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

4/16/	9.	
71' '		

Section IVi	iolation Data							
1. Date	Mo Da Yr 04/15/2009	2. Time (24 Hr. Clock) 0920	3. Citation/ Order Number 8082724					
4. Served 1	Го	CANCELL CANCEL	5. Operator					
Gary Ma	ay, Mine Foremar	1	PERFORMANCE COAL COMPANY					
6. Mine	***************************************	65.000 (1974 - 1974 - 1974 - 1974 - 1974 - 1974 - 1974 - 1974 - 1974 - 1974 - 1974 - 1974 - 1974 - 1974 - 1974	7. Mine ID 46-08436					
UPPER	BIG BRANCH N	MINE-SOUTH	40-06430 (Contractor)					
8. Conditio	n or Practice		8a. Written Notice (103g)					

The #2 belt line on the #1 section is not being maintained in a safe operating condition. At the tailpiece the hold up roller has broken off on the off-side. This let the roller fall down on a crib block under the tailpiece. The spinning roller on the crib block created heat and visible smoke in the area around the tailpiece and could be smell over 4 breaks outby.

The operator removed the belt from service until repairs were made.

										See Con	tinuation Form (N	ISHA Form 7000-	3a)
9. Violation	A. Health Safet Othe	/☑	B. Section of Act	,			Part/Section o Title 30 CFR	f		75.17	725(a)		
Section IIInsp	ector's Evalı	ation											
10. Gravity:													
A. Injury o	r Illness (ha	s) (is):	No Likelih	ood []	Unlikely		Reasonabl	y Likely	<u> </u>	Highly Llkely	Oc	curred []	
	r illness cou be expecte		No Los	t Work	lays 🗌 L	ost Work	days Or Rest	ricted Du	uty 🗌	Permaner	tly Disabling 🔽] Fatal]
C. Signific	ant and Su	ostantial:	Yes	V	No 🗌	· · · · · · · · · · · · · · · · · · ·				D. Number of	Persons Affect	ed: 003	
11. Negligeno	e (check or	ie)	A. None]	B. Low 🔽	C. N	loderate 🗌		D. High		E. Reckless Dis	egard 🗌	
12. Type of A	ction 1	04(a)			13. Type of	Issuance	(check one)	Cita	ation 🗸	Order 🗌	Safeguard [] Written No	otice 🗌
14. Initial Acti A. Citation		rder 🗌	C. Safegua	ard 🔲	D. Written Notice	e 🗌	E. Citation/ Order Nu	mber			F. Dated	Mo Da	Yr
16. Termination	on Due		Mo Da	Yr	D. T /0.415								
		A. Date	04/15/20	009	B. Time (24 Hr.	Clock)	0945)	1				
Section IIITer	mination Act	on											
17. Action to	Terminate	Т	he bro	ken	roller h	as be	een rem	oved	d.				
18. Terminate	A. Date		Da Yr 5/2009	B. Time	(24 Hr. Clock)	(0930						
Section IVAut	omated Syst	em Data											
19. Type of In		E01	20. Event	Number	4119	936	21. P	rimary o	r Mill				
22. Signature										23. AR	Number		

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



Section I–Violation Data								
1. Date	Mo Da Yr 04/15/2009	2. Time (24 Hr. Clock) 1020	3. Citation/ Order Number	8082725				
4. Served	To ay, Mine Foreman	1	5. Operator PERFORMANCE COAL COMPANY					
6. Mine	BIG BRANCH N		7. Mine ID 46-08436 (Co					
8. Conditio	n or Practice		8	Ba. Written Notice (103g)				

The Fletcher truss bolter used in the longwall set up area of the #1 section is not being maintained in a safe operating condition. The following conditions were found:1) The offside drill control lever was not marked to indicate the functions it controls and/or the directions of operation for specific functions. 2) The operators side drill control lever was not marked to indicate the functions it controls and/or the directions of operation for specific functions.

These conditions can result in the accidental activation of the wrong function or activation in an unexpected direction resulting in severe injuries.

The operator removed the bolter from service until repairs were made.

				See Continuation Form (MS	HA Form 7000-3a)
9. Violation A. Health Safety 1	B. Section of Act	C. Part/Se Title 30		75.1725(a)	
Section IIInspector's Evaluation					
10. Gravity;					
A. Injury or Illness (has) (i	,	Unlikely Rea	sonably Likely 🗸	Highly Likely Occ	urred [_]
 B. Injury or illness could re sonably be expected to 		ys 🗌 Lost Workdays (Or Restricted Duty	Permanently Disabling 🗸	Fatal [
C. Significant and Substa	ntial: Yes 🗸	No 🗌		D. Number of Persons Affected	d: 002
11. Negligence (check one)	A. None	B. Low 🗸 C. Modera	te 🗌 D. High [E. Reckless Disre	gard 🗌
12. Type of Action 104(a)	13. Type of Issuance (chec	k one) Citation 🗸	Order Safeguard	Written Notice
14. Initial Action A. Citation B. Order	C. Safeguard 1		itation/ rder Number	F. Dated	Mo Da Yr
15. Area or Equipment 16. Termination Due	Mo Da Yr		1		
[A. 1	Date 04/15/2009	3. Time (24 Hr. Clock)	1045		
Section illTermination Action					
17. Action to Terminate The controls have been identified as to function and direction of operation for specific functions.					
	J4/15/2009 [24 Hr. Clock) 1032			TATAL CONTROL
Section IVAutomated System I					
19. Type of Inspection (activity code)	20. Event Number	4119936	21. Primary or Mill		
22. Signature	3	4-8430-0-330-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-		23, AR Number	

