry. The Double Doors Installed Across from the No.7 Belt Conveyor Drive Unit to Separate the two Entries had been left Open.
The Approved Ventilation Plan was not being Complied with. The Double Doors Installed Across from the No.7 Belt Drive Unit to Create an Airlock System Between the Return and Belt Conveyor Entry was not being Maintained. The Outby Door to the System had been Damaged Destroying the Airlock System.
The outby door has been replaced restoring the airlock system.
The Electric Equipment, No.7 Douglas Battery Charger, Serial No.154064, Located in the Shop, was not being maintained in a safe condition. The Epoxy inside of the Battery Charging Plug has been broken Exposing the metal within. The Equipment was removed from service until Corrected.
Float Coal Dust in Excessive Amounts was allowed to Accumulate inside of the Energized No.1 LBB KVA Box, 12,470 Volts AC, Located Outby No.1 LBB Belt Conveyor Unit.
The float coal dust has been removed from inside of the KVA box.
The Electric Face Equipment, Fletcher Roof Bolting Machine, Serial No.8370/9732 Approval No.2G-2757A-14, being used on the No.2 Section was not being Maintained in Permissible Condition. The Illumination Lights were not Securely Fastened to the Machine. The Rear Light had been Broken-Off and the Left-Side Light was Loose.
Repairs were made to the equipment restoring it to permissible condition.
The Lifeline Installed in the Intake Escapeway from the No.2 Section was not being Maintained Through-out the Entire Length of the Escapeway. The Lifeline had been Severed in an Area Located next to the 4 North Belt Drive Unit which is Located in the Adjacent Entry. There was a Voided Approximately 50 feet in Length Between the two Severed Ends.

See Continuation Form (MSHA Form 7000-3a)
The Communication System, Telephone, to Provide Continuous Communications with the Surface in Case of an Emergency, Installed in the Intake Escapeway from No.2 Section was not being Maintained. The Telephone Line had been Severed in an Area Located next to No.4 Belt Conveyor Drive Unit, the Adjacent Entry.
The Metallic Frames of the No.2 Section's Power Center and the High Voltage Sleigh, were the extra High Voltage Cable, 12470 Volts AC, is Stored were not Provide with a Frame Ground from the Power Center to the Sleigh.
Mine Citation/Order

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

Section I-- Violation

1. Date Mo Da Yr 07/23/2008
2. Time (24 Hr. Clock) 0950

5. Operator
PERFORMANCE COAL COMPANY

4. Citation/Order Number 7183888

6. Mine
UPPER BIG BRANCH MINE-SOUTH

9. Condition or Practice

The Disconnecting Device for the Cable to the Pressure Pump being used on the No.2 Section was not Properly Marked and Identified. The Pump Cable's Receptacle had been Connected into the Connector for Scoop Charger and the Disconnect was still Labeled Scoop Charger.

10. Gravity:
A. Injury or Illness (has) (is):
   Reasonably Likely ✓
   Unlikely
   No Likelihood
   Likely
   Occurred

B. Injury or Illness could reasonably be expected to be:
   Lost Workdays
   Lost Workdays Or Restricted Duty
   Permanent Disability

C. Significant and Substantial:
   Yes ✓
   No

14. Initial Action
A. Citation
B. Order
C. Safeguard
D. Written Notice

18. Terminated
A. Date Mo Da Yr 07/23/2008
B. Time (24 Hr. Clock) 1100

The disconnecting device has been properly marked and identified.

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 2190, 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.
Combustible Materials, Loose Coal, Coal Dust, 1 to 6 Inches in Depth, Oil and Grease were Allowed to Accumulate on the Frame on and Around the Electrical Components of the Stamler Feeder being Used on the No.2 Section.
The combustible materials have been removed from the equipment.
The Main Intake Escapeway from the No. 2 Section was not being Maintained to Assure the Safe Passage of all Persons Including Disabled Persons in Case of an Emergency. A Fletcher Double-Head Roof Bolting Machine had been placed at the Mouth of the Section Blocking the Travelway. The Lifeline Installed in the Entry was Running over the Middle of the Machine, at Center Point, Requiring a Person to have to Travel over it in Order to Making it through the area. The Machine was Positioned in a Way that there was no Six-Foot Travelway on Either side of the Machine. The Cable had been Removed from the Machine Making it Inoperative to be Moved without Towing.

See Continuation Form (MSHA Form 7000-3a)

Section II—Inspector's Evaluation

10. Gravity:
   A. Injury or Illness (has) (is):
      No Likelihood ☐  Unlikely ☑  Reasonably Likely ☐  Highly Likely ☐  Occurred ☐
   B. Injury or Illness could reasonably be expected to be:
      No Lost Workdays ☐  Lost Workdays Or Restricted Duty ☑  Permanently Disabling ☐  Fatal ☐
   C. Significant and Substantial:
      Yes ☑  No ☐
   D. Number of Persons Affected: 010

11. Negligence (check one)
   A. None ☐  B. Low ☐  C. Moderate ☑  D. High ☐  E. Reckless Disregard ☐

12. Type of Action 104(a)

13. Type of Issuance (check one)
   A. Citation ☑  B. Order ☐  C. Safeguard ☐  D. Written Notice ☐

14. Initial Action
   A. Citation ☐  B. Order ☐  C. Safeguard ☐  D. Written Notice ☐
   E. Citation/Order Number
   F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due
   A. Date Mo Da Yr 07/25/2008
   B. Time (24 Hr. Clock) 1000

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)
   R01
   20. Event Number 4118287
   21. Primary or Mill
   22. Signature
   23. AR Number 20643

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 1-866-REG-FAIR (1-866-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 400 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.
The lifeline has been re-routed giving safe passage through the escapeway.
A Sufficient Amount of SCSR's was not being provided in the SCSR Caches located in the Main Intake Escapeway for Persons Working Inby on the No.1 Section, No.2 Section and all Outby Persons Required to work in the area: at No 5 Crosscut 4 North UBB, No.49 Crosscut UBB and No.81 Crosscut between the Double Doors leading to No.2 Section. There were only 20 SCSR's in the Caches at each Location. There is a possibility of 44 Persons being underground on a given day (Day shift). The Intake Escapeway is common to No.1 Section, No.2 Section and the Outby Area Workers at these Locations.
Section I--Subsequent Action/Continuation Data

<table>
<thead>
<tr>
<th>1. Subsequent Action 1a. Continuation</th>
<th>2. Dated (Original Issue)</th>
<th>3. Citation/Order Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓</td>
<td>07/24/2008</td>
<td>7183891-01</td>
</tr>
</tbody>
</table>

4. Served To

Rick Hodge, Supt

5. Operator

PERFORMANCE COAL COMPANY

6. Mine

UPPER BIG BRANCH MINE-SOUTH

Mine ID 46-08436 (Contractor)

Section II--Justification for Action

Additional SCSR's have been provided at the affected locations.

