1. Action: a. New Entry □ b. Update ☑	2. Ad Code	ctivity e: E01		3. E	vent Nur	nber: 4	1192	93			
4 Date Event		ate Event	9/30/200	6. N	Ine ID:	46-08	8436				
7a. Organization Code (Mine Assignment) 20401		rk Group	9. Compa	any Name	PE	RFORM	ANCE C	OAL CO	MPANY		
8a. Organization Code (AR Assignment) 20401	b. Wo Group	UI	10. Mine	Name	UP	PER BIO	3 BRAN	CH MINE	-SOUTH	I	
11. Report Type (check one) a. First b.	Interim 🗆 o	. Last	d. Not Applicable		2. Area on a conspection	•	a. Active Sections			ldle ctions	
c. Outby d. Shafts/ Slopes	e. Surface Areas (UG)	f. Surface Workings	g. Compa Records	my 🗹	h. ATF		i. Impou			j. Refus Piles	e 🗌
k. Major Construction  (1) Shaft/ 0 Slope Sinking	(2) Impoundment Construction	0 (3) Bi		Dragline/ ovel:	0	(5) Oth	er 0	I. Mis	scellaneo	ous 🗌	
m, MMU/Pit Number (1) 029 (2) 030 (3) 040 (4)	050 0062	69 <b>063</b>	(7) 064 (8) 065								
13. Number of Samples Collected a. Air 27 Samples	b. Rock Dust Spot		Rock Dust 0 Survey	d. Respi Dust	rable 3	35	e. Noise	6	f. Ot	her 0	
14. Impoundments/Refuse Piles:  a. Number b. FHC	c. Configuration		pendent Contractor jor Construction)							-	
	•	16. Inspection	Results								
						0.1	-	C . C		Othe	
				Citatio		Orders		Safegua			
		a. This Ins	pection	Citatio Coal Opr		Coal Opr	s Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con
			pection Issuances	Coal	Ind	Coal	Ind	Coal	Ind	Coal	Ind
		(1) New		Coal Opr	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con
		(1) New (2) Term	Issuances	Coal Opr 149	Ind Con	Coal Opr 21	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con
		(1) New (2) Term	Issuances inations/Vacations ifications/Extensions	Coal Opr 149 149/1	Ind Con 0	Coal Opr 21 21	Ind Con 0	Coal Opr 0	Ind Con 0	Coal Opr 0	Ind Con 0
		(1) New (2) Term (3) Mod (4) Left b. Previou	Issuances inations/Vacations iffications/Extensions Pending sly Issued	Coal Opr 149 149/1 7/12	Ind Con  0 0 0	Coal Opr 21 21 0	Ind Con 0 0	Coal Opr  0 0 0	Ind Con 0 0	Coal Opr 0 0	Ind Con 0 0
,		(1) New (2) Term (3) Mod (4) Left b. Previou (1) Mod	Issuances sinations/Vacations ifications/Extensions Pending sly Issued ifications/Extensions	Coal Opr 149 149/1 7/12	Ind Con  0 0 0	Coal Opr 21 21 0	Ind Con 0 0	Coal Opr  0 0 0	Ind Con 0 0	Coal Opr 0 0	Ind Con 0 0
		(1) New (2) Term (3) Mod (4) Left b. Previou (1) Mod	Issuances inations/Vacations iffications/Extensions Pending sly Issued	Coal Opr 149 149/1 7/12	Ind Con  0 0 0 0	Coal Opr 21 21 0 0	Ind Con  0  0  0  0	Coal Opr  0 0 0 0	Ind Con  0  0  0  0	Coal Opr  0 0 0 0	Ind Con 0 0 0
18. Signature and Card Number of Auth Right of Entry Person(s) Responsibl		(1) New (2) Term (3) Mod (4) Left b. Previou (1) Mod (2) Term	Issuances inations/Vacations iffications/Extensions Pending sly Issued iffications/Extensions imations/Vacations  17. Remarks:	Coal Opr 149 149/1 7/12 1	Ind Con  0 0 0 0 0 0	Coal Opr 21 21 0 0	Ind Con 0 0 0 0 0	Coal Opr  0 0 0 0 0	Ind Con  0  0  0  0  0  0	Coal Opr 0 0 0 0	Ind Con  0 0 0 0 0 0
18. Signature and Card Number of Auth Right of Entry Person(s) Responsibl		(1) New (2) Term (3) Mod (4) Left b. Previou (1) Mod (2) Term	Issuances inations/Vacations ifications/Extensions Pending sly Issued ifications/Extensions inations/Vacations	Coal Opr 149 149/1 7/12 1	Ind Con  0 0 0 0 0 0	Coal Opr 21 21 0 0	Ind Con 0 0 0 0 0	Coal Opr  0 0 0 0 0	Ind Con  0  0  0  0  0  0	Coal Opr 0 0 0 0	Ind Con  0 0 0 0 0 0
Right of Entry Person(s) Responsible		(1) New (2) Term (3) Mod (4) Left b. Previou (1) Mod (2) Term	Issuances inations/Vacations iffications/Extensions Pending sly Issued iffications/Extensions imations/Vacations  17. Remarks:	Coal Opr 149 149/1 7/12 1	Ind Con  0 0 0 0 0 0	Coal Opr 21 21 0 0	Ind Con 0 0 0 0 0	Coal Opr  0 0 0 0 0	Ind Con  0  0  0  0  0  0	Coal Opr 0 0 0 0	Ind Con  0 0 0 0 0 0
Right of Entry Person(s) Responsible		(1) New (2) Term (3) Mod (4) Left b. Previou (1) Mod (2) Term	Issuances inations/Vacations iffications/Extensions Pending sly Issued iffications/Extensions imations/Vacations  17. Remarks:	Coal Opr 149 149/1 7/12 1	Ind Con  0 0 0 0 0 0	Coal Opr 21 21 0 0	Ind Con 0 0 0 0 0	Coal Opr  0 0 0 0 0	Ind Con  0  0  0  0  0  0	Coal Opr 0 0 0 0	Ind Con  0 0 0 0 0 0
Right of Entry Person(s) Responsible		(1) New (2) Term (3) Mod (4) Left b. Previou (1) Mod (2) Term	Issuances inations/Vacations iffications/Extensions Pending sly Issued iffications/Extensions imations/Vacations  17. Remarks:	Coal Opr 149 149/1 7/12 1	Ind Con  0 0 0 0 0 0	Coal Opr 21 21 0 0	Ind Con 0 0 0 0 0	Coal Opr  0 0 0 0 0	Ind Con  0  0  0  0  0  0	Coal Opr 0 0 0 0	Ind Con  0 0 0 0 0 0
Right of Entry Person(s) Responsible		(1) New (2) Term (3) Mod (4) Left b. Previou (1) Mod (2) Term	Issuances inations/Vacations iffications/Extensions Pending sly Issued iffications/Extensions imations/Vacations  17. Remarks:	Coal Opr 149 149/1 7/12 1	Ind Con  0 0 0 0 0 0	Coal Opr 21 21 0 0	Ind Con 0 0 0 0 0	Coal Opr  0 0 0 0 0	Ind Con  0  0  0  0  0  0	Coal Opr 0 0 0 0	Ind Con  0 0 0 0 0 0

Activity Calendar

Event Number: 4119293

Mine ID: 4608436

_	Sun	Mon	Tue	Wed	Thur	Fri	Sat
Shift Wee <b>k</b> 1 7/5/2009	1 2 3	1 2 3	1 2 3	1 2 3	1 2 · 3	1 2 3	i 2 3
Week 2 7/12/2009							
Week 3 7/19/2009							
Week 4 7/26/2009							
Week 5 8/2/2009							
Week 6 8/9/2009							
Week 7 8/16/2009							
Week 8 8/23/2009							
Week 9 8/30/2009							
Week 10 9/6/2009							
Week 11 9/13/2009							
Week 12 9/20/2009							
Week 13 9/27/2009		$\mathbf{Z}$					

Action:     a. New Entry		b. Update	<b>✓</b>	2. Ac Code	ctivity • E	01			3. 1	Event N	umber: 4	1192	.93			
4. Date Event Started:			7/6/2009	5 Ds	ate Event		9/	30/2009	6. 1	Mine ID	46-08	3436			······································	
7a. Organization (Mine Assignmen		20401		b. Wor Identif	rk Group fier (	2	9.	Compan	y Name	• P	ERFORM	ANCE (	COAL CO	MPAN	Y	
8a. Organization (AR Assignment)		20401	7.4	b. Woi Group	ι.	2	10	. Mine N	ame	U	IPPER BIO	BRAN	ICH MINI	E-SOUT	Н	Pould de auct a junger y 1554 year of 48 annothing
11. Report Type (check one)	a. First	: 🗆	b. Interim	c	. Last	d. No	ot Applica	ıble 🔽	•	12. Area Inspectio	i	. Activo			Idle ections	
c. Outby 🔽 Areas	d. Sl Slop	hafts/		rface 🔽 s (UG)	f. Surfac Working			Company cords	<b>V</b>	h. AT	F [ i	. Impou	ndments		j. Refus Piles	
k. Major Construction	(1) S Slop Sink		(2) Im Constr	poundment uction	0 (3	) Building	s 0	(4) E Shov	ragline el:	/ 0	(5) Othe	er 0	1. M	iscellane	ous 🗍	
m. MMU/Pit Numb																
(1) <b>029</b> (2) <b>0</b> 3	30 (	(3) 040	(4) 050	(5) <b>062</b>	© <b>063</b>	(7) <b>06</b> 4	<b>1</b> (8) (	)65								
13. Number of Samples Collected		nples		Rock Dust Spot	0	c. Rock D Survey			d. Resp Dust		3875	e. Noise	÷ 6	f. C	other 0	
14. Impoundments	/Refuse	Piles:			15. Prime	Independer	nt Contrac	etor								
a. Number		b. FHC	c. Confi	guration		(Major Co										
				<b>0</b>	16. Inspec	ion Result	s									
					To. Hisper		•						0.0.	1.	Othe	<b>-</b>
					1				Citatio	ons	Orders		Safegu	iaras	Ouic	1
÷			•		a. This	Inspection	ı		Citatic Coal Opr	Ind Con	Orders Coal Opr	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con
·						Inspection		_	Coal	Ind Con	Coal Opr	Ind Con	Coal	Ind	Coal	Ind
·			,		(1) N	lew Issuan	ces	155	Coal Opr 5 149	Ind Con	Coal Opr	Ind Con (	Coal Opr	Ind Con	Coal Opr	Ind Con
•					(1) N (2) T	-	ces 1s/Vacatio	- 159 154	Coal Opr 5 149 149/1	Ind Con 0	Coal Opr 211	Ind Con 0	Coal Opr 0	Ind Con 0	Coal Opr 0	Ind Con 0
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÷					(1) N (2) T (3) N (4) I b. Prev (1) N	Iew Issuan fermination Modificatio feft Pendin riously Issu Modificatio	ces ns/Vacations/Extens g ned ons/Extens	155 DDNS 154 Sions	Coal Opr 5 149 149/1 7/12 1	Ind Con 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	Coal Opr 211 241 0 0 0 0	Ind Con  7 0  8 0  0 0	Coal Opr 0 0 0 0	0 0 0 0	Coal Opr	0 0 0 0 0
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18. Signature and	Card No	umber of A	Authorized	Representati	(1) N (2) T (3) N (4) I b. Prev (1) N (2) T	Termination  Modification  Left Pendin  Piously Issu  Modification  Termination	ces ns/Vacations/Extens g ned ons/Extens	155 DDNS 154 Sions	Coal Opr 5 149 149/1 7/12 1	Ind Con 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	Coal Opr 211 241 0 0 0 0	Ind Con  7 0  8 0  0 0	Coal Opr 0 0 0 0	0 0 0 0	Coal Opr	0 0 0 0 0
18. Signature and Right of Entry					(1) N (2) T (3) N (4) I b. Prev (1) N (2) T	Termination  Modification  eft Pendin  viously Issu  Modification  Termination  17. F	ces ns/Vacations/Extens g ned ons/Extens ns/Vacations/Va	ISS DONS 154 Sions Sions	Coal Opr 5 149 149/1 7/12 1	Ind Con 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	Coal Opr 211 241 0 0 0 0	Ind Con  7 0  8 0  0 0	Coal Opr 0 0 0 0	0 0 0 0	Coal Opr	0 0 0 0 0
				ctivity	(1) N (2) T (3) N (4) I b. Prev (1) N (2) T	Termination  Modification  eft Pendin  riously Issu  Modification  ermination  17. I  AR 1	ns/Vacations/Extens g ned ons/Extens ns/Vacations/Extens Remarks:	ISS DONS 154 Sions Sions	Coal Opr 5 149 149/1 7/12 1	Ind Con 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	Coal Opr 211 241 0 0 0 0	Ind Con  7 0  8 0  0 0	Coal Opr 0 0 0 0	0 0 0 0	Coal Opr	0 0 0 0 0
				ctivity	(1) N (2) T (3) N (4) I b. Prev (1) N (2) T	Termination  Modification  eft Pendin  riously Issu  Modification  ermination  17. I  AR 1	ns/Vacations/Extens g ned ons/Extens ns/Vacations/Extens Remarks:	ISS DONS 154 Sions Sions	Coal Opr 5 149 149/1 7/12 1	Ind Con 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	Coal Opr 211 241 0 0 0 0	Ind Con  7 0  8 0  0 0	Coal Opr 0 0 0 0	0 0 0 0	Coal Opr	0 0 0 0 0
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Right of Entry				ctivity	(1) N (2) T (3) N (4) I b. Prev (1) N (2) T	Termination  Modification  eft Pendin  riously Issu  Modification  ermination  17. I  AR 1	ns/Vacations/Extens g ned ons/Extens ns/Vacations/Extens Remarks:	ISS DONS 154 Sions Sions	Coal Opr 5 149 149/1 7/12 1	Ind Con 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	Coal Opr 211 241 0 0 0 0	Ind Con  7 0  8 0  0 0	Coal Opr 0 0 0 0	0 0 0 0	Coal Opr	0 0 0 0 0
Right of Entry  c. d.	Person			etivity	(1) N (2) T (3) N (4) I b. Prev (1) N (2) T	Termination  Modification  eft Pendin  riously Issu  Modification  ermination  17. I  AR 1	ns/Vacations/Extens g ned ons/Extens ns/Vacations/Extens Remarks:	ISS DONS 154 Sions Sions	Coal Opr 5 149 149/1 7/12 1	Ind Con 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	Coal Opr 211 241 0 0 0 0	Ind Con  7 0  8 0  0 0	Coal Opr 0 0 0 0	0 0 0 0	Coal Opr	0 0 0 0 0
Right of Entry	Person			ctivity	(1) N (2) T (3) N (4) I b. Prev (1) N (2) T	Termination  Modification  eft Pendin  riously Issu  Modification  ermination  17. I  AR 1	ns/Vacations/Extens g ned ons/Extens ns/Vacations/Extens Remarks:	ISS DONS 154 Sions Sions	Coal Opr 5 149 149/1 7/12 1	Ind Con 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	Coal Opr 211 241 0 0 0 0	Ind Con  7 0  8 0  0 0	Coal Opr 0 0 0 0	0 0 0 0	Coal Opr	0 0 0 0 0

Activity Calendar

Event Number: 4119293 Mine ID: 4608436

	Sun	Mon	Tue	Wed	Thur	Fri	Sat
Shift Week 1 7/5/2009	1 2 3	1 2 3	1 2 3	1 2 3	1 2 3	1 2 3	1 2 3
Week 2 7/12/2009							
Week 3 7/19/2009							
Week 4 7/26/2009							
Week 5 8/2/2009							
Week 6 8/9/2009							
Week 7 8/16/2009							
Week 8 8/23/2009							
Week 9 8/30/2009							
Week 10 9/6/2009							
Week 11 9/13/2009			_ <b>_</b>				
Week 12 9/20/2009							
Week 13 9/27/2009							

### IIS Department of Labor

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mino ondions order					ty and Healt	h Administra	tion	
Section IViolation Data				tarefall-legistration and based on the fall of the first of the fall of the fa	angentistantistantistantistantistantistantistantistantistantistantistantistantistantistantistantistantistantista	tarritar, regarmina daga Salamata dangkar	anna ang di majapat di kambatan datah di katik katikan ana b	in this day if the control of the co
1. Date Mo Da Y 07/10/20		24 Hr. Clos 0825				3. Citation/ Order Nu	mber 66124	57
4. Served To			, , , , , , , , , , , , , , , , , , ,	5. Operator	·		, , , , , , , , , , , , , , , , , , ,	7.00
RICK FOSTER (M	NE FOREMA	N)		PERFOR	MANCE CO	OAL COMPA	ANY	
6. Mine		ECDI T		7. Mine ID	46-0843	36		(011)
UPPER BIG BRANC  8. Condition or Practice	H MINE-SOU	)IH	<del></del>				Ra Written	(Contractor)  Notice (103g)
THE PRE-SHIFT	BECORD E	OR TH	E #1 SECTION	ON HAD N	OT BEEN	COUNTER		
FOREMAN OR EQ						COONTEN	DIGNED DI	
9. Violation A. Health	B. Section			. Part/Section o		See Cont	inuation Form (MSH	A Form 7000-3a)
Safety Other	of Act		ľ	Title 30 CFR		75.36	50(f)	
Section II-Inspector's Evaluati	on							
<ol> <li>Gravity:</li> <li>A. Injury or Illness (has</li> </ol>	) (is): No Likelih	ood 🗸	Unlikely	Reasonably	Likely 🗌	Highly Likely	Occur	rred
B. Injury or illness could sonably be expected	rea-	t Workday	vs <b>✓</b> i Lost Wor	kdays Or Restri	cted Duty	Permanent	ly Disabling	Fatal 🗌
C. Significant and Subs	to to.		No 🗸			<del></del>	Persons Affected	·····
11. Negligence (check one	A. None			Moderate 🔽	D, High	E	Reckless Disreg	ard 🗌
12. Type of Action 104	l(a)		13. Type of Issuan	ce (check one)	Citation 🗹	Order 🗌	Safeguard	Written Notice
14. Initial Action A. Citation B. Orde	er	ard D	. Written Notice	E. Citation/ Order Nur	nber		F. Dated	Mo Da Yr
15. Area or Equipment	· · · · · · · · · · · · · · · · · · ·	<del></del>			,			
16. Termination Due	Mo Da	Vr	····	<del></del>	· · · · · · · · · · · · · · · · · · ·	<del> </del>		
A	. Date 07/10/2		3. Time (24 Hr. Clock)	1600				
Section III-Termination Action					<del>, , , , , , , , , , , , , , , , , , , </del>			
17. Action to Terminate		•						
40 7	Ma Da V-	····		····				
18. Terminated A. Date	Mo Da Yr	B. Time (	24 Hr. Clock)					
Section IVAutomated System	Data							
19. Type of Inspection (activity code)	E01 20. Even	Number	4119293	21. P	imary or Mill			
22. Signature					<del></del>	23. AR	Number	

MSHA Form 700 s 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

7/20/9	
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Section I-Subsequent Action/0	Continuation Data	and terminal to the state of the			g after med en en grede est, etertat e er	in min memili i 2 mij maj 2 komplektij 2 mij 2 kilomij 2 min 2	et in travelland occuminated the format in the destroyers of the first of the first participate.		reconstitution of the second		
1. Subsequent Action 1a. ✓	Continuation	2. Dated (Original Issue)	Mo 07/3	Da 10/200	• •	Citation/ Order Number	6612457 - 01				
4. Served To				Ę	. Operat	or					
ANDY COALSON (	MINE FORE	MAN)		1	PERFO	RMANCE CO	AL COMPANY				
6. Mine				7	. Mine II	)	-	(Contractor)			
<b>UPPER BIG BRANC</b>	CH MINE-SOU	JTH		1		46-0843	6				
Section II-Justification for Acti-	on			******************	***************************************						

THE PRE-SHIFT RECORD HAS BEEN COUNTERSIGNED FOR THE AFFECT DATES.

O	4 4 4 - 7		2023374376207-4422							See Continuation For	m 🗌
8. Extended To	i Mo		Ϋ́r	oliosia erreviererreine-soles		A Na Britis de Generales va Britis gradit A (de gas A lida		xtaveaceuzeaeux			and the second discounting the second se
	A. Date	dientoria esta constante de la	energia de la composición dela composición de la composición de la composición dela composición dela composición dela composición de la composición dela composición de la composición de la composición de la com	B. Time (2	4 Hr. Clock)	and the second s	[ C. V	acated	✓ D. Terminated	E. Modified	
Section IV-Inspec	2011 W. C.										
9. Type of Inspe	ection E01		10. E	vent Numbe	4119293				mille of the property of the state of the st	en de la companya de	possessi sangement com
					AR Number	12. Date	Mo Da	Y٢	13. Time (24 Hr. Cl	ock)	
					<u> </u>		07/13/	/2009	1513		

### U.S. Department of Labor Mine Safety and Health Adm



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							Mine Safet	y and He	ealth Ad	dministra	ation	``//
Section IViolat	tion Data		(400)									A State Control of the Astronomy State Control of the Astronomy Control
1. Date	Mo Da 07/10/2		2. Time (	24 Hr. C 102					3.	Citation/ Order Nu	ımber 6612	458
4. Served To		***************************************					5. Operator					
GARY MA	Y (MI	VE FO	REMAN)				PERFORM	<i>M</i> ANCE	COAL	COMP	ANY	
6. Mine UPPER BI	G BRAN	ICH M	IINE-SOU	JTH			7. Mine ID	46-08	436			(Contractor)
8. Condition of											8a. Writte	en Notice (103g)
WATER H					ACCUMULA THE #1 S		VER THE	TOP C	F TH	E TRA	CK RAILS	BETWEEN
										See Con	itinuation Form (MS	HA Form 7000-3a)
9. Violation	A. Health Safet Othe	<b>√</b> ✓	B. Section of Act				Part/Section of itle 30 CFR				1403	
Section IIInspe			<u>,</u>									***************************************
10. Gravity:							,					
A. Injury or	r Illness (h	as) (is):	No Likelih	ood 🗌	Unlikely	✓.	Reasonably I	ikely 🗌	Hig	hly Likely	Occ	urred 🗌
B. Injury or sonably	r illness co be expect		No Los	t Worke	lays [*] Lo	st Workd	ays Or Restric	ted Duty [	Z F	Permanen	tly Disabling 🔲	Fatal 🗌
C. Significa	ant and Su	bstantia	l: Ye	s 🗌	No 🗸				D.	Number o	f Persons Affecte	od: 010
11. Negligeno	e (check o	ne)	A. None	]	B. Low	C. M	oderate 🗹	D. H	igh []	<del></del> E	. Reckless Disre	gard [
12. Type of A	ction 1	04(a)			13. Type of	Issuance	(check one)	Citation	<b>⊘</b> C	order []	Safeguard 🗌	Written Notice
14. Initial Acti A. Citation	on B. O	der 🗌	C. Safegua	ard 🗸	D. Written Notic	e []	E. Citation/ Order Num	ber	4636	5408	F. Dated	Mo Da Yr 08/05/1996
15. Area or Ed	quipment											
16. Termination	on Due	A. Date	Mo Da 07/11/2		B. Time (24 Hr.	Clock)	0800					
Section IIITem	nination Acti	on										
17. Action to	Terminate											
18. Terminate	A. Date	Мо	Da Yr	B. Time	(24 Hr. Clock)					<u> </u>		
Section IVAuto	mated Syst	em Data		L	· .			<del> </del>				· · · · · · · · · · · · · · · · · · ·
19. Type of In (activity co		E01	20. Even	t Numbe	4119	293	21. Pri	mary or M	ill			and the second s
22. Signature							***************************************			23. AR	Number	
MSHA Form 700							gulat	ory Enforcer	nent Fairn	ess Act of	1996, the Small Bus	iness Administration has

established a National Design 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

7/2019	
71.	

Section I-Subsequent Action/Continuation Data	Mester (Velector) (Commission of the Commission	enne Parane et ne France et en en en			iki katendari katendari masa masa katendari sa katendari sa katendari masa katendari katendari sa katendari sa	aan ka ka madan ka da ka
	Dated (Original Issue)	Mo Da 07/10/2	Yr 009	3. Citation/ Order Number	6612458 - 01	
4. Served To			5. Opera	tor		
ANDY COALSON (MINE FOREMA	AN)		PERFO	RMANCE CO.	AL COMPANY	
6. Mine			7. Mine II			(Contractor)
UPPER BIG BRANCH MINE-SOUTH				46-0843	6	
ection II-Justification for Action						

THE WATER IS NOW BELOW THE TRACK RAILS IN THE AFFECT AREA.

Section III-Subsequent Action Taken			See Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	☐ C. Vacated ☑ D. Terminated	E. Modified
Section IV-Inspection Data  9. Type of Inspection E01	10. Event Number 4119293		
	AR Number 12. Date	Mo Da Yr 13. Time (24 Hr. Clo 07/13/2009 1000	ck)

Mine	Cita	tion	IO.	rder

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

Section IViolation Da	eta	Average Vinter and April 1980	201-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-	<u> </u>		· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·		<u>egytenholdenn magstyrreddiaendamu</u>		ang tanàna kaona amin'ny fivondrona ao amin'ny faritr'i Australia dia mandritry ao amin'ny faritr'i Australia a	<u></u>	
	o Da Yr /10/2009	2. Time (	24 Hr. Ck 104						3. Citation Order I		66124	159	
4. Served To					- 1	5. Operator							
GARY MAY	(MINE FO	REMAN)		70.0		PERFORMANCE COAL COMPANY							
6. Mine UPPER BIG B	RANCH M	IINE-SOU	TH			7. Mine ID	46-0	0843	6			•	ntractor)
8. Condition or Pra	ctice										8a. Writte	n Notice (1	03g)
THE 14/15	CONTIN	UOUS M	INING	MACHINE	LOC:	ATED O	N THE	3 #1	SECTI	ON -	( #2 E1	(TRY	DID
NOT HAVE !	THE REQ	UIRED	CFM V	WHILE MINI	NG	IN THE	2 LI	EFT	CROSS	CUT.	. WHEN	TAKIN	IG AN
AIR READI	NG AT T	HE END	OF 3	THE LINE C	URT	AIN TH	ERE V	VAS	ONLY 4	095	CFM.		
9. Violation   A. I	lealth 📄	B. Section			C Pa	art/Section of			See C	ontinuati	on Form (MSI	IA Form 700	0-3a) 🗌
	Safety. <b>√</b> Other	of Act				le 30 CFR	•		75.3	70(a)(	(1)		
Section II-Inspector's	Evaluation												
10. Gravity:	(h) (:-).	A1= 1 %-= 1%-	[]	Dalileak, C		Danasaahh.	t Haata - E	_	t Balak i Hira	(T	0	read [	
A. Injury or Illne		No Likelih	000 [ ]	Unlikely [		Reasonably	rikely 5	<u> </u>	Highly Llke	ly 📋		rred 🔲	
B. Injury or illne sonably be e	ss could rea- xpected to be:	No Los	t Workda	ays 🗌 🛮 Lost V	Vorkda	ys Or Restri	cted Duty	y 🗌	Permane	ently Dis	sabling 🔽	Fatal	
C. Significant a	<del></del>		s 🗸	No 🗌					D. Number	of Pers	ons Affecte	d: 002	;
11. Negligence (ch	eck one)	A. None		B. Low	C. Mod	derate 🔽	D	. High		E. Rec	kless Disreç	ard 🗌	
12. Type of Action	104(a)			13. Type of Issu	uance (	(check one)	Citati	on 🗸	Order [	Sa	feguard 🗌	Written I	Notice 🗌
14. Initial Action A. Citation	B. Order	C. Safegu	ard 🔲 I	D. Written Notice	¬	E. Citation/ Order Nur	mber	·········			F. Dated	Mo D	Da Yr
15. Area or Equipm	nent												
16. Termination Du	A. Date	Mo Da 07/10/2		B. Time (24 Hr. Clo	ock)	1900					e .		
Section III-Termination					<del></del>								
17. Action to Term	inate												
18. Terminated A.	. Date Mo	Da Yr	B. Time	(24 Hr. Clock)				,			<del></del>	<del></del>	<del></del>
Section IVAutomated	d System Data	<del></del>	L			<u></u>			***				
19. Type of Inspec (activity code)	tion E01	20. Even	Number	411929	3	21. Pi	rimary or	Mill					···
22. Signature						<del> </del>			23. A	R Num	ber		
MSHA Form 70 established a Nationa	Small Busines	s and Agricult	ure Regula	tory Ombudsman and	10 Reg	iona! Faimess	Boards to	receive	comments fro	m small	he Small Busi businesses a	bout federal a	stration has agency

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

Mine Citation/Order	٢
Continuation	

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

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7/2/01	

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Section ISubsequent	Action/Continuation Data						,
1. Subsequent Acti	on 1a. Continuation	2. Dated (Original Issue)	Mo Da 07/10/20	Yr 900	3. Citation/ Order Number	6612459 - 01	
4. Served To				5. Opei	rator		
GARY MAY (	MINE FOREMAN	T)		PERF	ORMANCE CO	AL COMPANY	•
6. Mine UPPER BIG BI	RANCH MINE-SC	UTH		7. Mine	46-0843	6	(Contractor)
Section IIJustification	for Action	The state of the s	***************************************			in the second control of the second control	
Change	Fr	om			То		
8. Condition Or Pra	ctice						

Reason THE CROSS CUT BEING MINED WAS 2 RIGHT INSTEAD OF 2 LEFT.