22. Signature

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



						Mine Sa	fety an	d Healt	h Admin	istratior)	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
Section IViolat	ion Data	400									24 (2000)	
1. Date	Mo Da 04/15/2		2. Time (24 Hr. C		:				3. Citatio Order	on/ Number	808272	26
4. Served To				**************************************		5. Operato						
Gary May, Mine Foreman						PERFO	RMAN	ICE CC	AL CON	MPANY	<u> </u>	
6. Mine						7. Mine ID	46	-0843	6			
UPPER BIG BRANCH MINE-SOUTH 8. Condition or Practice											0- 18/20-	(Contractor) Notice (103g)
		+ 221	zun to de	ite Dates,	tim	00 20	din	i + i o 1	a nra	cont		
		_	-	to indicat								
				day shift							nis con	
			ince 1/1/2	-	•	****	±0 C1	110 11	. С.11	inc ci		Q1 C1011
									See	Continuatio	on Form (MSHA	4 Form 7000-3a)
9. Violation	A. Health		B. Section	•	C. Pa	art/Section	of					
V. VIOIGIOII	Safety		of Act			le 30 CFR			75	5.360(e))	
	Othe			DAMAGE TO A								
Section II-Inspe	ectors Evalu	ation					····					
•	Iliness (ha	s) (is):	No Likelihood	Unlikely 🗸		Reasonat	oly Likely		Highly Llk	cely	Occum	red
	illness cou be expecte		No Lost Work	days 🗸 Lost	Workd	ays Or Res	stricted D	uty 🔲	Perma	nently Dis	sabling	Fatal [
C. Significa	ant and Sul	ostantial:	Yes [No 🗸					D. Numbe	r of Perso	ons Affected:	001
11. Negligeno	e (check or	ne)	A. None	B. Low	C. Mo	derate]	D. High	V	E. Rec	kless Disrega	ırd 🗌
12. Type of Ad	ction 1	04(a)		13. Type of Issu	ance (check one)	Cit	ation 🗸	Order [] Sat	eguard 🗌	Written Notice
14. Initial Action A. Citation		rder 🗌	C. Safeguard	D. Written Notice		E. Citation Order N				0330	F. Dated	Mo Da Yr
15. Area or Ed	uipment			A STATE OF THE PARTY OF THE PAR	······································				111111111111111111111111111111111111111			
16. Termination	on Due	A. Date	Mo Da Yr 04/15/2009	B. Time (24 Hr. Clo	ck)	123	30					
Section IIITen	nination Act	ion		J							· · · · · · · · · · · · · · · · · · ·	and the second s
17. Action to	Terminate	T	ne KVA box	has been	exa	mined	and	DTI'	s are	now	presen	t.
18. Terminate	d A. Date		Da Yr 5/2009 B. Time	e (24 Hr. Clock)	12	218						
Section IVAut	omated Syst	em Data				20						
19. Type of In		F01	20. Event Numbe	^r 411993	6	21.	Primary o	or Mill				

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fatness 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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						Mine	Safety	and Heal	th Administra	ation	% //	
Section IViola	tion Data											
1. Date	Mo Da 04/20/2		2. Time (2	4 Hr. Cle 082					3. Citation/ Order Nu	_{umber} 80827	730	
4. Served To				-			erator				•	
Homer Wa	ıllace, Sı	ıpt.						ANCE CO	DAL COMP	ANY		
6. Mine UPPER BIG BRANCH MINE-SOUTH						7. Mi	ne ID	46-0843	36		(O = atas =t = a)	
8. Condition of			NE-SOU	1H						9a Writton	(Contractor) 1 Notice (103g)	
			thia	min	e reported	to MC	UA Or	form	7000.1		1 Notice (1039)	
					e reporced ness occurr						on 06-17-	
					ormation as							
			-		Section-D o	_				•		
submitt					o full duty				or or	.c orranic	~ 1.	
Danie				J		011 0	,, ,					
											= 1	
									See Con	tinuation Form (MSH	A Form 7000-3a)	
9. Violation	A. Healti Safet Othe	y 🗍 📗	B. Section of Act			C. Part/Se Title 30			50.20(a)			
Section IIInsp												
10. Gravity:												
A. Injury o			No Likeliho	od 🚺	Unlikely []	Reas	onably Lik	cely 🗌	Highly Likely	Occu	rred 🗌	
	r illness co be expec		No Lost	Workda	ays 🔽 🛮 Lost Wo	rkdays Or	Restricte	d Duty 🗌	Permanent	ly Disabling 🗌	Fatal 🗌	
C. Signific	ant and Su	ubstantial:	Yes		No 🔽				D. Number of	Persons Affected	i: 000	
11. Negligeno	ce (check o	one) ,	A. None		B. Low C.	. Moderate	V	D. High	E	. Reckless Disreg	ard []	
12. Type of A	ction 1	04(a)			13. Type of Issua	nce (check	one)	Citation 🗸	Order []	Safeguard 🗌	Written Notice	
14. Initial Acti A. Citation		rder 🔲	C. Safeguai	rd [] I	D. Written Notice	E. Cita	ation/ ler Numbe	er		F. Dated	Mo Da Yr	
15. Area or E	quipment			.,								
16. Terminati	on Due	1	Mo Da Y	/r								
TO, TOITHIJALI	on Duc	A. Date	04/30/20		B. Time (24 Hr. Clock	()	0800					
Section IIITerr	mination Act	ion						1		<u> </u>		
17. Action to	Terminate	The	necess	sary	forms have	been	subn	nitted	to MSHA			
				1								
18. Terminate	A. Date	3	a Yr 0/2009	B. Time	(24 Hr. Clock	0829				<u></u>		
Section IVAuto	omated Svst		1/2007					·				
19. Type of Ir	rspection	E01	20. Event	Number	4119936		21. Prima	ary or Mill				
22. Signatur								· · · · · · · · · · · · · · · · · · ·	23. AR	Number		

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

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						***************************************	Mine Saf	ety an	d Healti	n Administ	ration	· ·	<u> </u>	
Section IViola			1											
1. Date	Mo Da 04/20/		2. Time (2	24 Hr. Cl						3. Citation Order N		80827	31	
4. Served To							5. Operato							
Homer Wallace, Supt.								MAN	ICE CO	AL COM	PANY			
	6. Mine UPPER BIG BRANCH MINE-SOUTH						7. Mine ID	46	-0843	6			/C/	ontractor)
8. Condition of			1415-200	111								8a. Written		
			thia	min	e reported	l + c	MSH2	on	form	7000-1			100000	vs/ [
	-				ness occur								nn -	08-25-
					ormation a							20A) h	_	
					Section-D									00
submitt		Jea eg			to full d					y or c	0.	9-110	_	
Dabinize	·	_	2000		00 2011		. 011 10	, ,	,					
										See Co	ntinuation	Form (MSHA	Form 70	00-3a)
9. Violation	A. Healt		B. Section of Act				art/Section of	of .		50	20(a)			
	Safe: Other	er 🗸	Of Act			,	RIG OO OI IV			50.	20(a)			
Section IIInsp														
10. Gravity:														
A. Injury o			No Likeliho	ood 🗸	Unlikely [Reasonably	/ Likely		Highly Likel	y []	Occurr	ed 🗌	
B. Injury o sonably	r illness co be expec		No Los	Workd	ays 🔽 🛚 Lost V	Vorkd	ays Or Restr	icted D	uty 🗌	Permane	ntly Disa	bling 🔲	Fatal	
C. Signific	ant and S	ubstantial:	Yes		No 🗹					D. Number	of Perso	ns Affected:	000	0
11. Negligeno	ce (check	one)	A. None]	B. Low []	C. M	oderate 🔽		D. High		E. Recki	ess Disrega	rd 🗌	
12. Type of A	ction 1	04(a)			13. Type of Issu	ıance	(check one)	Cit	ation 🗸	Order 🗌	Safe	guard 🔲	Written	Notice 🗌
14. Initial Acti A. Citation		rder 🗀	C. Safegua	rd [T]	D. Written Notice ☐	_	E. Citation/ Order Nu	mhar			ı	F. Dated	Мо	Da Yr
		iuei 🔝	C. Saregua		D. Willen Notice		Older Na	mod	<u></u>				····	
15. Area or E	quipment													
					-									
16. Terminati	on Due	A. Date	Mo Da		B. Time (24 Hr. Cio	ck)	0800)						
Section IIITerr	mination Ac	tion	04/30/20	<i>J</i> 09				-	,				·	
17. Action to			neces	garv	forms hav	re h	leen gi	.bmi:	t t e d	to MSH	^			
7.11.15.15.11.15	,	1110	nccen	DUL Y	TOTING HAV		occii bu	الماليد	ccea	CO MOIN	7.			
18. Terminate			a Yr					I —	····	,				
ro. reminate	A. Dat	_	0/2009	B. Time	(24 Hr. Clock	0	839							
Section IVAuto	omated Svs		<u></u> 007					l						
19. Type of Ir			20. Event	Number	411000		21. F	rimary	or Mill					
(activity c		E01			411993	O		•						
22. Signatur										23. AF	R Numbe	r E		