Section III--Subsequent Action Taken

8. Extended To

A. Date  B. Time (24 Hr. Clock)  C. Vacated  D. Terminated  E. Modified

Section IV--Inspection Data

9. Type of Inspection  E01  10. Event Number  4118287

1.  AR Number  12. Date  13. Time (24 Hr. Clock)

20643  08/11/2008  2215

MSHA Form 7000-3e, Mar 85 (revised)
Mine Citation/Order

Section I--Violation Data

1. Date

2. Time (24 Hr. Clock)

3. Citation/Order Number

4. Served To

5. Operator

6. Mine

7. Mine ID

The Approved Supplement, Dated 07-14-2008, to the Approved Roof Control Plan, Permit No.4-RC-11-94-12307-11, was not being Complied with in the Construction Area Outby the No.1 Section. 50 Ton Heintzmann Jack or Equivalent had not been Installed Across the Crosscut in the Track Entry Left of Survey Station No.19879 and the Block Outby for the Entire Length of the Block Prior to or after the Block had been Split. The Split through the Block at Survey Station No.19879 had been Driven 19 to 20 Feet in Width beginning at Survey Station No.19879 and Extended Inby for 150 Feet. The Approved Supplement Requires that 50 Ton Jacks or Equivalent be Install Across the Crosscuts and the Pillar Blocks Inby and Outby for the Entire Length of the Blocks and the Width through the Pillar Splits will not Exceed 16 Feet. All the Crews and the Foremen have been Instructed in the

Section II--Inspector's Evaluation

10. Gravity:

A. Injury or Illness (has) (is): No Likelihood [ ] Unlikely [ ] Reasonably Likely [x] Highly Likely [ ] Occurred [ ]

B. Injury or Illness could reasonably be expected to be: No Lost Workdays [ ] Lost Workdays Or Restricted Duty [ ] Permanently Disabling [x] Fetal [ ]

C. Significant and Substantial: Yes [x] No [ ]

D. Number of Persons Affected: 002

11. Negligence (check one) A. None [ ] B. Low [ ] C. Moderate [ ] D. High [x] E. Reckless Disregard [ ]

12. Type of Action

13. Type of Issuance (check one)

A. Citation [ ] B. Order [x] C. Safeguard [ ] D. Written Notice [ ]

E. Citation/Order Number

F. Dated

14. Initial Action

15. Area or Equipment

Construct work in Outby area off of No.1 Section

16. Termination Due

17. Action to Terminate

Additional Supports, Jacks, Cribs and Timbers have been installed in the affected area.

18. Terminated

Section IV--Automated System Data

19. Type of Inspection (activity code)

20. Event Number

21. Primary or Mill

22. Signature

23. AR Number

MSHA Form 7000-3, Mar 85 (revised) 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 21230, Washington, DC 20410.
Continuation

Requirements of the Roof Control Plan. This area has been mined for several shifts and is located 250 feet out by the active section. The area had been examined but the conditions cited had not been reported for correction.
The Primary Escapeway, Main Intake, from No.1 Section was not Separated with Permanent Type Stoppings from the Belt Conveyor Entry at Four (4) Locations. The Stoppings had been Removed and Brattice Cloth had been Installed as a Separation. The area had been Examined and the Conditions had not been Reported for Correction.

Section III--Termination Action
Permaent type stoppings have been installed in the affected areas separating the primary escapeway from the belt conveyor entry.

Section IV--Automated System Data

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Hazardous Conditions Observed and Cited in the Outby areas of No.1 Section had not been Reported for Corrections.

9. Violation
   A. Health Safety  ☑  B. Section of Act  
   C. Part/Section of Title 30 CFR  75.363(a)

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:  
       Yes  ☑  No  ☐
    D. Number of Persons Affected:  010

11. Negligence (check one)  
    A. None  ☐  B. Low  ☐  C. Moderate  ☑  D. High  ☐  E. Reckless Disregard  ☐

16. Termination Due
    A. Date  Mo Da Yr  07/26/2008  
    B. Time (24 Hr. Clock)  2300

17. Action to Terminate
    The conditions have been corrected and the examinees have been instructed again to report all hazards observed.

18. Terminated
    A. Date  Mo Da Yr  07/26/2008  
    B. Time (24 Hr. Clock)  2300

22. Signature

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.
The Electric Equipment was not being Maintained Safe. The Epoxy inside of the Charging Receptacle from No.3 Scoop Charger Being used on the No.2 Section had been Broken Exposing the Metal within the Receptacle. The Equipment was Removed from Service until Corrected.
The Electric Face Equipment, No.1 Scoop, Serial No.T339-267, Approval No.2G-3599-2, being used on the No.2 Section was not being Maintained in Permissible Condition. The Left Battery Receptacle was not Provided with a Locking Device. Also the Battery Lids were not Provided with a Means to Secure them from being Raised Inby the Last Open Crosscut. This Equipment is Operated in or inby the Last open Crosscut.
Repairs were made to the equipment restoring it to permissible condition.
Combustible Materials, Loose Coal, Coal Dust, 1 to 3 Inches in Depth and Oil were allowed to accumulate on the frame, under the shields around the pump motor and the tram motor and in the deck of the No. 1 scoop being used on the No. 2 section.
The combustible materials have been removed from the equipment.
The Electric Face Equipment, No.1 Joy 14-15 Continuous Mining Machine, being used on the No.2 Section was not being Maintained in Permissible Condition. The Methane Monitor was not Securely Fastened to the Machine. The Monitor was Loose and was being Held in Place with a Plastic Zip Tie. There was an Opening in Excess of .004 Inches (.005 Inches) Present in the Plane Flange Joint of the Cover for the Cable Junction Box and there was an Opening in Excess of .004 Inches (.005 Inches) Present in the Plane Flange Joint of the Cover for the Tram Panel.
Repairs were made to the equipment restoring it to permissible condition.
The Trailing Cable Supplying Power, 995 Volts AC, to the No.1 Joy 14-15 Continuous Mining Machine being used on the No.2 Section Contained Two Damaged Places in the Outer Jacket of the Cable Exposing the Insulated Leads within the Cable.
The Electric Face Equipment, Fletcher Roof Bolting Machine, Serial No. 3070/9732, Approval No. 2G-2751A-14, being used on the No. 2 Section was not being maintained in permissible condition. The Bolts in the Light Switch were loose creating an opening in excess of .004 inches (.005 inches) in the plane flange joint of the cover for the switch.