			See Continuation Form					
Section IIISubsequent Action Taken								
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	C. Vacated D. Terminated	✓ E. Modified					
Section IVInspection Data								
9. Type of Inspection E01	10. Event Number 4119293							
	AR Number 12. Date	Mo Da Yr 13. Time (24 Hr. Cl	ock)					
		07/13/2009 0511						

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





Section I-Subsequent Action/Continuation Data		mand a vacama i va mana a militara a fallumenta	militer words a sterous services o	a a taman a san an a	weet when growing to by property and the control was a filter and the growing of the control and the control of	same mis misminus in the properties of the company of the months of the most of the company of the company of The company of the company of t
1. Subsequent Action 1a. Continuation	2. Dated (Orlginal Issue)	Mo Da 07/10/2		3. Citation/ Order Number	6612459 - 02	
4. Served To		***************************************	5. Opera	tor		
GARY MAY (MINE FOREMAN	)		PERFO	RMANCE CO	AL COMPANY	
6. Mine			7. Mine I	)		(Contractor)
UPPER BIG BRANCH MINE-SO	UTH			46-0843	6	
Section II-Justification for Action						

THE #2 RIGHT CROSS CUT HAS BEEN CONNECTED WHERE THE CONTINUOUS MINING MACHINE WAS LOADING.

	244 20 CA 4 CA					See Continuation For	m 🔲
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 Numbe	<sup>r</sup> 4119293				Meetineel M.Co., we ye stated as the same of the constraint of the	
		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ock)	***************************************
		***************************************		07/14/2009	1035		(the new teacher) and the second

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

7/15/09	
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Section I-Vi	olation Data	,							
1. Date	Mo Da Yr 07/10/2009	2. Time (24 Hr. Clock) 1055	3. Citation/ Order Number 6612460						
4. Served GARY N	To MAY (MINE FO	REMAN)	5. Operator PERFORMANCE COAL COMPANY						
6. Mine UPPER	BIG BRANCH N	MINE-SOUTH	7. Mine ID 46-08436 (Co	ontractor)					
8. Conditio	n or Practice		8a. Written Notice (	103g)					

THE OPERATOR HAD MADE AN AIR CHANGE ON THE #1 SECTION WITHOUT HAVING AN APPROVED REVISION FROM THE DISTRICT MANAGER. WITH THIS AIR CHANGE MADE THE AIR HAD BEEN REVERSED IN THE #1 ENTRY FROM CROSS CUT #95 TO THE SECTION.

									See Con	tinuatio	n Form (MSH	A Form 7000-3a)	
9. Violation A	A. Health [ Safety] Other[	<b>✓</b>	B. Section of Act			C. Part/Se Title 30			75.370	)(a)(1	1)		
Section II-Inspecto	or's Evaluat	ion											
10. Gravity:					<u></u>			_			_		
A. Injury or II		, , ,	No Likelih	ood	Unlikely 🔽	Reas	onably Likely		Highly Likely		Occu	rred 🗌	
B. Injury or ill sonably be			No Los	t Workd	lays 🗌 🛮 Lost V	Vorkdays Or	Restricted D	ıty 🗹	Permanen	ly Disa	abling 🗌	Fatal [	
C. Significant	t and Sub	stantial:	Ye	s 🗌	No 🗸				D. Number of	Perso	ns Affected	i: 010	
11. Negligence (	(check on	e) ,	A. None		B. Low	C. Moderate	• 🗌	D. High	<b>y</b> E	. Reck	less Disreg	ard 🗍	
12. Type of Action	ion 10	4(d)(2)	)		13. Type of Issu	iance (check	( one) Cit	ation 🗌	Order 🗹	Safe	guard 🗌	Written Notic	e 🗌
14. Initial Action A. Citation	ı B. Ord	er 🗸	C. Safegu	ard 📋	D. Written Notice	E. Cit	ation/ der Number	80	82692		F. Dated	Mo Da Y 03/17/2	
15. Area or Equi SECTION SECTION.	TAIL	FROM		CROS THE		"-	#3, ANI	TO TH D #4	E FACE ENTRIES	AND OF			
16. Termination	Due A	A. Date	Mo Da	Yr	B. Time (24 Hr. Clo	ock)					, ,		., .
Section IIITermina	ation Action	)											
17. Action to Ter	rminate	THE	OPERA	TOR	MADE A VEN	TILATI	ON CHAI	IGE A	ND NOW	THE	#1 SE	ECTION I	Ş
USING SP	LIT V	ENTI	LATIC	N.									
18. Terminated	A. Date	07/1	a Yr 0/2009	B. Time	(24 Hr. Clock)	1630		_					· · ·
Section IVAutoma	ated Systen	n Data											
19. Type of Insp (activity code		E01	20. Even	Numbe	411929	3	21. Primary	or Mill					
22. Signature	4				- Charles and the Control of the Con				23. AR	Numb	er		

MSHA Form 70 siness Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a N enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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





							Mine Safet	y and	ı Healtr	1 Aaministr	ation			\//
Section I-Violat	tion Data		umasaa umu ayaa yaa umuu aa maa			/A					,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		***************************************	Barrel San Control of Street
1. Date	Mo Da		2. Time (							3. Citation/		66124	61	•
4 Caad Ta	07/10/20	109		111	.0		E Occasion		·	Order No	imbei			
4. Served To GARY MA	V AMN	r roi	O TO NATIONAL NEW COLUMN				5. Operator	/AN	ርፑ ርብ	AL COMP	ANV			
6. Mine	1 (171114	L) F()i	(EMAIN)	<del>~~</del>	<del>,,48-4</del>	<del></del>	7. Mine ID				7111	4,744-64		
UPPER BI	G BRAN	сн м	INE-SOL	TH			7. WHILE ID	46	-0843	6			(Contra	actor)
8. Condition of												8a. Writter	Notice (103	
THE PER	MANENT	, SP	LICE L	OCAT	ED ON THE	14,	/15 CONT	INU	JOUS	MINING	MAC	HINES	TRAILI	NG
CABLE I	OCATEI	) IN	THE #	2 EN	TRY WAS NO	T T	EFFECTIV	ELY	INS	ULATED	AND	SEALE	D TO	
EXCLUDE	: MOSI1	URE	•											
					•									
	·	-i-, -1		<u>.                                    </u>					<u></u>	Şee Cor	ntinuatio	n Form (MSH	A Form 7000-3	ia) 📗
9. Violation	A. Health		B. Section of Act				Part/Section of itle 30 CFR			75.6	ስ <i>ለ</i> (ዜ)			
	Safety Other		O! ACI			'	ide 30 GFR			/3.0	04(b)			
Section II-Inspe	1		<del></del>			1		.,				<del> </del>		<del></del>
10. Gravity:														
	r Iliness (has		No Likelih	00d 🗌	Unlikely 🔽		Reasonably L	ikely		Highly Likely	<u>'                                    </u>	Occui	rred []	
	r Illness coul		No Los	t Workd	avs 🗆 Lost V	Vorkd	ays Or Restric	led Du	utv 🗀	Permanen	tiv Dis	ablina 🗌	Fatai 🗸	 
	be expected				-,0 [_] -,001.									
C. Significa	ant and Sub	stantial	Yes	3 🗌	No 🗸					D. Number o	r Perso	ons Affected	001	
11. Negligenc	e (check on	e)	A. None		B. Low	C. M	oderate 🗸	1	D. High		. Reck	less Disreg	ard 🗌	
12. Type of A	ction 10	4(a)	<b></b>		13. Type of Iss	uance	(check one)	Cita	ition 🔽	Order 🗌	Safe	eguard 🗌	Written No	tice 🗌
14. Initial Action  A. Citation	on B. Ord	er 🗀	C. Şafegua	ard [_]	D. Written Notice	_	E. Citation/ Order Num	ber				F. Dated	Mo Da	Yr,
														<del></del>
15. Area or Ed	quipment													
16. Termination	on Due	A. Date	Mo Da		B. Time (24 Hr. Cle	ock)	1900							
			07/10/2	009			1700		<u> </u>					
Section IIITerm		1	<del></del>				<del></del>	···						<del></del>
17. Action to	I erminate													
		···				·							· .	
18. Terminate	A. Date	Мо	Da Yr	B. Time	(24 Hr. Clock)									
Section IVAuto	mated Syster	n Data			· · · · · · · · · · · · · · · · · · ·				<del></del>			<del></del>		
19. Type of In			20. Event	Numbe	111000	<u> </u>	21. Pri	mary (	or Mill	<u>.</u>		• • • • • • • • • • • • • • • • • • • •		
(activity co		E01			411929	3		•						
22. Signature										23. AF	Numb	er <b>E</b>		**
<del></del>									W-1-1-10-1-10-1-10-1-1-1-1-1-1-1-1-1-1-1					
MSHA Form 700 established a Na							ess Regulate al Fairness F	ory Enf Boards	orcement to receive	Fairness Act of comments from	1996, th small t	e Small Bush businesses at	iess Administra out federal auc	ation has ency

enforcement actions. The Ombudsman annually evaluates 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		en e	\$			
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 07/10/20		3. Citation/ Order Number	6612461 - 01	
4. Served To			5. Operat	or		
ANDY COALSON (MINE FORE	MAN)		PERFO	RMANCE CO.		
6. Mine			7. Mine II	) 46 00 40		(Contractor)
<b>UPPER BIG BRANCH MINE-SOU</b>	JTH			46-0843	6	
Section II-Justification for Action						

THE SPLICE HAS BEEN REPAIRED ON THE TRAILING CABLE.

Section III—Subsequent Ac 8. Extended To A. Dai	Mo	Da	Υr	B. Time (24 Hr. Clock)		C. Va	cated	✓ D. Terminated	E. Modified
Section IV-Inspection Dat 9. Type of Inspection			10. E	vent Number 4119293			2/48/2		
	<u></u>			AR Number	12. Date	Mo Da 07/13/2	Yr 2009	13. Time (24 Hr. Cl	ock)

Mine	Citation	/Order
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### ILS Department of Labor

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1/" 1	

						Mine Safe		i Health		nistratio	on //	/ /	
Section I-Violat	ion Data	<del>and met all the second second second</del>				and the second s							<del></del>
1. Date	Mo Da Yr 07/13/2009	2. Time	(24 Hr. Clo 101						3. Cita Ord	tion/ er Numb	er 66124	62	
4. Served To	<u> </u>				<del></del>	5. Operator					<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>		
ANDY CO	ALSON (MI	NE FORE	MAN)			PERFOR	MAN	CE CO.	AL CO	MPAN	ΝΥ		
6. Mine	C DD ANGIE	ADE GO	TOT I			7. Mine ID	46	-0843	6			(0)	
8. Condition o	G BRANCH	MINE-SO	JTH	· · · · · · · · · · · · · · · · · · ·							8a. Written		ontractor)
	RATOR FA	ፐፒድስ ምር	) FOI.I	OW THE	A PPR	OVED VE	NTTT	.ΔΨΤΩ	N DI.	4) IN Z	4ETHANE		loog)
	ON THE									•	E WAS MI		THE
	CROSS CU												
9. Violation  Section II–Inspe	A. Health ☐ Safety ✔ Other ☐ ctor's Evaluation	B. Section of Act		- 10 -	mi 4(6)	nated orde	) l	ly 66121	463	Continu 370(a	ation Form (MSH	A Form 700	00-3a) <u></u>
•	r Illness (has) (is)	: No Likelit	nood 🗍							tely [	Occui	rred 🗌	
B. Injury or	illness could rea	}-  -	st Workda	 nys						-	Disabling 🗸	Fatal	
-	ant and Substant	1_1.	es 🔽	 No		•		ı		r of Pe	ersons Affected	l: 002	2
11. Negligenc	e (check one)	A. None [		B. Low	Ç. M	oderate 🗸		D. High		E. R	eckless Disreg	ard 🗌	
12. Type of A	ction 104(a)			13. Туре с	of Issuance	(check one)	Cita	ition 🔽	Order	s	Safeguard 🗌	Written	Notice
14. Initial Action  A. Citation	• · ·	C. Safegu	ard 🗍 [	D. Written Not	ice 🗀	E. Citation/ Order Nu	mber				F. Dated	Мо	Da Yr
15. Area or E	quipment			<del></del>							<del>_</del> _ <del></del>	, <u>.</u>	
16. Terminatio	on Due A. Da	te Mo Da 07/13/2	4	B. Time (24 H	ir. Clock)	1030	)			· · · · · · · · · · · · · · · · · · ·		<del></del>	
Section III-Tern	ination Action				,								
17. Action to *	Terminate												
18. Terminate	d A. Date	lo Da Yr	B. Time	(24 Hr. Clock)	)								7
Section IVAuto	mated System Date	<u> </u>	1										
19. Type of In (activity co	spection	20. Ever	t Number	4119	9293	21. P	rimary o	or Mill				· · · · · · · · · · · · · · · · · · ·	
22 Signature							·		1/22	ΔP Ni	mher		

gulatory Enforcement Fairness Act of 1996, the Small Business Administration has MSHA Form 700 established a National Dusiness and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

8. Condition or Practice

UPPER BIG BRANCH MINE-SOUTH

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

46-08436

7/20/9.	ø

(Contractor)

8a. Written Notice (103g)

			white Salety and Health Authinistration	·//
Section IVi	olation Data			
1. Date	Mo Da Yr 07/13/2009	2. Time (24 Hr. Clock) 1035	3. Citation/ Order Number 66124	-63
4. Served	Го	A STATE OF THE STA	5. Operator	
ANDY C	COALSON (MIN	NE FOREMAN)	PERFORMANCE COAL COMPANY	
6. Mine			7. Mine ID 46 00426	

THE OPERATOR WAS UNABLE TO GET THE PROPER CFM BEHIND THE LINE CURTAIN IN THE #2 LEFT CROSS CUT ON THE MMU-040 SECTION.

										See C	ontinuation	Form (MSF	łA Form 7000-3a)
9. Violation	A. Health Safet Othe	y 🔽	B. Section of Act			C. Part/Section of Title 30 CFR					70(a)(1	)	
Section IIInspe	ector's Evalu	ation			0 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -								
10. Gravity:													
A. Injury o	r Illness (h	as) (is):	No Likelih	ood 🔲	Unlikely 🗌		Reasonably	Likely		Highly Llke	ely 🗌	Occu	rred
B. Injury o sonably	r illness co be expect		No Los	t Workda	ys 🗌 🛮 Lost V	Vorkd	ays Or Restr	icted Du	ty 🗌	Perman	ently Disa	bling 📋	Fatal 🗌
C. Signific	ant and Su	bstantial	Yes	s 🗌	No []	٠				D. Number	of Persor	ns Affecte	d:
11. Negligeno	e (check o	ne)	A. None	]	B. Low 🗌	C. Mo	oderate 🗌	1	D. High		E. Reckl	ess Disreg	pard 🗌
12. Type of A	ction I	04(b)			13. Type of Issu	iance	(check one)	Cita	tion 🗌	Order 🗸	Safe	guard [_]	Written Notice
14. Initial Acti A. Citation		rder 🗌	C. Safegua	ard 🔲 D	. Written Notice		E. Citation/ Order Nu	mber	6	612462	f	Dated	Mo Da Yr 07/13/2009
15. Area or E INBY TH LONG HA	IE LAS		EN BRE	AK ON		SEC				OSS CUI			#2 ENTRY OLTED HAS
16. Terminati	on Due	A. Date	Mo Da	Yr E	3. Time (24 Hr. Clo	ock)		·			•		
Section III-Terr	nination Acti	on											
17. Action to	Terminate		, the same of the										
18. Terminate	A. Date	Mol	⊃a Yr	B. Time (	24 Hr. Clock)								
Section IVAuto	mated Syst	em Data											
19. Type of In (activity c		E01	20. Event	Number	411929	3	21. F	rimary o	or Mill				
22. Signature									-	23. A	R Numbe	er 💮	
enforcement ac enforcement ac	ational Sma tions. The C tions of MSI	)mbudsma łA, you ma	in annually ev ly call 1-888-F	aluates enf REG-FAIR (	ory Ombudsman and orcement activities and 1-888-734-3247), or owever, that your rigit	nd rate write th	gional Fairnes: s each agency ie Ombudsmai	s Boards i 's respon: n at Smal	to receive siveness t I Business	comments from to small busing Administration	om small bu ess. If you on, Office o	isinesses al wish to com f the Nation	ness Administration has bout federal agency nment on the al Ombudsman, 409 3rd u 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 (Original Issue)	Mo Da 07/13/2		3. Citation/ Order Number	6612463 - 01	
4. Served To		//·	5. Opera	or		
GARY MAY (MINE FOREMAN	)		PERFC	RMANCE CO	AL COMPANY	
6. Mine			7. Mine II	16.0040	_	(Contractor)
UPPER BIG BRANCH MINE-SO	UTH			46-0843	b	
Section II. Justification for Action			******************************	A CONTRACTOR OF THE PARTY OF TH		

TH E #2 RIGHT CROSS CUT HAS BEEN CONNECTED AND THE CONTINUOUS MINING MACHINE WAS MINING IN THE #1 FACE WITH THE REQUIRED CFM.

200020000000000000000000000000000000000							West of the second seco			See Continuation Form
Section III-Subse	quent Action Take	n								
8. Extended To	A. Date Mo	Da	Υr	B. Time (24	4 Hr. Clock)		☐ c.	Vacated	✓ D. Terminated	E. Modified
Section IV-Inspec			ana yangana kara		e terre de la composition de la companya de la comp		N go Pilitanga a sametinga ya Albanda a sa	etagente in State of Land State of the		
9. Type of Inspe	ection E01		10. E	vent Numbe	4119293				ake is need a subject to the subject of the subject	
				3079	AR Number	12. Date	Mo Da	a Yr	13. Time (24 Hr. C	lock)
						1	07/1	4/2009	1040	

### :itation/Order

22. Signature

7/16/59	



Juan	on it Or der	•							nent of Ind Hea	∟apor ith Adminis	tration		_	
ction I-Violat	tion Data		**************************************	ind publication and recommendation								· ************************************	<del>Calabination in the Calabination of the Calab</del>	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 1005					3. Citation/ Order Number 6612464					ACRES (CARLOS CONTRACTOR)				
4. Served To	077117	2007			<del>×ו•••</del>		5. Ope	rator				de de la companya de		
GARY MAY (MINE FOREMAN)				PERF	ORMA	NCE C	OAL CON	1PAN	Y					
6. Mine				<del></del>		COUNTY OF THE PARTY OF	7. Mine	∍ID ⊿	6-084	36			·····	
UPPER BI		VCH M	IINE-SO	JTH			<u> </u>		0-00-	<i></i>			(Contract	tor)
8. Condition of				4.00		<del></del>		<del></del>					Notice (103g)	
					NTAIN A SA				Y FOR				CAPEWAY	
					ON THE #1								TOMED L	O
ACCUMUL	ATE C	VER	12 INC	CHES	DEEP WHERE	5 11	HE L1	FELI	NE WA	S INSTA	ALLEI	).		
										See (	Continuati	on Form (MSH/	\ Form 7000-3a)	
9. Violation	A. Health		B. Section				Part/Sect					W	······································	
	Safet Othe	y 🗸	of Act			T	itle 30 C	FR		75.3	380(d)(	(1)		
Section IIInspe			<u> </u>			<u> </u>								
10. Gravity:					· · · · · · · · · · · · · · · · · · ·			<del></del>				· · · · · · · · · · · · · · · · · · ·	<u> </u>	
A. Injury or	r Iliness (h	as) (is):	No Likelih	lood []	Unlikely 🗌		Reason	nabiy Like	ly 🔽	Highly Llk	ely 🗌	Occur	red 🗌	
B. Injury or sonably	r illness co be expect			st Work	days 🗌 🛮 Lost V	Vorkd	lays Or F	Restricted	Duty 🔽	Permar	ently Di	sabling 🗌	Fatal 🗌	
C. Significa	ant and Su	ıbstantia	ıl: Ye	s 🗹	No 🗌					D. Numbe	r of Pers	ons Affected	010	
11. Negligenc	e (check c	ne)	A. None [		B. Low	Ç. M	oderate	V	D. High		E. Rec	kless Disrega	ırd 🗌	
12. Type of A	ction 1	04(a)	·		13. Type of Iss	uance	(check	one) (	Citation 🗸	Order	] Sa	feguard 🗌	Written Notice	е 🗍
14. Initial Action  A. Citation		rder 🗌	C. Safegu	ard 🗌	D. Written Notice [		E. Citat Orde	ion/ r Number	•			F. Dated	Mo Da Y	۲,
15. Area or Ed	quipment													
16. Terminatio		A. Date	Mo Da 07/15/2		B. Time (24 Hr. Cid	ock)	C	0600		,.				<del>portion to the second control to the second</del>
Section IIITerm		on		<del> </del>								· · · · · · · · · · · · · · · · · · ·		
17. Action to 1	Terminate													
18. Terminate	A. Date	Мо	Da Yr	B. Time	e (24 Hr. Clock)				<del></del>		7-3		<del></del>	
Section IVAuto	mated Syst	em Data		-									Non-termination of the same of	
19. Type of In  · (activity co		E01	20. Even	t Numbe	<sup>r</sup> 411929	3	_  2	21. Prima	ry or Mill					

MSHA Form 70 siness Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small 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 cliations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

23. AR Number

# Citation/Order ontinuation

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

	1019	In.
7	1901 i -	

Section I-Subsequent Action/Continuation Data	
1, Subsequent Action 1a. Continuation 2. Dated Mo Da (Original Issue) 07/14/20	Yr 3. Citation/ Order Number 6612464 - 01
4. Served To	5. Operator
GARY MAY (MINE FOREMAN)	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID (Contractor)
UPPER BIG BRANCH MINE-SOUTH	46-08436
Section II-Justification for Action	

THE WATER HAS BEEN PUMPED DOWN IN THIS AREA WHERE MINERS CAN TRAVEL SAFELY.

Section IIISubsequent Action Taken	ant British (Antillem anni University) (anni a Cara anni an Anna ann an Aireann an Aireann an Aireann an Airean	o commence de la commence del la commence de la com		uptabanes se aran kumaras sa aran dahiba se sa aran sa unida mbasa.	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			ternal chi ha lingua mempulanya di daga bada da ma		
9. Type of Inspection E01 10. Event	Number 4119293				
	AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Cl	ock)
	24172			1000	· · · · · · · · · · · · · · · · · · ·

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

7/16/09		
nistration	_	

1

Section IViolation Data						
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 1130	3. Citation/ Order Number 6612465					
4. Served To	5. Operator					
GARY MAY (MINE FOREMAN)	PERFORMANCE COAL COMPANY					
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)					
8. Condition or Practice	8a. Written Notice (103g)					
THE OPERATOR HAS FAILED TO INSTALL REFL	JECTIVE MATERIAL EVERY 25 FT. ON THE					
LIFELINE IN THE PRIMARY ESCAPEWAY FOR T						
OUTBY SPAD #23692.						
00121 211X						
	•					
	See Continuation Form (MSHA Form 7000-3a)					
9. Violation A. Health B. Section C. P	Part/Section of					
	itle 30 CFR 75.380(d)(7)(iii)					
Other _						
Section II-Inspector's Evaluation						
10. Gravity:						
A. Injury or Illness (has) (is): No Likelihood Unlikely 🗹	Reasonably Likely Highly Likely Occurred					
B. Injury or illness could reasonably be expected to be: No Lost Workdays V Lost Workday	ays Or Restricted Duty Permanently Disabling Fatal					
defiably be expedite to be.	<u> </u>					
C. Significant and Substantial: Yes 🔲 No 🔽	D. Number of Persons Affected: 010					
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 Issuance	(check one) Citation ☑ Order ☐ Safeguard ☐ Written Notice ☐					
14. Initial Action	E. Citation/ F. Dated Mo Da Yr					
A. Citation B. Order C. Safeguard D. Written Notice	Order Number					
15. Area or Equipment						
16. Termination Due A D. Mo Da Yr						
A. Date 07/14/2009 B. Time (24 Hr. Clock)	1145					
Section III-Termination Action						
17. Action to Terminate						
17. Action to Tenningle						
18. Terminated MoDa Yr						
A. Date B. Time (24 Hr. Clock)						
Section IV-Automated System Data						
19. Type of Inspection 20. Event Number 4110000	21. Primary or Mill					
(activity code) E01 20. Event Number 4119293	_ (					
22. Signature	23. AR Number					
· · · · · · · · · · · · · · · · · · ·						
MSHA Form 70	ness Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has					
	gional Fairness Boards to receive comments from small businesses about federal agency					

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

Mine	Citation/Order
Conti	nuation

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

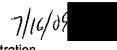
7/20/9	
117	\\/

Section I-Subsequent Action/Continuation Data		Pimoneo Interese Period Namena y Vermoneo	www.gostatto.d.m	ON THE PROPERTY OF STREET OF S	ng na janda katan ta Hangaa Hali 2005 M ta giinna Mayari ciinna A Hali Almana fa Ciinnana fa Ciinna an fa Ciin	ell (f. serionel) and the supervised line (25 N) is spronted to the little for the state of the little for few		
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 07/14/2	Yr 009	3. Citation/ Order Number	6612465 - 01			
4. Served To			5. Opera	5. Operator				
GARY MAY (MINE FOREMAN		PERFORMANCE COAL COMPANY						
6. Mine		7. Mine ID			(Contractor)			
<b>UPPER BIG BRANCH MINE-SC</b>			46-0843	6				
Section II-Justification for Action	- Andrew Company of the Company of t	distincted from estate que estate em la partificatió	namenta e e e e e e e e e e e e e e e e e e e		tatana pagana ang ang ang ang ang ang ang ang an			

REFLECTORS HAVE BEEN INSTALLED ON THE LIFELINE.

		See Continuation Form	
Section III-Subsequent Action Taken			
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	☐ C. Vacated ☑ D. Terminated ☐ E. Modified	***************************************
Section IV-Inspection Data	iki kita kita kita kita kita kita kita k		best (all the
9. Type of Inspection E01	10. Event Number 4119293		
	AR Number 12. Date	Mo Da Yr 13. Time (24 Hr. Clock) 07/15/2009 1030	

22. Signature



wiffe Ortation/Order	Mine Safety and Health Administration
Section I–Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 07/14/2009 1150	3. Citation/ Order Number 6612466
4. Served To GARY MAY (MINE FOREMAN)	5. Operator PERFORMANCE COAL COMPANY
6. Mine	7 A4:
UPPER BIG BRANCH MINE-SOUTH	46-08436 (Contractor)
8. Condition or Practice	8a. Written Notice (103g)
THE OPERATOR FAILED TO SUPPLY FIRE FIGH	TING EQUIPMENT (FIRE EXTINGUISHERS) AT
THE #1 SECTIONS OIL STORAGE HOLE.	
	See Continuation Form (MSHA Form 7000-3a)
	art/Section of ttle 30 CFR 75.1100-2(f)
Safety ✓ of Act Ti	ttle 30 CFR 75.1100-2(f)
Section II-inspector'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	ays Or Restricted Duty Permanently Disabling Fatat
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 issuance	(check one) Citation ☑ Order ☐ Safeguard ☐ Written Notice ☐
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number
15. Area or Equipment	
To. Alea of Equipment	
16. Termination Due A Date Mo Da Yr D Time (04 lie Clast)	3000
A. Date 07/14/2009 B. Time (24 Hr. Clock)	1200
Section III-Termination Action	
17. Action to Terminate THE OPERATOR HAS NOW PROVI	DED THE PROPER FIRE FIGHTING EQUIPMENT.
18. Terminated Mo Da Yr	<del></del>
A. Date 07/14/2009 B. Time (24 Hr. Clock)	200
Section IVAutomated System Data	
	I 24 Demonsor Mill
19. Type of Inspection (activity code) E01 20. Event Number 4119293	21. Primary or Mill
	1

all Business Regulatory Enforcement Fairness Act of 1998, the Small Business Administration has 

23. AR Number

### U.S. Department of Labor



			ty and Health	Administration	' (	
Section I-Violation Data		<del>rangowu ranga a ranga a gana sada ya ga</del>	adyridae ar ar dei digital ya faat bii ay aan yihyit yiba dii 20 dyabe			
1. Date Mo Da Yr 2. Time (24 07/15/2009	Hr. Clock) 1000			3. Citation/ Order Number	6612467	
4. Served To	U	5. Operator		· · · · · · · · · · · · · · · · · · ·		0.14471-11-11-11-11-11-11-11-11-11-11-11-11-1
GARY MAY (MINE FOREMAN)		PERFOR	MANCE COA	AL COMPANY		
6. Mine UPPER BIG BRANCH MINE-SOUT	`H	7. Mine ID	46-08436	)		(Contractor)
8. Condition or Practice					8a. Written Not	ice (103g)
The 12,740 high voltage section was not hung 6. #126 for about 8ft. In regularly work or traversine floor.	5ft. Off the m distance. The	ine floo cable al	r as requ so was no	ired from ot guarded	brk #12 were me	5 to n

		See Continuation Form (MSHA	rom /000-3a) 📋
9. Violation A. Health B. Section Safety Other of Act	C. Part/Section of Title 30 CFR	75.807	
Section IIInspector's Evaluation			
10. Gravity:			
A. Injury or Illness (has) (is): No Likelihood U	nlikely 🗸 Reasonably Likely 🗌	Highly Likely Occum	ed 📋
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 Disrega	rd 🗌
12. Type of Action 104(a) 13. T	Fype of Issuance (check one) Citation 🗹	Order Safeguard	Written Notice
14. Initial Action A. Citation B. Order C. Safeguard D. Writte	E. Citation/ Order Number	F. Dated	Mo Da Yr
16. Termination Due A. Date Mo Da Yr B. Time	(24 Hr. Clock) 1800		
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	1119293 21. Primary or Mill		
22. Signatur		23. AR Number	<del></del>

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

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	7//

				,	
Section I-Subsequent Action/Continuation Data					
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 07/15/20	• • •	3. Citation/ Order Number 6612467 - 01	
4. Served To			5. Operat	or	
ANDY COALSON (MINE FORE)	MAN)		PERFORMANCE COAL COMPANY		
6, Mine	······································		7. Mine II		(Contractor)
<b>UPPER BIG BRANCH MINE-SOU</b>	JTH		1	46-08436	
Section IIJustification for Action		arama ikuma na ilipan sa			

THE HIGH VOLTAGE CABLE HAS BEEN GUARDED IN THE AFFECTED AREA.