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ι '	•		

Wille Ottation/Order	Mine Safety and Health Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 04/20/2009 0847	3. Citation/ Order Number 8082732
4. Served To	5. Operator
Homer Wallace, Supt.	PERFORMANCE COAL COMPANY
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)
8. Condition or Practice	8a. Written Notice (103g)
	on as stipulated in 30 CFR (50.20A) has not n-D of the second copy of the original
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health B. Section Safety Other	C. Part/Section of Title 30 CFR 50.20(a)
Section IIInspector's Evaluation	
10. Gravity:A. Injury or Illness (has) (is): No Likelihood ✓ Unlik	Reasonably Likely Highly Likely Occurred
B. Injury or illness could reasonably be expected to be: No Lost Workdays	Lost Workdays Or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial: Yes ☐ No ✓	D. Number of Persons Affected: 000
11. Negligence (check one) A. None B. Low	C. Moderate 🗸 D. High 🗌 E. Reckless Disregard 🗌
12. Type of Action 104(a) 13. Typ	e of Issuance (check one) Citation 🗸 Order 🗌 Safeguard 🗍 Written Notice 🗍
14. Initial Action A. Citation B. Order C. Safeguard D. Written I	E. Citation/ F. Dated Mo Da Yr Order Number
15. Area or Equipment	

16. Termination Due Mo Da Yr A. Date 04/30/2009

B. Time (24 Hr. Clock)

0800

Section III--Termination Action

17. Action to Terminate The necessary forms have been submitted to MSHA.

Mo Da Yr 18. Terminated A. Date B. Time (24 Hr. Clock 0851 04/20/2009 Section IV--Automated System Data 19. Type of Inspection 20. Event Number 21. Primary or Mill 4119936 E01 (activity code) 23. AR Number 22. Signature

19. Type of Inspection

(activity code)

22. Signatur

20, Event Number

E01

U.S. Department of Labor

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	Mine Safety and Health Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 04/21/2009 0842	3. Citation/ Order Number 8082734
4. Served To	5. Operator
Rick Foster, Mine Foreman	PERFORMANCE COAL COMPANY
6, Mine	7. Mine ID 46-08436 (Contractor)
UPPER BIG BRANCH MINE-SOUTH	(Contractor)
8. Condition or Practice	8a. Written Notice (103g)
<u> </u>	preshift exam of the unconnected room
<u> </u>	ake at spad 5738. The room is ventilated
with line curtain.	
	See Continuation Form (MSHA Form 7000-3a)
Other 🗌	itle 30 CFR 75.360(b)(6)(ii)
Section IIInspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood ☐ Unlikely ✓	Reasonably Likely Highly Likely Occurred
B Injury or illness could rea.	days Or Restricted Duty Permanently Disabling Fatal
C. Significant and Substantial: Yes No 🗸	D. Number of Persons Affected: 001
11. Negligence (check one) A. None B. Low C. Me	oderate D. High 🗹 E. Reckless Disregard 🗌
12. Type of Action 104(d)(2) 13. Type of Issuance	(check one) Citation Order 🗹 Safeguard Written Notice
14. Initial Action A. Citation ☐ B. Order ✔ C. Safeguard ☐ D. Written Notice ☐	E. Citation/ 8082692 F. Dated Mo Da Yr 03/17/2009
15. Area or Equipment The #4 section intake.	
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)	
Section IIITermination Action	
17. Action to Terminate The room has been examin	ned.
18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)	0845
Section IVAutomated System Data	

MSHA Form 7000-3, Apr 08 (revised) — In accordance warring 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 reference activities and reference acti

4119936

21. Primary or Mill

23, AR Number

22. Signatur

U.S. Department of Labor

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				Mine Sat	ety and	Health A	\dministratio	on "	·
Section IViolation D	Data							<u></u>	<u> </u>
	10 Da Yr 1/21/2009	2. Time (24 Hr. 0)	Clock) 900			3	3. Citation/ Order Numbe	80827	35
4. Served To	· · · · · · · · · · · · · · · · · · ·			5. Operator		3-		,	
Rick Foster, M	line Foremai	1	And Scientific Control of the Contro		RMANC	E COAI	L COMPAN	ΙΥ	
6. Mine	NY ARICHTRA			7. Mine ID	46-0)8436			(0
UPPER BIG B 8. Condition or Pra		INE-SOUTH						8a Written	(Contractor) Notice (103g)
		is failin	g to proper	ly mark n	nandoc	rs al	ona the	, warring and a second a second and a second a second and	
	going	to the #4	section. F						
			\						
							See Continue	ition Form (MSH)	A Form 7000-3a)
9. Violation A.	Health 🗌	B. Section		C. Part/Section of	of				
	Safety 🗸	of Act		Title 30 CFR			75.333(c))(2)	
Section IIInspector's	Other	<u> </u>							
10. Gravity:			······································			······································		<u> </u>	
A. Injury or Illne	ess (has) (is):	No Likelihood	Unlikely 🗸	Reasonab	ly Likely] H	ighly Llkely	Occur	red 🗌
B. Injury or iline sonably be ex	ess could rea- xpected to be:	No Lost Wo	kdays 🕢 Lost V	Norkdays Or Rest	ricted Duty		Permanently D	Disabling [Fatal
C. Significant a	nd Substantial:	Yes [No 🗸			D.	Number of Per	sons Affected:	001
11. Negligence (ch	neck one)	A. None	B. Low	C. Moderate 🔽	D.	High [E. R	eckless Disrega	ard [
12. Type of Action	104(a)	ACTION ACTIONS	13. Type of Issua	ance (check one)	Citatio	on 🔽 🤇	Order 🗌 S	afeguard 🗍	Written Notice
14. Initial Action A. Citation	B. Order	C. Safeguard	D. Written Notice	E, Citation/ Order Nu	ımber			F. Dated	Mo Da Yr
15. Area or Equipm	nent			·			<u>, wa murusu , y maran</u>		
	······································	14. O. V.	Managara de Caración de Caraci	·				(aces,	A
16. Termination Du	A. Date	Mo Da Yr 04/22/2009	B. Time (24 Hr. Cloc	ck) 080	0				
Section IIITerminati	ion Action								
17. Action to Termi	inate								
18. Terminated A	Mo A. Date	Da Yr B. Tir	ne (24 Hr. Clock)			 			
Section IVAutomate	ed System Data						<u>, e</u>	Day	Financia
19. Type of Inspec	tion	20. Event Numb	per 411000		Primary or N	Viil [· · · · · · · · · · · · · · · · · · ·	
(activity code)	E01		411993 (j [""			[