| 9. Violation | A. Health
Safety [ ] Other [ ] | B. Section of Act | C. Part/Section of Title 30 CFR |
<table>
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<td>75.503</td>
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</tbody>
</table>

| 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: Yes [ ] No [ ] D. Number of Persons Affected: [002] |

| 11. Negligence (check one) | A. None [ ] B. Low [ ] C. Moderate [ ] D. High [ ] E. Reckless Disregard [ ] |

| 12. Type of Action | 104(a) |

| 13. Type of Issuance (check one) | Citation [ ] Order [ ] Safeguard [ ] |

| 14. Initial Action | A. Citation [ ] B. Order [ ] C. Safeguard [ ] D. Written Notice [ ] E. Citation/Order Number [ ] F. Dated Mo Da Yr [ ] |

| 15. Area or Equipment | |

| 16. Termination Due | A. Date Mo Da Yr 07/30/2008 B. Time (24 Hr. Clock) 0230 |

| 17. Action to Terminate | Repairs were made to the equipment restoring it to permissible condition. |

| 18. Terminated | A. Date Mo Da Yr 07/30/2008 B. Time (24 Hr. Clock) 0205 |

MSHA Form 7000-3, Mar 86 (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**

**Section I - Violation**

1. **Date**
   - Mo Da Yr: 07/30/2008

2. **Time (24 Hr. Clock)**
   - 0210

3. **Citation/Order Number**
   - 7183901

4. **Served To**
   - William Graham, Foreman

5. **Operator**
   - PERFORMANCE COAL COMPANY

6. **Mine**
   - UPPER BIG BRANCH MINE-SOUTH

7. **Mine ID**
   - 46-08436 (Contractor)

8. **Condition or Practice**
   - Combustible Materials, Loose Coal, Coal Dust 1/4 to 3 Inches, and Oil were allowed to accumulate in the Deck, on the Valve Chest of the Left and Right Operator's Controls under the Shields in the Reel Compartment of the Fletcher Roof Bolting Machine being used on the No.2 Section.

**Section II - Inspector's Evaluation**

9. **Violation**
   - A. Health Safety ✓

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:
      - Yes ✓
      - No ○

   - D. Number of Persons Affected:
      - 002

11. **Negligence (check one)**
    - A. None ○
    - B. Low ○
    - C. Moderate ✓
    - D. High ○
    - E. Reckless Disregard ○

12. **Type of Action**
    - 104(a)

13. **Type of Issuance (check one)**
    - Citation ✓
    - Order ○
    - Safeguard ○

14. **Initial Action**
    - A. Citation ○
    - B. Order ○
    - C. Safeguard ○
    - D. Written Notice ○
    - E. Citation/Order Number
      - 75.400

15. **Area or Equipment**

16. **Termination Due**
    - A. Date
      - Mo Da Yr: 07/30/2008
    - B. Time (24 Hr. Clock)
      - 1000

**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**
    - 4118287

21. **Primary or Mill**

22. **Signal**
    - [Redacted]

23. **AR Number**
    - 20643

---

**Notes:**

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The combustible materials have been removed from the equipment.
Float Coal Dust in Excessive Amounts was allowed to accumulate inside of the Energized KVA Box, 12,470 Volts AC, supplying power to the No.3 North Belt Conveyor Drive Unit. The KVA Box is located in the No.90 Crosscut adjacent to the 3 North Belt Conveyor Entry.
The float dust has been removed from inside of the KVA box.
Mine Citation/Order

Section I--Violation Data

1. Date Mo Da Yr
08/04/2008

2. Time (24 Hr. Clock)
2120

3. Citation/Order Number
7183903

4. Served To
Randle Tolliver, Foreman

5. Mine
UPPER BIG BRANCH MINE-SOUTH

6. Mine to
46-08436

7. Mine ID

8. Condition or Practice

9. Written Notice (103g) ☐

Section II--Inspector's Evaluation

10. Gravity:
A. Injury or illness (has) ☐ 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:
Yes ☑ No ☐

D. Number of Persons Affected:
001

11. Negligence (check one)
A. None ☐ B. Low ☑ C. Moderate ☐ D. High ☐ E. Reckless Disregard ☐

12. Type of Action
104(a)

13. Type of Issuance (check one)
Citation ☑ Order ☐ Safeguard ☐

14. Initial Action
A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐

15. Area or Equipment

16. Termination Due

A. Date Mo Da Yr
08/05/2008

B. Time (24 Hr. Clock)
0700

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
4118287

21. Primary or Mill

22. Signature

23. AR Number
20643

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Section I—Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation [✓] [□]

2. Dated (Original Issue) Mo Da Yr 08/04/2008

3. Citation/Order Number 7183903 - 01

4. Served To
Scott Halstead, Weekly Examiner

5. Operator
PERFORMANCE COAL COMPANY

6. Mine
UPPER BIG BRANCH MINE-SOUTH

7. Mine ID 46-08436

(Contractor)

Section II—Justification for Action

<table>
<thead>
<tr>
<th>Change</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Issue Time</td>
<td>21:20</td>
<td>22:30</td>
</tr>
</tbody>
</table>

Reason
To show the correct time the citation was issued.

The float dust has been removed from inside of the KVA box.
The Front of the Tail Roller and the Take-Up Rollers for the Silo Belt Conveyor were not Guarded to Prevent a Person from Going Inside of the Area and Coming in Contact with the Moving Parts.
A guard has been provided for the rollers.
Mine Citation/Order

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

1. Date Mo Da Yr 08/06/2008
2. Time (24 Hr. Clock) 1330
3. Citation/Order Number 7183905

4. Served To
Scott Halstead, Weekly Examiner

5. Operator
PERFORMANCE COAL COMPANY

6. Mine
UPPER BIG BRANCH MINE-SOUTH

7. Mine ID 46-08436 (Contractor)

Float Coal Dust in Excessive Amounts was Allowed to Accumulate Inside of the Energized KVA Box, 12,470 Volts AC, Supplying Power to the 1 North Belt Conveyor Drive Unit.