Coction III Subsequent Action Token					See Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	COMPANY AND MANUSTRANS AND STATES OF THE STA	C. Vacated	✓ D. Terminated	E. Modified
Section IV-Inspection Data  9. Type of Inspection E01	10. Event Number 4119293			andre state de la companya de la co	
	AR Number	12. Date	Mo Da Yr 07/20/2009	13. Time (24 Hr. Ck 1230	ock)

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

1/2	7/9	
		N//

Section !-Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 07/15/2009 1020	3. Citation/ Order Number 6612468
4. Served To GARY MAY (MINE FOREMAN)	5. Operator PERFORMANCE COAL COMPANY
5. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)
3. Condition or Practice	8a. Written Notice (103g)

The fire suppression system located on the Joy 14-15 miner ser no 6044 used on mmu 040-0 did not work when tested by the remote box.

													14 5	7000 013 [T]
9. Violation	A. Health Safety Othe	<b>√</b>	B. Section of Act	<u> </u>	**************************************		Part/Section Title 30 CFF			75.11		(c)(1)	HA FOIII	7000-3a) [_]
Section II-Inspe	ctor's Evalu	ation	······································											
10. Gravity:														_
A. Injury o			No Likelih	ood 🗌	Unlikel	y 🔽	Reasona	biy Likely		Highly Lik	ely [_	Occ	nued 🗌	]
	r illness co be expect		No Los	Workda	ys 🗸	Lost Work	lays Or Re	stricted D	uty 🗌	Perman	ently C	Disabling 🗌	Fa	tal 🗌
C. Signific	ant and Su	bstantial:	Yes	• 🗆	No 🗹					D. Numbe	r of Pe	rsons Affecte	d: (	001
11. Negligeno	e (check o	ne) ,	A. None	]	B. Low 🗌	C. M	oderate 🔽	2	D. High		E. Re	ckless Disre	gard 📋	
12. Type of A	ction 1	04(a)			13. Type	of Issuance	(check on	e) Cit	ation 🗸	Order	] s	afeguard 🗌	Writt	en Notice 🗌
14. Initial Acti A. Citation		der 🔲	C. Safegua	ırd 🔲 C	. Written No	otice	E. Citatio Order I	n/ Number				F. Dated	M	lo Da Yr
15. Area or E	quipment		M											w/on
16. Terminati	on Due	A. Date	Mo Da 07/15/2		3. Time (24 I	Hr. Clock)	12	30						
Section III-Tem	nination Acti	on				<del></del>								
17. Action to	Terminate	The	føir	e sup	pressi	on sy	stem o	does	now w	ork wl	nen	tested	•	
18. Terminate	A. Date		a Yr 5/2009	B. Time	24 Hr. Clock	<b>()</b>	1230							
Section IVAuto	omated Syste	em Data		<del></del>		.,								
19. Type of In	spection ode)	E01	20. Event	Number	411	9293	21	. Primary	or Mill					
22. Signature						<del></del>	<del></del>			23. ,	AR Nui	mber	,,,, t-,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	

MSHA Form 70
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



							Mine Sa	fety an	d Health	n Administr	ation	
Section I-Violat	ion Data											
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 1030						3. Citation/ Order Number 6612469						
4. Served To						5. Operate	or n				——————————————————————————————————————	
<b>GARY MA</b>	Y (MI	NE FOR	EMAN)				PERFO	RMAN	ICE CO	AL COMP	ANY	
6. Mine					<del></del>		7. Mine ID	46	-0843	6		
UPPER BI			NE-SOL	JTH	······································		<u>L</u>			<u> </u>		(Contractor)
8. Condition o			<del></del>		1 1			· · · · · · · · · · · · · · · · · · ·				Notice (103g)
_	_				dust contr		-			-		
						e J	3 wat	er s	prays	Morkii	ig on the	Joy 14-15
miner a	ind or	ту и	COUL	a pe	rouna.							
										See Cor	tinuation Form (MSH	A Form 7000-3a)
9. Violation	A. Healt		B. Section				art/Section				04 >44>	
	Safet Othe		of Act			Ti	itle 30 CFR			75.37	0(a)(1)	
Section II-Inspe	1		<del></del>	<del></del>	·	L	<del></del>			<del></del>		
10. Gravity:	·····	<del></del>		<del></del>			******					
A. Injury or	r Iliness (h	as) (is):	No Likelih	ood 🔲	Unlikely 🔽		Reasonab	ly Likely		Highly Likely	Occu	rred 🗌
B. injury or			No Los	t Workd	ave 🐼 Lost W	Vorkd	ays Or Res	tricted F	iuty 🖂	Permaner	itly Disabling	Fatal 🗍
***************************************	be expect		140 203	TVOIRG	2/3 💽 103(1	VOING	ayo Or 1103	illotto L				
C. Significa	ant and Si	ubstantial:	Ye	s 🗍	No 🗹		<del> </del>	<del> </del>		D. Number o	f Persons Affected	<sup>1:</sup> 001
11. Negligeno	e (check o	one)	A. None		B. Low	C. Mo	derate 🗸		D. High	£	, Reckless Disreg	erd 🗌
12. Type of A	ction 1	04(a)			13. Type of Issu	iance	(check one	) Ci	ation 🗹	Order 🗌	Safeguard 🗌	Written Notice
14. Initial Acti						_	E. Citation				F. Dated	Mo Da Yr
A. Citation	☐ B.O	rder 🗌	C. Safegu	ard 🔲	D. Written Notice	1	Order N	lumber	<del></del>			
15. Area or Ed	quipment											
16. Termination	on Due	4 5-4-	Mo Da	Yr	D. 77 (0.4 LL) Ol-	-1.)	4.5.4			·····	<del></del>	
		A. Date	07/15/2	009	B. Time (24 Hr. Clo	ick)	130	)()				
Section III-Tern	nination Act	ion										
17. Action to	Terminate	Th∈	re ar	e no	w 33 spray	s w	orkin	g on	the	miner.		
								-				
18. Terminate	A. Date	<u> </u>	a Yr	R Time	(24 Hr. Clock)	1	300				<u></u>	
		07/1.	5/2009	D. 1111/8	(4-7 I II. OIOON)	1	.500				<u> </u>	
Section IVAuto		tem Data										
19. Type of In (activity co		E01	20. Even	t Number	411929	3	21.	Primary	or Mill			
22. Signature					<u> </u>	***************************************				23. AF	Number	

ms 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.

1

### U.S. Department of Labor

Citation 🗸

Order |

23. AR Number

Safeguard

F. Dated

Written Notice

Mo Da Yr

ala ak	
1/2/1	

			Mine Safety and Health	Administration
Section I-Viola	tion Data			
1. Date	Mo Da Yr	2. Time (24 Hr. Clock)		3. Citation/ Order Number 6612470
	07/15/2009	1330		Order Number 0012470
4. Served To			5. Operator	
GARY MA	AY (MINE FOR	EMAN)	PERFORMANCE COA	AL COMPANY
6. Mine	, , , , , , , , , , , , , , , , , ,		7. Mine ID 46-08436	1
	G BRANCH MI	NE-SOUTH	40-00430	(Contractor)
8. Condition of	<del></del>		****	8a. Written Notice (103g)
The ar	oproved roc	of control plan was	not being followed	d on mmu 040-0. The brk
from #3	3 to #4 ent	ry 1brk inby the fe	eder was found to	be 21ft., to 24ft., wide
for app	prox. 19ft.	, in distance along	the left rib. The	ere is also a 6ft.,
				the rib in the same
locatio				
				See Continuation Form (MSHA Form 7000-3a)
9. Violation	A. Health	B. Section	C. Part/Section of	
o. violation	Safety	of Act	Title 30 CFR	75.220(a)(1)
	Other _		•	
Section II-Inspe	ector's Evaluation			
10. Gravity:				
A. Injury o	r Illness (has) (is):	No Likelihood Unlikely	Reasonably Likely 🔽	Highly Likely Occurred
	r illness could rea- be expected to be:	No Lost Workdays 🗌 Lost W	/orkdays Or Restricted Duty ✓	Permanently Disabling Fatal
C. Signific	ant and Substantial:	Yes 🗸 No 🗌		D. Number of Persons Affected: 001
11. Negligend	ce (check one)	A. None 🗍 💍 8. Low 📗	C. Moderate 🗹 D. High [	E. Reckless Disregard

15. Area or Equipment

12. Type of Action

14. Initial Action

A. Citation

104(a)

B. Order

16. Termination Due Mo Da Yr A. Date B. Time (24 Hr. Clock) 2000 07/15/2009

13. Type of Issuance (check one)

E. Citation/

**Order Number** 

Section III-Termination Action

17. Action to Terminate

22. Signature

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

19. Type of Inspection

20. Event Number 21. Primary or Mill 4119293 E01 (activity code)

C. Safeguard D. Written Notice

MSHA Form 7000-5, Apr up (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

7/21/9
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Section I-Subsequent Action/Continuation Data	
Subsequent Action 1a. Continuation 2. Dated Mo Date	Yr 3, Citation/ 6612470 01
✓ (Original Issue) 07/15/2	009 Order Number 6612470 - 01
4. Served To	5. Operator
ANDY COALSON (MINE FOREMAN)	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID (Contractor)
UPPER BIG BRANCH MINE-SOUTH	46-08436
Section IIJustification for Action	

ADDITIONAL ROOF SUPPORT HAS BEEN INSTALLED IN THE AFFECTED AREA.

Costion III Subsequent Asilon Talon		See Continuation Form .
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	☐ C. Vacated ☑ D. Terminated ☐ E. Modified
Section IV-Inspection Data  9. Type of Inspection E01	10. Event Number 4119293	
	AR Number 12. Date	Mo Da Yr 13. Time (24 Hr. Clock) 07/20/2009 1215

Mine	Citation	1/Order
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### U.S. Department of Labor

7/16/09	
ration	

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							Mine Sa	afety a	and Hea	lth Adr	ninistr	ation				1//
Section IViolation	on Data											and the state of t	ar girlinning af mar inner nefnyar af minnish dibaran	×	···	
1. Date	Mo Da 07/15/2	``	2. Time (	24 Hr. Clo 100:							Citation/ Order No	ımber	6612	<del>1</del> 71		
4. Served To							5. Operat		<u></u>				<del>varen er yezaren er kera era zu zu zu ert</del> en			
GARY MA	Y (MIN	E FO	REMAN)				PERFO	RM/	NCE C	OAL (	COMP	ANY	<del>,</del>			
6. Mine UPPER BIG BRANCH MINE-SOUTH				7. Mine I	2	6-084	36					(Contra	actor)			
8. Condition or													8a, Writte	n Noti	ce (103g	g) 📋
#128 FOI THE #1 S COAL ANI	R APPI SECTION D THE	ROXI ON. ACC	MATELY ALSO I UMULAT	12 E HE SE	WAS PRESTED IN LENGECTION TAINS WERE APPROXIMATELY	IGTH LPI ROXI	H 2FT. IECE T IMATEL	IN AIL Y 2	DEPT ROLL	H, A ER W	ND 4	FT.	ING I	IDTI N L	H ON OOSE	10
			<del>[-1]</del>	9 <del>1 - 91 - 14 - 14 - 14 - 14 - 14 - 14 - 1</del>	tudenthi iz materiali, apaza y			<del></del>		·	See Con	inualic	n Form (MSI	IA Forr	n 7000-3	a) 🗌
9. Violation	A. Health Safety Other	V	B. Section of Act				art/Sectior				75.	400				
Section II-Inspec	tor's Evalua	ition	············													
10. Gravity: A. Injury or	<del> </del>		No Likelih	ood 🗌	Unlikely [	<del> </del>	Reasonal	oly Lik	ely 🗹	High	ly Likely		Occi	urred [		
B. Injury or	illness cou se expecte		. No Los	t Workda	avs 🗌 Lost V	Vorkd	ays Or Res	stricted	Duty 🗍	Pe	rmanen	tly Dis	abling 🗸	F	atal 🗌	
C. Significa			, <del>                                     </del>	<del></del>	No []	,				<del></del>			ons Affecte	····	002	
11. Negligence	(check or	1e)	A. None		B. Low	C. M	oderate 🗸	]	D. High		E	. Rec	dess Disre	gard [		
12. Type of Ac	lion 1(	)4(a)			13. Type of Iss	lance	(check on	e)	Citation 🗸	Orc	der 🗌	Saf	eguard 🗌	Wri	tten Not	ice 🗌
14. Initial Actio A. Citation	n B. Ord	der [	C. Safegu	ard 🔲 🛭	D. Written Notice [		E. Citation Order N		r				F. Dated		Mo Da	۲r
15. Area or Equ																
16. Termination		A. Date	Mo Da 07/15/2		B. Time (24 Hr. Cid	ock)	16	00				<del>- 4</del>		<del></del>		··········
Section IIITermi	<del> </del>	भ <u>)</u>		<del></del>										<del></del>		<del></del>
17. Action to To	erminate															
18. Terminated	A. Date	Мо	Da Yr	B. Time	(24 Hr. Clock)	,		T			***	<del>,                                    </del>			······································	
Section IV-Autor	nated Syste	m Data		L			<del></del>					<del></del>	****			
19. Type of ins (activity cod		E01	20. Even	Number	411929	3	21.	Prima	ry or Mill			, <del>, , , , , , , , , , , , , , , , , , </del>			<del></del>	• , ,
22. Signature											23. AR	Num	er	7-11-1-11-1		
MSHA Form 700 established a Na enforcement acti	,,,,					IQ IE	al Fairne	ss Boa	rds to recei	ve comm	ents from	small l	e Small Bus ousinesses a u wish to con	bout fee	deral age	

enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-REG-FAIR (1-88

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

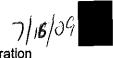
/ / / / · · · · · · · · · · · · · · · ·	7	$\mathcal{V}$	
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Section ISubsequent Action/Continuation Data	zadym strukturosta i sa	от повер на сило выполня на при в неворя с нево не дестава и нево продости на продуктивного на принцене на продуктивного на принцене на пр	Sanja yazi Anderin Anderin ya jinaka Marada Antara Anderin Hangara Hilli Sadi Alfana Maran Madampa Ali Sandi Haw
1. Subsequent Action 1a. Continuation  (Original Iss	Mo Da Yr sue) 07/15/2009	3. Citation/ Order Number 6612471 - 01	
4. Served To	5. Ope	rator	
GARY MAY (MINE FOREMAN)	PERF	ORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine	46-08436	(Contractor)
Section II—Justification for Action			

THE OPERATOR HAS MOVED BELT AND THE LOOSE COAL HAS BEEN REMOVED FROM THE AFFECTED AREA.

Section III-Subsequent Action Taken	annu conductivity e la societa e esta esta esta esta formación plantes e esta esta esta esta esta delegación d	encennes de se encennes en en siere a lança amoi de la la lança en lança e de servida plates.	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 4119293		
	△R Number 12. Date	Mo Da Yr 07/20/2009	13. Time (24 Hr. Clock) 1225

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





Section I-Violation Data						
1. Date Mo Da Yr 2. Time (24 Hr 07/15/2009	. Clock) 045		004479190100	3. Citation/ Order Nu	mber 66124	72
4. Served To		5. Operator				
GARY MAY (MINE FOREMAN)		PERFORI	MANCE CO	AL COMPA	ANY	ngiti kilonini ina nya nyi 1984 ilay minaninya wa 1984 ilay nya nyi 1984 ilay nya nyi 1984 ilay nya nyi 1984 i
6. Mine		7. Mine ID	46-0843	6		
UPPER BIG BRANCH MINE-SOUTH 8. Condition or Practice		<u>L</u>		·	Po Mritton	(Contractor)  Notice (103g)
4 20 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	IDOLO /CHODDING	יכו אדרי	VC mire 4	1 SECTI		
NUMEROUS VENTILATION CONT WERE NOT BEING MAINTAINE	•	•				RETURN STALLED
FOR. THESE STOPPINGS HAD						3 CAUSING
THE BELT LINE TO NOT BE S				94 10 5	FAD #2003	3 CAUSING
THE DELL BINE TO NOT DE L	DELYIMIED LIVON	11111 1111	I OINN .			
				<b>80</b>	and the first Alexander	A Farm 7000 (ta)
				See Cont	inuation Form (MSH	A Form 7000-3a)
9. Violation A. Health B. Section of Act		art/Section of the 30 CFR	i	75,33	33(h)	
Other _				,,,,,,		
Section II-Inspector's Evaluation						
10. Gravity: A. Injury or Illness (has) (is): No Likelihood [	Thelitain 🐼	Danconobly	Likalis 🗆	Highly Llkely		rred 🗍
B. Injury or illness could rea-	Unlikely 🗸	Reasonably	Likely [	(Highly Likely		ned
sonably be expected to be: No Lost Wo	rkdays 🗌 Lost Workda	ays Or Restric	cted Duty 🔽	Permanent	ly Disabling 🗌	Fatal 🗌
C. Significant and Substantial: Yes	No 🗹	17		D. Number of	Persons Affected	001
11. Negligence (check one) A. None	B. Low C. Mo	oderate 🗹	D. High	□ Е.	. Reckless Disreg	ard [
12. Type of Action 104(a)	13. Type of Issuance	(check one)	Citation 🗸	Order 🗌	Safeguard 🗌	Written Notice
14. Initial Action A. Citation B. Order C. Safeguard	D. Written Notice	E. Citation/ Order Nur	mber		F. Dated	Mo Da Yr
15. Area or Equipment						
16. Termination Due Mo Da Yr						
A. Date 07/17/2009	B. Time (24 Hr. Clock)	0800				
Section III-Termination Action		**************************************		<del></del>		
17. Action to Terminate				· · · · · · · · · · · · · · · · · · ·		
18. Terminated A. Date Mo Da Yr B. T	ime (24 Hr. Clock)				<del></del>	<del></del>
Section IVAutomated System Data		······································				
19. Type of inspection (activity code) E01	4119293	21. Pr	lmary or Mill			
22. Signature		,		23. AR	Number	
MSHA Form 70 established a N	garatory omnobolitian and 10 NG	gional Fairness	Boards to receive	comments from	small businesses ab	ess Administration has out federal agency
enforcement actions. The Ombudsman annually evaluate	s enforcement activities and rate	s each agency's	responsiveness (	to small business	. If you wish to com	nent on the

established a Niew of the 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 07/15/2		3, Citation/ Order Number	6612472 - 01	Call Carlot and Call Call Carlot Carl		
4. Served To			5. Opera	tor				
ANDY COALSON (MINE FOREMAN)				PERFORMANCE COAL COMPANY				
6. Mine			7. Mine I	D 46 00 40		(Contractor)		
UPPER BIG BRANCH MINE-SOUTH				46-0843	6			
Section II-Justification for Action								

THE STOPPINGS HAVE BEEN REPAIRED.

Section III-Subsequent Action Taken			See Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	C. Vacated	D. Terminated E. Modified
Section IV-Inspection Data			
9. Type of Inspection E01	10. Event Number 4119293	ogia pagamati kongrapana piangana menanda kanasa ke asta ke senak makambana ana	and the state of t
	AR Number 12. Date	Mo Da Yr	13. Time (24 Hr. Clock)
		07/20/2009	1135

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





		_	·				Mine Safe	ety and	Healtr	i Administra	ation			`//
Section I-Violat													Francischtschift (francische francische fran	····
1. Date	Mo Da 07/15/		2. Time (2	24 Hr. Ckt 1120						3. Citation/ Order Nu	mber	66124	73	·
4. Served To							<ol><li>Operator</li></ol>							
GARY MA	Y (MI	NE FOR	EMAN)	·				MAN	CE CO	AL COMP	ANY			···
6. Mine UPPER BIG BRANCH MINE-SOUTH				7. Mine ID	46	0843	6			/On				
8. Condition of		7 TO 10 TO 1	NE-SOU	1H						<del>-</del>		On Meitton	Notice (10	tractor)
A SAFE			TC NO	מוס יוזי	ING MAINTA	ተ እ፣ C	D FOD	#1 c	T COUNT	ON DICU		· · · · · · · · · · · · · · · · · · ·	FROM	<del>99)</del>
CROSS C				S CUI										Ω
INCHES		TPTH.			CROSS CUT									o .
										H. BOTH				E.R
WAS APE					IN LENGTH							2140	/ · · · · · · · · · · · · · · · · · · ·	<b></b>
W110 111 1	IVONITE	14 1 1 1 1 1 1	. 00 1	+ • -	TH DEMOTIL :	7 3 7 N T	1/1/2/1	0 1/1						
										See Con	tinuation	Form (MSH	A Form 7000	-3a)
9. Violation	A. Healt	h 🗍	B. Section	·			art/Section o	of						
	Safet		of Act			Tit	tle 30 CFR			75.36	1(b)(2	.)		
Section II-Inspe	Othe													<del>,</del>
10, Gravity:	COL O LYON	180011			<del></del>					<del></del>		<del></del>	<del></del>	<del>,</del>
A. Injury o	r Illness (h	as) (is):	No Likeliho	nod [ii]	Unlikely 🗍		Reasonably	/ Likely		Highly Likely	П	Осси	rred 🗍	
B. Injury o								····				·		<del></del>
	be expec		No Los	t Workda	ays Lost W	/orkde	ys Or Restr	icted Du	ity 🗸	Permanen	lly Disa	bling [_]	Fatal	
C. Signific	ant and Si	ubstantial:	Yes	<b>.</b>	No 🗌					D. Number of	Perso	ns Affected	i: 001	40.
11. Negligeno	æ (check o	one)	A. None		B. Low 🗍 💢	C. Mo	derate 🗸		D, High	E	. Reckl	ess Disreg	ard 📋	
12. Type of A	ction 1	04(a)			13. Type of Issu	ance	(check one)	Cita	ition 🔽	Order 🗌	Safe	guard 📋	Written N	otice 🗌
14. Initial Acti		rder 🖂	C Cofoeus	[ ] [	D. Mirilton Motion [**	_	E, Citation/ Order Nu	mhar				F. Dated	Mo Da	∌ Yr
A. Citation	<u> </u>	Tuer [_]	C. Safegua	##U [ L	D. Written Notice		Older No	Hinei		·				<del></del>
15. Area or E	quipment													
16. Terminati	on Due	<u> </u>	Mo Da	Yr T	<del></del>		<del></del>	·	Τ		······································	,	<del></del>	
TO: TO: THIRD	on pao	A. Date	07/17/2		B. Time (24 Hr. Clo	ck)	0600	)	1					
Section III-Terr	nination Act	ion							,i	·	<del></del>			
17. Action to			<del></del>	······································		******	· · · · · · · · · · · · · · · · · · ·				4 <del></del>	<del> , ,</del>		
													,	
40 T		Mac	\ \ \ \ \ \	···	<del></del>			1	<u></u>			· · · · · · · · · · · · · · · · · · ·	······································	· · · · · · · · · · · · · · · · · · ·
18. Terminate	A. Dat	e MOT	a Yr	B. Time	(24 Hr. Clock)			1						
Section IVAuto	nmoted Sim	tem Data		L., v.,				ļ	<del></del>			<del></del>		
19. Type of In		COLL DAIS	120 Even	Alumbas			loi r	rimary	or \$400	<del></del>				
19. Type of in	o <u>de)</u>	E01	20. Event	Number	411929	3	[21. ]	annary	JI IVRII					
22. Signature								***************************************		23. AR	Numbe	·····		gyellejdadningungi Silmag

MSHA Form 700
usiness 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 (Original Issue)	Мо 07/1	Da 5/200	• • •	3. Citation/ Order Number 6612473 - 01	
4. Served To			5	. Operat	or	
ANDY COALSON (MINE FORE	EMAN)		F	PERFO	RMANCE COAL COMPANY	
6. Mine			7	'. Mine II	00406	(Contractor)
UPPER BIG BRANCH MINE-SOUTH					46-08436	
Section II-Justification for Action						

THE WATER HAS BEEN PUMPED WHERE MINERS CAN TRAVEL SAFELY.

			See Continuation Fo	mx
Section III-Subsequent Action Taken				
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	☐ C. Vacated	☑ D. Terminated ☐ E. Modified	-
Section IVInspection Data				
9. Type of Inspection E01	10. Event Number 4119293			
11 Signature 6	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)	
		07/20/2009	1110	
MSHA Form 7000 3a, Mar 85 (revised)	1			

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





	will colory and reality tariffication
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr, Clock) 07/15/2009 1130	3. Citation/ Order Number 6612474
4. Served To	5. Operator
GARY MAY (MINE FOREMAN)	PERFORMANCE COAL COMPANY
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)
8. Condition or Practice	8a. Written Notice (103g)
THE OPERATOR IS NOT PROVIDING A 24 INCH	CLEARANCE ON THE OFFSIDE OF THE #3
BELT (#1 SECTION) FROM CROSS CUT #116 T	
ACCUMULATION OF LOOSE COAL , AND A PIEC	E OF BELT WAS PRESENT IN THIS AREA.
	See Continuation Form (MSHA Form 7000-3a)
	art/Section of tie 30 CFR 75.1403
Section II-Inspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely  Highly Likely  Occurred
B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workday	ays Or Restricted Duty Permanently Disabling 🗸 Fatal 🗌
C. Significant and Substantial: Yes ☑ No □	D. Number of Persons Affected: 001
11. Negligence (check one) A. None B. Low C. Mo	derate 🗸 D. High 🗌 E. Reckless Disregard 🗌
12. Type of Action 104(a) 13. Type of Issuance	(check one) Citation ☑ Order ☐ Safeguard ☐ Written Notice ☐
14. Initial Action  A. Citation ☐ B. Order ☐ C. Safeguard ☑ D. Written Notice ☐	E. Citation/ 4636403 F. Dated Mo Da Yr 07/24/1996
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr 07/17/2009 B. Time (24 Hr. Clock)	1600
Section III~Termination Action	
17. Action to Terminate	
18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)	
Section IVAutomated System Data	
19. Type of Inspection (activity code) E01 20. Event Number 4119293	21. Primary or Mill
22. Signature	23. AR Number

MSHA Form 70 usiness 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

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Section ISubsequent Action/Continuation Data		Apparent september 1 de l'annont de l'a	etarette gredietu en turcel er sürden ee	and the state of t		
1. Subsequent Action 1a. Continuation	Dated     (Original Issue)	Mo Da 07/15/20		3. Citation/ Order Number	6612474 - 01	
4. Served To			5. Operat	or		
GARY MAY (MINE FOREMAN)			PERFO	RMANCE CO	AL COMPANY	
6. Mine	· · · · · · · · · · · · · · · · · · ·		7. Mine II		····	(Contractor)
<b>UPPER BIG BRANCH MINE-SOU</b>	TH			46-0843	6	
Section II-Justification for Action			een met geeen een met weer de soos			

A CLEAR TRAVELWAY IS NOW BEING PROVIDED FROM CROSS CUT #116 TO CROSS CUT #111.