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 you right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

23. AR Number

Mine Citation/Order Continuation

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

Section I-Subsequent Action/Continuation Data							
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 04/21/2	Yr 009	3. Citation/ Order Number	8082735 - 01		200
4. Served To			5. Operat	or			
Rick Foster, Mine Foreman	PERFO						
6. Mine				7. Mine ID (Contractor			227046
UPPER BIG BRANCH MINE-SO		46-0843	6				
Section IIJustification for Action							97 1

The mandoors have been marked with signs.

Name of the state	//mac	Now and the last the last			Cultural de la constante de la				See Continuation Form
Section IIISubse	quent Action T	aken							
8. Extended To	A. Date M	o Da	Υr	B. Time (24	Hr. Clock)		C. Vacated	D. Terminated	E. Modified
Section IVInspec	ction Data						F-4-1/4		
9. Type of Inspe	ction E01		10. E	vent Number	4119936				
11. Signatui					AR Number	12. Date	Mo Da Yr 04/22/2009	13. Time (24 Hr. Clo 0812	ock)

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

4/22/01

Section IViola	tion Data					
1. Date	Mo Da Yr 04/21/2009	2. Time (24 Hr. Clock) 0907		Angel	3. Citation/ Order Number	8082736
4. Served To Rick Foste	r, Mine Forema	ın	5. Operator PERFORI	MANCE COA	L COMPANY	7
6. Mine UPPER BI	G BRANCH M	MINE-SOUTH	7. Mine ID	46-08436	AVAILABLE AVAILA	(Contractor)
8. Condition of	r Practice		*****			8a. Written Notice (103g)

The operator is failing to comply with page 2 of the Approved Emergency Response Plan on the #4 shelter. The lifeshelter on the #4 section is not provided with a multi gas detector.

		•			See Cont	inuation Form (MSH	A Form 7000-3a)
9. Violation A. Health Safet Othe	y of Act		C. Part/Section Title 30 CF		75.1	502	A Vincent
Section IIInspector's Evalu	ation					0	
10. Gravity:							
A. Injury or Illness (ha	ıs) (is): No Likelit	ood 🗌 Unlikel	/ 🗌 Reasor	nablyLikely 🔽	Highly Llkely	Occui	red 🗌
B. Injury or illness con sonably be expecte	No. Lo.	st Workdays 🗌	Lost Workdays Or F	testricted Duty] Permanen	lly Disabling 📋	Fatal 🗸
C. Significant and Su	bstantial: Ye	s 🗸 No 🗌			D. Number of	Persons Affected:	008
11. Negligence (check or	ne) A. None [B. Low	C. Moderate	D. Hig	ıh 🗌 E	Reckless Disreg	ard 🗌
12. Type of Action 1	04(a)	13. Туре	of Issuance (check or	ie) Citation [✔ Order	Safeguard 🗌	Written Notice 🗌
14. Initial Action A. Citation B. O	rder 🔲 C. Safegu	ard D. Written No	E. Citation	on/ Number		F. Dated	Mo Da Yr
16. Termination Due	Mo Da A. Date 04/21/2	I R Time (24 L	ir. Clock) 1	030	Market Service Control of the Contro	XIII II	
Section III-Termination Act	The second secon	007					ATTENDED TO THE PROPERTY OF TH
17. Action to Terminate							
18. Terminated A. Date	Mo Da Yr	B. Time (24 Hr. Clock)			A CONTRACTOR AND A CONT	
Section IVAutomated Syst	em Data		TO THE RESIDENCE OF THE PARTY O				
19. Type of Inspection (activity code)	E01 20, Even	Number 411	9936	1. Primary or Mill			
22. Signatul				A CONTRACTOR OF THE PROPERTY O	23. AR i	Number	

Mine Citation/Order Continuation

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

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Continuation			WILL OF		166		
Section ISubsequent Action/Continuation Da	la						100027
1. Subsequent Action 1a. Continuation	2. Dated	Mo Da	Yr	3. Citation/	0000726 01		
lacksquare	(Original Issue)	04/21/20	09	Order Number	8082736 - 01		
4. Served To			5. Operato	or			
Rick Foster, Mine Foreman	PERFORMANCE COAL COMPANY						
6. Mine	7. Mine ID (Contractor			(Contractor)			
UPPER BIG BRANCH MINE-		46-0843	6	***************************************			
Section IIJustification for Action							***************************************

The life shelter has been provided with a multi gas detector.

111 112 112 112 112 112 112 112 112 112									See Continuation Form	
Section IIISubsec	uent Action Tel	en								
8. Extended To	A. Date Mo	Da	Yr	B. Time (24 Hr.	Clock)		C. Vacated	✓ D. Terminated	E. Modified	
Section IVInspec	tion Data									
9. Type of Inspec	ction E01		10. E	vent Number	4119936		nganakaninke mat ana ting ng matalo ng ng ng pagang mat anataninan <u>da</u> ng			estatement.
11. Signatur				AR	Number	12. Date	Mo Da Yr 04/22/2009	13. Time (24 Hr. Clo 0808	ock)	

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

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Section IVio	lation Data									
1. Date	Mo Da Yr 04/21/2009	2. Time (24 Hr. Clock) 0954			3. Citation/ Order Number	8082737	!			
4. Served To	9		5. Operator	5. Operator						
Rick Fost	ter, Mine Forema	n	PERFOR	PERFORMANCE COAL COMPANY						
6. Mine UPPER E	BIG BRANCH M	IINE-SOUTH	7. Mine ID 46-08436 (Contr							
8. Condition	or Practice					8a. Written No	lice (103g)			
The	Left side	Joy 10s/c (ET17640)	is not be	ing main	tained in	a safe				

The Left side Joy 10s/c (ET17640) is not being maintained in a safe operating condition. The tram pedal on the inby end is taped in the upright position, which could result in accident activation of the tram function.

The operator removed the shuttle car from service until repairs are made.