8. Violation

<table>
<thead>
<tr>
<th>A. Health Safety ✓</th>
<th>B. Section of Act</th>
<th>C. Part/Section of Title 30 CFR</th>
</tr>
</thead>
</table>

9. Section II Inspector's Evaluation

<table>
<thead>
<tr>
<th>A. Injury or Illness (has) (is):</th>
<th>Unlikely</th>
<th>Reasonably Likely ✓</th>
<th>Highly Likely</th>
<th>Occurred</th>
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</thead>
<tbody>
<tr>
<td>Injurious or Illness could reasonably be expected to be:</td>
<td>Lost Workdays</td>
<td>Lost Workdays Or Restricted Duty ✓</td>
<td>Permanently Disabling</td>
<td>Fatal</td>
</tr>
<tr>
<td>C. Significant and Substantial:</td>
<td>Yes ✓</td>
<td>No</td>
<td>D. Number of Persons Affected: 001</td>
<td></td>
</tr>
</tbody>
</table>

10. Gravity:

11. Negligence (check one)

| A. None | B. Low | C. Moderate ✓ | D. High | E. Reckless Disregard |

12. Type of Action 104(a)

13. Type of Issuance (check one)

| A. Citation ✓ | B. Order | C. Safeguard | D. Written Notice |

14. Initial Action

| A. Citation | B. Order | C. Safeguard |

15. Area or Equipment

16. Termination Due

| A. Date Mo Da Yr 08/07/2008 | B. Time (24 Hr. Clock) 0700 |

17. Action to Terminate

18. Terminated

| A. Date Mo Da Yr | B. Time (24 Hr. Clock) |

19. Type of Inspection (activity code)

| B01 |

20. Event Number

| 4118287 |

21. Primary or Mill

22. Signature

| 0 |

23. AR Number

| 20643 |

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The float dust has been removed from the inside of the KVA box.
Mine Citation/Order

Section I--Violation Data
1. Date Mo Da Yr 08/07/2008 2. Time (24 Hr. Clock) 1325 3. Citation/Order Number 7183906

4. Served To Rick Hodge, Supt
5. Operator PERFORMANCE COAL COMPANY
6. Mine UPPER BIG BRANCH MINE-SOUTH
7. Mine ID 46-08436

8. Condition or Practice
The Mobile Equipment, Caterpillar 50 Forklift used to Load and Unload Supplies in the Warehouse, was not Provided with an Operative Fire Extinguisher. The Fire Extinguisher Provided on the Equipment needed to be Recharged.

9. Violation A. Health Safety □ B. Section of Act □ C. Part/Section of Title 30 CFR 77.1109

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: Yes □ No □
D. Number of Persons Affected: 001

11. Negligence (check one) A. None □ B. Low □ C. Moderate □ D. High □ E. Reckless Disregard □

12. Type of Action 104(a)
13. Type of Issuance (check one) Citation □ Order □ Safeguard □

14. Initial Action 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 08/07/2008 B. Time (24 Hr. Clock) 1500

Section III--Termination Action
17. Action to Terminate An operative fire extinguisher has been provided for the forklift.

18. Terminated A. Date Mo Da Yr 08/07/2008 B. Time (24 Hr. Clock) 1500

Section IV--Automated System Data
19. Type of Inspection (activity code) E01
20. Event Number 4118287
21. Primary or Mill □
22. Signature □
23. AR Number 20643

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.
An Adequate Guard was not Provided for the Outby Drive Motor for the UBB 1 Belt Conveyor Drive Unit. An Opening of Approximately 5 Inches was present in the Area where the Fluid Coupler and the Shaft for the Motor are Located which would Allowing a Person to Reach in and come in Contact with the Moving Parts.
An adequate guard has been provided.
A Current Escapeway Map was not Provided on the No.1 Section - MMU-029-0.
The Electric Face Equipment, Right-Side Joy 14-15 Continuous Mining Machine, Serial No.JM5852, Used on the No.2 Section-MMU-041-0, was not being Maintained in Permissible Condition. The Methane Monitor was not Securely Fastened to the Machine, the Bolts Holding the Monitor in Place had been Broken-off Dislodging it from the Machine. Also an Opening in Excess of 004 inches (005 inches) was Present in the Plane Flange Joint of the Cover for the Cable Junction Box.

The Electric Face Equipment, Right-Side Joy 14-15 Continuous Mining Machine, Serial No.JM5852, Used on the No.2 Section-MMU-041-0, was not being Maintained in Permissible Condition. The Methane Monitor was not Securely Fastened to the Machine, the Bolts Holding the Monitor in Place had been Broken-off Dislodging it from the Machine. Also an Opening in Excess of 004 inches (005 inches) was Present in the Plane Flange Joint of the Cover for the Cable Junction Box.
Repairs were made to the equipment restoring it to permissible condition.
The Methane Monitor Installed on the Right-Side Joy 14-15 Continuous Mining Machine, Serial No.5852, used on No.2 Section-MMU-041-0, was being Maintained in Proper Operating Condition. When Tested with a Known Air-Methane Mixture (2.5 Volume Per Centum of Methane) the System did not Respond and Deenergize the Machine as Required.
Performance Coal Company, Lucas Pugalee, Foreman

PERFORMANCE COAL COMPANY

Combustible Materials, Loose Coal, Coal Dust, 1 to 4 Inches in Depth, and Oil were allowed to accumulate under the shields on the frame on and around the electrical components of the right-side Joy 14-15 Continuous Mining Machine, Serial No. JM5852, used on the No.2 Section-MMU-041-0.

A. Health Safety  
B. Section of Act
C. Part/Section of Title 30 CFR

75.400

B. Type of Action

104(a)

C. Type of Issuance (check one)

Citation

Order

Safeguard

D. Number of Persons Affected: 002

E. Significant and Substantial: Yes

No

F. Negligence (check one)

None

Low

Moderate

High

Reckless Disregard

G. Initial Action

A. Citation

B. Order

C. Safeguard

D. Written Notice

E. Citation/Order Number

F. Dated

Mo Da Yr

G. Type of Inspection (activity code)

H. Event Number

I. Primary or Mill

J. AR Number

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 20410. 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.
<table>
<thead>
<tr>
<th>Section I-Subsequent Action/Continuation Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Subsequent Action 1a. Continuation</td>
</tr>
<tr>
<td>✓</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>4. Served To</th>
<th>5. Operator</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Taraczkozu, Foreman</td>
<td>PERFORMANCE COAL COMPANY</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>UPPER BIG BRANCH MINE-SOUTH</td>
<td>46-08436</td>
</tr>
</tbody>
</table>

**Section II-Justification for Action**

The combustible materials have been removed from the equipment.