Section III-Subsequent Action Taken			See Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	☐ C. Vacated ☑ D. Terminated	E. Modified
Section IVinspection Data  9. Type of Inspection E01	10. Event Number 4119293		
	AR Number 12. Date	Mo Da Yr 13. Time (24 Hr. Cl 07/20/2009 1120	·

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

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1/2019	

	Mine Safety and Health Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 07/19/2009 0840	3. Citation/ Order Number 6612475
4. Served To	5. Operator
TOM SHEETS (FOREMAN)	PERFORMANCE COAL COMPANY
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)
8. Condition or Practice	8a. Written Notice (103g)
THE OPERATOR FAILED TO PROVIDE AN BEING USED TO LOAD SHIELDS ON THE	AUDIBLE BACK-UP ALARM ON THE #27 FORKLIFT SURFACE.
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health B. Section Safety Other	C. Part/Section of Title 30 CFR 77.410(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	ost 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	f Issuance (check one) Citation 🗹 Order 🗌 Safeguard 🗌 Written Notice 🗍
14. Initial Action A. Citation ☐ B. Order ☐ C. Safeguard ☐ D. Written Notic	E. Citation/ F. Dated Mo Da Yr Ce Order Number
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr.	r. Clock) 1130
Section IIITermination Action	
17. Action to Terminate THE AUDIBLE ALARM IS REVERSE.	NOW WORKING WHEN THE EQUIPMENT IS PUT INTO
· · · · · · · · · · · · · · · · · · ·	
18. Terminated A. Date Mo Da Yr 07/19/2009 B. Time (24 Hr. Clock)	1130
Section IV-Automated System Data	
19. Type of Inspection (activity code) E01 20. Event Number 4119	2293 21. Primary or Mill
22. Signature	23. AR Number
	inforcement Fairness Act of 1996, the Small Business Administration has a nard 10 Regional Fairness Boards to receive comments from small businesses about federal agency les and rates each agency's responsiveness to small business. If you wish to comment on the

established a National Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small business. If you wish to comment on the 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 MG 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 IViolat	ion Data			to a section of the s			<u> </u>	·
1. Date	Mo Da Yr 07/19/2009	2. Time (24 Hr. Clo 0900	·			3. Citation/ Order Number	er 66124'	76
4. Served To		· · · · · · · · · · · · · · · · · · ·	\\\\\\\\\	5. Opera	or			
	ETS (FOREMA	N)		PERFC	RMANCE CO	DAL COMPAN	Y	
6. Mine	G BRANCH MI	NE SOUTH		7. Mine II	46-0843	36		(Contractor)
8. Condition o		NE BOOTH		1	•		8a. Written	Notice (103g)
· · · · · · · · · · · · · · · · · · ·	CRATOR FAIL	ED TO STOR	RE 7 COMPRE	SSED GA	S CYLIND	ERS IN A S	AFE MAN	
LOCATED SITTING		IE MOTOR BA	ARN WHERE T			R (TRAININ		
			•					
						See Continua	tion Form (MSHA	A Form 7000-3a)
9. Violation	A. Health	3. Section		. Part/Section	of			(
	Safety 🗸	of Act		Title 30 CFF		77.208(	d)	
Continu II Inana	Other							
10. Gravity:	COL 2 EASINGHOU			·····				<u> </u>
•	r Iliness (has) (is):	No Likelihood	Unlikely 🗸	Reasona	oly Likely	Highly Likely	Occuri	red 🗌
B. Injury or	r illness could rea-	No Lost Workda		······································	stricted Duty 🗸	Permanently D		Fatal []
	be expected to be:	NO LOST WORKER	LOSE VVO	ikuays Of Ne.	stricted Duty 🗸	1		
C. Significa	ant and Substantial:	Yes 🗌	No 🐼			D. Number of Pe	rsons Affected:	003
11. Negligeno	e (check one)	A. None	B. Low C.	Moderate 🔽	D. High	E. Re	eckless Disrega	ard 🗌
12. Type of A	ction 104(a)		13. Type of Issuar	nce (check on	e) Citation 🗸	Order S	afeguard []	Written Notice
<ol> <li>Initial Action</li> <li>Citation</li> </ol>		C. Safeguard 🔲 [	D. Written Notice	E. Citatio	n/ Number		F. Dated	Mo Da Yr
15. Area or Ed	quinment						<del>-</del>	<del></del>
	4							
16. Termination	on Due	Mo Da Yr		·	η	tride man =		
10. TOTALINIALIA	A. Date	07/19/2009	B. Time (24 Hr. Clock	11	25	•		
Section IIITerm	nination Action							
17. Action to 1	Terminate THE	CYLINDERS	ARE NOW LO	CATED I	N A RACK	•		
18. Terminate		a Yr	(24 Hr. Clock)	1125				
Section IVAuto	07/19 omated System Data	9/2009	(2411). (1000)					
19. Type of In	spection	20. Event Number	4110202	21	Primary or Mill			
(activity co	ode) E01		4119293		-			
22. Signatu						23. AR Nu	nber	
				.,	++++++++++++++++++++++++++++++++++++++	·····		

MSHA Form
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	Cita	tion	$10^{\circ}$	'doi
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Mine Citati	on/Order							tment of L and Heal	<b>₋abor</b> th Administ	ration	7/2019
Section IViola	tion Data			And the second	бек жайын башкан жайын жайын майман керектерде жайын байын байын байын байын байын байын байын байын байын бай Солоонуу байын		·			07.000.0011169111691170.00000001111691116911169111691116911169	de la constantina de
1. Date	Mo Da 07/19/2		2. Time (	24 Hr. Clo 0830			1.5		3. Citation Order N		177
•				5. Ope PERF		IANCE CO	DAL COM	PANY			
6. Mine	***************************************	<del></del>		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		7. Mine	) ID	46-0843	26		
UPPER BI		CH MI	NE-SOL	JTH				40-004.	JU		(Contractor)
8. Condition of	<del></del>		· · · · · · · · · · · · · · · · · · ·		***************************************		******************				n Notice (103g)
MAINTAI OPERATO	ENED II OR CAN	N A S NOT	SAFE C TURN	PERAT	SED TO LOAD TING CONDIT ENGINE OFF SERVICE IMM	ION. A	AFTE THE		SURFAC FING TH ON SWIT	E MACHINE	
9. Violation	A. Health Safety Other		B. Section of Act			C. Part/Sect Title 30 C			·····	entinuation Form (MSF	łA Form 7000-3a)
Section II-Inspe	ector's Evalua	ition	,								· · · · · · · · · · · · · · · · · · ·
	r Illness (ha	, , ,	No Likelih	ood 🗌	Unfikely 🗌	Reaso	nabiy Li	ikely 🔽	Highly Like	ly 🗌 Occı	ırred 🗌
	r illness cou be expecte		No Los	t Workda	ıys 🗌 💮 Lost Wo	rkdays Or F	Restrict	ed Duty 🗌	Permane	ntly Disabling 🕢	Fatal 🗌
	ant and Sul		Ye	s 🗸	No [				D. Number	of Persons Affecte	d: 001
11. Negligeno	ce (check or	10)	A. None	]	B. Low [] C	. Moderate	<b>V</b>	D. High		E. Reckless Disre	gard 🗌
12. Type of A	ction 10	)4(a)			13. Type of Issua	nce (check	one)	Citation 🔽	Order 🗌	Safeguard 🗌	Written Notice
14. Initial Acti A. Citation		der 🗌	C. Safegu	ard 🔲 🛚	D. Written Notice	E. Citat Orde	ion/ ir Numb	oer		F. Dated	Mo Da Yr
15. Area or E	quipment										
16. Terminati	on Due	A. Date	Mo Da 07/20/2		3. Time (24 Hr. Clock	<b>()</b> 1	600				
Section IIITerr	mination Actio	n									
17. Action to	Terminate										
18. Terminate	A. Date	МоС	a Yr	B. Time	(24 Hr. Clock)			····			A STATE OF THE STA
Section IVAuto	omated Syste	m Data		L	* · · · · · · · · · · · · · · · · · · ·					<del> </del>	
19. Type of In		E01	20. Even	t Number	4119293		21. Prin	nary or Mill			
22. Signature									23. A	R Number	وېېږېرېم

MSHA Form 70
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 07/19/20		3. Citation/ Order Number	6612477 - 01	
4. Served To			5. Operato	)r	<del></del>	
TOM SHEETS (FOREMAN)			PERFO	RMANCE CO	AL COMPANY	
6. Mine			7. Mine ID			(Contractor)
<b>UPPER BIG BRANCH MINE-SOL</b>	JTH			46-0843	6	
Section II—Justification for Action		Average and the second section of	WATER STATE OF THE	ACTION AND ACCOUNTS AND ACCOUNT	And the control of th	несе (в Приня основния на невов, от монейску и подверення пределения дерення и приня

THE MACHINE HAS BEEN REPAIRED.

Section IIISubsequent Action Taken		a ta siningalijos parata takoplyvojijos a tat sinipani jojenosoo ta sa kokuri		ramonya karata kalenda ya wasa ka pilika ka k		See Continuation Form
8. Extended To A. Date Mo Da	Yr B, Time (2	4 Hr. Clock)		☐ C. Vacated	☑ D. Terminated [	E. Modified
Section IVInspection Data	ini periodi anti anti anti anti anti anti anti ant		annon demonstration per le manifest de la company de la co			
9. Type of Inspection E01	10. Event Numbe	or 4119293				
14 0	<u> </u>	AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clock	()
	L			07/21/2009	1514	

17. Action to Terminate

18. Terminated

22. Signature

STORAGE RACK ON THE SURFACE.

E01

A. Date

Section IV-Automated System Data

19. Type of Inspection

(activity code)

Mo Da Yr

07/20/2009

20. Event Number

B. Time (24 Hr. Clock)

4119293

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Mine Citation/Order	U.S. Department of Labor Mine Safety and Health Administration
Section I-Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 07/20/2009 0910	3. Citation/ Order Number 6612478
4. Served To	5. Operator
ANDY COALSON (MINE FOREMAN)	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID 46-08436 (Castastas)
UPPER BIG BRANCH MINE-SOUTH	(Contractor)
8. Condition or Practice	8a. Written Notice (103g)
THE OPERATOR FAILED TO PLACE 4 COMPRES HOLD THEM IN PLACE DURING TRANSIT ON T	
Safety ✓ of Act	See Continuation Form (MSHA Form 7000-3a)  Part/Section of Title 30 CFR 75.1106-2(a)(1)
Other	
Section II-Inspector's Evaluation  10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred
R Injury or illness could rea-	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 Issuand	e (check one) Citation 🗹 Order 🗌 Safeguard 🗌 Written Notice 🗍
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr 07/20/2009 B. Time (24 Hr. Clock)	0915
Section III-Termination Action	

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

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THE CYLINDERS WERE REMOVED FROM THE FLAT CAR AND SECURED IN THE

21. Primary or Mill

23. AR Number

Mine	Cito	fion	in	بملم
viine	UITA	HOIR	/( )	ruei

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wine Citation/Order	U.S. Department of Labor  Mine Safety and Health Administration
Section I-Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 07/20/2009 1140	3. Citation/ Order Number 6612479
4. Served To	5. Operator
ANDY COALSON (MINE FOREMAN)	PERFORMANCE COAL COMPANY
6, Mine	7. Mine ID 46-08436 (Contractor)
UPPER BIG BRANCH MINE-SOUTH  8. Condition or Practice	(Contractor)  8a. Written Notice (103g)
THE SPRING LOADED DEVICE ON THE #3 SET	
IN A USABLE CONDITION. THIS SET OF BAT	TTERIES WAS ON THE # T-339-396-12-06
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health B. Section C. Safety Other C	Part/Section of Title 30 CFR 75.503
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	kdays Or Restricted Duty 📝 Permanently Disabling 🗌 Fatal 🗍
C. Significant and Substantial: Yes ☐ No ☑	D. Number of Persons Affected: 001
11. Negligence (check one) A. None B. Low C.	Moderate ☑ D. High ☐ E. Reckless Disregard ☐
12. Type of Action 104(a) 13. Type of Issuand	ce (check one) Citation 🗹 Order 🗌 Safeguard 🗌 Written Notice 🗍
14, Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr 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 4119293	21. Primary or Mill
22. Signature	23. AR Number

MSHA Form 7000

atory Enforcement Fairness Act of 1996, the Small state of the stablished a Nation of the stablished a Nation of MSHA. 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 (Original Issue)	Mo Da 07/20/20	''	3. Citation/ Order Number	6612479 - 01		DOM: NO.
4. Served To			5. Operat	or			
ANDY COALSON (MINE FORE	MAN)		PERFO	RMANCE CO	AL COMPANY		
6. Mine			7. Mine II	1		(Contractor)	3-438-448
<b>UPPER BIG BRANCH MINE-SOL</b>	JTH			46-0843	6		
Section II-Justification for Action							and the

THE OPERATOR HAS REPLACED THE SPRING LOADED DEVICE.

							See Continuation Form
Section III-Subsequent Action Taken							
8. Extended To A. Date Mo Da	Υr	B. Time (24 Hr. (	Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IV-Inspection Data							
9. Type of Inspection E01	10. Ev	ent Number	4119293	Control (1994) Control and Control (1994) Control (	agent op gemeint i gest den til år kalende til det stormer til og og præde det og med ken å benede	t de décidio à le comment de frança de la fina que de 30 de des construires mont de comment de fina de la Nobel	and the second
		AR	Number	12. Date	Mo Da Yr	13. Time (24 Hr. Cl	ock)
					07/21/2009	1018	

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



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Section IViola			-			lana yanka		······					oppyje obrojinymy opiii in in propintii olijanaja opii in i
1. Date	Mo Da 07/20/2		2. Time (	24 Hr. C 11	•					3. Cita Orde	ition/ er Numbe	<sub>r</sub> 66124	80
4. Served To	·		<del></del>		The state of the s		5. Operator						
ANDY CO	ALSON	I (MIN	E FORE	MAN)			PERFOR	MAN	ICE CO	AL CO	MPAN'	Y	
6. Mine UPPER BI	**************************************	<del></del>		· · · · · · · · · · · · · · · · · · ·		a gang qoʻlindi sa da mang s	7. Mine ID	46	-0843	6			(Contractor)
8. Condition of			шчь-зос	7 1 1 1	المستعين ويورون والمستعال والمستعال والمستعال والمستعال والمستعال والمستعال والمستعال والمستعال والمستعال والم			·		W		So Writter	Notice (103g)
ACCUMUI			TAACE	CONT	SATURATE	) [17	ישוו וואס	יוז ע כו	TCO	'T' T	מת סג	· · · · · · · · · · · · · · · · · · ·	N THE
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					2-06. ALS						ESENT		
SHIELDS					AND UNDER				WHERE			TION BO	
LOCATEI			TERTAL	. WAS	APPROXIMA	ATEL	Y 1 TO	<b>3</b> .	INCHE	S IN	DEPT	H AND E	PACKED IN
and a second	yk y 73 da 73 da									See	e Continuat	ion Form (MSH	A Form 7000-3a)
9. Violation	A. Healti Safet Othe	y 🗸	B. Section of Act				art/Section of the 30 CFR				75.400		
Section IIInspe	ctor's Evalu	ation									· · · · · · · · · · · · · · · · · · ·		
10. Gravity:													
A. Injury o			No Likelih	ood 🔲	Unlikely 🔽		Reasonably	Likely		Highly L	Ikely 🗌	Occu	rred 🗌
B. Injury o sonably	r illness co be expect		No Los	t Work	days 🗌 🛮 Lost '	Workd	ays Or Restri	cted D	uty 🔽	Perm	anently Di	sabilng 📋	Fatal 🗌
C. Signific	ant and Su	ıbstantia	l: Ye	s 🗌	No 🗸					D. Numl	ber of Per	sons Affected	l: 001
11. Negligeno	e (check c	ne)	А. Моле		B. Low	C. Mo	oderate 🗸		D. High		E. Re	ckless Disreg	ard 🗌
12. Type of A	ction 1	04(a)			13. Type of Iss	uance	(check one)	Cit	ation 🔽	Order	☐ Sa	feguard 🗌	Written Notice
14. Initial Acti A. Citation	on B. O	rder 🗍	C. Safegu	ard [	D. Written Notice		E. Citation/ Order Nur	nber				F. Dated	Mo Da Yr
15. Area or E							· · · · · · · · · · · · · · · · · · ·					<u> </u>	
10. Alea di L	quipinesit				·								
16. Termination	on Due	A. Date	Mo Da 07/21/2		B. Time (24 Hr. Ci	ock)	0800						
Section III-Terr	nination Acti	lon			<del>1</del>				·				
17. Action to	Terminate			·				- na					
18. Terminate	d A. Date	Мо	Da Yr	B. Time	e (24 Hr. Clock)	·····			····	<del></del>		<del></del>	// <u>A - 1<sup>3</sup> - 19/4</u> - 19/4 - 1
Section IVAuto	mated Syst	em Data	· · · · · · · · · · · · · · · · · · ·	<u> </u>	· · · · · · · · · · · · · · · · · · ·					<del></del>		aaa	
19. Type of In	spection	E01	20. Even	t Numbe	411929	93	21. P	imary	or Mill		·	***************************************	
22. Signature							<u> </u>	and the second second	angaga <del>Ur hidas þa mangupy Dad</del>	23	3. AR Num	nber	ppper till and a supply to the
							I			1			

MSHA Form 7000 siness Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Surface 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 Date	)		***************************************			
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 07/20/20	• • •	3. Citation/ Order Number	6612480 - 01	
4. Served To			5. Operat	or		
ANDY COALSON (MINE FOREMAN)				RMANCE CO.		
6. Mine		7. Mine (0	)	(Contractor)		
<b>UPPER BIG BRANCH MINE-S</b>			46-0843	6	NO.	
Section IIJustification for Action	Harmon Charles and Control of Con		session de la constitución de la	400 A CONTRACTOR OF THE PROPERTY OF THE PROPER		

THE SCOOP HAS BEEN CLEANED AND WASHED.

Section IIISubsequent Action Taken			and the second s			say a substantin		See Continuation Form
8. Extended To A. Date Mo Da	a Yr	B. Time (24 Hr	. Clock)		C. Vad	cated	✓ D. Terminated	E. Modified
Section IV-Inspection Data  9. Type of Inspection E01	10. E	vent Number	4119293					
11 Signature		AF	R Number	12, Date	Mo Da 07/21/2	Yr 2009	13. Time (24 Hr. Cl	ock)

	~ 11			
1/III)	e Cita	ורוננ	1// 16	MAI
Y # 11 1 L	<i>-</i>	11101		u

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

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					Mine Safe	ety and Health	h Administrat	tion	
Section IViolat									
1. Date	Mo Da Yr 07/15/200		me (24 Hr. Cl 111				3. Citation/ Order Nun	nber 66129	31
4. Served To					5. Operator				
Homer Wa	llace			······································		RMANCE CO	AL COMPA	NY	·
6. Mine	C DD ANGI	T MATEUR (C)	COLUMB		7. Mine ID	46-0843	6		(Contractor)
8. Condition of	G BRANCI	1 MINE-	SOUTH					Ra Written	(Contractor) Notice (103g)
		Ita not	- follo	w the vent	ilation r	Corrigion	to the r		
approve connect with th	ed by th or from	e Dist the I sary t	trict M l North	w the vent anager on Tailgate tion contr	April 27, to the 1	2009, i North He	n that tadgate v	the diago was not p	nal rovided
Whitesome brooks a some bliss a some		o-Olazanagash-kanasash-mas				uu maasay kaasaa saa ka ka ka aa saa Pikida	See Conti	nuation Form (MSH/	A Form 7000-3a)
9. Violation	A. Health Safety Other	ļ		į	C. Part/Section of Title 30 CFR	УĮ	75.370	(a)(1)	
	ector's Evaluation	)							
10. Gravity:	u ilinaan (haa)	/inl. Mal:	المحالات	Hatterte FZ	Dagaganakh	of North	المال المالية	[ ] Occur	rad []
	r Iliness (has) :	, , , , , , , , , , , , , , , , , , ,	kelihood	Unlikely 📝	Reasonably	y Likely 🗌	Highly Likely	Occur	red []
sonably	r illness could be expected t	o be: No	Lost Worke	ays Lost V	Vorkdays Or Restr	icted Duty 🔽		y Disabling 🗌	Fatal 🗌
C. Significa	ant and Substa	antial:	Yes 🗌	No 🗹			D. Number of	Persons Affected	001
11. Negligeno	e (check one)	A. No	ne 🗌	B. Low	C. Moderate 🔽	D. High	E.	Reckless Disrega	ard []
12. Type of A	ction 104(	a)		13. Type of Issu	uance (check one)	Citation 🗹	Order [	Safeguard 🗌	Written Notice
14. Initial Acti A. Citation		C. Sa	feguard []	D. Written Notice [	E. Citation/ Order Nu			F. Dated	Mo Da Yr
15. Area or E	quipment								
16. Termination	on Due A.	Ingra	Da Yr 17/2009	B. Time (24 Hr. Clo	ock) 080	0			
Section IIITern	nination Action								
17. Action to	Terminate								
18. Terminate	A. Date	Mo Da Y	B. Time	(24 Hr. Clock	A CONTRACTOR OF THE CONTRACTOR				anne agus de l'angue andrés que agrée anno anne que un grant anne agus que de l'anne anne
Section IVAuto	omated System [	Data			······································		······································	<u>, , , , , , , , , , , , , , , , , , , </u>	A
19. Type of In (activity o	spection ode) I	20. 1	Event Numbe	r <u>4110</u> 20	2 21. F	Primary or Mill		and the second s	
22. Signature						enconstructively describes an appropriate the second of th	23. AR	Number	Market Jacobson Company of the State of the
MSHA Form 70					all Business Regul	latory Enforcement	Fairness Act of 19	996, the Small Busin	ess Administration has

MSHA Form 70 all Business Regulatory Enforcement Fairness Act of 1998, the Small Business Administration has established a North Company of the Company of t

### 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 07/15/2	• • • •	3. Citation/ Order Number	6612931 - 01	
4. Served To ANDY COALSON (MINE FORE	MAN)		5. Operate PERFO	•	AL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SO	UTH_		7. Mine ID	46-0843	6	(Contractor)
Section II-Justification for Action						

A PERMANENT CONTROL HAS BEEN INSTALLED IN THE AFFECTED AREA.

Section III-Subsequent Action Taken					See Continuation Form
8. Extended To A. Date Mo	a Yr	B. Time (24 Hr. Clock)		C. Vacated	D. Terminated E. Modified
Section IVInspection Data	Variable Name of the Control of the				
9. Type of Inspection E01	10.1	Event Number 4119293			
		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clock)
		***************************************		07/21/2009	1230
	10.1	4119293	12. Date		· ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' '



Mine Citation/Order	Mine Safety and Health Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 1205	3. Citation/ Order Number 6612932
4. Served To	5. Operator
Homer Wallace	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID 4.C 0042.C
UPPER BIG BRANCH MINE-SOUTH	7. Mille ID 46-08436 (Contractor)
8. Condition or Practice	8a. Written Notice (103g)
which they were built in the left re	cilation controls to serve the purpose for eturn off No. 1 Section in that the return airway in the diagonal connector from No. 1 ne No. 2 Heading outby Break No. 9.
9. Violation A. Health B. Section Safety V of Act Other	See Continuation Form (MSHA Form 7000-3a)  C. Part/Section of Title 30 CFR 75.333(h)
Section II-Inspector's Evaluation	
10. Gravity:  A. Injury or Illness (has) (is): No Likelihood ☐ Unlikely ✓  B. Injury or illness could reasonably be expected to be: No Lost Workdays ☐ Lost V	Reasonably Likely ☐ Highly Likely ☐ Occurred ☐  Workdays Or Restricted Duty ☑ Permanently Disabiling ☐ Fatal ☐
C. Significant and Substantial: Yes No 🗸	D. Number of Persons Affected: 001
11. Negligence (check one) A. None B. Low D	C. Moderate   ✓ D. High   E. Reckless Disregard
12. Type of Action 104(a) 13. Type of Iss	uance (check one) Citation 🗹 Order 🗌 Safeguard 🗌 Written Notice 🗍
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr 07/17/2009 B. Time (24 Hr. Ck	ock) 0800
Section IIITermination 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 20. Event Number 411000	21. Primary or Mill

MSHA Form 7000-3, Apr 08 (revised) / In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20418. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

4119293

21. Primary or Mill

23. AR Number

E01

(activity code)

22. Signati

### 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 07/15/200	• • • • • • • • • • • • • • • • • • • •	Citation/ Order Number	6612932 - 01	
4. Served To			. Operator			
Homer Wallace		I	PERFOR	MANCE CO	AL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SC	OUTH		7. Mine ID	46-0843	6	(Contractor)
Section IIJustification for Action				VIII-0-10		
Change From	om	1		То		

8. Condition Or Practice

Reason Add the following statement: The areas that allowed the return to mix with the neutral are: 1) the stopping in 3 Heading at the cut through to 1 North Headgate had a door open, 2) the overcast in 3 Heading in the diagonal entries has not been sealed, 3) the stopping between 1 and 2 Headings 1 bk inby old belt head has a 4'x4' hole, 4) the scoop air lock doors are damaged at the old belt head, and 5) the scoop air lock doors outby No. 9 break are not sealed adequately.

Detailed areas that ventilation controls were not built to serve the purpose for which they were built.

			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		entrantis irju varias ta arabi kinimentra arabi turini etimentranti entra ilikutate ta musta arabi turi turi e		
9. Type of Inspection E01 10. Eve	nt Number 4119293			
11. Signatura	AR Number 12	. Date Mo Da Yr	13. Time (24 Hr. Clock)	
errorantife.	and the management of the second of the seco	07/15/2009	1622	
MCHA Corm 7000 Co. Mor 95 (rhuines)				

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

1 MI S	1
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Section ISubsequent Action/Continuation Data	
1. Subsequent Action 1a. Continuation 2. Dated Mo Da  (Original Issue) 07/15/2	1 1 65 6612U32 = 02
4. Served To	5. Operator
ANDY COALSON (MINE FOREMAN)	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID (Contractor)
UPPER BIG BRANCH MINE-SOUTH	46-08436
Section II-Justification for Action	

PERMANENT CONTROLS HAVE BEEN INSTALLED IN THE AFFECTED AREA.

Section III-Subsequent Action Taken		n tarjatinaskilansinsistellerinin kanada malansida seda kanpanikatika ana danaka akan seda disensi	See Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	☐ C. Vacated	✓ D. Terminated ☐ E. Modified
Section IV-Inspection Data 9. Type of Inspection E01	10. Event Number 4119293	ika di perseputu wata da pengangan katang pengharan kang dang penerinan pengangan pengangan pengangan baharan Pengangan katang pengangan dan pengangan pengangan pengangan pengangan pengangan pengangan pengangan baharan b	
11. Signature	AR Number	12. Date Mo Da Yr 07/21/2009	13. Time (24 Hr. Clock) 1220

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



	Mine Safety and Health Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 09/01/2009 1256	3. Citation/ Order Number 6612934
4. Served To	5. Operator
Jack Roles, Longwall Coordinator	PERFORMANCE COAL COMPANY
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)
8. Condition or Practice	8a, Written Notice (103g)
The operator failed to follow an approv	
August 06, 2009, in that (1) a stopping	
	eal in Seal Set 13; (2) a regulator was
constructed near EP-TG 1 on the angled	
and (3) two regulators were installed i	nby and outby the longwall tailgate
conveyor drive.	
	ed as approved: (1) the first regulator
in EP-TG 1, the two regulators which co	mprise EP-LW 3.
mb	Shorted to an also managed to the
The cited conditions collectively contr	
longwall setup entries where men were w	orking on longwall setup. A  See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health B. Section C. P.	art/Section of
	tle 30 CFR 75.370(a)(1)
Other Section II-Inspector's Evaluation	
10. Gravity:	
	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: 010
11. Negligence (check one) A. None B. Low C. Mo	derate D. High E. Reckless Disregard 🗸
12. Type of Action 104(d)(2) 13. Type of Issuance	(check one) Citation Order 🗹 Safeguard Written Notice
14. Initial Action A. Citation ☐ B. Order ☑ C. Safeguard ☐ D. Written Notice ☐	E. Citation/ 8082692 F. Dated Mo Da Yr 03/17/2009
15. Area or Equipment Entire mine except persons	necessary to insure proper
ventilation.	
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)	
Section III-Termination Action	
17. Action to Terminate	
\ \	
18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock	
Section IVAutomated System Data	
19. Type of Inspection (activity code) EQ1 20. Event Number 4119293	21. Primary or Mill
22/Signatura	23. AR Number
MSHA Form 7000-3 Apr 08 (levislat) Infaccordance with the provisions of the Small Ru	usiness Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has

MSTA Form 7000-3, Apr 08 (fevised) 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 1-808-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	Mo Da	Yr	3. Citation/ Order Number	6612934	
	(Original Issue)	09/01/2	009	Order Number	OULAJAT	
4. Served To			5. Opera	tor		
Jack Roles, Longwall Coordinator			PERFO	RMANCE CO.	AL COMPANY	
6. Mine			7. Mine i		<i></i>	(Contractor)
UPPER BIG BRANCH MINE-SO	UTH			46-0843	b	
Section IIJustification for Action		The second position of the second position and the second position of the second position o				

Continuation of 8. Condition or Practice

ventilation change was made which was not

in accordance with 30 CFR 75.324 (see accompanying citation). A certified foreman who was directing the work force was present at the longwall sctup where the air reversal was both obvious and extensive. The air reversal existed since yesterday (bleeder fan brought on line).