										See Co	ilinuation Fo	rm (MSH)	A Form 7000-3	a) []
9. Violation F	A. Health Safety Other		3. Section of Act	11.1.4.0Mmmm	C. Part/Section of Title 30 CFR			75.1725(a)			HIVE BALLETINE	·, <u> </u>		
Section IIInspect	or's Evalua	ation					**************************************	· · · · · · · · · · · · · · · · · · ·					\	***************************************
10. Gravity:														
A. Injury or Ille			No Likeliho	ood 🗌	Unlikely		Reasonab	ly Likely 🔽		Highly Likely		Occur	red 🗌	
B. Injury or ille sonably be			No Los	t Workda	ays 🗌	Lost Work	days Or Res	tricted Duty		Permane	ntiy Disablin	g 🗸	Fatal [
C. Significant	and Sub	stantial:	Yes	V	No 🗌	****				D. Number o	f Persons A	ffected:	002	
11. Negligence (check on	e)	A. None]	B. Low	C. N	loderate 🗸	D.	High		E. Reckless	Disrega	rd 🔲	
12. Type of Actio	on 1()4(a)		WWW	13. Type o	f Issuance	(check one)	Citatio	n 🗸	Order 🗌	Safegua	rd 🗌	Written Not	ice 🗌
14. Initial Action A. Citation	B. Or	der 📋	C. Safegua	ırd []	D. Written Not	ice []	E. Citation/ Order Nu	ımber			F. D	ated	Mo Da	Yr
15. Area or Equip	3	- A.M. (1994)	Mo Da	√ _r 1	MIRAL LANCE TO THE STATE OF THE	······································	ANADOS SANCES							
To, remination	Due	A. Date	04/21/20		B. Time (24 H	r. Clock)	101	5			,			
Section IIITermin	ation Action	on												
17. Action to Ten	minate	Th∈	tape	has	been r	emove	d an th	ne ped	lal :	now fur	nction	s co	rrectl	у.
18. Terminated	A. Date	04/2	a Yr 1/2009	B. Time ((24 Hr. Clock)		1000							
Section IV-Automa	ated Syste	m Data												
19. Type of Inspe (activity code)		E01	20. Event	Number	4119	936	21. F	Primary or M	/ill				· ——	
22. Signature						/				23. AR	Number			

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



Section IVi	iolation Data						
1. Date	Mo Da Yr 04/22/2009	2. Time (24 Hr. Clock) 1018	3. Citation/ Order Number 8082738				
4. Served 7	Го		5. Operator				
Rick Fos	ster, Mine Forema	111	PERFORMANCE COAL COMPANY				
6. Mine UPPER	BIG BRANCH N	MINE-SOUTH	7. Mine ID 46-08436 (Contractor				
8 Conditio	n or Practico		8a Written Notice (103g)				

The operator is failing to maintain properly functional fire valves at 300' intervals along the 1 South belt. The fire valve located at break 18 is rusted so that a fire hose could not screw down on it and the conveyor belt has worn a 1/2" diameter hole in the nipple that would be below where a fire hose would hook up.

										See Cor	ntinuation f	Form (MSH.	A Form 7000-	3a) 🔲
9. Violation	A. Health Safety Other	V	B. Section of Act				Part/Section of Title 30 CFR			75.11	00 - 2(b)			
Section IIInspe	ector's Evalua	ation												
10. Gravity:														
A. Injury or	'Iliness (ha	s) (is):	No Likelihoo	t	Unlikely [Reasonably	Likely 🗸	H	lighly Llkely	' 🔲	Occur	red 🗌	
	illness cou be expected		No Lost	Vorkday	ys 🗌 Lo	st Worl	days Or Restr	cted Duty [Permaner	ntiy Disab	ling 🗸	Fatal _]
C. Signific	ant and Sub	stantial:	Yes	/	No 🗌				D.	. Number o	f Persons	Affected:	001	
11. Negligeno	e (check on	e)	A. None	[B. Low 🗌	C. N	∕loderate 🔽	D. H	ligh 🔲		E. Reckle	ss Disrega	erd 🗌	
12. Type of Ad	ction 1)4(a)			13. Type of Is	ssuance	(check one)	Citation		Order	Safeg	uard 🗌	Written No	tice 🗌
14. Initial Action A. Citation		der [C, Safeguard). Written Notice	∍ [_]	E. Citation/ Order Nur	nber			₽ F.	Dated	Mo Da	Yr
15. Area or Ed	ţuipment													
16. Terminatio	on Due	A. Date	Mo Da Yr 04/22/200	מו	3. Time (24 Hr. (Clock)	1200							
Section IIITen	mination Acti	on												
17. Action to	Ferminate									,				
18. Terminate	A. Date		Da Yr B	. Time (2	24 Hr. Clock)		***************************************				- MANAGEMENT Agency			4
Section IVAut	omated Syste	em Data								C			······································	
19. Type of In (activity co		E01	20. Event N	ımber	41199	936	21. P	rimary or Mi	11					
22. Signature										23. AR	Number			

Mine Citation/Order Continuation

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

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Section I-Subsequent Ad	tion/Continuation Data										
1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)	Mo D 04/22/		3. Citation/ Order Number	8082738 - 01					
4. Served To											
Rick Foster, Mine	Foreman			PERF(PERFORMANCE COAL COMPANY						
6. Mine				7. Mine l	D 46 0042	(Contractor)					
UPPER BIG BRA	NCH MINE-SO	UTH			46-0843						
Section Il-Justification for	Section IIJustification for Action										

The fire valve has been repaired.

get delighted by committee before the secretary the second secretary the second	na nganana na manggana na m		W/-	No.	hardest of the first field and a consequent of the control of the control of the control of the control of the				See Continuation Form
Section IIISubse	quent Action Take	n							
8. Extended To	A. Date Mo	Da	Υr	B. Time (24	Hr. Clock)	An extended and the second of	C. Vacated	✓ D. Terminated	E. Modified
Section IVInspec	tion Data	(Inches (ANN	A processor of the grant of the	O.C. Control of the C		AND WANTED THE BUILDING THE PARTY OF THE PAR	evital esta illinoida esta esta esta esta esta esta esta est	terans a separage 25 % V = 1 (and a many treatment of management (see 111 a x x 10 a x	
9. Type of Inspe	ction E01		10. Ev	ent Number	4119936				
11. Signatu	- PA-111				AR Number	12. Date	Mo Da Yr 04/28/2009	13. Time (24 Hr. Clo	ock)

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

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Section IV	iolation Data			2 3000 3000					
1. Date	Mo Da Yr 04/22/2009	2. Time (24 Hr. Clock) 1030	3. Citation/ Order Number 808273	39					
4. Served	То	200. 200. 200.	5. Operator	Tarana					
Rick Fos	ster, Mine Forema	ın	PERFORMANCE COAL COMPANY						
6. Mine UPPER	BIG BRANCH N	IINE-SOUTH	7. Mine ID 46-08436	(Contractor)					
8. Conditio	n or Practice		8a. Written	Notice (103g)					
The	operator i	s failing to maint	ain the #1 South conveyor belt free	of					

The operator is failing to maintain the #1 South conveyor belt free of combustible materials. The belt has accumulations of coal, float coal, and float coal dust built up to the bottom rollers in numerous locations along the length of the belt. Along the walkway side of the belt alternating layers of coal and rock dust has built up over 10" deep for the length of the belt. Float coal dust is built up from rib to rib along the entire belt and in the adjacent cross cuts.