**Section III-Subsequent Action Taken**

<table>
<thead>
<tr>
<th>8. Extended To</th>
<th>9. Type of Inspection</th>
<th>10. Event Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>E01</td>
<td>4118287</td>
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</table>

**Section IV-Inspection Data**

<table>
<thead>
<tr>
<th>AR Number</th>
<th>12. Date</th>
<th>13. Time (24 Hour Clock)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20643</td>
<td>08/14/2008</td>
<td>1222</td>
</tr>
</tbody>
</table>

MSHA Form 7000-3a, Mar 85 (revised)
The Fire Suppression System Installed on the Right-Side Joy 14-15 Continuous Mining Machine, Serial No. JM5852, used on the No.2 Section-MMU-041-0, was not being Maintained in an Operative Condition. When Tested the Left-Side Sprays were Stopped up Restricting the Flow of Water Through the System.

Repairs were made to the system restoring it to an operative condition.
The Electric Face Equipment, No.2 Fletcher Roof Bolting Machine, used on the No.2 Section-MMU-041-0, was not being Maintained in Permissible Condition. The Junction Boxes for the Left and Right-Side Deenergization Devices were not Securely Fastened to the Machine. The Bolts were Broken Off and the Boxes were Hanging Freely against the Machine. Also the Packing Gland for the Rear Illumination Light was Loose.
Repairs were made to the equipment restoring it to permissible condition.
Mine Citation/Order

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

Section I--Violation Data

1. Date Mo Da Yr 08/12/2008
2. Time (24 Hr. Clock) 0225
3. Citation/Order Number 7183914

4. Served To Lucas Pugalee, Foreman

5. Operator PERFORMANCE COAL COMPANY

6. Mine UPPER BIG BRANCH MINE-SOUTH

7. Mine ID 46-08436 (Contractor)

8. Condition or Practice

Combustible Materials, Loose Coal, Coal Dust, 1 to 3 Inches, and Oil were allowed to accumulate in the Deck, on the Frame and Under the Shields in the Cable Reel Compartment on and Around the Electrical Components of the No.2 Fletcher Roof Bolting Machine used on the No.2 Section--MMU-041-0.

9. Violation

A. Health Safety Check

B. Section of Act

C. Part/Section of Title 30 CFR 75.400

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: Yes ✔ No ☐

D. Number of Persons Affected: 002

11. Negligence (check one)

A. None ☐ B. Low ☐ C. Moderate ✔ D. High ☐ E. Reckless Disregard ☐

12. Type of Action

104(a)

13. Type of Issuance (check one)

Citation ✔ Order ☐ Safeguard ☐

14. Initial Action

A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notice ☐

E. Citation/Order Number

F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due

A. Date Mo Da Yr 08/12/2008
B. Time (24 Hr. Clock) 1200

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)

B01

20. Event Number 4118287

21. Primary or Mill

22. Signature

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.
The combustible materials have been removed from the equipment.
Mine Citation/Order

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

Section I--Violation Data

1. Date Mo Da Yr  08/12/2008
2. Time (24 Hr. Clock)  0245
3. Citation/Order Number  7183915

4. Served
Lucas Pugalee, Foreman

5. Operator
PERFORMANCE COAL COMPANY

6. Mine
UPPER BIG BRANCH MINE-SOUTH (Contractor)

7. Mine ID  46-08436

8. Condition or Practice
Combustible Materials, Loose Coal, Coal Dust, 1 to 3 Inches, and Oil were Allowed to Accumulate in the Deck, on the Oil Tank and Pump Motor and in the Cable Reel Compartment on and Around the Electrical Components of the No.3 Joy-10 Shuttle Car, Serial No.17056 used on the No.2 Section-MMU-041-0.

9. Violation
A. Health
Safety 

B. Section of Act

C. Part/Section of Title 30 CFR
75.400

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:
   Yes 
   No
D. Number of Persons Affected: 001

11. Negligence (check one)
A. None 
B. Low 
C. Moderate 
D. High 
E. Reckless Disregard 

12. Type of Action
104(a)

13. Type of Issuance (check one)
Citation
Order
Safeguard

14. Initial Action
A. Citation 
B. Order 
C. Safeguard 
D. Written Notice

15. Area or Equipment

Section II--Inspector's Evaluation

16. Termination Due
A. Date Mo Da Yr  08/12/2008
B. Time (24 Hr. Clock)  1200

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)
B01

20. Event Number  4118287

21. Primary or Mill

22. Signature

23. AR Number  20643

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.
The combustible materials have been removed from the equipment.
Combustible Materials, Loose Coal, Coal Dust, 1 to 3 Inches, and Oil were allowed to accumulate in the Deck, on the Oil Tank and Pump Motor and in the Cable Reel Compartment on and around the electrical components of the No.1 Joy-10 Shuttle Car, Serial No. ET16880 Approval No. 2G-3614A-00 used on the No.2 Section-MMU-041-0.

<table>
<thead>
<tr>
<th>A. Health Safety</th>
<th>B. Section of Act</th>
<th>C. Part/Section of Title 30 CFR</th>
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<tr>
<td>No</td>
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<table>
<thead>
<tr>
<th>A. None</th>
<th>B. Low</th>
<th>C. Moderate</th>
<th>D. High</th>
<th>E. Reckless Disregard</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Yes</td>
<td>No</td>
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<table>
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<th>12. Type of Action</th>
<th>104(a)</th>
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</table>

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<tr>
<th>13. Type of Issuance (check one)</th>
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<th>Order</th>
<th>Safeguard</th>
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<table>
<thead>
<tr>
<th>14. Initial Action</th>
<th>A. Citation</th>
<th>B. Order</th>
<th>C. Safeguard</th>
<th>D. Written Notice</th>
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| 15. Area or Equipment | |
|----------------------| |

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<tr>
<th>16. Termination Due</th>
<th>A. Date</th>
<th>B. Time (24 Hr. Clock)</th>
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<td>08/12/2008</td>
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| 17. Action to Terminate | |
|-------------------------| |