					See Continuation Form
8. Extended To Mo Da Yr Da					
A. Date	me (24 Hr. Clock)		C. Vacated	D. Terminated	E. Modified
Section IV-Inspection Data					
9. Type of Inspection E01 10. Event N	lumber 4119293			Section of the Section of Section 1997, Sect	MATERIAL PROPERTY OF THE PROPE
				****	
11_Skripature	AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ck)
	,,,,		09/01/2009	1256	TANK AND
MSHA Form 7000-3a, Mar e5 (revised)					

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

0/0/01	
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Section I-Subsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation	Dated     (Original Issue)	Mo Da 09/01/20	Yr 007	3. Citation/ Order Number	6612934 - 01	
4. Served To			5. Operat	or		
EVERETT HAGER (SUPER)			PERFO	RMANCE CO	AL COMPANY	
6. Mine			7. Mine II	16.0040	•	(Contractor)
<b>UPPER BIG BRANCH MINE-SOU</b>	JTH			46-0843	6	
Section IIJustification for Action						

THE OPERATOR SUBMITTED A REVISION ON 09/03/09 AND IT HAS BEEN APPROVED. IN ADDITION, THE MISSING VENTILATION CONTROLS WERE INSTALLED ACCORDING TO THE REVISION DATED 8/6/09. THE LONGWALL FACE IS VENTILATED ACCORDING TO THE REVISION DATED 8/6/09.

Section III-Subsequent Action Taken	il del del de la description de la company de la description de la company de la company de la company de la c				See Continuation Form
8 Extended To Mo Da Vr	(24 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IV-Inspection Data		variantinia ili parini il revisio il 22 minerale di Amerika II varia.		and the second of the second s	
9. Type of Inspection E01 10. Event Nur	nber 4119293				
11/Signature	AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Cl	ock)
Avgan			09/04/2009	1550	
MSHA Form 7000-3a, Mar 85 (revised)					,

23. AR Number

#### Mine Citation/Order

22. Signature

## U.S. Department of Labor



							Mine Safe	ety and	Health A	dminist <i>t</i>	ation			
Section IViolation	n Data	STEWN CHANGE HAVE CO		***************************************	арын көбөриш өттөв артон нууру комунун артон үчүн көпөн ийт нербуюлген артон үчү	-	ncionalità finanzia municipi coprantimi managrità		THE RESERVE OF THE PERSON	V//	and the second	<del>ett kirk kan kirk kan kan an in</del> k <del>irk kan a</del>		
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 09/01/2009 1135						3. Citation/ Order Number 6612936								
4. Served To			1!				5. Operator		CE COAL	COMD	A NIV	*	America Construction of the Construction of th	<u> </u>
Jack Roles, Longwall Coordinator  5. Mine						<u> </u>			COME	AIVI				
UPPER BIG BRANCH MINE-SOUTH							7. Mine ID	46-	08436				(Cor	ntractor)
8. Condition or I												8a. Writter		
implemen was in t District were not were not Airflow	ted and the particular in the	and u roces ager inst roved	nnece s of on Au alled l in t	ssar impl gust , an he v n th	he ventila y persons ementing a 6, 2009. d several entilation e longwall n neutral	wei ve Se vei pl	re workentilateveral atilatilatilan (se	ing ion requ on c e ci	in the change ired ventrol tation	e mine e appr entil s wer 1 6612	coverations at i	The oped by to concornstall).	perato the atrols ed bu	or it
6612934)	•				s, the num					he nu	ımbe		ection	1,
	A. Health Gafety Other	<b>V</b>	B. Section of Act				Part/Section of the 30 CFR	of		75.32	Crist-Continui-ano-am	<del> </del>		
Section II- Inspect	ors Evalua	ation											· · · · · · · · · · · · · · · · · · ·	
<ol> <li>Gravity:</li> <li>A. Injury or II</li> </ol>	liness (ha	ıs) (is):	No Likeliho	ood []	Unlikely 🕼		Reasonably	Likely	∐ Hig	jhly Likely	· []	Occur	rred	
B. Injury or il sonably be			No Los	Workd	lays 📝 Lost W	orkd	ays Or Restr	icted Du	ty 🗍 🔝	Permaner	tly Dis	abling 🔲	Fatal	
C. Significan			Yes	: []	No <b>☑</b>		74.03		D.	Number o	f Pers	ons Affected	<sup>5:</sup> 010	}
11. Negligence	(check or	ne) ,	A. None	j	B. Low	C. M	oderate 📋	C	D. High	[	. Reci	dess Disreg	ard 🔽	Ballama and and party appared in the party
12. Type of Acti	on [(	)4(d)(2)	)		13. Type of Issu	ance	(check one)	Cita	tion 🔲 🔾	Order 🗸	Safe	eguard 🔲	Written	Notice 🗌
14. Initial Action A. Citation		der 📝 🔻	C. Safegua	ırd []	D. Written Notice	]	E. Citation/ Order Nu	mber	8082	2692		F. Dated		Da Yr 17/2009
15. Area or Equ persons					xcept cert e proper v				condu	cting	ј ех	aminat	lions	and
16. Termination	Due	A. Date	Mo Da	Yr	B. Time (24 Hr. Clo	ck)								
Section III Fermin	ation Actio	)n												
17. Action to Te	rminate													
18. Terminated	A. Date	Mo D	a Yr	B. Time	e (24 Hr. Clock									
Section IVAutom		rn Data	*											
19. Type of Insp		FO1	20. Event	Numbe	r 4119293	3	21. F	rimary o	or Mill					

MSHA Form 7000-3, for CR (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Falmess Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to fell a comment with the Ombudsman is in distinct and approach considered and proposed considered and proposed considered. 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/C	continuation Data						
1. Subsequent Action 1a. (	Continuation	2. Dated	Mo D	a Vr	3. Citation/		
	<b>V</b>	(Original Issue)	09/01/		Order Number	6612936	
4. Served To				5. Opera	tor		
Jack Roles, Longwall	Coordinator			PERFO	DRMANCE CO.	AL COMPAN'	Y
6. Mine		11.14.5.11.14.5.11.15		7. Mine I	D 46 00 40	_	(Contractor)
<b>UPPER BIG BRANC</b>	H MINE-SOU	UTH			46-0843	O	
Section II. Justification for Actio	าก						

### Continuation of 8. Condition or Practice

returned to production approximately 7 a.m. on September 1, 2009 prior to the completion of the ventilation change. Additionally, three track/motor crew persons were working in the headgate entries inby the longwall recovering high voltage line, an electrician was working along the longwall face, and several Joy Manufacturing service representatives were on the longwall section. Additionally, the number 2 section was mining coal and the number 1 section had persons working in preparation to run coal.

The condition cited was mine wide and the existance of the underlying ventilation conditions (citations 8094581 and 6612934) were both extensive and obvious. Foreman traveled and worked in the areas which were not properly ventilated.

			Ó de Sentimo de Constitución (Constitución (					· · · · · · · · · · · · · · · · · · ·		See Continuation Fo	wm 🗌
Section IIISubse	quent Action Take	ń									
8. Extended To	A. Date Mo	Da	Υr	B. Time (24 l	łr. Clock)		☐ C. Va	cated	☐ D. Terminated	☐ E. Modified	
Section IVInspec	ction Data							Transplacing Control			
9. Type of Inspe	oction E01		10. E	vent Number	4119293				STATE STATE OF THE	anta Naman na mangan katang menangkan katang ka	
11. Signatura	1 .	.,,	A. A		AR Number	12, Date	Mo Da	Y٢	13. Time (24 Hr. Cl	ock)	
							09/01/2	2009	1135		
MSHA Form-7000	-3a. Mar 85 (revis	ed)								•	

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

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Section ISubsequent Action/Continuation Data  1. Subsequent Action 1a. Continuation   2. Dated   Mo Da		
1. Subsequent Action 1a. Continuation 2. Dated Mo Da (Original Issue) 09/01/20	Yr 3. Citation/ Order Number 6612936 - 01	
4. Served To	5. Operator	<del>- 100 - 11 - 11 - 11 - 11 - 11 - 11 - 1</del>
EVERETT HAGER (SUPER)	PERFORMANCE COAL COMPANY	
6. Mine	7. Mine ID	(Contractor)
UPPER BIG BRANCH MINE-SOUTH	46-08436	
Section II-Justification for Action		

THE VENTILATION CHANGE WAS MADE IN ACCORDANCE WITH VENTILATION REVISIONS APPROVED ON 08/06/09 AND 09/04/09 PER 75.324(B)(1).

					See Continuation Form
Section IIISubsequent Action Taken					
8. Extended To A. Date Mo Da Yr B. Time	(24 Hr. Clock)	entre de la constante de la co	☐ C. Vacated	✓ D. Terminated	E. Modified
Section IVInspection Data					
9. Type of Inspection E01 10. Event Num	ber 4119293	and a deleting magnetic between the plants of the plants o	and the second s	entering of the control of the state of the	у от серей то том от доле серей от от серей от с
12-Signature	AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clock	)
	menting special specia		09/04/2009	1555	rkan en engelanden en e
MSHA Form 7000-3a, Mar 85 (revised)					

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



~ -Vic	olation Data		entre en	
Jate	Mo Da Yr 09/03/2009	2. Time (24 Hr. Clock) 1025	3. Cit On	atlon/ der Number 6612937
4. Served	ō	лаший каналия не полительной полительной полительной полительной полительной полительной полительной полительн Полительной полительной полительн	5. Operator	
Eric Lilly	y, Mine Engineer	•	PERFORMANCE COAL CO	OMPANY
6. Mine UPPER	BIG BRANCH M	INE-SOUTH	7. Mine ID 46-08436	(Contractor)
8. Conditio	n or Practice	,		8a. Written Notice (103g)

The operator implemented an intentional change to the ventilation system that altered the main air current in a manner that could materially affect the safety and health of the miners without the approval of the District Manager. The intake air course from the Birchton Portals to the junction of the Parallel North Mains was changed from an intake air course to a neutral air course without an approved ventilation revision.

					See Cont	inuation Form (MSI	IA Form 7000-3a)
9. Violation A. Healt Safet Othe	y <b>✓</b> of Act		C. Part/Section o Title 30 CFR		75.31	70(d)	
Section IIInspector's Evalu	ation						
10, Gravity:							
A. Injury or Illness (h	as) (is): No Likelihood	Unlikely 🗸	Reasonably	Likely [	Highly Likely	Occi	ırred
B. Injury or illness co sonably be expect		orkdays 🗌 💮 Lost V	Vorkdays Or Restri	cted Duty 🗸	Permanent	ly Disabling 🔲	Fatal 🗌
C. Significant and St	ubstantial: Yes	No 🔽			D. Number of	Persons Affecte	d: 030
11. Negligence (check o	one) A. None 🗌	B. Low	C. Moderate 🗹	D. High	☐ E	Reckless Disreç	gard 🗌
12. Type of Action 1	04(a)	13. Type of Issi	uance (check one)	Citation 🗹	Order 🗌	Safeguard 🗌	Written Notice
14. Initial Action A. Citation B. O	rder 🔲 C. Safeguard [	D. Written Notice	E. Citation/ Order Nu	mber		F. Dated	Mo Da Yr
16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clo	ock) 1200			<del> </del>	
O-Borton M. Tarata dan Ast	09/04/2009		1200				
Section IIITermination Act	ion	······································	The second contract of the second	<del></del>		····	
17. Action to Terminate							
18. Terminated A. Date	Mo Da Yr B. 1	ime (24 Hr. Clock	:				
Section IVAutomated Sys	em Data						
19. Type of Inspection (activity code)	E01 20. Event Nur	<sup>nber</sup> 411929	3 21. P	rimary or Mill			
22. Signature			<u>, , , , , , , , , , , , , , , , , , , </u>		23. AR	Number	

MSHA Form 7000-3, Apr 08 (revised) / In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small 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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2 3 4 days - 17 2 3 days -					name of the control o	A CONTRACTOR AND A CONT
Section ISubsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/03/20	• • •	3. Citation/ Order Number	6612937 - 01	
4. Served To			5. Operat	or	VALUE	
EVERETT HAGER (SUPER)			PERFO	RMANCE CO	AL COMPANY	
6. Mine			7. Mine II	)	_	(Contractor)
<b>UPPER BIG BRANCH MINE-SOI</b>	UTH			46-0843	6	
Section II-Justification for Action						

THE OPERATOR SUBMITTED A VENTILATION REVISION AND THE REVISION WAS APPROVED BY THE DISTRICT MANAGER ON 09/04/09.

Section III-Subsequent Action Taken				anassa, qayba muuniyi qabbanassa, qay Aasimaan qay Pil		See Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time	(24 Hr. Clock)	og Alle förske kanning förste förskande en größe förskande en för	C. Vacated	D. Terminated	☐ E. Modified
Section IVInspection Data						
9. Type of Inspection E01	10. Event Num	ber 4119293		guud as a sanna da fi d'arman mara angra a feore et a da a da que an en el en éve de mara atamente.	- Anna Carlotting Control of Carlotting Cont	
11,6	<u> </u>	AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Cl	ock)
	p-s	PROPORTION		09/04/2009	1605	ayi karanga sa karanga
MSHA Form 7000 3a, Mar 85 (revised)						

E01

(activity code)

22. Signature



wifie Citation/Order	Mine Safety and Health Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 1035	3. Citation/ Order Number 8066153
4. Served To	5. Operator
David Taraczkozy Maintance Forman	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 calibration record for the #1	miner Ch4 monitor on #3 section indicates
that the last calibration was done or	n 8/7/2009. That is a lapse of 33 days.
This calibration is required at least	t once every 31 days.
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health ☐ B. Section of Act Other ☐	C. Part/Section of Title 30 CFR 75.342(a)(4)(ii)
Section II-Inspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood ✓ Unlikely □	Reasonably Likely  Highly Llkely  Occurred
B. Injury or illness could reasonably be expected to be: No Lost Workdays ✓ Lost 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 Issue	ance (check one) Citation ☑ Order ☐ Safeguard ☐ Written Notice ☐
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Cloc	ck) 1400
Section IIITermination Action	
17. Action to Terminate A calibration of the osection was done and a record made of	Ch4 monitor on the #1 miner on the #3 f the examination.
18. Terminated A. Date Mo Da Yr 09/10/2009 B. Time (24 Hr. Clock	1230
Section IVAutomated System Data	
19. Type of Inspection (activity code) F01 20. Event Number 4119293	3 21. Primary or Mill

MSHA Form 7000-3, Apr 08 (revised)

MSHA FORM 7000-3, Apr 08 (revi

23. AR Number

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

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			Mine Safe	Mine Safety and Health Administration					
Section IVio	olation Data								
1. Date	Mo Da Yr 09/10/2009	2. Time (24 Hr. Clock) 1036			Citation/     Order Number	8066154			
4. Served 7	Го	-	5. Operator						
David Ta	araczkozy Mainta	nce Forman	PERFOR	PERFORMANCE COAL COMPANY					
6. Mine UPPER I	BIG BRANCH M	IINE-SOUTH	7. Mine ID	46-08436	Ď	(C	ontractor)		
8. Condition	n or Practice					8a. Written Notice (	103g)		
The calibration record for the #2 miner Ch4 monitor on #3 section indica that the last calibration was done on 8/7/2009. That is a lapse of 33 days.									

that the last calibration was done on 8/7/2009. That is a lapse of 33 days. This calibration is required at least once every 31 days.

				See Continu	ıation Form (MSHA Form 7000-3a)	) ∐
9. Violation A. Health Safet Othe	y <b>√</b> of Act		t/Section of ⇒ 30 CFR	75.342(a)	(4)(ii)	
Section IIInspector's Evalu	ation	•				
10. Gravity:						
A. Injury or Illness (h	as) (is): No Likelihood 🗸	Unlikely 🗌 F	Reasonably Likely [	Highly Llkely	Occurred	
B. Injury or illness co sonably be expect		ys 🗸 Lost Workday	s Or Restricted Duty	y Permanently	Disabling  Fatal	
C. Significant and Su	bstantial: Yes 🗌	No 🗸		D. Number of P	ersons Affected: 001	
11. Negligence (check o	ne) A. None	B. Low C. Mod	erate 🗸 D	. High 🗌 E. F	teckless Disregard 🗌	
12. Type of Action 1	04(a)	13. Type of Issuance (d	check one) Citati	on 🗹 Order 🗌	Safeguard Written Notic	се 🔲
14. Initial Action A. Citation B. O	rder 🔲 C. Safeguard 🔲 🏾	D. Written Notice	. Citation/ Order Number		F. Dated Mo Da	Yr
15. Area or Equipment						
16. Termination Due	A. Date Mo Da Yr 109/10/2009	3. Time (24 Hr. Clock)	1400			
Section IIITermination Act	on					
17. Action to Terminate	A calibratio	on of the Ch4	monitor o	n the #2 min	er on the #3	
section was	done and a reco	ord made of th	ne examina	tion.		
18. Terminated A. Date	Mo Da Yr 09/10/2009 B. Time	(24 Hr. Clock 12	35			
Section IVAutomated Sys	em Data					
19. Type of Inspection (activity code)	E01 20. Event Number	4119293	21. Primary or	r Mill		
22. Signature	\$` J. #			23. AR N	umber	

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 ahnually 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 IVi	olation Data						
1. Date	Mo Da Yr 09/10/2009	2. Time (24 Hr. Clock) 1040	3. Citation/ Order Number 8066155				
4. Served	То		5. Operator				
David T	araczkozy Mainta	ance Forman	PERFORMANCE COAL COMPANY				
6. Mine			7. Mine ID 46-08436				
UPPER .	BIG BRANCH N	AINE-SOUTH	(Cont	tractor)			
8. Conditio	n or Practice		8a. Written Notice (10)	3a) 🗆			

The calibration record for the #1 Miner Ch4 monitor on the #4 section has dates of being done on 07/09/2009 and on 08/19/2009. This is a lapse of 41 days. This calibration is required at least once each 31 days.

										See Cor	ıtinuatioı	n Form (MSF	IA Form 7000	)-3a) [
9. Violation	A. Health Safety Othe		B. Section of Act				Part/Section itle 30 CFR	of		75.342	(a)(4)	(ii)		,
Section IIInsp	ector's Evalu	ation												
10. Gravity:													_	
A. Injury o	r Illness (h	as) (is):	No Likeliho	ood 🔽	Unlikely		Reasonab	y Likely		Highly Likely	<u>' []</u>	Occu	rred 🗌	
	r illness co be expect		No Los	Workda	ıys 🔽 L	ost Worko	lays Or Res	ricted Du	uty 🗌	Permanen	itly Disa	abling 🗌	Fatal [	
C. Signific	ant and Su	bstantial	: Yes	; <u> </u>	No 🗸					D. Number o	of Perso	ns Affecte	d: 001	
11. Negligend	ce (check o	ne)	A. None	]	B. Low	C. M	oderate 🗹		D. High		E. Reck	less Disreg	ard 🗌	
12. Type of A	ction 1	04(a)			13. Type o	of Issuance	e (check one	) Cita	ation 🔽	Order 🗌	Safe	guard 🗌	Written N	lotice 🗌
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice Crown Order Number  E. Citation/ Order Number							a Yr							
15. Area or E									Į.					
16. Terminati	ion Due	A. Date	Mo Da 09/10/2		B. Time (24 F	lr. Clock)	140	0						
Section IIITer	mination Acti	on					•							
17. Action to	Terminate	${f T}$	his co	nditi	ion was	term	inated	by t	the c	alibrat	tion	of t	he	
#1Mine	c Ch4	moni	tor on	#4 :	section	and	record	bei	ng ma	ide on (	08/1	9/200	9.	
18. Terminate	A. Date	09/	Da Yr 10/2009	B. Time	(24 Hr. Clock		1240							
Section IVAut	tomated Syst	em Data										,		
19. Type of li (activity o		E01	20. Event	Number	411	9293	21.	Primary	or Mill					
22. Signature	2									23. AF	R Numb	per		

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



Section IVi	iolation Data		
1. Date	Mo Da Yr 09/10/2009	2. Time (24 Hr. Clock) 1045	3. Citation/ Order Number 8066156
4. Served	То		5. Operator
David T	araczkozy Mainta	ance Forman	PERFORMANCE COAL COMPANY
6. Mine			7. Mine ID 46-08436
UPPER	BIG BRANCH M	IINE-SOUTH	(Contractor)
8 Conditio	n or Practice		8a Written Notice (103g)

The calibration record for the #2 Miner Ch4 monitor on the #4 section has dates of being done on 07/09/2009 and on 08/19/2009. This is a lapse of 41 days. This calibration is required at least once each 31 days.

										See Con	tinuation	Form (MSH	A Form 7000-3a)	
9. Violation	A. Health Safety Other	$\overline{\mathbf{v}}$	B. Section of Act				rt/Section o e 30 CFR	f		75.342(	(a)(4)(	ii)		
Section IIInspe	ector's Evalua	ition												_
10. Gravity:					_			_						
	r Illness (ha		No Likelih	ood 🔽	Unlikely	F	Reasonably	Likely		Highly Llkely	Ш	Occur	red 🗌	
, ,	r illness cou be expecte		No Los	t Workda	ays 🗸 Los	i Workday	s Or Restri	cted Dut	y 🗌	Permanen	tly Disal	bling 🗌	Fatal 🗌	
C. Signific	ant and Sul	ostantial	: Yes	<b>;</b>	No 🗸					D. Number o	f Persor	ns Affected	: 001	
11. Negligend	e (check o	ne)	A. None		B. Low 🗌	C. Mod	lerate 🗸	ם	). Hìgh		. Reckle	ess Disreg	ard 🗌	
12. Type of A	ction 1(	)4(a)			13. Type of Is	suance (	check one)	Citat	ion 🗹	Order 🗌	Safeg	guard 🗌	Written Notice	
14. Initial Acti A. Citation	on B. Ord	der 🗌	C. Safegua	ard 🔲 🛭	D. Written Notice		E. Citation/ Order Nu	mber			f	F. Dated	Mo Da Yr	
15. Area or E														
16. Terminati	on Due	A. Date	Mo Da 09/10/2	11	B. Time (24 Hr. (	Clock)	1400	)						
Section IIITerr	nination Actio	n												
17. Action to					ion was t ction and			**					ne #2	
18. Terminate	A. Date	09/1	Da Yr 0/2009	B. Time	(24 Hr. Clock	12	245							
Section IVAut		m Data	_											
19. Type of Ir (activity c		E01	20. Even	t Number	41192	93	21. F	rimary o	r Mill					
22. Signature			,	<del>,</del>			-			23. AR	Numbe	er 💮		

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MILIO OILGUUII OILUG	Mine	Citation	n/Orde
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22. Signature

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•	7/

Mine Citation/Order  U.S. Department of Labor  Mine Safety and Health Administration														
Section I-Violat	ion Data		general general factories and an extra		<del></del>	·····	'		7.77.1					· · · · · · · · · · · · · · · · · · ·
1. Date	Mo Da 09/15/2		2. Time (2	4 Hr. C 13(	-				•	3. Citation Order	n/ Number	80661	57	•
4. Served To	- 40	·					5. Operal	or						
David Tara	czkozy	Mainta	nce Forma	an			PERFO	RMAN	ICE CO	OAL CON	<b>IPAN</b>	₹		
6. Mine							7. Mine II	5 46	-0843	36				
UPPER BI		VCH M	IINE-SOU	TH				+0	-0042					ntractor)
8. Condition o									· · · · · · · · · · · · · · · · · · ·			8a. Written		
					ed at # e pump.	4 brea	k on	the 1	LBB t	crack :	is no	ot prov	ided	with
														•
							:			•				
							1,	사고를 찾음						
· · · · · · · · · · · · · · · · · · ·						<u>.</u>			<del> </del>	See (	Continuati	on Form (MSH	A Form 700	0-3a) 🗌
9. Violation	A. Health Safet Othe	y 🔽	B. Section of Act				art/Sectior tle 30 CFF			. 3	75.520			
Section IIInspe	ctor's Evalu	ation				<u> </u>								
10. Gravity: A. Injury or	r Illness (h	as) (is):	No Likeliho	ood []	Unlikely	/ <b>(</b>	Reasonal	oly Likely		Highly Lik	ely 🗌	Occur	red	
B. Injury or		uld rea-	. No Losi	Workd		Lost Workda						sabling [	Fatal	<u> </u>
C. Significa				; [	No 🗸					D. Numbe	r of Pers	ons Affected	l: 001	
11. Negligeno	e (check c	ne)	A. None	]	B. Low	C. Mo	derate 🗸	 <sup>2</sup>	D, Hìgh		E. Rec	kless Disreg	ard 🗌	
12. Type of A	ction 1	04(a)			13. Type	of Issuance	(check on	e) Cit	ation 🔽	Order [	] Sat	eguard 🗌	Written N	votice 🗌
14. Initial Action  A. Citation		rder 🗌	C. Safegua	rd 🔲	D. Written No		E. Citation Order N	n/ Number				F. Dated	Mo E	a Yr
15. Area or Ed	quipment												,	
16. Termination	n Due		Mo Da	Yr İ		<del>.</del>			T	<del></del>	<del>.</del>		<del></del>	· · · · · · · · · · · · · · · · · · ·
		A. Date	09/16/20		B. Time (24 h	łr. Clock)	090	00						
Section IIITerm		ion			<del> </del>		<u></u>							
17. Action to 1	Ferminate													
18. Terminate	d	Mo	Da Yr											
1.	A. Date	<del>)</del> 		B. Time	(24 Hr. Clock								<del></del>	,
Section IVAuto	<u>*</u>	em Data												
19. Type of In	spection ode)	E01	20. Event	Numbe	<sup>r</sup> 4119	9293	21.	Primary	or Mill					

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

23. AR Number

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

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es o percursos as construentes construentes	

ooninaadon.			INITIO CC	noty and ricult		
Section I-Subsequent Action/Continuation Data		And the second state of the second se	de sense posserencia (de sense sens Varida e e		ar Sagal Barrio Salas general de la companya de la	
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/15/20		3, Citation/ Order Number	8066157 - 01	
4. Served To			5. Operat	or		
David Taraczkozy Maintance Form	nan		PERFO	RMANCE CO	AL COMPANY	
6. Mine		tenda tenda tenda de de tenda de de tenda de te	7. Mine II	16.0040	_	(Contractor)
UPPER BIG BRANCH MINE-SOUTH				46-0843	6	100 Table 100 Ta
Section II-Justification for Action						

A switch has been provided to deentergize the 1.1 Horse Power pump.