						See Con	tinuation Form (MSH	A Form 7000-3a)
	. Heaith ☐ Safety ✔ Other ☐	B. Section of Act		C. Part/Section of Title 30 CFR		75.	400	
Section IIInspector	r's Evaluation				·			
10. Gravity:								
A. Injury or Illn	ess (has) (is):	No Likelihood	Unlikely 🗌	Reasonably	Likely 🗸	Highly Likely	Occur	теd 🗌
B. Injury or ilin sonably be e	ess could rea- expected to be:	No Lost Work	days 🗌 Lost \	Workdays Or Restri	cted Duty 🗌	Permanen	itly Disabling 🔽	Fatal 🗌
C, Significant	and Substantial:	Yes 🗸	No 🗌		- Clari	D. Number of	Persons Affected:	001
11. Negligence (c	heck one)	A. None	B. Low	C. Moderate 🔽	D. High		E. Reckless Disrega	ard 🗌
12. Type of Action	104(a)		13. Type of Issu	ance (check one)	Citation 🗸	Order 🗌	Safeguard 📋	Written Notice
14. Initial Action A. Citation	B. Order	C. Safeguard	D. Written Notice	E. Citation/ Order Num	iber		F. Dated	Mo Da Yr
15. Area or Equip				······································			AND THE RESIDENCE AND THE RESI	8 T
16. Termination D	lue A. Date	Mo Da Yr 04/27/2009	B. Time (24 Hr. Cloc	ok) 0800				
Section IIITermina	tion Action							
17. Action to Term	ninate							
18. Terminated	A. Date Mo	Da Yr B. Time	e (24 Hr. Clock)					
Section IVAutomat	ted System Data	, <u> </u>	The state of the s			,	and the second	Concession
19. Type of Inspectation (activity code)		20. Event Numbe	411993	5 21. Pr	imary or Mill			
22. Signature	2000	All and the second seco				23. AR	Number	

Mine Citation/Order Continuation

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

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Section I-Subsequent Action/Continuation Data							
1. Subsequent Action 1a. Continuation	Dated (Original Issue)	Mo Da 04/22/20	Yr 009	3. Citation/ Order Number	8082739 - 01		
4. Served To			5. Operat				
Rick Foster, Mine Foreman	2		PERFO	RMANCE CO	AL COMPANY		
6. Mine			7. Mine IE	16.0042		(Contractor)	
UPPER BIG BRANCH MINE-SO	UTH			46-0843	D		
Section IIJustification for Action	Terror and the second s				American Michigan Company		

Work is being performed but additional time is needed.

									See Continuation Form
Section III-Subse	quent Actio	n Taken							
8. Extended To	A. Date	Mo Da 05/08/	Yr '2009	B. Time (24	Hr. Clock)	0800	C. Vacate	d D. Terminated	E. Modified
Section IVInspec	tion Data								
9. Type of Inspe	ction E	01	10. Ev	ent Number	4119936				
11. Signatur		- 14000000000000000000000000000000000000	1		AR Number	12. Date	Mo Da Yr 04/28/200	13. Time (24 Hr. Clo	ock)

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

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Continuation		Mine Safety and Health Administration						
Section ISubsequer	t Action/Continuation Data						Total Artist	
1. Subsequent Acti ✓	on 1a. Continuation	2. Dated (Original Issue)	Mo Da 04/22/2	Yr 009	3. Citation/ Order Number 8082739	9 - 02		
4. Served To				5. Opera				
Rick Foster, M	ine Foreman			PERF(DRMANCE COAL COMP	ANY		
6. Mine				7. Mine I	00426	(Contractor)		
UPPER BIG B	RANCH MINE-SO	UTH			46-08436	MINISTER PROPERTY AND ADMINISTRATION OF THE PROPERT		
Section IIJustification	n for Action							

The belt has been cleaned and dusted.

Section IIISubse	guent Action Tak	en	NEW KARANTAN					See Continuation Form
8. Extended To	A. Date	Da	Yr	B. Time (24 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IVInspec								
9. Type of Inspe	ction E01		10. E	vent Number 4119936				
11. Signatu				AR Number	12. Date	Mo Da Yr 05/06/2009	13. Time (24 Hr. Clor 1100	ck)

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

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Section IVi	olation Data			
1. Date	Mo Da Yr 04/23/2009	2. Time (24 Hr. Clock) 0950	3. Citation/ Order Number	8082740
4. Served T Andy Co	o alson, Mine Fore	eman	5. Operator PERFORMANCE COAL COMPANY	Z.
6. Mine UPPER	BIG BRANCH N	MINE-SOUTH	7. Mine ID 46-08436	(Contractor)
8 Condition	or Practice			8a Written Notice (103a)

The operator is failing to properly support the mine roof in areas where miners work or travel, at brk 41 on North Mains in the cross cut between the track and intake split. This crosscut has an airlock door at each end of the break. The mine roof has fell from around the roof bolts from the out by rib over to the second row of bolts, 1-2' thick for the length of the crosscut.

						See Contin	nuation Form (MSH.	A Form 7000-3a)
9. Violation A. Heal Safe Ott	ety 🔽	B. Section of Act		C. Part/Section of Title 30 CFR		75,20	2(a)	
Section IIInspector's Eva	luation							
10. Gravity:								
A. Injury or Illness (1	nas) (is):	No Likelihood	Unlikely 🗌	Reasonably	Likely 🔽	Highly Likely	Occur	red 🗌
B. Injury or illness co sonably be expec		No Lost Work	days 🗌 Lost \	Norkdays Or Restric	cted Duty 🗌	Permanenth	y Disabling 🔽	Fatal 🗌
C. Significant and S	ubstantial:	Yes 🗸	No 🗌			D. Number of P	Persons Affected:	001
11. Negligence (check	one)	A. None	B. Low 🗸	C. Moderate	D. High	E.	Reckless Disrega	ard 🗌 '
12. Type of Action	104(a)		13. Type of Issu	ance (check one)	Citation 🗸	Order	Safeguard	Written Notice
14. Initial Action A. Citation B. C	Order [C. Safeguard	D. Written Notice	E. Citation/ Order Num	ber		F. Dated	Mo Da Yr
15. Area or Equipment								
16. Termination Due	A. Date	Mo Da Yr 04/27/2009	B. Time (24 Hr. Cloo	×) 0800				
Section IIITermination A	ction							
17. Action to Terminate								
18. Terminated A. Da	te Mol	Da Yr B. Time	e (24 Hr. Clock)					
Section IVAutomated Sy	stem Data							**
19. Type of Inspection (activity code)	E01	20. Event Number	411993	5 21. Pri	mary or Mill			
22. Signature						23. AR N	lumber	

Mine Citation/Order Continuation

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

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1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 04/23/20		3. Citation/ Order Number	8082740 - 01	
4. Served To			5. Operate			
Andy Coalson, Mine Foreman			PERFO	RMANCE CO	AL COMPANY	
^{5.} Mine UPPER BIG BRANCH MINE-S	7. Mine ID	46-0843	6	(Contractor)		

The bad top has been supported by jacks and cribs on each end of the crosscut.