<table>
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<tr>
<th>18. Terminated</th>
<th>A. Date</th>
<th>B. Time (24 Hr. Clock)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Mo Da Yr</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>19. Type of Inspection (activity code)</th>
<th>20. Event Number</th>
<th>21. Primary or Mill</th>
</tr>
</thead>
<tbody>
<tr>
<td>F01</td>
<td>4118287</td>
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<table>
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<tr>
<th>22. Signature</th>
<th>23. AR Number</th>
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<tbody>
<tr>
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<td>20643</td>
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</tbody>
</table>

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The combustible materials have been removed from the equipment.
**Mine Citation/Order**

**Section I--Violation**

1. **Date:** Mo Da Yr 08/19/2008  
2. **Time (24 Hr. Clock):** 0125  
3. **Citation/Order Number:** 7183917

4. **Served To:** William Graham, Foreman  
5. **Operator:** PERFORMANCE COAL COMPANY  
6. **Mine:** UPPER BIG BRANCH MINE-SOUTH  
7. **Mine ID:** 46-08436 (Contractor)

8. **Condition or Practice:**

   Combustible Materials, Loose Coal, Coal Dust, 1 to 4 Inches in Depth, and Oil were allowed to accumulate under the shields on the frame and pump motor in the breaker compartment on and around the electrical components of the No.1 Scoop, Serial No.T339-396, Approval No.2G-3579-2 used on the No.1 Section-MMU-029-0.

9. **Violation:**

<table>
<thead>
<tr>
<th>A. Health Safety</th>
<th>B. Section of Act</th>
<th>C. Part/Section of Title 30 CFR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>75.400</td>
</tr>
</tbody>
</table>

**Section II--Inspector's Evaluation**

10. **Gravity:**

    - A. Injury or Illness (has) (is): No Likelihood [ ] Likely [X] Reasonably Likely [ ] Highly Likely [ ] Occurred [ ]
    - B. Injury or Illness could reasonably be expected to be: No Lost Workdays [ ] Lost Workdays Or Restricted Duty [X] Permanently Disabling [ ] Fatal [ ]
    - C. Significant and Substantial: Yes [ ] No [X]
    - D. Number of Persons Affected: 001

11. **Negligence (check one):**

    - A. None [ ] B. Low [ ] C. Moderate [X] D. High [ ] E. Reckless Disregard [ ]

12. **Type of Action:** 104(a)  
13. **Type of Issuance (check one):**

    - A. Citation [X] B. Order [ ] C. Safeguard [ ] D. Written Notice [ ]

14. **Initial Action:**

    - A. Citation [ ] B. Order [ ] C. Safeguard [ ] D. Written Notice [ ]

15. **Area or Equipment**

16. **Termination Due:**

    - A. Date: Mo Da Yr 08/19/2008  
    - B. Time (24 Hr. Clock): 0800

**Section III--Termination Action**

17. **Action to Terminate**

18. **Terminated:**

    - A. Date: Mo Da Yr  
    - B. Time (24 Hr. Clock): 

**Section IV--Automated System Data**

19. **Type of Inspection**

   (activity code) E01  

20. **Event Number:** 4118287  
21. **Primary or Mill:**

22. **Signature:** [redacted]

23. **AR Number:** 20643

---

**Note:** 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, MS 2130, 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.
Section I--Subsequent Action/Continuation

1. Subsequent Action 1a. Continuation

☐ 2. Dated (Original Issue) 08/19/2008

3. Citation/Order Number 7183917-01

4. Served To
Gary May, Mine Foreman

5. Operator
PERFORMANCE COAL COMPANY

6. Mine
UPPER BIG BRANCH MINE-SOUTH

7. Mine ID 46-08436

Section II--Justification for Action

The combustible materials have been removed from the equipment.

Section III--Subsequent Action Taken

8. Extended To

☐ A. Date

☐ B. Time (24 Hr. Clock)

☐ C. Vacated

☒ D. Terminated

☐ E. Modified

Section IV--Inspection Data

9. Type of Inspection E01

10. Event Number 4118287

AR Number 20643

12. Date 08/20/2008

13. Time (24 Hr. Clock) 1025

See Continuation Form ☐

MSHA Form 7000-3a, Mar 85 (revised)
The Illumination Lights Installed on the No.1 Joy 12-12 Continuous Mining Machine, Serial No.4918, used on the No.2 Section, to Illumination the Working Places, were not being Maintained. The Outby Lights for the Left and Right Lights for the System were Burn-Out.
Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation [✓] [☐]
2. Dated (Original Issue) Mo Da Yr
   08/19/2008
3. Citation/Order Number 7183918-01

5. Operator
   PERFORMANCE COAL COMPANY
   (Contractor)

6. Mine
   UPPER BIG BRANCH MINE-SOUTH
   Mine ID 46-08436

Section II--Justification for Action

8. Condition Or Practice
   Reason To show the Section equipment being used on as No.1 Section.

Citation No. 7183918 is being modified.
The Fire Suppression System Installed to Provide Fire Protection for the No. 1 Joy 12-12 Continuous Mining Machine used on the No. 1 Section-MMU-029-0, was not being Maintained. The System could not be Activated from the Remote Unit used to Operated the Continuous Mining Machine.
Repairs were made to the system restoring it to an operative condition.
Then Electric Face Equipment, No.1 Joy 12-12 Continuous Mining Machine, Serial No.4918, used on No.1 Section-MMU-029-0, was not being Maintained in Permissible Condition. The Junction Box for the Methane Monitor was not Securely Fastened to the Machine. The Bolts holding the Box in Place had broken Loose from the Machine.
Change From 8. Condition Or Practice

Reason To delete the word "Then" and replacing it with the word "The".

Citation No. 7183920 is being modified.
**Section I-Violation Data**

<table>
<thead>
<tr>
<th>1. Date</th>
<th>2. Time (24 Hr. Clock)</th>
<th>3. Citation/Order Number</th>
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</thead>
<tbody>
<tr>
<td>Mo Da Yr</td>
<td>08/19/2008</td>
<td>0315</td>
</tr>
</tbody>
</table>

**4. Served To**

William Graham, Foreman

**5. Operator**

PERFORMANCE COAL COMPANY

**6. Mine**

UPPER BIG BRANCH MINE-SOUTH (Contractor)

**7. Mine ID**

46-08436

Compressible Materials, Loose Coal, Coal Dust 1/4 to 4 Inches in Depth and Oil were a allowed to Accumulate on the Vale Chest of the Left and Right side Controls, under the Shields, in the Cable Reel Compartment and on the Frame on and around the Electrical Components of the No.1 Fletcher Roof Bolting Machine used on the No.1 Section-MMU-029-0.