							See Continuation Form
Section III-Subsequent A	ction Taken						
8. Extended To A. Da	Mo Da te	Yr	B. Time (24 Hr. Clock)		☐ C. Vacated	✓ D. Terminated	E. Modified
Section IV-Inspection Dai						n er en met konstet stelle sette ett met ett stelle stelle stelle stelle stelle stelle stelle stelle stelle st	ara kina di kamba 2018 milaba sa mbanda sa kina kina mbangi kanangan di kadalah kabadi Milabani manda kina kin Kanangan kanangan kanangan kanangan kanangan kanangan kanangan di kanangan kanangan kanangan kanangan menjada
9. Type of Inspection	E01	10. E	vent Number 4119293				
11 Signature	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	7 //-	AR Number	12. Date	Mo Da Yr 09/16/2009	13. Time (24 Hr. Classical 1015	ock)
MSHA Form 7000-3a Mai	r RE (revised)		/		······································		and and the company of the common of the Colombia and the company of the colombia and the c

22. Signature



Mine Citation/Order						Mine Safety and Health Administration								
Section IViolat	tion Data	·		<del>\</del>	7.4W. 4.4.4.4.4.4.4.4.4.4.4.4.4.4.4.4.4.4			.,				<del>,</del>	<del> </del>	
1. Date	Mo Da 09/15/2		2. Time (	24 Hr. C						3. Citatio	n/ Number	80661	58	
4. Served To	07/15/2	2007					5. Operator							
David Tara	czkozy	Mainta	ince Form	an			PERFOR		CE CO.	AL CON	4PANY	<i>?</i>		
6. Mine	<u> </u>						7. Mine ID					<del></del>		
UPPER BI	G BRAN	NCH M	IINE-SOU	JTH				46-	-0843	0			(Contra	actor)
8. Condition of	r Practice									· · · · · · · · · · · · · · · · · · ·		8a. Written	Notice (103g	g)
The	#3 ci	rcui	t of t	he K	VA Box at	#2	Belt H	ead	LLB	is be	ing u	sed to	power	
					cable. Th								_	
					ing of thi									le
setting	g for	# 10	1/5 cab	le.									v	
										See	Continuation	on Form (MSH)	A Form 7000-3	a) 🗌
9. Violation	A. Health Safet Othe	y 🔽	B. Section of Act				art/Section o tle 30 CFR	f			75.900			
Section IIInspe	ctor's Evalu	uation		'.	· · · · · · · · · · · · · · · · · · ·									
10. Gravity: A. Injury o	r Iliness (h	as) (is):	No Likelih	ood 🗆	Unlikely 🗸		Reasonably	Likely		Highly Llk	elv 🗀	Occur	red	
B. Injury of		uld rea-		t Workd		/orkda	rys Or Restri	<u>.</u>			ently Dis	<del></del>	Fatal	<del></del>
C. Signific				s 🗆	No 🗸							ons Affected		
11. Negligeno	e (check c	one)	A. None			G. Mo	derate 🗸		<u> </u> D. High		F. Rec	kless Disrega	<del> </del>	
12. Type of A		04(a)			13. Type of Issu	-			tion 🗸	Order		eguard	Written Not	lice 🗌
14. Initial Acti A. Citation	on	rder	C. Safegu	ard 🔲	D. Written Notice		E. Citation/ Order Nu			<u></u>		F. Dated	Mo Da	
15. Area or E	quipment					<u>-                                    </u>			•					
16. Termination		A. Date	Mo Da 09/16/2		B. Time (24 Hr. Clo	ck)	0900	)						
Section IIITern	nination Acti	ion												
17. Action to	Terminate													
18. Terminate	A. Date	<del>)</del>	Da Yr	B. Time	(24 Hr. Clock					•				
Section IV-Auto		em Data												
19. Type of In		E01	20. Even	Numbe	<sup>r</sup> 4119293	3	21. P	rimary o	or Mill					

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

23. AR Number

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

<b>((*)</b>	
40	

Section ISubsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/15/20	Yr າດດ	Citation/ Order Number	8066158 - 01	
4. Served To	(,	09/13/20	5. Opera			······································
David Taraczkozy Maintance For	nan		1		AL COMPANY	
6. Mine	<del></del>		7. Mine I			(Contractor)
UPPER BIG BRANCH MINE-SO	UTH			46-0843	6	
Section II-Justification for Action		CONTRACTOR TO THE PROPERTY OF THE PARTY OF T	magraphic and the second		01/01/02/02/04/04/04/04/04/04/04/04/04/04/04/04/04/	REMINISTER OF THE PROPERTY OF

The breaker in the #3 circuit has been replaced with a breaker having a trip unit with a 50 to 800 amp trip range. This range will allow for settings required for a 6.2 Horse Power motor load on 10/5 cable.

		See Continuation Form
Section IIISubsequent Action Taken		
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	☐ C. Vacated ☑ D. Terminated ☐ E. Modified
Section IVInspection Data		
9. Type of Inspection E01	10. Event Number 4119293	
11 Signature	AR Number 12, Date	e Mo Da Yr 13. Time (24 Hr. Clock)
econd.		09/16/2009 1000
MSHA Form 7000-3a, Mar 85/(revisedy/		



Mine Citat	tion/Order				rtment of Lai y and Health	b <b>or</b> Administration					
Section IViol	ation Data			***************************************							
1. Date	Mo Da Yr 09/17/2009	2. Time (24 Hr. Clo 1200	•			Citation/ Order Number	80661	59			
4. Served To			<del>.</del>	5. Operator							
Rick Nice	olah Maintance F	orman		PERFORM	MANCE COA	L COMPANY	<del>Z</del>				
6. Mine UPPER B	IG BRANCH M	INE-SOUTH		7. Mine ID	7. Mine ID 46-08436 (Contractor)						
<ol><li>Condition</li></ol>							8a. Written	Notice (103g)			
		es system t 4 6 foot be			upplied t	o it. Thi	is cond	ition is			
				-		See Continuati	on Form /MSH	A Form 7000-3a)			
9. Violation	A. Health ☐ Safety ✔ Other ☐	B. Section of Act		C. Part/Section of Title 30 CFR		75.1101-1	,				
	pector's Evaluation										
	or Illness (has) (is):	No Likelihood	Unlikely 🗸	Reasonably I		Highly Likely 🗌		rred 🗌			
	y be expected to be:	No Lost Workda	ys ∐ Lost W	/orkdays Or Restric	ted Duty 🗸	Permanently Dis	sabling 🔲	Fatal 🔲			
C. Signifi	cant and Substantial	Yes 🗌	No 🗸			D. Number of Pers	ons Affected	i: 001			
11. Negligen	ice (check one)	A. None	B. Low	C. Moderate 🔽	D. High	E. Rec	kless Disreg	ard []			
12. Type of <i>i</i>	Action 104(a)		13. Type of Issu	ance (check one)	Citation 🗹	Order 🗌 Sa	feguard 🗌	Written Notice			
14. Initial Ac A. Citation		C. Safeguard [	). Written Notice	E. Citation/ Order Num	ber	-	F. Dated	Mo Da Yr			
15. Area or I	Equipment										

Section III--Termination Action 17. Action to Terminate

22. Signature

16. Termination Due

Mo Da Yr

09/18/2009

A. Date

18. Terminated Mo Da Yr A. Date B. Time (24 Hr. Clock Section IV--Automated System Data 19. Type of Inspection 21. Primary or Mill 20. Event Number 4119293 E01 (activity code)

0900

23. AR Number

B. Time (24 Hr. Clock)

MSHA Form 7000-3, Apr 08 (revised)

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

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

11.
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Continuation						Mine Safety and Health Administration					
	nt Action/Continuation Data	a tradition in the state of the			Samuel of America Samuel S				50,0556500		
1. Subsequent Ac	tion 1a, Continuation	2. Dated (Original Issue)	Mo 09/	Da 17/20(	Yr )9	3. Citation/ Order Number	8066159 - 01	MANIFECTION OF THE STATE OF THE	and the second s		
4. Served To RICK FOSTEI	R (MINE FOREMA	AN)			5. Opera PERFC		AL COMPANY		- Cold		
the same of the sa					7. Mine I	<sup>D</sup> 46-0843	6	(Contractor)			
Section II-Justificatio	n for Action		erpiteret Alexandri Mensenni	ATTERIOR CONTRACTOR AND ASSESSMENT OF THE PERSON OF THE PE	enganik ( ) enane ik ( ) kapani ( ) kapani	and the second s	60 cm/m = 200 cm/d (400 200 200 200 200 200 200 200 200 200	man and a second	Complete Com		

THE SPRINKLER HEAD NOW HAS WATER PROVIDED TO IT.

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	1200 J. Parrie
Section IVInspection Data			8-44
9. Type of Inspection E01	10. Event Number 4119293		processor.
11 Constum	AR Number 12. Date	Mo Da Yr 13. Time (24 Hr. Clock)	
		09/21/2009 0930	-/
MSHA Form 7000-3a, Mar 85 (revised)	<del></del>		

### U.S. Department of Labor



				Mine Safety	and Health Ad	ministration		
Section IViola	ition Data							
1. Date	Mo Da Yr 09/17/2009	2. Time (24 Hr. C	· · · · · · · · · · · · · · · · · · ·			Citation/ Order Number	806616	0
4. Served To			•	5. Operator				
	verty Maintance	Forman		PERFORM	ANCE COAL	COMPANY		
6. Mine				7. Mine ID	46-08436			
	IG BRANCH M	INE-SOUTH					8a. Written N	(Contractor)
8. Condition		1+200 Topo	arall aguilana	nt orrania	ation had	ole do no		
			wall equipme of the pers					
CCL CII.	red by the	Signacuie	or the berg	OII COMPTE	cring the	examitha	CTOHS.	
						See Continuation	r Form (MSHA f	orm 7000-3a)
9. Violation	A. Health ☐ Safety ✔ Other ☐	B. Section of Act	C.	Part/Section of Title 30 CFR		75.821(d)		
Section IIInsp	ector's Evaluation						·	
10. Gravity:			_					
	r Illness (has) (is):	No Likelihood 🔽	Unlikely 🗌	Reasonably Lik	ely High	hly Likely 🗌	Occurre	d []
	r illness could rea- be expected to be:	No Lost Worke	days 🗸 Lost Work	days Or Restricted	Duty 🗍 🛮 P	ermanently Disa	abling 🗌	Fatal 🗌
•						· · · · · · · · · · · · · · · · · · ·		
C. Signine	ant and Substantial	Yes	No 🗸		D, N	lumber of Perso	ins Allected.	001
11. Negligen	ce (check one)	A. None	B. Low C. I	Moderate 🗸	D. High	E. Reck	less Disregard	i 🗌
12. Type of A	oction 104(a)		13. Type of Issuand	ce (check one)	Citation 🗸 🔻 Oi	rder 🗌 🛮 Safe	guard 🗌 🛝 \	Written Notice [
14. Initial Act A. Citation		C. Safeguard	D. Written Notice	E. Citation/ Order Number	er		F. Dated	Mo Da Yr
15. Area or E	quipment							
<b></b> ,								
16. Terminat	on Due A. Date	Mo Da Yr 09/21/2009	B. Time (24 Hr. Clock)	0900				
	mination Action							
17. Action to	Terminate							
18. Terminat	A. Date Mo	Da Yr B, Tim	e (24 Hr. Clock					
Section IVAut	tomated System Data		•					
19. Type of li (activity o		20. Event Number	er 4119293	21. Prim	ary or Mill			
22. Signature		## ## ## ## ## ## ## ## ## ## ## ## ##		<b>I</b> .		23. AR Numb	er	

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 Agrigulture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman angularly 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



				iroty aira i roaiti	17 tollillion and it	110213	.00
Section I-Subsequent Action/Continuation Data							
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/17/20	• • •	3. Citation/ Order Number	8066160 - 01		
4. Served To	<del></del>		5. Operat	or			application of the same
RICK FOSTER (MINE FOREMA	N)		PERFO	RMANCE CO	AL COMPANY		
6. Mine	7. Mine ID (Contract			(Contractor)	Western des Chiefe de Constitution of Chiefe and Chiefe		
<b>UPPER BIG BRANCH MINE-SOU</b>	JTH		<u> </u>	46-0843	6		
Section II—Justification for Action	Comment of the second of the s	A Samuel Colonial Company of Samuel Colonial Colonial Colonial Colonial Colonial Colonial Colonial Colonial Co			inak persentan kelaminiak merinda penya jemperak kelaminiak perimak pembang pendamak da jelah		

THE OPERATOR IS NOW CERTIFYING THE RECORDS BY SIGNATURE.

Section IIISubse	quent Action	m Takei	n			est de la la companya de la companya				See Continuation Form
8. Extended To	A. Date	Мо	Da	Υr	B. Time (24 Hr. Clock)	in de la companya de	☐ C. Vac	ated	✓ D. Terminated	E. Modified
Section IVInspe- 9. Type of Insp		E01		10. E	vent Number 411929	93				
			***************************************	<u> </u>	AR Number	12. Date	Mo Da 09/21/2	Yr 009	13. Time (24 Hr. Cl 1435	ock)

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

						<del></del>						
Section IViolation I												
	Mo Da Yr 9/23/2009	2. Time (2	4 Hr. Cl 084					3. Citation/ Order N		80661	61	
l. Served To					5. Ope				••			
Rick Nicolah	Maintance I	orman			PERF	ORMAN	ICE CO	AL COMI	PANY			
6. Mine JPPER BIG I	BRANCH M	IINE-SOU	TH		7. Mine	<sup>ID</sup> 46	-0843	6			((	Contractor)
B. Condition or Pr			***		<u> </u>					8a. Writte	•	
The or	perator	could i	not.	provide a	record	of th	e sev	en dav	tes			
for the P				r				~				
								See Co	ntinuatio	n Form (MS)	IA Form 7	(000-3a)
. Violation A.	Health	B. Section			C. Part/Sect	on of				,		,
	Safety 🗸	of Act			Title 30 C			75.351	(0)(1)	(iii)		
	Other											
ection IIInspector	's Evaluation											
Gravity:     A Injury of Illa	agg (bgg) (ig):	No Likeliho	od []	Halikohi [7]	Posser	abbi Likabi	. —	Highly I Bob		Occi	ırred 🗌	
A. Injury or Ilin		NO LIKEIIIO	ou [V]	Unlikely 🗌	Neasui	ably Likely		Highly Likel	у 🗀		med [	
B. Injury or illn sonably be	ess could rea- expected to be	No Lost	Workd	ays 🗹 Lost W	orkdays Or R	estricted D	uty 🗌	Permaner	ntly Dis	abling 🗌	Fata	al 🗌
C. Significant	and Substantia	l: Yes		No 🗸				D. Number	of Pers	ons Affecte	d: 0	01
1. Negligence (c	heck one)	A. None		B. Low 🗌 💢	C. Moderate	✓	D. High		E. Recl	kless Disre	jard 🗌	
2. Type of Action	n 104(a)			13. Type of Issu	ance (check	ne) Cit	ation 🗹	Order 🗌	Saf	eguard 🗌	Writte	n Notice 🗌
4. Initial Action  A. Citation	B. Order 🖂	C. Safegua	rdi 🗌	D. Written Notice	E. Citat Orde	on/ Number				F. Dated	Mo	Da Yr
5. Area or Equip	ment			kinau	<u> </u>			***************************************				
o. Alea oi Equip	men				1							
6. Termination D	Nua I	Mo Da `	7.				1					
o. Termination L	A. Date	09/24/20	- 1	B. Time (24 Hr. Clo	ck) (	900						
Section IIITerminal	tion Action	0712-4120	709								<del> </del>	
7. Action to Terr												
7.7.01101110 1011	imato											
		5- V- I			<del></del>							
8. Terminated	A. Date	Da Yr	B. Time	e (24 Hr. Clock								
Section IVAutomat	ted System Data											
9. Type of Inspe (activity code		20. Event	Numbe	<sup>r</sup> 4119293	3	1. Primary	or Mill					
22. Signature							<del></del>	23. A	R Num	ber		
/ISHA Form 7000-3	Apr 08 (revised)	Inlaceord	ance with	the provisions of the S	mall Business F	equiatory Fr	nforcement	Fairness Act of	f 1996. ti	ne Small Bus	iness Adr	ninistration has

MSHA Form 7000-3, Apr 08 (revised) Injaceoffance 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							And Sample St. Co.
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/23/20	Yr )09	3. Citation/ Order Number	8066161 - 01		Constitution Section
4. Served To			5. Operat	or			
David Taraczkozy Maintance Form	PERFORMANCE COAL COMPANY						
6. Mine	7. Mine II			(Contractor)			
<b>UPPER BIG BRANCH MINE-SOU</b>	JTH			46-0843	6		
Section IIJustification for Action		physical and a medical and a second con-		nnein kodulisaan varaneen jolkaan kuusaa			AND CONTRACTOR OF THE PARTY OF

A record for the seven day test of the AMS system alarms is now being Kept.

Section IIISubsequent Action Taken						See Continuation Form
8. Extended To A. Date Mo Da	Υr	B. Time (24 Hr. Clock)		☐ C. Vacate	d 🔽 D. Terminated	E. Modified
Section IVInspection Data						
9. Type of Inspection E01	10. E	vent Number 4119293				,
11. Signature		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Cl	ock)
Andrew		manuscontractorist section		09/24/2009	9 0940	
MSHA Form 7000-3a Mar 85 (revised)						



Mine Cita	tion/Order			U.S. Department of Labor Mine Safety and Health Administration				
Section IViol	lation Data							
1. Date	Mo Da Yr	2. Time (24 Hr. Clock)		3. Citation/ 8066162	2			
	09/23/2009	0930		Order Number 8000102	<b>-</b>			
4. Served T			5. Operator					
	olah Maintance F	orman	PERFORMANCE 0	COAL COMPANY				
6. Mine			7. Mine ID 46-08	436				
	BIG BRANCH M	INE-SOUTH			(Contractor)			
	or Practice	4.4		8a. Written N				
		AMS malfunctions is	_					
and ex	tent of the	e malfunction and co	rrective action	taken to return th	e AMS to			
,								
				See Continuation Form (MSHA F	orm 7000-3a)			
9. Violation	A. Health ☐ Safety ✔ Other ☐	B. Section of Act	C. Part/Section of Title 30 CFR	75.351(o)(1)(ii)				
Section IIIns	spector's Evaluation							
10. Gravity:					-			
A. Injury	or Illness (has) (is):	No Likelihood 🗹 Unlikely 🗌	Reasonably Likely	Highly Likely 🗌 Occurred	d 🗌			
	or illness could rea- ly be expected to be:	No Lost Workdays ☑ Lost W	/orkdays Or Restricted Duty ☐	Permanently Disabling	Fatal 🗌			
C. Signifi	icant and Substantial	: Yes ☐ No ✔		D. Number of Persons Affected:	001			
11. Negliger	nce (check one)	A. None B. Low	C. Moderate 🗸 D. Hig	gh E. Reckless Disregard	i 🗌			
12. Type of	Action 104(a)	13. Type of Issu	uance (check one) Citation	✓ Order Safeguard V	Written Notice			
14. Initial Ac A. Citation		C. Safeguard D. Written Notice	E. Citation/ Order Number	F. Dated	Mo Da Yr			
15. Area or	Equipment							
16. Termina	ation Due A. Date	Mo Da Yr 09/24/2009 B. Time (24 Hr. Clo	ock) 0900					

MSHA Form 7000-3, Apr 08 (revised) In adopt dance 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

21. Primary or Mill

23. AR Number

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

B. Time (24 Hr. Clock

4119293

Section III--Termination Action 17. Action to Terminate

A. Date

Section IV--Automated System Data

19. Type of Inspection

(activity code)

Mo Da Yr

E01

20. Event Number

18. Terminated

22. Signature

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

II.	
<b>《《</b> 》	
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8021112/2/MINIS	

O TITLITURALION			Willie Odicty and Flediti Adminionation					
Section ISubsequent Action/Continuation Data			and the second of the second o	AND THE PROPERTY OF THE PROPER				
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/23/20		Citation/ Order Number	8066162 - 01			
4. Served To			5. Operat	or				
David Taraczkozy Maintance Forn	nan		PERFORMANCE COAL COMPANY					
6. Mine	<del> </del>		7. Mine II		<i>*</i>	(Contractor)	*******	
<b>UPPER BIG BRANCH MINE-SO</b>		46-0843	6					
Section IIJustification for Action	<u> </u>				e (orașe promo), mariti a mariti de promone de la Provincia de Santon (orașe de Santon (orașe de Santon (orașe Provincia		-	

A record of AMS malfunctions with the proper information is now being kept.

Section IIISubsequent Action Taken	gaggad gogledgig (1884) ang ang kalan	as et innegas sun en grade en de de en				steromolinia dandina		See Continuation Form
8. Extended To A. Date Mo Da	Yr	B. Time (24 I	Hr. Clock)		☐ c. v	acated	✓ D. Terminated	E. Modified
Section IVInspection Data	<del>entrointerant</del>	ganganganag yang dalam 1989 mani 2000 meng	onne ground 3334 Cilia par a primari VIII Cilia State (titudi 1814-lino 1811).			eponencia mangana	ik kasalan sering GP periodik sepantah melah sebipat permulah pelanmin pela pembana bindasah penan	
9. Type of Inspection E01	10. Ev	ent Number	4119293					
		~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	Number .	12. Date	Mo Da 09/24/	Yr 2009	13. Time (24 Hr. Cl 0925	ock)

22. Signature

## U.S. Department of Labor

				Mine	Safety ar	nd Health A	dministrat	ion	
Section IViola	ion Data				· · · · · · · · · · · · · · · · · · ·				
1. Date	Mo Da Yr 09/23/2009	2. Time (24 Hr. Clo				3	. Citation/ Order Num	nber 80661	63
4. Served To	ah Maintance Fo		·	5. Ope		NCE COAI	. COMPA	NY	
6. Mine	an manitalitatic in	7111111		7. Min	- 10				
	G BRANCH MI	NE-SOUTH		7. 141111	46	5-08436			(Contractor)
8. Condition of		<u> </u>		<b>_</b>		·····		8a. Written	Notice (103g)
malfunc	tion at 05 s is short	24 Hrs. No	ed on the loo one was clate action	dispat	ched t	o this	malfur	nction un	til 1000
							See Confir	nuation Form (MSHA	A Form 7000-3a)
9. Violation	A. Health ☐ Safety ✔ Other ☐	B. Section of Act		C. Part/Sec Title 30 (			75.35	····	
	ector's Evaluation								
10. Gravity: A. Injury o	r Illness (has) (is):	No Likelihood 🗌	Unlikely 🗸	Reaso	nably Likel	y.∏ Hi	ghly Likely	Оссит	red [
	r illness could rea- be expected to be:	No Lost Workda	ays D Lost Wo	orkdays Or	Restricted [	Outy 🗸	Permanently	/ Disabling 🔲	Fatal
C. Signific	ant and Substantial:	Yes 🗌	No 🗸			D.	Number of I	Persons Affected	008
11. Negligeno	e (check one)	A. None	B. Low C	. Moderate	<b>V</b>	D. High	E.	Reckless Disrega	ard []
12. Type of A	ction 104(a)		13. Type of Issua	ance (check	one) C	itation 🗸 🕠	Order 🗌	Safeguard 🗌	Written Notice
14. Initial Acti A. Citation		C. Safeguard 🔲 🏻 [	D. Written Notice	E. Cita Ord	ation/ ler Number			F. Dated	Mo Da Yr
15. Area or E	quipment								
16, Terminati	A. Date	Mo Da Yr 09/24/2009	B. Time (24 Hr. Cloc	:k)	0900				
Section IIITerr									•••••••••••••••••••••••••••••••••••••••
17. Action to	Terminate								
18. Terminate	A. Date Mo	Da Yr B. Time	(24 Hr. Clock						
Section IVAut	omated System Data	L							······································
19. Type of Ir (activity o		20. Event Number	4119293	3	21. Primar	y or Mill			

MSHA Form 7000-3, Apr 08 (revised)

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

23. AR Number

## 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 09/23/20	Yr 09	3. Citation/ Order Number	8066163 - 01	en e
4. Served To	100N-10-111-11-11-11-11-11-11-11-11-11-11-11		5. Operat	Oſ	41-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-	
David Taraczkozy Maintance Forn	nan		PERFO	RMANCE CO		
6. Mine		7. Mine ID (Contract			(Contractor)	
<b>UPPER BIG BRANCH MINE-SO</b>			46-0843	6		
Section IIJustification for Action					a kanada menembalah dari kemerangan kanada dari kemenda dari berbasa dari berbasa dari berbasa dari berbasa da Barangan kemenda dari berbasa da	

The sensor was tripped by gas from a battery charger. The gas was cleared and the sensor reset.

	navi-maticionale-save-samenario especiale					See Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time (24	Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IVInspection Data						
9. Type of Inspection E01	10. Event Number	4119293				
11 Signature	to the state of the	AR Number	12. Date	Mo Da Yr 09/23/2009	13. Time (24 Hr. Cl	ock)
MOUNT Same Topo of Manage de la Company	/ )	had-with estimates				PP

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



Section IVi	olation Data					4			
1, Date	Mo Da Yr 09/23/2009	2. Time (24 Hr. Clock) 1005		3. Cita Ord	ation/ der Number 80661	.64			
4. Served	Го		5. Operator						
Rick Nicolah Maintance Forman			PERFORM	PERFORMANCE COAL COMPANY					
6. Mine UPPER	BIG BRANCH N	INE-SOUTH	7. Mine ID	46-08436		(Contractor)			
8. Conditio	n or Practice				8a. Writter	n Notice (103g)			
A ma	ap or schem	natic showing the t	type and loca	tion of the	sensors the	e intended			

direction of air flow at these locations is not available.

								See Con	tinuation Form (M	SHA Form 7000-3a)
9. Violation	A. Health Safety Othe	√ 🔽	B. Section of Act			C, Part/Section of Title 30 CFR	of	75.35	1(b)(3)	
Section IIInspe	ector's Evalu	ation								
10. Gravity:										_
	r Illness (h		No Likelih	ood 🔽	Unlikely 🗌	Reasonably	Likely	Highly Likely	Oo	curred
	r illness co be expect		No Los	t Workd	ays 🗸 Lost V	Vorkdays Or Restr	icted Duty	Permanen	tly Disabling	Fatal _
C. Signific	ant and Su	bstantial	: Ye:	3	No 🗹			D. Number o	f Persons Affec	ted: 001
11. Negligeno	ce (check c	ne)	A. None		B. Low	C. Moderate 🔽	D. High	1 <u> </u>	. Reckless Dis	regard
12. Type of A	ction [	04(a)			13. Type of Issu	uance (check one)	Citation 🗸	Order 🗌	Safeguard [	Written Notice
14. Initial Acti A. Citation		der 🗌	C. Safegua	ard 🔲 🗆	D. Written Notice	E. Citation/ Order Nu	mber		F. Dated	i Mo Da Yr
15. Area or E	quipment				_					·
16. Terminati	on Due	A. Date	Mo Da 09/24/2		B. Time (24 Hr. Clo	ock) 0900			-	
Section IIITerr	nination Acti	on								
17. Action to	Terminate									
18. Terminate	A. Date		Da Yr	B. Time	(24 Hr. Clock					
Section IVAut	omated Syst	em Data								
19. Type of Ir (activity c		E01	20. Even	t Number	411929	3 21. F	Primary or Mill			
22. Signature				<b>-</b>				23. AF	Number	

MSHA Form 7000-3, Apr 08 (revised)

In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annuality evaluates enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration has established a National Ombudsman annuality evaluates enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration has established a 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 IVi	iolation Data								
1. Date	Mo Da Yr 09/23/2009	2. Time (24 Hr. Clock) 1345		Citation/ Order Number	8066165				
4. Served To			5. Operator	5. Operator					
Rick Nic	colah Maintance	Forman	PERFORMANCE COAL COMPANY						
6. Mine			7. Mine ID 46-08436						
UPPER.	BIG BRANCH N	IINE-SOUTH	40-06430		(Contractor)				
8. Conditio	n or Practice		<u>.</u>		8a. Written Notice (103g)				

The AMS system is not being maintained in proper operation condition. The #72 sensor located at the longwall mule train was found to be out of calibration when a known gas of 25 ppm was applied to the sensor. The sensor read 29 ppm.

									See Con	tinuation Form (MSH	A Form 7000-3a)
9. Violation	A. Health Safety Othe	/☑	B. Section of Act			C. Part/Sec Title 30 C			75.3	51(k)	
Section IIInspe	ector's Evalu	ation							·		
10. Gravity:											
A. Injury o	<u> </u>		No Likeliho	od 🗌	Unlikely 🗸	Reaso	nably Lik	ely 🗌	Highly Likely	Occu	rred 🗍
B. Injury o sonably	r illness co be expect		No Lost	Workda	ays 🗌 Lost W	Vorkdays Or F	Restricte	d Duty 🗌	Permanen	tly Disabling 🔲	Fatal 🗸
C. Signific	ant and Su	bstantial	: Yes		No 🗸				D. Number o	f Persons Affected	i: 008
11. Negligeno	e (check o	ne)	A. None		B. Low 🗹	C. Moderate		D. High		. Reckless Disreg	ard 🗌
12. Type of A	ction 1	04(a)			13. Type of Issu	ıance (check	one)	Citation 🗹	Order 🗌	Safeguard 🗌	Written Notice
	4. Initial Action E. Citation/ F, Dated Mo Da Yr A. Citation B. Order C. Safeguard D. Written Notice Order Number										
15. Area or E			Mo Da N	/a							
16. Terminati	on Due	A. Date	09/23/20		B. Time (24 Hr. Clo	ock)	1600				
Section IIITerr	nination Acti	on									
17. Action to	Terminate	Т	he sen:	sor 1	was calibr	rated w	ith a	a knowr	n C/O ga	as of 25 p	pm.
18. Terminate	A. Date	09/2	Da Yr 23/2009	B. Time	(24 Hr. Clock	1355					
Section IVAut		em Data									
19. Type of Ir (activity c		E01	20. Event	Number	411929	3	21. Prim	ary or Mill			
22. Signature			a .	71					23. AR	Number	

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small 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					U.S. Department of Labor Mine Safety and Health Administration			
Section IViolat	tion Data							
1. Date	Mo Da Yr 09/23/2009	2. Time (24 Hr. C				3. Citation/ Order Numbe	, 80661	.66
4. Served To		<del></del>		5. Operator	•			
Rick Nicol	ah Maintance	Forman		PERFORM	IANCE CO	AL COMPAN	Y	
6. Mine				7. Mine ID	46-0843	6	•	
		MINE-SOUTH			70-00-13			(Contractor)
8. Condition o		ot being ma						n Notice (103g)
		vide a visu xisted for				_	peit (	ali. This
9. Violation	A. Health Safety ✓	B. Section of Act		C. Part/Section of Title 30 CFR		See Continual		IA Form 7000-3a)
	ector's Evaluation							
10. Gravity: A. Injury or	r Illness (has) (is)	: No Likelihood	Unlikely 🗸	Reasonably L	ikelv 🗌	Highly Likely	Occu	irred
B. Injury or	r illness could rea	-  -  -		Vorkdays Or Restrict		Permanently D		Fatal 🗸
C. Significa	ant and Substant	ial: Yes 🗌	No 🗸		-	D. Number of Per	sons Affected	d: 008
11. Negligenc	e (check one)	A. None	B. Low 🔽	C. Moderate	D. High	E. Re	ckless Disreg	jard 🗌
12. Type of A	ction 104(a)		13. Type of Issu	uance (check one)	Citation 🗸	Order Sa	afeguard	Written Notice
14. Initial Action A. Citation		]     C. Safeguard	D. Written Notice	E. Citation/ Order Num	ber		F. Dated	Mo Da Yr
15. Area or Ed	quipment						•	
16. Termination	on Due A. Da	Mo Da Yr te 09/24/2009	B. Time (24 Hr. Clo	ock) 1200				
Section IIITern	nination Action							

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

21. Primary or Mill

23. AR Number

17. Action to Terminate

(activity code)

A. Date

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

18. Terminated

22. Signature

Mo Da Yr

E01

20. Event Number

B. Time (24 Hr. Clock

4119293

Mine	Citation/Order
Conti	nuction

	1	
A.		
<b>((</b> (		
1/4	71	
and the same	Accompany of the last	

Section ISubsequent Action/Continuation Data			Annual Control of the		process as from 1997 to the control of the control
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/23/20	Yr 09	3. Citation/ Order Number 8066166 - 01	
4. Served To			5. Operat	or	
David Taraczkozy Maintance Form	ian		PERFO	RMANCE COAL COMPANY	
6. Mine			7. Mine II		(Contractor)
<b>UPPER BIG BRANCH MINE-SOL</b>	JTH			46-08436	
Section IIJustification for Action					

The longwall is down and personal pulled for training reasons. This extension is to allow time to make repairs once the training is completed.