Section IIISubsequent Action Taken						See Continuation Form
	Yr B. Time (24	1 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IVInspection Data	LO E A Marie					
9. Type of Inspection E01	10: Event Number	4119936				
11. Signatur		AR Number	12. Date	Mo Da Yr 04/30/2009	13. Time (24 Hr. Cloo 0930	k)

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

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			white Safety and Health Administration							
Section IVi	olation Data						THE CONTRACTOR OF THE CONTRACT			
1. Date	Mo Da Yr 04/28/2009	2. Time (24 Hr. Clock) 1105			3. Citation/ Order Number	8082741				
4. Served T	Го		5. Operator	5. Operator						
Gary Ma	ay, Mine Foreman	l	PERFORM	PERFORMANCE COAL COMPANY						
6. Mine UPPER	BIG BRANCH M	IINE-SOUTH	7. Mine ID	46-08436		(Contracto	or)			
8. Condition	n or Practice					8a, Written Notice (103g)				
The	operator i	s failing to mainta	in Seal #32	(set 1)	in condi	tion to serve				

The operator is failing to maintain Seal #32 (set 1) in condition to serve the purpose for which it was built. 2 of the 6 water traps were empty and allowing the mine atmospheres on either side of the seal to flow freely back and forth.

									See Co	ontinuation For	m (MSHA	N Form 7000-3a)
9. Violation	A. Health Safety Other	√	B. Section of Act				rt/Section of e 30 CFR		75.	333(h)		
Section IIInspe	ector's Evalu	ation										
10. Gravity:					_	_						_
A. Injury or			No Likeliho	od 🗌	بر Unlikely	<u>*</u>]	Reasonably	Likely	Highly Like	ly 🗌	Occurr	ed 📗
B. Injury or sonably	illness cou be expecte		No Los	Workday	/s Los	st Workda	ys Or Restr	cted Duty 🗌	Perman	ently Disablin	g 🔽	Fatal 🗌
C. Significa	ant and Sub	ostantial:	Yes		No 🗸				D. Number	of Persons A	ffected:	001
11. Negligence	e (check on	e)	A. None	E	3. Low 🗸	C. Mod	derate 🗌	D. High		E. Reckless	Disrega	rd 🗌
12. Type of Ac	tion 1	04(a)			13. Type of Is	suance (c	heck one)	Citation 🗸	Order 🗌	Safeguar	d 🗌	Written Notice
14. Initial Action A. Citation	on B. Or	der 🗌	C. Safegua	rd 🔲 D	. Written Notice		E. Citation/ Order Nur	nber		F. D	ated	Mo Da Yr
15. Area or Eq	шртоп											<u>-</u>
16. Terminatio	n Due	A. Date	Mo Da `` 04/28/20	. 15	. Time (24 Hr. C	lock)	1230					
Section IIITerri	nination Acti	on								24444		
17. Action to T	erminate	T	ne wat	er tr	aps have	beei	n fill	ed with	water.			
18. Terminated	A. Date		0a Yr 8/2009	B. Time (2	24 Hr. Clock)	11	08					
Section IVAuto	mated Syste	em Data										
19. Type of Ins (activity co		E01	20. Event	Number	41199	36	21. Pi	imary or Mill				
22. Signature									23. A	R Number		

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22. Signature

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wille Citation/Order	Mine Safety and Health Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 04/28/2009 1155	3. Citation/ Order Number 8082742
4. Served To Gary May, Mine Foreman	5. Operator PERFORMANCE COAL COMPANY
6. Mine	7.15-15
UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)
8. Condition or Practice	8a. Written Notice (103g)
The operator is failing to properly	store compressed gas cylinders on the
surface. At the compressed gas storage	area, next to the main office, 3 full ng stored without being secured against
	See Conlinuation Form (MSHA Form 7000-3a)
	Part/Section of Title 30 CFR 77.208(e)
Section IIInspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred
B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays	kdays Or Restricted Duty 🗌 Permanently Disabling 🗹 Fatal 🗌
C. Significant and Substantial: Yes ✓ No □	D. Number of Persons Affected: 001
11. Negligence (check one) A. None B. Low C. M.	Moderate ☑ D. High ☐ E. Reckless Disregard ☐
12. Type of Action 104(a) 13. Type of Issuance	e (check one) Citation 🗹 Order 🗌 Safeguard 🗌 Written Notice 🗌
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)	1200
Section IIITermination Action	
17. Action to Terminate The cylinders have been	secured against falling.
04/28/2009	1205
Section IVAutomated System Data	
19. Type of Inspection (activity code) E01 20. Event Number 4119936	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

Mine Citation/Order Continuation

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



		Timo Garaty dria Froducti Flaminioti action	
Section I-Subsequent Action/Continual	lion Data		
1. Subsequent Action 1a. Continua	ation 2. Dated (Original Issue)	Mo Da Yr 3. Citation/ 04/28/2009 Order Number 8082742 - 01	SOCK OF COMPANY AND SOCKED
4. Served To		5. Operator	
Gary May, Mine Foreman		PERFORMANCE COAL COMPANY	
6. Mine		7. Mine ID (Contractor)	
UPPER BIG BRANCH MI	NE-SOUTH	46-08436	
Section I!Justification for Action			
Change	From	To	
9. C. Part/Section	77.208(e)	77.208(d)	
Reason inadvertently cited	wrong section of law.		