**Section II-Inspector's Evaluation**

**9. Violation**

<table>
<thead>
<tr>
<th>A. Health</th>
<th>B. Section of Act</th>
<th>C. Part/Section of Title 30 CFR</th>
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</thead>
<tbody>
<tr>
<td>Safety</td>
<td></td>
<td>75.400</td>
</tr>
<tr>
<td>Other</td>
<td></td>
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**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: Yes No

D. Number of Persons Affected: 002

**11. Negligence (check one)**

A. None B. Low C. Moderate D. High E. Reckless Disregard

**12. Initial Action**

104(a)

**13. Type of Issuance (check one)**

A. Citation B. Order C. Safeguard D. Written Notice

**14. Type of Action**

Citation

**15. Area or Equipment**

**Section III-Termination Action**

**16. Termination Due**

A. Date Mo Da Yr | B. Time (24 Hr. Clock) | 1600 |
<table>
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<tr>
<th></th>
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<tbody>
<tr>
<td>08/19/2008</td>
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**17. Action to Terminate**

**Section IV-Automated System Data**

**19. Type of Inspection**

(activity code) E01

**20. Event Number**

4118287

**21. Primary or Mill**

**22. Signature**

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

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### Section I - Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation [✓]  
2. Dated (Original Issue) Mo Da Yr 08/19/2008  
3. Citation/Order Number 7183921 - 01

4. Served To  
   Gary May, Mine Foreman

5. Operator  
   PERFORMANCE COAL COMPANY

6. Mine  
   UPPER BIG BRANCH MINE-SOUTH

7. Mine ID  
   46-08436

### Section II - Justification for Action

The combustible materials have been removed from the equipment.

### 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 4118287

AR Number 12. Date Mo Da Yr 20643 08/20/2008 1020

MSHA Form 7000-3a, Mar 85 (revised)
Combustible Materials, Loose Coal, Coal dust 1/4 to 4 inches in depth and Oil were allowed to accumulate on the valve chest of the left and right side controls, under the shields, in the cable reel compartment and on the frame and around the electrical components of the No.2 Fletcher roof bolting machine used on the No.1 Section-MMU-029-0.
The combustible materials have been removed from the equipment.
The Energized High Voltage Cable, 12,470 AC, installed along the travelway of the No.1 Section Belt Conveyor Entry was not guarded at several locations where persons are required to pass under it.
The high voltage cable has been guarded in the affected areas.
The Illumination System Installed, on the Right-Side Fletcher Roof Bolting Machine being used on the No.1 Section MMU-029-0 to Illuminate the Working Places, was not being Maintained. One of the Illumination Light Installed on the Right Operator's side was not Burning and the Illumination Light Installed on the Rear of the Machine was not Burning.
Mine Citation/Order

Section I - Violation

1. Date: 09/03/2008
2. Time (24 Hr. Clock): 1715
3. Citation/Order Number: 7183925

4. Served To:
   Randle Tolliver, Foreman

5. Operator:
   PERFORMANCE COAL COMPANY

6. Mine:
   UPPER BIG BRANCH MINE-SOUTH

7. Mine ID: 46-08436

8. Condition or Practice:
   The Approved Roof Control Plan, Permit No.4-RC-11-94-12307-11, was not being complied with on the No.2 Section. The No.5 Entry, Intake Entry, had been driven 21 to 24 feet in width beginning at Survey Station No.22608 and extended inby for approximately 100 feet. The Approved Roof Control Plan requires that Entry Width not exceed 20 feet except where the belt and track are in the same Entry it can be driven 22 feet in width.

9. Violation:
   A. Health
   B. Section of Act
   C. Part/Section of Title 30 CFR
   75.220(a)(1)

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:
   Yes [ ] No [ ]

   D. Number of Persons Affected:
   001

11. Negligence (check one)
   A. None [ ] B. Low [ ] C. Moderate [ ] D. High [ ] E. Reckless Disregard [ ]

12. Type of Action
   104(a)

13. Type of Issuance (check one)
   A. Citation [ ] B. Order [ ] C. Safeguard [ ] D. Written Notice [ ]

14. Initial Action
   A. Citation [ ] B. Order [ ] C. Safeguard [ ] D. Written Notice [ ]

15. Area or Equipment

16. Termination Due
   A. Date: 09/04/2008
   B. Time (24 Hr. Clock): 0700

Section II - Inspector's Evaluation

17. Action to Terminate

Section III - Termination Action

18. Terminated
   A. Date: 
   B. Time (24 Hr. Clock): 

Section IV - Automated System Data

19. Type of Inspection (activity code)
   20. Event Number: 4118287
   21. Primary or Mill:

22. Signature: 

MSHA Form 7000-3, Rev 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 1-866-REG-FAIR (1-866-734-3247), or visit the Ombudsman at Small Business Administration, Office of the National Ombudsman, 400 3rd Street, SW, MC 2120, Washington, DC 20410. 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.
Additional supports, sand jacks, have been installed in the affected area.
The Primary Escapeway (Intake Entry) and the Secondary Escapeway (Track Entry) Leading from the No. 1 Section were not Separated for the Entire Length of the Escapeways. The Two Escapeway were Common where the Main Intake Entry and the Track Entry Intersected between the Double Doors Installed in the Track Entry at the Mouth of the Section.
The secondary escapeway has been re-routed.
The Primary and Secondary Escapeways were not being Rout to the Nearest and most Direct Route to the Surface. The Escapeways were Continued to UBB Montcoal Portals after a Nearer and More Direct Route, UBB Ellis Portals, had been Established.
Work to correct the condition cited is in progress but has not been completed therefore additional time is granted to correct.
Some work has been done to re-route the escapeways but has not been completed therefore additional time is granted to correct.
Work is in progress to establish a new escapeway to UBB Ellis Portals. Track is being laid, Stopings are being built and pumps set to pump water, therefore additional time is granted to correct.
<table>
<thead>
<tr>
<th>Section I - Subsequent Action/Continuation Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Subsequent Action 1a. Continuation</td>
</tr>
<tr>
<td>✓</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4. Served To</th>
<th>5. Operator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bill Harless, Mine Foreman</td>
<td>PERFORMANCE COAL COMPANY</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>6. Mine</th>
<th>7. Mine ID (Contractor)</th>
</tr>
</thead>
<tbody>
<tr>
<td>UPPER BIG BRANCH MINE-SOUTH</td>
<td>46-08436</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Change</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Issue Date</td>
<td>09/05/2008</td>
<td>10/16/2008</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>19. Type of Inspection</td>
</tr>
<tr>
<td>Reason</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section III - Subsequent Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. Extended To:</td>
</tr>
<tr>
<td>A. Date</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section IV - Inspection Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>9. Type of Inspection</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>11. Signature</th>
<th>AR Number</th>
<th>12. Date</th>
<th>Mo Da Yr</th>
<th>13. Time (24 Hr. Clock)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>24559</td>
<td>10/16/2008</td>
<td>1451</td>
<td></td>
</tr>
</tbody>
</table>