Continuity Cubanculation Tolera		nes f Thirling in a second of Thirling as a second of the second as a second of the second of the second of the			Sparne and account of the first part of the sparner	See Continuation Form
8. Extended To A. Date Mo Da 09/28/2	Yr 2009 B. Time (24	Hr. Clock)	0900	C. Vacated	D. Terminated	E. Modified
Section IV-Inspection Data						
9. Type of Inspection E01	10. Event Number	4119293				and the same and the
11 Signature	en e	AR Number	12. Date	Mo Da Yr 09/24/2009	13, Time (24 Hr. Clo	ock)
MSHA Form 7000-3a, Mar #5 (revised)	_					

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

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Section ISubsequent Action/Continuation Data		marketti karan marka karan para nyamarka dije	10Am/mmmm(12m/y/20, 10/2)	eriones se <del>en la comp</del> essión incomen anno en la compessión de en contra de en contra de entre en la contra de en		
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/23/20	Yr 09	3. Citation/ Order Number	8066166 - 02	
4. Served To	**************************************		5. Operat	or		
Danny Laverty Maintance Forman			PERFO	RMANCE CO.	AL COMPANY	
6. Mine			7. Mine II	)	<i>-</i>	(Contractor)
<b>UPPER BIG BRANCH MINE-SO</b>	UTH			46-0843	6	
Section IIJustification for Action		this of the same single successful.	WILLIAM TOWNS TOWNS WORKER			yan kanana ka

The AMS has been returned to proper operating condition. The system now automatically provides an audible and visual alarm at the Long wall section belt tail when C/O gas is applied to a C/O sensor.

Section IIISubsequent Action Taken			nggapatas anum majdesisis muun samuu kijas kuu ta maanum	ence filiberare companye 210 filibrary populari proprinci indepting fing we con-	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		nemani di kananan mengerak di didak menangan kanan di di			no processo (1) amigical (1) processo processo (1) proces
9. Type of Inspection E01	10. Event Number 4119293	THE STATE OF THE S			
Control of the Contro	AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clock	()
			09/28/2009	1220	
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## U.S. Department of Labor Mine Safety and Health Administration



Section IVi	olation Data			typidaa waxadaa ahamataa madada da ayyaana adaa a	en konigerende et kjølet engelski gjelegt gjølet. Spreed i Nikolisieren et en mesen et e		10-00-10-10-10-10-10-10-10-10-10-10-10-1
1. Date	Mo Da Yr 09/28/2009	2. Time (24 Hr. Clock) 1335			Citation/ Order Number	8066167	- Andreas - Andr
4. Served	То		5. Operator		000q+104+00+00+00+00+00+00+00+00+00+00+00+00+0		
Jack Roles Forman			PERFOR	MANCE COA	L COMPANY		
6. Mine		NTABASIIIAAA	7. Mine ID	46-08436			AND THE RESIDENCE OF THE PROPERTY OF THE PROPE
UPPER BIG BRANCH MINE-SOUTH				40-06430	•		(Contractor)
8. Conditio	n or Practice					8a. Written Noti	ce (103g)
o. Containo	n or Practice					8a. Written Noti	ce (103g

The air pressure in the belt entry of the long wall section belt is greater at station number 35+00 than in the intake entry. There is a set of air lock door constructed at this location and air from the belt entry is leaking into the intake when checked with a smoke tube.

					See Cont	tinuation Form (MSH	A Form 7000-3a)
9. Violation A. Healt Safe Oth	ty <b>▽</b> of Act er		C. Part/Section of Title 30 CFR		75.370	)(a)(1)	
Section IIInspector's Eval	uation						
10. Gravity:		_					_
A. Injury or Illness (I		Unlikely 🗸	Reasonably	Likely 🔝	Highly Likely	Осси	rred 🗌
B. Injury or illness o sonably be expec		days 🗌 💮 Lost We	orkdays Or Restric	eted Duty 🔽	Permanent	ly Disabling 🗌	Fatal []
C. Significant and S	ubstantial: Yes 🗌	No 🗸			D. Number of	Persons Affected	t: 008
11. Negligence (check	one) A. None 🗌	B. Low 🗸 💢	. Moderate 🔲	D. High	E.	. Reckless Disreg	ard 🗌
12. Type of Action	104(a)	13. Type of Issue	ance (check one)	Citation 🗹	Order 🗌	Safeguard 🗌	Written Notice
14. Initial Action A. Citation B. C	order C. Safeguard	D. Written Notice	E. Citation/ Order Nur	nber		F. Dated	Mo Da Yr
15. Area or Equipment			vancation of the contract of t		***************************************	autoconsouche et consouche et c	
16. Termination Due	A. Date Mo Da Yr 09/29/2009	B. Time (24 Hr. Cloc	k) 0900				
Section IIITermination Ac	tion						
17. Action to Terminate	,						
18. Terminated A. Dat		e (24 Hr. Clock		THE SAME OF THE SA			The second secon
Section IVAutomated Sys	tem Data						
19. Type of Inspection (activity code)	E01 20. Event Numb	<sup>er</sup> 4119293	21. Pr	imary or Mill			
22. Signature			nera menera de la companio de la co		23, AR	Number	

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small 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 andually 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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	and the second s	Constitution (Approximately and Constitution (Approximately an			record and apply of the section of t	
Section ISubsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/28/20	* 1	<ol> <li>Citation/ Order Number</li> </ol>	8066167 - 01	
4. Served To			5. Operate	Ot .		· ·
Rick Nicolau, Maintenace Chief			PERFO	RMANCE CO	AL COMPANY	
6. Mine			7. Mine ID		_	(Contractor)
<b>UPPER BIG BRANCH MINE-SOL</b>	JTH			46-0843	6	
Section IIJustification for Action						

A stopping has been constructed in the cross-cut and has eliminated the air leakage.

Cooking III Outcome and Add - Tolky	Dalidake jaya Talida sanya Talida kenyang Talida jayang Talida jayang Talida kenyang Talida jayang Talida jayang	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 E02	10. Event Number 4123488	
11. Signatu	AR Number 12. Date	Mo Da Yr 13. Time (24 Hr. Clock) 09/29/2009 1035

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

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n (No I-Vidsica Data		
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 07/08/2009 0850	3. Citation/ Order Number 8072754	·····
4. Served To	5. Operator	
Gary May, Mine Foreman	PERFORMANCE COAL COMPANY	
5. Mine UPPER BIG BRANCH MINE-SOUTH		Contractor)
	or. White notice	
Head Gate section, MMU 040-0 is 5,347	last open break of the left side of cfm. 9,000 cfm is required.	r the
	See Continuation Form (MSHA Form	7000-3a)
	. Part/Section of Title 30 CFR 75.325(b)	
Section IIInspector's Evaluation	TOTAL	
10. Gravity:	AND THE PROPERTY OF THE PROPER	
A. Iniury or Illness (has) (is): No Likelihood 🗀 Unlikely 🦳	Reasonably Likely 🔽 Highly Ukely 🧮 Occurs (C)	•
B. Injury or illness could reasonably be expected to be. No Lost Workdays Lost Work	kdays Or Restricted Duty 🗸 Permanently Disabling 🧻 Fat	ai 📗
solidary be expected to be.		.cu []
C. Significant and Substantial: Yes 🕝 No 🗂	D. Number of Persons Affected:	in4
11. Negligence (check one) A. None B. Low C. N	Moderate 🗹 D. High 🗌 E. Reckless Disregard 🗌	
12. Type of Action 104(a) 13. Type of Issuence	ce (check one) - Citation 📝 - Order 🗍 - Safequard 🗀 - Writte	en Notice <sup>( )</sup>
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated M Order Number	o Da Yr
io. Inoa of Equipment		<u> </u>
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)	1230	
07/08/2009	1400	
Section IIITermination Action		
17. Action to Terminate		
18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock		
Section IVAutomated System Data		
19. Type of Inspection (activity code) E01 20. Event Number 4119293	21. Primary or Mill	
22. Signatu	23. AR Number	
	Business Regulatory Enforcement Fairness Act of 1996, the Small Business Adm	
enforcement actions. The Ombudsman annually evaluates enforcement activities and rat	Regional Fairness Boards to receive comments from small businesses about fede ates each agency's responsiveness to small business. If you wish to comment on the Control Small Regional Administration. Office of the Malional Orders	the

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	<u> </u>		**************************************	<u> </u>	<u></u>	<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Мо 07/08	Da Yr 3/2009	3. Citation/ Order Number	8072754 - 01	,
4. Served To			5. Opera	tor		
Gary Mays, Mine Foreman			PERFO	RMANCE CO	AL COMPANY	
6. Mine			7. Mine I	D 46 00 40		(Contractor)
UPPER BIG BRANCH MINE-SO	UTH			46-0843	6	
Section IIJustification for Action						

Air was restored to 10,631 CFM.

				See Continuation Form
<u>.</u>				
Yr B. Time (24 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
10. Event Number 4123477				_
	1/2 5 /		140 Time (0411- 01-	
AR Number	12. Date		1	к)
		07/09/2009	1115	
		10. Event Number 4123477	10. Event Number 4123477  AR Number 12. Date Mo Da Yr	Yr B. Time (24 Hr. Clock)  C. Vacated  D. Terminated  10. Event Number 4123477  AR Number 12. Date Mo Da Yr 13. Time (24 Hr. Clock)

22. Signature

Mine Citation/Order	U.S. Department of Labor  Mine Safety and Health Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 1030	3. Citation/ Order Number 8078826
4. Served To	5. Operator
GARY MAYS	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID 46-08436
UPPER BIG BRANCH MINE-SOUTH	40-06430 (Contractor)
8. Condition or Practice	8a. Written Notice (103g)
The no. 3 entry on mmu 029 begin	nning on the outby corner at spad 23699,
extending outby, was measured 23 ft distance of 41 ft. and beginning on 23699 was measured 22 ft. 6 inch to	the out by corner one break outby spad
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health B. Section of Act Other	C. Part/Section of Title 30 CFR 75.203(e)(1)
Section IIInspector's Evaluation	
10. Gravity: A. Injury or Iliness (has) (is): No Likelihood ☐ Unlikely ✓	Reasonably Likely Highly Likely Occurred
B. Injury or illness could reasonably be expected to be: No Lost Workdays ✓ Lost	t Workdays Or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial: Yes ☐ No ✔	D. Number of Persons Affected: 001
11. Negligence (check one) A. None B. Low B.	C. Moderate ✓ D. High ☐ E. Reckless Disregard ☐
12. Type of Action $104(a)$ 13. Type of Iss	uance (check one) Citation 🗹 Order 🗌 Safeguard 🗌 Written Notice 🗌
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ Order Number  F. Dated Mo Da Yr
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Cl	ock) 1300
Section IIITermination Action	
17. Action to Terminate	
18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)	·
Section IVAutomated System Data	
19. Type of Inspection (activity code) E01 20. Event Number 411929	21. Primary or Mill

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

23. AR Number

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

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Section ISubsequent Action/Continuation Data		**************************************	A SAN SAN CONTRACTOR OF THE PROPERTY OF THE PR	Marie	and a second	
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo 1 07/15	0a Yr /2009	3. Citation/ Order Number	8078826 - 01	
4. Served To			5. Opera	itor	The state of the s	
ANDY COALSON (MINE FORE	MAN)		PERFO	DRMANCE CO.	AL COMPANY	
6. Mine			7. Mine	ID 46 00 40		(Contractor)
<b>UPPER BIG BRANCH MINE-SOI</b>	JTH			46-0843	6	4
Section IIJustification for Action			Commodations of Commod Homes of Street Control			

ADDITIONAL ROOF SUPPORT HAS BEEN INSTALLED IN THE AFFECTED AREA.

					See Continuation Form
Section III-Subsequent Action Taken					
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)		☐ C. Vacated	✓ D. Terminated	E. Modified
Section IV-Inspection Data		Committee (Committee) (Committ	03397/micro 1495/03574 (micro 1497) - 1496/0304 (micro 1497) - 1496/0304 (micro 1497)		
9. Type of Inspection E01	10. Event Number 4119293	3		College of the Colleg	
11 Cignoture	LAR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ck)
_	0.100mac		07/20/2009	1205	
MSHA Form 7000 3a, Mar 85 (revised)					

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

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				Mine Safety	and Health	Administrat	ion		
Section IViolat	ion Data	and the second s		981100-111100-128400-14800-111100-111100-111100-111100-111100-111100-111100-111100-111100-111100-111100-111100			gargappanan aryan aran aran aran aran aran aran	<u></u>	Walter seed with the World
1. Date	Mo Da Yr	2. Time (24 Hr. Cl	·			3. Citation/	807882	7	
4 O T	07/15/2009	110	)()	F 0		Order Numi	per 00,001		
4. Served To GARY MA	VC			5. Operator PERFORM	NCE CO	AT COMPA	NV		
6. Mine	113	· · · · · · · · · · · · · · · · · · ·		7 10 15			INT	······································	<del></del>
	G BRANCH MI	NE-SOUTH		7. Wille 10 Z	16-08436	)		(Contrac	ctor)
8. Condition or							8a. Written	Notice (103g)	
_	right openi		l roof contro reak ouby sp	-		eing com opening	_		
						See Contin	uation Form (MSHA	Form 7000-3a	a 🖂
9. Violation	Safety <b>✓</b> Other □	B. Section of Act	C	. Part/Section of Title 30 CFR		75.220(	······································	7701111 7000 02	/ ()
	ector's Evaluation								
10. Gravity:	Illness (has) (is):	No Likelihood	Elmiliania (4)	Reasonably Lik	ob. [T]	Washing Broke F	Occuri	.ad 🗆	
B. Injury or	illness could rea- be expected to be:	No Lost Work	Unlikely ✓ days ✓ Lost Wo	orkdays Or Restricted		Highly Likely Permanently	Disabling	Fatal [	
***************************************	ant and Substantial:	Yes 🗌	No <b>☑</b>				ersons Affected:	001	
11. Negligence	e (check one)	A. None	B. Low C.	Moderate 🗹	D. High	E.	Reckless Disrega	rd 🗌	
12. Type of Ac	tion 104(a)		13. Type of Issuand	ce (check one)	Citation 🗸	Order 🗌	Safeguard 🗌	Written Notic	се
14. Initial Action A. Citation	· · · · · · · · · · · · · · · · · · ·	C. Safeguard	D. Written Notice	E. Citation/ Order Number			F. Dated	Mo Da `	Yr
15. Area or Eq	uipment								
16. Terminatio	A. Date	Mo Da Yr 07/15/2009	B. Time (24 Hr. Clock)	1300					
Section IIITern					······	······································		· · · · · · · · · · · · · · · · · · ·	<del></del>
17. Action to T									
18. Terminated	A. Date Mo D	a Yr B. Time	(24 Hr. Clock)			·			
	mated System Data								
19. Type of Ins (activity co		20. Event Number	4119293	21. Prima	ry or Mill				_
22. Signatura	20				····	23. AR N	umber		

MSHA Form 7000-3, Apr 00 (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 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	Dated     (Original Issue)	Mo Da 07/15/20	Yr )09	3. Citation/ Order Number	8078827 - 01	
4. Served To	.1	OTITOTE	5. Opera	tor		
ANDY COALSON (MINE FORE		PERFC	RMANCE CO.			
6. Mine			7. Mine I	D 46 00 40	<i>-</i>	(Contractor)
<b>UPPER BIG BRANCH MINE-SOL</b>	JTH		46-0843	<b>b</b>		
Section II-Justification for Action		erikar menementa tanatan belandar eri arawa esta e	erSharersaturihovestoss		amenta managaman kang pengagan angan mangan kang banggal kahang pengangan pengangan pengangan pengangan pengan Samangan mangan mengangan kang pengangan pengangan pengangan pengangan pengangan pengangan pengangan pengangan	

ADDITIONAL ROOF SUPPORT HAS BEEN INSTALLED IN THE AFFECTED AREA.

			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 4119293		
	AR Number 12. Da	ite Mo Da Yr	13. Time (24 Hr. Clock)
		07/20/2009	1200

Min	ie C	itati	ion.	(Or	dei

## U.S. Department of Labor

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mino onacioni	0140.				Mine	Safe	ty and	Healtl	n Adminis	tration		-///01	
Section IViolation	Data	della and a second	en e		anning and an artist and a second policy and a second as a second	(100000740000400000000000000000000000000			tromonistilling recipelle medicine of		aggiggate and a first of the control		and the second second second second
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 1120							3. Citation/ Order Number 8078828						
4. Served To									-				
RICK FROST	ΓER						MANC	CE CO	AL COM	PANY			
6. Mine	BRANCH MI	NE COL	ו זייניו		7. Mir	ne ID	46-6	0843	6			/Cor	itractor)
3. Condition or Pra		IAE-200	лп								8a. Writte	en Notice (10	
	o. 1 and ke escape			energized ft. outby							as lo	cated	in
					*								
									See C	ontinuatio	n Form (MS	SHA Form 700	J-3a)
9. Violation A.	. Health ☐ Safety ✔ Other	B. Section of Act			C. Part/Sec Title 30				75.38	0(f)(5)	(ii)		
Section IIInspector													
I0. Gravity:			. —					_		. —	_	process	
A. Injury or Illn		No Likelih	ood	Unlikely [	Reas	sonably	Likely [	<u> </u>	Highly Like	ely 📋	Occ	urred 🗌	
B. Injury or illne sonably be e	ess could rea- expected to be:	No Los	st Workd	ays 🗌 Lost \	Norkdays O	r Restri	cted Dut	y 🗸	Perman	ently Dis	abling 🗌	Fatal	
	and Substantial:	Ye	s 🗸	No 🗌					D. Number	of Perso	ns Affecte	d: 004	
l 1. Negligence (cl	heck one)	A. None		B. Low	C. Moderate	• 🗸	D	. High		E. Rec	kless Disre	gard 🗌	
12. Type of Action	104(a)			13. Type of Issu	ance (check	one)	Citat	ion 🗹	Order 🗌	Safe	eguard 🗌	Written I	Notice 🗌
I 4, Initial Action A. Citation	B. Order	C. Safegu	ard 📋	D. Written Notice	E. Cit	ation/ ter Num	nber				F. Dated	Mo D	)a Yr
15. Area or Equipi	ment												
6. Termination D	Oue A. Date	Mo Da		B. Time (24 Hr. Cloc	:k)	1400			<del></del>			,	
Saution (II. Torreitor)		07/15/2	009	<b>\</b>		1400							
Section IIITermina 7. Action to Term			<del> </del>	<del> </del>						<del></del>			<del> </del>
ir. Addon to Telli	imate												
			T										
8. Terminated	A. Date Mo D	a Yr	B. Time	(24 Hr. Clock)									
Section IVAutomat													
<ol><li>Type of Inspectations (activity code)</li></ol>		20. Event	Number	4119293	3	21. Pr	imary or	Mill					
22. Signature									23. A	R Numb	er		

MSHA Form 7000-0, Apr 300 (revised) In accordance min me 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 A	Action/Continuation Data		is (e) migration project polymer) i mis (g) i mis (d) i mis (g) i	20m2/90/2011		(Cologic Similar Coldination — All mander Vermiller Harmania Colomo anno a 1-2 Article I are committed morture 2 Ha				
1, Subsequent Action	1a. Continuation	2. Dated (Original Issue)	Mo Da 07/15/2	,	3. Citation/ Order Number	8078828 - 01				
4. Served To				5. Ope	rator					
RICK FROSTEI	?			PERF	FORMANCE CO	AL COMPANY				
6. Mine				7. Mine	ID .c.oo.io	(Contractor)				
UPPER BIG BRANCH MINE-SOUTH					46-08436					
Section IIJustification I	for Action	o programme de la companya de la co				у том — у ученбай по тент основного учено у тури борено и бого бого по сент основного по тенто по том по тенто С				
Change '	Fro	m			То					
9. C. Part/Section	75,3	380(f)(5)(ii)								
Reason incorrec	t section of law									

										See Continuation Form
Section IIISubse	quent Action Take	n								
8. Extended To	A. Date Mo	Da	Υr	B. Time (24 Hr. 0	Clock)		C. Va	cated	D. Terminated	✓ E. Modified
Section IVInspec	otion Data	Volument or a transmission or an		er i innber ford dediction in immense is a fine de i in descending descending a						
9. Type of Inspe	ection E01		10. E\	ent Number	4119293		**************************************			
11		.,		AR	Number	12. Date	Mo Da	Yr	13. Time (24 Hr. Clo	ock)
							07/15/	2009	1608	
MS				-						

Mine Citation/Order
Continuation

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					ecronores de la companya de la comp	latinalisma communicamento mangalisma communicativa de la communicación de la communicación de la communicación
Section I-Subsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation	2. Dated	Mo Da	Ϋ́	3. Citation/	0000000	
	(Original Issue)	07/15/20	09	Order Number	8078828 - 02	
4. Served To			5. Operate	00	* * * * * * * * *	· · · · · · · · · · · · · · · · · · ·
ANDY COALSON (MINE FORE	MAN)		PERFO	RMANCE CO.	AL COMPANY	
6. Mine			7. Mine ID	)		(Contractor)
<b>UPPER BIG BRANCH MINE-SOI</b>	JTH			46-0843	6	
Section II-Justification for Action						
Wilate Beauty American America						ray pengapan didapakengan makan pakengan planka pakengan kalipanga kelajawa penana kap

THE CHARGERS HAVE BEEN MOVED UP TO THE LAST CROSS CUT BEHIND THE SECTION TAILPIECE.

(V)	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			essay respect on several several enterprises our			See Continuation Form
Section III-Subsequent Action	1 Taken						
8. Extended To A, Date	Mo Da	Υr	3. Time (24 Hr. Clock)	and the second s	C. Vacated	✓ D. Terminated	☐ E. Modified
Section IVInspection Data	nimizza (; emizum la ; pilipa pa pamali par emi	introneconolina	and the second				
9. Type of Inspection E	01	10. Eve	ent Number 4119293			ggarag pp ( for grant ag 16 for grant and for ag 16 statements being a statement at a comparison to a comparis	recului mita sammet quanti da la met sagi Galesia de Balande (O du acres de la metal de Balande (o de la metal
			AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Cl	ock)
					07/20/2009	1150	20.14°C 0.5573 - M. 14 C. 52.26°C C C C C C C C C C C C C C C C C C C

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

				Mine Safe	ty and Healt	th Administrati	on '	
Section IViolat	ion Data				va V 2 Jeline V 2 IV Obak II 2 I prodožini 2 K Obah II IV Prodo V V Bilan	and the second state of the second		
1. Date	Mo Da Yr 07/15/2009	2. Time (24 Hr. Cl 114				3. Citation/ Order Numb	er 807882	29
4. Served To			TOTAL TOTAL CONTROL OF THE CONTROL O	5. Operator			A MARIAN AND AND AND AND AND AND AND AND AND A	- Servicion
RICK FRO	STER			PERFOR	MANCE CO	OAL COMPA	VY.	
6. Mine UPPER BI	G BRANCH MI	NE-SOUTH		7. Mine ID	46-0843	66	211 3 211 3 211	(Contractor)
8. Condition or							8a. Written	Notice (103g)
	-		ting the ene take escape		-	all head o	-	ctrical
^ \						See Continu	ation Form (MSHA	Form 7000-3a)
9. Violation	A. Health ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	3. Section of Act		. Part/Section of Title 30 CFR		75.380(f)(	(3)(iii)	
	ctor's Evaluation							
10. Gravity: A. Injury or	Illness (has) (is):	No Likelihood	Unlikely	Reasonably	Likely 🔽	Highly Likely	Occur	red
	illness could rea- be expected to be:	No Lost Works	lays Lost Wo	rkdays Or Restri	cted Duty 🗹	Permanently	Disabling	Fatal 🗌
C. Significa	int and Substantial:	Yes 🗸	No 🗌			D. Number of Pe	ersons Affected:	004
11. Negligence	e (check one)	A. None	B. Low C.	Moderate 🕢	D. High	E. F	Reckless Disrega	rd 🗌
12. Type of Ac	tion 104(a)		13. Type of Issuand	e (check one)	Citation 🗸	Order 🗌 💢	Safeguard 🗌	Written Notice
14. Initial Actio A. Citation		C. Safeguard	D. Written Notice	E. Citation/ Order Nun	nber		F. Dated	Mo Da Yr
15. Area or Eq	uipment							
16. Terminatio	n Due A. Date	Mo Da Yr 07/16/2009	B. Time (24 Hr. Clock)	0800				
Section IIITerm								
17. Action to T	erminate							
18. Terminated	A. Date Mo D	a Yr B. Time	(24 Hr. Clock)					
Section IVAuto	rnated System Data	<u>.                                    </u>						
19. Type of Ins (activity co		20. Event Number	4119293	21. Pr	imary or Mill			<del>V.,</del>
22							ımher	

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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



Section I-Subsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 07/15/20	*,	3. Citation/ Order Number	8078829 - 01	
4. Served To			5. Operate	or		
ANDY COALSON (MINE FOREMAN)			PERFORMANCE COAL COMPANY			
6. Mine			7. Mine II.	16.0040	_	(Contractor)
<b>UPPER BIG BRANCH MINE-SOU</b>	JTH			46-0843	6	
Section IIJustification for Action						

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

Section III-Subsequent Action Taken			yye ganada kanaya ga a sana a ya a sana sa kana a sa a sana a	consentince constitution and a conjugate consenting time state and an incomment the activities and activities	See Continuation Form
STATE OF THE PROPERTY OF THE P	Yr 2009 B. Time (24 Hr. Clock)	0800		D. Terminated	E. Modified
Section IV-Inspection Data					
9. Type of Inspection E01	10. Event Number 4119293				
	AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clock	<b>(</b> )
	particular the particular than the particular		07/21/2009	1456	жения на менения на принципання на принципання на принципання на принципання на принципання на принципання на п

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

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



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Section ISubsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 07/15/2		3. Citation/ Order Number	8078829 - 01	02
4. Served To			5. Opera	tor		
Gary May, mine foreman			PERFC	RMANCE CO.	AL COMPANY	
6. Mine			7. Mine I	16.00.40		(Contractor)
<b>UPPER BIG BRANCH MINE-SO</b>	UTH			46-0843	6	
Section IIJustification for Action					and the second s	

A stopping was built to separate the long wall head gate electrical box from the intake escapeway.