MSHA Form 7000-3a, Mar 85 (revised)
The escapeways have been rerouted to UBB Ellis Portals.
The Automatic Coupler Installed on the Operator's End of No.3 Locomotive, Serial No.8218, was not being Maintained to Prevent a Person from having to Step between the Motor and the Car to Uncouple them. The Latch to Release the Coupler to Uncouple them had been broken off causing a Person to have to Step between the Motor and the Supply-Car in order to Uncouple them.

<table>
<thead>
<tr>
<th>Violation</th>
<th>9. A. Health Safety</th>
<th>B. Section of Act</th>
<th>C. Part/Section of Title 30 CFR</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. Gravity:</td>
<td>A. Injury or Illness (has) (is): No Likelihood</td>
<td>Unlikely</td>
<td>Reasonably Likely</td>
</tr>
<tr>
<td>B. Injury or Illness could reasonably be expected to be:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. Significant and Substantial:</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>D. Number of Persons Affected:</td>
<td>001</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>11. Negligence (check one)</th>
<th>A. None</th>
<th>B. Low</th>
<th>C. Moderate</th>
<th>D. High</th>
<th>E. Reckless Disregard</th>
</tr>
</thead>
<tbody>
<tr>
<td>12. Type of Action</td>
<td>104(a)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>13. Type of Issuance (check one)</th>
<th>Citation</th>
<th>Order</th>
<th>Safeguard</th>
</tr>
</thead>
<tbody>
<tr>
<td>14. Initial Action</td>
<td>A. Citation</td>
<td>B. Order</td>
<td>C. Safeguard</td>
</tr>
<tr>
<td>15. Area or Equipment</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>16. Termination Due</th>
<th>A. Date</th>
<th>B. Time (24 Hr. Clock)</th>
</tr>
</thead>
<tbody>
<tr>
<td>17. Action to Terminate</td>
<td>Repairs were made to the coupler restoring it to a safe operating condition.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>18. Terminated</th>
<th>A. Date</th>
<th>B. Time (24 Hr. Clock)</th>
</tr>
</thead>
<tbody>
<tr>
<td>19. Type of Inspection (activity code)</td>
<td>E01</td>
<td></td>
</tr>
<tr>
<td>20. Event Number</td>
<td>4118287</td>
<td></td>
</tr>
<tr>
<td>21. Primary or Mill</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22. Signature</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23. AR Number</td>
<td>20643</td>
<td></td>
</tr>
</tbody>
</table>

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On August 25, 2008 a Vehicle Transporting an Injured Person from the No.1 Section of this Mine ran out of Power Approximately 4,500 feet from the Surface. This a Notice to Provide Safeguard requiring that a Vehicle be Maintained on each Working Section to Provide Prompt Transport of injured Person(s) to the Surface area of this mine. When such Vehicles are Battery Powered, Sufficient Battery Power will be Maintained to Assure Travel to the Surface.
**Mine Citation/Order Continuation**

1. Subsequent Action 1a. Continuation [✓] [☐]
2. Dated (Original Issue) Mo Da Yr 09/30/2008
3. Citation/Order Number 7183942 - 01

4. Served To

Gary May, Mine Foreman

5. Operator

PERFORMANCE COAL COMPANY

6. Mine

UPPER BIG BRANCH MINE-SOUTH

7. Mine ID 46-08436

---

**Section II - Justification for Action**

**Change**  From  
**To**

17. Action To Terminate

**Reason**  To delete the word "been" and insert the word "being".

The termination for Citation No. 7183942 is being modified.

---

**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 T02

10. Event Number 9832268

AR Number 20643

12. Date Mo Da Yr 10/06/2008

13. Time (24 Hr. Clock) 1241

---

MSHA Form 7000-3a, Mar 86 (revised)
A Non-Fatal Accident (Roof Fall) Occurred at this Operation on Sept. 30, 2008, in the Face Area of No. 1 Entry on No. 1 Section. This Order Prohibits Coal Production until such time when a Revision to the Roof Control Plan can be Submitted to the MSHA Office at Mt. Hope, WV and Approved.
**Mine Citation/Order Continuation**

<table>
<thead>
<tr>
<th>1. Subsequent Action</th>
<th>2. Dated (Original Issue)</th>
<th>3. Citation/Order Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>✔️</td>
<td>09/30/2008</td>
<td>7183943 - 01</td>
</tr>
</tbody>
</table>

4. Served To: Homer Wallace, Supt
5. Operator: PERFORMANCE COAL COMPANY
6. Mine: UPPER BIG BRANCH MINE-SOUTH
7. Mine ID: 46-08436

**Section II - Justification for Action**

**Change**

**Reason** To Delete the wording "Non-Fatal" and replace with the wording "Non-Injury".

19. Type of Inspection E01-Regular Safety and Health Inspection E08-Non-Injury Accident Investigation

**Reason** Change from E01 Inspection to E02 Inspection.

Order No. 7183943 is being Modified.

**Section III - Subsequent Action Taken**

<table>
<thead>
<tr>
<th>8. Extended To</th>
<th>B. Time (24 Hr. Clock)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Date</td>
<td>Mo Da Yr</td>
</tr>
<tr>
<td>C. Vacated</td>
<td>D. Terminated</td>
</tr>
<tr>
<td>E. Modified</td>
<td></td>
</tr>
</tbody>
</table>

**Section IV - Inspection Data**

9. Type of Inspection E01
10. Event Number 4118287

<table>
<thead>
<tr>
<th>AR Number</th>
<th>12. Date</th>
<th>13. Time (24 Hr. Clock)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20643</td>
<td>09/30/2008</td>
<td>1503</td>
</tr>
</tbody>
</table>

MSHA Form 7000-3a, Mar 85 (revised)
Order No. 7183943 and all Actions to the Order are being vacated. This Order was Issued under the wrong Inspection Code and under the wrong Event No.
Additional rock dust has been applied in the affected areas.