Section III-Subsequent Action Taken			our and any plan and a share the sha			See Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time (2	4 Hr. Clock)	en an meneral en	C. Vacated	✓ D. Terminated	E. Modified
Section IVInspection Data	22/ATT-25101					CHINESE RECORD A Part of the internal publication of the i
9. Type of Inspection E02	10. Event Numb	er 6284319	W 200 CO			
11. Signatur		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Ck	ock)
		<u>.</u>		07/29/2009	1639	<del></del>



Wiffle Citat					rtment of La y and Health	<b>por</b> Administration	1/*	
Section IViola	ation Data	· · · · · · · · · · · · · · · · · · ·					<del>namentalisty in System (Section in place</del> )	p
1. Date	Mo Da Yr 09/15/2009	2. Time (24 Hr. Cloc 1500		NI POPPENINI NI NI POPPENINI NI		3. Citation/ Order Number	80909	35
4. Served To		value de la constantique de la c	OCTOO TO TO THE PARTY OF THE PA	5. Operator PERFORN	MANCE COA	AL COMPAN'	Y	
6. Mine UPPER BIG BRANCH MINE-SOUTH 7. Mine ID 46-08436						(Contractor)		
8. Condition							8a. Written	Notice (103g)
		e and water a health ha	_	posited on	the con	ncrete flo	por pre	senting a
						See Continuati	on Form (MSHA	N Form 7000-3a)
9. Violation	A. Health ☐ Safety ✔ Other ☐	B. Section of Act		C. Part/Section of Title 30 CFR		75.1712-3	(a)	
Section II-Insp	pector's Evaluation		······································					
	or Illness (has) (is):	No Likelihood	Unlikely 🔽	Reasonably L	ikely 🗌 🔝 l	Highly Likely	Occur	red 🗌
	or illness could rea- y be expected to be:	No Lost Workday	/s Dost W	orkdays Or Restrict	ted Duty 🗌	Permanently Di	sabling 🔽	Fatal 🗌
C. Signific	cent and Substantial:	Yes 🗍 🖠	No 🗸		1	D. Number of Pers	sons Affected:	050
11. Negligen	ce (check one)	A. None 🗌 💮 E	3. Low 🗌 C	. Moderate 🗸	D. High	E. Rec	kless Disrega	rd 🗌
12. Type of A	Action 104(a)		13. Type of Issua	ince (check one)	Citation 🗸	Order 🗌 Sa	feguard 🗍	Written Notice
14. Initial Act A. Citation		C. Safeguard D	. Written Notice	E. Citation/ Order Num	ber		F. Dated	Mo Da Yr

15. Area or Equipment

Mo Da Yr 16. Termination Due A. Date B. Time (24 Hr. Clock) 0800 09/16/2009

Section III-Termination Action

17. Action to Terminate

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

19. Type of Inspection 20. Event Number 21. Primary or Mill 4119293 E01 (activity code)

22. Signature 23. AR Number

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Falmess Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional 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)	Мо 09/15	Da /2009	Yr 9	3. Citation/ Order Number 80	90935 - 01	and the state of t	bomode
4. Served To		***************************************	5	. Opera	tor			
Everette Hagar, Supt.			P	PERFC	RMANCE COAL	COMPANY		
6. Mine			7	. Mine I			(Contractor)	,,
UPPER BIG BRANCH MINE-SO	UTH				46-08436			
Section II-Justification for Action								STATE OF THE PARTY.

The urinal has been repaired.

			See Continuation Form
Section IIISubsequent Action Taken	NBNANGARANGAN AND AND AND AND AND AND AND AND AND A		
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 4119293		ndertil kunsattatisesti kii seede-vii selektiinissi kii kunta kii mittäisi keesti sii suomaana seede kunsa kunsaana
11. Sign	AR Number 12. Date	Mo Da Yr 13. Time (24 Hr. Clo	ock)
# AMM And Sole delicated in the Company of the Comp		09/17/2009 1000	The distribution that the forest control of the state of

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

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Wille Citation/Orde	:1							nt or L i Healt	.apor h Administ	ration		
Section IViolation Data	<del></del>									· · · · · · · · · · · · · · · · · · ·	,	
1. Date Mo Da		2. Time (2		-					3. Citation Order N		80909	36
09/16/2009 0925 4. Served To						Operator			Olderin	milinei	N-05-4-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-	Washing - 0.0000-Wy. 0.00-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0
Rick Foster, Mine	Foremai	า						CE CC	AL COM	PANY		
6. Mine			<del></del>			/line ID		-0843	***************************************			<del></del>
UPPER BIG BRA		NE-SOU	TH				40	-V043	00			(Contractor)
8. Condition or Practice					·							Notice (103g)
The operation of the Southside so that it to	de tra	ack en	try i	n a prope	r wor	king	con	diti	on. The			
O Material I A Health							- The contraction	<del>arang aray na</del>	See Co	ontinuation	Form (MSH	A Form 7000-3a)
9. Violation A. Heali Safe Oth	ty 🔽 er 🗌	B. Section of Act			C. Part/S Title 3		of		75	.1403		
Section II-Inspector's Eval	uation						-		·		<del>,</del>	
10. Gravity: A. Injury or Illness (I	nas) (is):	No Likeliho	od 🗆	Unlikely 🗸	Rea	sonably	Likely		Highly Likel	vΠ	Occur	rred
B. Injury or illness o	ould rea-											
sonably be expec			Workda	ys Lost v	Vorkdays (	Jr Kestn	icted Du	ну 🗀	Permane			Fatal 🗍
C. Significant and S	ubstantial:	Yes		No 🔽					D. Number	of Persor	ns Affected	<sup>1:</sup> 013
11. Negligence (check	one)	A. None	]	B. Low 🔲	C. Modera	ite 🗸	ı	D. High		E. Reckle	ess Disreg	ard [
12. Type of Action	04(a)			13. Type of Issu	iance (che	ck one)	Cita	tion 🗸	Order 🗌	Safeg	guard 🔲	Written Notice
14. Initial Action A. Citation B. C	rder 🗌	C. Safegua	rd 🕢 E	D. Written Notice		itation/ rder Nu	mber	7	247502	ı	Dated	Mo Da Yr 12/01/2005
15. Area or Equipment							·		•			
16. Termination Due	A. Date	Mo Da \\09/17/20	1 5	3. Time (24 Hr. Clo	ock)	0800	)					
Section illTermination Ac				****								
17. Action to Terminate	•											
18. Terminated A. Dat	e Mo E	a Yr	B. Time	(24 Hr. Clock							· · · · · · · · · · · · · · · · · · ·	<del></del>
Section IVAutomated Sys	tem Data											
19. Type of Inspection (activity code)	E01	20. Event	Number	411929	3	21. P	rimary o	or Mill			1 1,1	
22. Signa					· · · · · · · · · · · · · · · · · · ·			<del></del>	23. AI	R Numbe	r	

MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA For MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSHA FOR MSH

Mine Citation/Order
Continuation

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Section ISubsequent Action/Continuation Data						
1, Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 09/16/20	• • •	3. Citation/ Order Number	8090936 - 01	
4. Served To			5. Operato	OF		
David Taraczkozy, chief electician			PERFO	RMANCE CO.	AL COMPANY	
6. Mine	**************************************		7. Mine ID	)		(Contractor)
<b>UPPER BIG BRANCH MINE-SOU</b>	JTH			46-0843	6	
Section IIJustification for Action	and it is immediated the processor of a published and a processor of the p	de la proposition de la	Spirited spirited by the State of the State	And the programment of the second	Manual Manual M. Safari Minister And School of Section 1990 Annual Section 1990	10 Entrange - parteriol (E. Orsonich (E. Orsonico) (E. C. Orsonico) (E.

The Track switch has been repaired.

						See Continuation Form
Section IIISubsequent Action Taken						
8. Extended To A. Date Mo Da	Υr	B. Time (24 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IV-Inspection Data						
9. Type of Inspection E01	10. E	vent Number 4119293		enganggi yang kasa kanadan ay pangganggi taun at sa araban kasa sangga maka sana		
11. Signature 1. S	100000	AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ick)
				09/17/2009	1010	
MSHA Form 7000-3a, Mar 85 (revised)						

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

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			Mine Safety and	Health Administration	
Section IVi	olation Data		<u>anne metata an ang manang dikadan perumang dikadan pang menerint pakang perumang bahan pang bahan pengangan b</u>		
1. Date	Mo Da Yr 09/16/2009	2. Time (24 Hr. Clock) 0954		3. Citation/ Order Number 8090	937
4. Served Rick Fos	ro ter, Mine Forem	an	5. Operator PERFORMANO	CE COAL COMPANY	
3. Mine UPPER	BIG BRANCH N	MINE-SOUTH	7. Mine ID 46-	08436	(Contractor)
3. Conditio	n or Practice		***************************************	8a. Writt	en Notice (103g)
The	operator	e failing to compl	y with the appro	oved mine ventilati	on plan on

The operator is failing to comply with the approved mine ventilation plan on the #4 section. On the left side there are 3 open crosscuts with only 10,920 cfm in the LOB. The plan call for 13,500 cfm to be present when there are 3 open crosscuts.

									Se	e Conti	nuation f	Form (MSH	iA Form 70	00-3a)
9. Violation A. Heal Safe Oth	ty 🗍 📗	B. Section of Act			C. Part/S Title 3	ection o 0 CFR	if		7	5.370	(a)(1)			
Section II-Inspector's Eval	uation											· · · · · · · · · · · · · · · · · · ·		
10. Gravity:														
A. Injury or illness (		No Likeliho	od 🗌	Unlikely 📝	Rea	isonably	Likely		Highly	Likely		Occu	rred 🗌	
B. Injury or illness of sonably be expect		No Lost	Workda	ys 🗌 🛮 Lost W	Vorkdays (	Or Restri	icted Du	ty 🔲	Perm	nanentl	y Disab	ling 🗸	Fatal	
C. Significant and S	ubstantial:	Yes		No 🗸					D, Num	ber of	Person	s Affected	<sup>i:</sup> 00	3
11. Negligence (check	one)	A. None 🗌		B. Low 🔲	C. Modera	te 🔽	Ē	). Hìgh		E.	Reckle	ss Disreg	ard 🗌	
12. Type of Action	104(a)			13. Type of Issu	iance (che	ck one)	Cita	tion 🔽	Ordei		Safeg	uard 🗌	Written	Notice 🗌
14. Initial Action A. Citation B. C	order [	C. Safegua	rd 🔲 t	D. Written Notice		itation/ Irder Nu	mber				F	. Dated	Mo	Da Yr
15. Area or Equipment														
16. Termination Due	A. Date	Mo Da N 09/16/20		B. Time (24 Hr. Clo	ck)	1000	)							
Section III-Termination Ac	tion			<del></del>										
17. Action to Terminate is present.	The	e vent:	ilati	on contro	ls ha	ve b	een	adju	ısted	an	d no	w 14,	332	cfm
18. Terminated A. Dat	Δ.	0a Yr 6/2009	B. Time	(24 Hr. Clock	1000	)		· · · · · · · · · · · · · · · · · · ·	·		· · · · · · · · · · · · · · · · · · ·			
Section IVAutomated Sys	tem Data			<del></del>			············	<u> </u>	<del></del>					
19. Type of Inspection (activity code)	E01	20. Event	Number	4119293	3	21. P	rimary o	r Mill		-	····			
22. Signa						-de	<del></del>	······································	2	3. AR I	Number	-		, , , , , , , , , , , , , , , , , , ,
MSHA For		vocaje	nna with t	he provisions of the S	meli Rusino	ss Reguls	ton Enfo	vcement	Falmess	act of 19	oos the S	Small Busin	ness Admir	stration has

MSHA Form

A Section of the Small Business 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.

18. Terminated

22. Signatui

A. Date

Section IV--Automated System Data

19. Type of Inspection

(activity code)

Mo Da Yr

09/16/2009

E01

20. Event Number

B. Time (24 Hr. Clock

4119293

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willie Citation/Order						Mine Safety and Health Administration					
Section IViolati	on Data	ekkininga ya Siphanining			markers signify secured			and the same of th			
1. Date	Mo Da Y 09/16/20		2. Time (24 Hr. C			tiliyaan ahaa (oo watii baa	**************************************	3. Citation/ Order No	<sub>ımber</sub> 80909	38	
4. Served To					5	. Operator				ngg 9.00 to hayan ng 1000 to hair	<del></del>
Rick Foster	, Mine Fo	reman					IANCE CO	OAL COMP	ANY		
6. Mine			an ann 6449 (Chindratean an 145 Antanan Anggayan Ann angga A	<u> </u>	7	. Mine ID	46-0843	36			***************************************
		H MII	NE-SOUTH				70-0043				ractor)
8. Condition or		······································		-	***************************************					Notice (103	
17640) conditi	on the	#4 e ca	section i ble has a	to maintai n fully pr 1/4" hole lead insi	otec in	ted an	d adequ	ately i	nsulated		
								·			
9. Violation	A. Health Safety Other		3. Section of Act			VSection of 30 CFR			tinuation Form (MSH	A Form 7000-	3a) 🗌
Section II-Inspec	dor's Evaluation	n									النام رييو وسيد المنادل ب
10. Gravity:  A. Injury or	liiness (has)	(is): i	No Likelihood 🗍	Unlikely	R	easonably L	ikelv 🔽	Highly Likely	Occur	rred	
B. Injury or	illness could be expected	rea-	No Lost Work			s Or Restrict			tly Disabling	Fatal <b>√</b>	
C. Significa	nt and Subs	tantial:	Yes 🔽	No 🗌				D. Number o	f Persons Affected	i: 001	
11. Negligence	check one	) A	\. None 🗌	B. Low	C. Mode	orate 🗸	D. High	E	. Reckless Disreg	ard []	
12. Type of Ac	tion 104	(a)		13. Type of Issu	тапсе (с	heck one)	Citation 🗸	Order 🗌	Safeguard 🗌	Written No	otice 🗌
14. Initial Actio A. Citation	n B. Orde	r 🔲 (	C. Safeguard [	D. Written Notice [		Citation/ Order Numi	per		F. Dated	Mo Da	Yr
15. Area or Eq	uipment					· · · · · · · · · · · · · · · · · · ·		****			<del></del>
16. Terminatio	n Due A.	Date	Mo Da Yr 09/16/2009	B. Time (24 Hr. Clo	ock)	1100					<del></del>
Section IIITerm	nation Action										
17. Action to T	erminate	The	damaged	areas have	bee	n rein	sulated	i.			

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

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21. Primary or Mill

23. AR Number

Mine	Citat	ion/	Order
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			Will Collety and Flediti / Althinstation	
Section I-Vi	olation Data			-07 2131 mg/mg
1. Date	Mo Da Yr 09/16/2009	2. Time (24 Hr. Clock) 1155	3. Citation/ Order Number 8090939	THE PERSON NAMED IN
4. Served To			5. Operator	hat the real
Rick Fos	ster, Mine Forem	an	PERFORMANCE COAL COMPANY	
6. Mine			7. Mine ID 46-08436	
UPPER BIG BRANCH MINE-SOUTH			40-00430 (Contracto	ır)
8. Conditio	n or Practice		8a. Written Notice (103g)	

The operator is failing to comply with the safety precaution page of the 063 MMU methane dust control plan. The Fletcher roof bolter is required to maintain 12"Hg of suction. When tested only 8" Hg of suction was present.

								See Con	tinuation Form (MSH	A Form 7000-3a)
	lealth ✔ Safety ☐ Other ☐	B. Section of Act	· · · · · · · · · · · · · · · · · · ·		C. Part/Section Title 30 CF			75.37	0(a)(1)	·
Section IIInspector's	Evaluation			· · · · · · · · · · · · · · · · · · ·						
10. Gravity:				_						_
A. Injury or Illne			ood 🗌	Unlikely 🗌	Reasona	bly Likely	<b>V</b>	Highly Likely	Occui	rred 🗌
B. Injury or illne sonably be e			t Workd	ays 🗌 🛮 Lost W	orkdays Or Re	stricted D	uty 🗌	Permanen	tly Disabling 📝	Fatal []
C. Significant a	nd Substanti	<sup>al:</sup> Ye	s 🗹	No 🗌				D. Number o	f Persons Affected	<sup>i:</sup> 002
11. Negligence (ch	eck one)	A. None		B. Low 🗍 🤾	C. Moderate	Z	D. High		. Reckless Disreg	ard []
12. Type of Action	104(a)			13. Type of Issu	ance (check o	ne) Cita	ation 🗹	Order 🗌	Safeguard 🗌	Written Notice
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice F. Dated Mo Da Yr						Mo Da Yr				
durante management de la descripción de	<del></del>				<del>- 54 </del>	·	<del></del>			
16. Termination Do	A. Dat	e Mo Da 09/16/2		B. Time (24 Hr. Cloc	ck) 12	230				
Section IIITermination	n Action									
17. Action to Term	inate T}	ne suct	ion :	system was	repair	ed and	d nov	v 12"Hq	of suction	on is
present.				•	-			J		
18. Terminated A	Data	Da Yr 16/2009	B. Time	(24 Hr. Clock	1200				, <u>, , , , , , , , , , , , , , , , , , </u>	
Section IVAutomate	d System Data									
<ol><li>Type of Inspec (activity code)</li></ol>	tion E01	20. Even	t Number	4119293	3	. Primary	or Mill			
22. Signatu				Prest State (Prest Prest Prest State (Prest Address				23. AR	Number	
								- NORTH THE CONTRACTOR		

MSHA Form relations and 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 rafes each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

22. Sign

### U.S. Department of Labor

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				Mine Safe	ety and	Health	Administra	tion	//		
Section IViolat	ion Data	m Ziminna nganggapi at Kalasia sa kina Sa kinangan panggapi yang ang kang Sa kinanga				<u> </u>					
1. Date	1. Date Mo Da Yr 2. Time (24 Hr. Clock) 09/16/2009 1205					<u> </u>	<ol> <li>Citation/ Order Nur</li> </ol>	nber	809094	10	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
4. Served To		***************************************		5. Operator	r		<u> </u>		·	<del>representation de la publication de la publicat</del>	- Charlestonian de l'Arrive
Rick Foster	r, Mine Forei	nan		PERFOR	MAN	CE COA	L COMPA	<b>ANY</b>			
6. Mine		and and the state of the state		7. Mine ID	16	08436	~~~		And Andrews of the Princer of the Pr	CONTRACTOR	
		MINE-SOUTH			-70-	UCTOU	<u></u>	·	······································	(Contr	
8. Condition of			·····	· · · · · · · · · · · · · · · · · · ·	<del>- Lings - April 1</del>	AND DESCRIPTION OF THE PERSONS ASSESSMENT			8a. Written		g) [
Fletche	r roof b	olter on th	to maintain e #4 sectio able has a	n in ful	.ly p	rotec	ted and	d ac	dequate	ely	ſ
the ins	ulated l	eads inside.	<b>!</b> •								
		,									
							Con Cart	in allon	Form (MSHA	Fam 7000 /	20)
9. Violation	A. Health	B. Section		C. Part/Section o			See Conu	IIOanou	FOIRI (MOTA	POINT 7000-3	)¢!)
a. Violation	Safety 🗸	of Act		Title 30 CFR	,1		75.5	517			
Section IIInspe	ctor's Evaluation										
10. Gravity: A. Injury o	r Illness (has) (is	): No Likelihood 🗌	Unlikely 🗌	Reasonably	/ Likely	<b>✓</b> !	lighly Likely		Occurr	ed []	
	r illness could re be expected to		iays Lost Wo	rkdays Or Restr	icted Du	ty 🗌	Permanenti	y Disa	bling []	Fatal 🗸	]
C. Significa	ant and Substan	tial: Yes 🗹	No 🗌			E	D. Number of	Persor	ns Affected:	001	
11. Negligenc	e (check one)	A. None	B. Low C.	Moderate 🔽	C	), High [	] E.	Reckl	ess Disrega	rd 🗌	
12. Type of A	ction 104(a	)	13. Type of Issual	nce (check one)	Citat	tion 🗸	Order 🗌	Safe	juard 🗌	Written No	tice 🗌
14. Initial Acti A. Citation	on B. Order	☐ C. Safeguard ☐	D. Written Notice	E. Citation/ Order Nu			<u> </u>	ı	F. Dated	Mo Da	Yr
15. Area or Ed	guioment				<del></del>	wa <del>a na</del>	<del></del>		· <del>·······························</del>		<u></u>
	,,										
16. Termination	on Due A. Da	Mo Da Yr 09/16/2009	B. Time (24 Hr. Clock	1230	)		······································		<del> </del>	· · · · · · · · · · · · · · · · · · ·	
Section IIITern	nination Action	777 1 07 20 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0		·					· ,	<del></del>	
17. Action to	Terminate T	he damaged	area has be	en reins	ulat	ed.			**************************************	<del></del>	·
18. Terminate	1 4 1 1214	Mo Da Yr 9/16/2009 B. Time	e (24 Hr. Clock	1210			<del> </del>	· · · · ·			
Section IVAuto	mated System Da	The second secon	<del>na o nocho esta esta esta esta esta esta esta esta</del>	·		<del></del>	<u></u>				
19. Type of In		20. Event Number	4119293	21. F	rimary o	r Mill		-	<del></del>	······································	<del></del>

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

23. AR Number

N٨	ina	Cita	tion	rdei

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				Mine	Safety a	and Health	n Administra	tion	<u> </u>
Section IViolat	tion Data	The second section of the sect							
1. Date	Mo Da Yr 09/17/2009	2. Time (24 Hr. Clo 094	-				3. Citation/ Order Nur	nber 80909	41
4. Served To			**************************************	5. Ope					
	iczkozy, chief el	ectician		PERI	FORMA	NCE CO	AL COMPA	NY	·
6. Mine UPPER BI	G BRANCH MI	NE-SOUTH		7. Min	e ID _	6-0843	6	4	(Contractor)
8. Condition of		ND JOOTH	·	L	<del></del>	······································		8a. Written	Notice (103g)
		leaving a	an unattend	ded 40	lb co	moress	ed propa		
	_	_	the hose a			~			
parking					<b>.</b>	,			
						·			
							See Conti	nuation Form (MSHA	N Form 7000-3a)
9. Violation	A. Health ☐ Safety ✔ Other ☐	B. Section of Act		C. Part/Sec Title 30 C			77,20	8(e)	
	ector's Evaluation								
10. Gravity:	(10 /6> /2->	Manager and a control of the control	F4 - 191 3	ъ			10 66. 646.6.		
		No Likellhood	Unlikely 🗸	Reaso	nably Like	iy 📙	Highly Likely	Occur	red [
	r illness could rea- be expected to be:	No Lost Workda	ays 🔲 🔻 Lost Wo	orkdays Or I	Restricted	Duty 🗌	Permanentl	y Disabling 📝	Fatal 🗌
	ant and Substantial:	Yes 🗌	No 🗸				D. Number of	Persons Affected:	001
11. Negligeno	e (check one)	A. None	B. Low C	. Moderate	V	D. High	□ E.	Reckless Disrega	ard [
12. Type of A	ction 104(a)		13. Type of Issua	ince (check	one)	Citation 🗸	Order 🗌	Safeguard 🗌	Written Notice
14. Initial Acti A. Citation		C. Safeguard 📋 [	D. Written Notice	E. Cita Orde	tion/ er Numbe	r		F. Dated	Mo Da Yr
15. Area or E	guioment				······································		<del></del>		
16. Termination	A. Date	Mo Da Yr 09/17/2009	B. Time (24 Hr. Cloc	k)	1045				
Section IIITerm					· · · · · · · · · · · · · · · · · · ·				
17. Action to	Terminate Th	e hose and	d regulator	: have	been	unhoo	ked from	n the tan	k.
18. Terminate	d Mon	a Yr	· · · · · · · · · · · · · · · · · · ·	*******	<del></del>	· · · · · · · · · · · · · · · · · · ·		<u></u>	
	A. Date 09/17	7/2009 B. Time	(24 Hr. Clock	1330					way a wa
19. Type of In		20. Event Number	4119293	1	21. Prime	ry or Mill			
(activity co	ode) E01	Pa	7117493		and the second s				
22. Signat							23. AR I	Number	

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Mine	Cite	tion	/O	rder
MINIO	VILC	ILI VI		ue

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			will out of and i touth a termination and it				
Section IVi	olation Data	general de la company de l En company de la company d					
1. Date	Mo Da Yr 09/17/2009	2. Time (24 Hr. Clock) 0947	3. Citation/ Order Number 8090942				
4. Served To			5. Operator				
David Taraczkozy, chief electician		electician	PERFORMANCE COAL COMPANY				
6. Mine	4-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1		7. Mine ID 46-08436				
UPPER BIG BRANCH MINE-SOUTH		MINE-SOUTH	(Contractor)				
8. Conditio	n or Practice		8a. Written Notice (103g)				

Two 401b compressed gas cylinders and two bottles of charcoal lighter fluid are being stored in employee parking lot at the gas grill without any "No Smoking" signs present.

						See Con	tinuation Form (MSI	IA Form 7000-3a)
	lealth _ Safety 🗸 Other _	B. Section of Act		C. Part/Section of Title 30 CFR	of	77.1	102	
Section II-Inspector's	Evaluation							
10. Gravity:								
A. Injury or Iline	ss (has) (ls):	No Likelihood	Unlikely 🗸	Reasonably	Likely 🔲	Highly Likely	Occu	rrėd 📋
B. Injury or illne sonably be e		No Lost W	orkdays 🗍 Lost I	Workdays Or Restr	icted Duty 🗌	Permanent	ily Disabling 🔽	Fatal 🗌
C. Significant a	id Substantia	l: Yes 🗌	No 🗹			D. Number of	Persons Affecte	<sup>d:</sup> 001
11. Negligence (ch	еск опе)	A. None 🗌	B. Low 🗌	C. Moderate 🔽	D. High	E	. Reckless Disreg	ard 🗌
12. Type of Action	104(a)		13. Type of Iss	uance (check one)	Citation 🔽	Order 🗌	Safeguard 🗍	Written Notice
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 Equipm	ent							
16. Termination Du	A. Date	Mo Da Yr 09/17/2009	B. Time (24 Hr. Cl	ock) 110(	)			
Section IIITermination	n Action							
17. Action to Term	nate "N	o smokin	g " signs ha	ave been h	ung at	the area		
	Date 09/	Da Yr 17/2009 B. 1	ime (24 Hr. Clock	1335				
Section IVAutomated	System Data							
19. Type of Inspect (activity code)	ion E01	20. Event Nu	<sup>nber</sup> 411929	)3 <sup>21. F</sup>	rimary or Mill			· · · · · · · · · · · · · · · · · · ·
22. Signa			garangan ng Andreas da na da da gaga Balta man man ng ng ng Ana managangan ng	annes personal y all hermanistic and y and a second play of the principal seconds.		23. AR	Number	i dada i da

MSHA Form roop-3, Apr us (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.

extinguisher.

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

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	wine Salety and Health Administration			
Section IViolation Data				
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 09/17/2009 0948	3. Citation/ Order Number 8090943			
4. Served To	5. Operator			
David Taraczkozy, chief electician	PERFORMANCE COAL COMPANY			
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)			
8. Condition or Practice	8a. Written Notice (103g)			
Two 40lb compressed gas cylinders and are being stored in employee parking lo	two bottles of charcoal lighter fluid ot at the gas grill without a fire			

			See Continuation Fo	rm (MSHA Form 7000-3a)
9. Violation A. Health B. Sec Safety Other Other	· ·	C. Part/Section of Title 30 CFR	77.1109(e)	Charles of the Charle
Section II-Inspector's Evaluation				
10. Gravity:				
A. Injury or Illness (has) (is): No Lik	kelihood 🗌 💮 Unlikely 🐼	Reasonably Likely	Highly Likely	Occurred
B. Injury or illness could rea- sonably be expected to be: No	Lost Workdays Lost V	Workdays Or Restricted Dut	y 🗌 Permanently Disablir	ng 🗸 Fatal 🗌
C. Significant and Substantial:	Yes 🗌 No 🔽		D. Number of Persons	Affected: 001
11. Negligence (check one) A. Non	e 🗌 B. Low 🗍	C. Moderate 🗹 D	, High 🗌 E. Reckiess	s Disregard 🗌
12. Type of Action 104(a)	13. Type of iss	uance (check one) Citat	ion 🗹 🛘 Order 🗌 Safegua	ard Written Notice
14. Initial Action A. Citation B. Order C. Saf	eguard D. Written Notice	E. Citation/ Order Number	F. I	Dated Mo Da Yr
I A Data	Da Yr B. Time (24 Hr. Clo	ock) 1100		
Section IIITermination Action				<del>د د د د د د د د د د د د د د د د د د د </del>
17. Action to Terminate A fire	e extinguisher ha	as been provid	ed.	
18. Terminated A. Date Mo Da Yr 09/17/200	18 Time (24 Hr Clack	0948		
Section IV-Automated System Data			45 Charleston con transcription of the Charlest	
19. Type of Inspection (activity code) E01	vent Number 411929	21, Primary or	Mill	
22. Sign	akan mangangkani (Personanya peg Jarika dan mayanang tini pandasanya pagan	akanan mengapan dan menerakan perjamban dan menerakan pengan pengan pengan pengan pengan pengan pengan pengan Pengan pengan	23. AR Number	900-94-1
established a National Small Business and Agrenforcement actions. The Ombudsman annual enforcement actions of MSHA, you may call 1-Street, SW MC 2120, Washington, DC 20416 the right to contest citations and proposed pen	ally evaluates enforcement activities a 888-REG-FAIR (1-888-734-3247), or B. Please note, however, that your rig	I 10 Regional Faimess Boards to and rates each agency's responsi write the Ombudsman at Small that to file a comment with the Om	o receive comments from small busing (veness to small business. If you wis Business Administration, Office of the abudsman is in addition to any other in	esses about federal agency h to comment on the e National Ombudsman, 409 3rd