				,				-	See Continuation Form	
Section IIISubse	quent Action Take	n								
8. Extended To	A. Date Mo	Da	Yr	B. Time (24	Hr. Clock)		C. Vacated	☐ D. Terminated	☑ E. Modified	
Section IVInspec	tion Data									
9. Type of Inspe	ction E01		10. E	vent Number	4119936					
11. Signal					AR Number	12. Date	Mo Da Yr 04/28/2009	13. Time (24 Hr. Clo	ock)	

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Section IViolat	tion Data		The second second								·		-
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 04/28/2009 1200									3. Cita Ord	tion/ er Number	80827	43	
4. Served To					,		5. Operator						
Gary May,	Mine Fo	oreman					PERFOR	MANCE	COAL CO	MPANY	₹		
6. Mine							7. Mine ID	46-08	R436				
UPPER BI		NCH M	INE-SOU	<u>ЛТН</u>	<u>.,, , , , , , , , , , , , , , , , , , ,</u>		u				A 14411	(Contracto	<u>,t)</u>
8. Condition of					L	1						Notice (103g)	
	perat				ty compre							+b	
valve s			Arruge	er su	ored on t	ne s	urrace	MTTII	out pro	_ectiv	e caps	over un	е
vaive s	stems.												
									0-	. 00	· E- ·· 01011	IS C 7000 0 . \	
9, Violation	A. Healti		B. Section			T C B	art/Section of		58	Continuation	on Form (IVISH	IA Form 7000-3a)	Щ
S. Violation	Safet Othe	y 🔽	of Act				tle 30 CFR			77.208(e))		
Section IIInspe	<u> </u>												
10. Gravity: A. Injury or	r Illness (ha	as) (is):	No Likelih	ood 🗸	Unlikely]	Reasonably	Likely []	Highly L	ikely 🗌	Occur	rred 🗌	
B. Injury or	r illness co	uld rea-	Nels	at 18taulesi		t 18da ulcal		atad Dute			abla a 🗀		
sonably	be expecte	ed to be:	No co:	st Workd	ays 🛂 Los	it VVOI KO	ays Or Restri	cled Duly		anently Dis		Fatal 🗌	
C. Significa	ant and Su	bstantial:	Ye.	s 🗌	No 🗸				D. Numt	er of Perso	ons Affected:	001	
11. Negligeno	e (check o	ne)	A. None]	B. Low	C. Mo	oderate 🗸	D. I-	ligh 🗌	E. Rec	kless Disreg	ard 🗌	
12. Type of Ad	ction]	04(a)			13. Type of Iss	suance (check one)	Citation	Order	Saf	eguard 🗌	Written Notice	
14. Initial Action A. Citation		rder 🗍	C. Safegu	ard 🔲	D. Written Notice		E. Citation/ Order Nun	nber			F. Dated	Mo Da Yr	
15. Area or Ed		<u> </u>											
	1							·					
16. Termination	on Due	A. Date	Mo Da 04/29/2	1	B. Time (24 Hr. C	lock)	0800						
Section IIITen	mination Ac	tion											
17. Action to	Terminate												
18. Terminate	d , p.,	Mo	Da Yr	n Time	(0411- Ol14)			· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	···	, ** **********************************		
	A. Date			D. THIE	(24 Hr. Clock)					·			
Section IVAut		tem Data		i									
19. Type of In (activity co		E01	20. Event	Number	41199:	36	21. Pr	imary or M					
22. Signature									23	. AR Numb	er E		

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

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Continuation		. ,	`\ <u>//</u>					
Section ISubsequent Ac	tion/Continuation Data	490						
1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)	Mo E 04/28	a Yr 2009	3. Citation/ Order Number	8082743 - 01		
4. Served To				5, Opera	tor			
Gary May, Mine	Foreman_			PERF(DRMANCE CO	AL COMPANY		
6. Mine				7. Mine I	D 46 0040	<i>p</i> *	(Contractor)	
UPPER BIG BRA	NCH MINE-SO	UTH			46-0843	6		
Section IIJustification fo	r Action							

Caps have been put over the valve stems.

		······································	ana falligie <u>s s</u> uancea a se			- AH (1991)			See Continuation Form
Section IIISubse	quent Action Take	n							
8. Extended To	A. Date Mo	Da	Υr	B. Time (24	Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IV-Inspec	ction Data							0-10 20	
9. Type of Inspe	ction E01		10. E	ent Number	4119936) (1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1	- September - Sept	A STATE OF THE STA	
11. Signate	MACONICIONI DE LA COMPANIO DEL COMPANIO DEL COMPANIO DE LA COMPANIO DEL COMPANIO DE LA COMPANIO DEL COMPANIO DE LA COMPANIO DEL COMPANIO DEL COMPANIO DE LA COMPANIO DEL COMPANION DEL COMPANION DEL COMPANIO DEL COMPANIO DEL COMPANIO DEL COMPANION DEL COMPANION DEL COMPANIO DEL COMPANIO DEL COMPANIO DEL COMPANION DEL COMPANION DEL COMPANIO DEL COMPANION DEL COMPANIO DEL COMPANIO DEL COMPANIO DEL COMPANION DEL C		<u> </u>		AR Number	12. Date	Mo Da Yr 04/29/2009	13. Time (24 Hr. Cla 0815	ock)

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



Section IVi	iolation Data					
1. Date	Mo Da Yr 04/29/2009	2. Time (24 Hr. Clock) 1010			3. Citation/ Order Number	8082744
4. Served Gary Ma	ro ny, Mine Foreman		5. Operator PERFORI	MANCE COA	L COMPANY	7
6. Mine UPPER	BIG BRANCH M	IINE-SOUTH	7. Mine ID	46-08436		(Contractor)
8. Conditio	n or Practice					8a. Written Notice (103g)

The operator is failing to maintain the #1 section #2 belt running correctly aligned and keeping the belt from rubbing against the structure. Outby break 48, the bottom belt is running off and has cut an 1 1/4" groove into the belt stand.

					See Continuati	on Form (MSH/	A Form 7000-3a)
9. Violation A. Health ☐ Safety ✓ Other ☐	B. Section of Act	С	. Part/Section of Title 30 CFR		75.1731(b)	
Section IIInspector's Evaluation	1						
10. Gravity: A. Injury or Illness (has) (i	s): No Likelihood [Unlikely	Reasonably I	ikely 🔽	Highly Likely	Occur	red 🗌
 B. Injury or illness could re sonably be expected to 		ys Lost Wo	rkdays Or Restric	ted Duty 🗌	Permanently Di	sabling 🗸	Fatal 🗍
C. Significant and Substa	ntial: Yes 🗹	No 🗌			D. Number of Pers	ons Affected:	003
11. Negligence (check one)	A. None	B. Low C.	Moderate 🗸	D. High	☐ E. Re	ckless Disrega	ard []
12. Type of Action 104(a)	13. Type of Issuance	ce (check one)	Citation 🗸	Order 🔲 Sa	feguard 🗌	Written Notice
14. Initial Action A. Citation B. Order	C. Safeguard [D. Written Notice	E. Citation/ Order Num	per		F. Dated	Mo Da Yr
15. Area or Equipment 16. Termination Due	Mo Da Yr						
	Date 04/29/2009	3. Time (24 Hr. Clock)	1030				
Section IIITermination Action							
17. Action to Terminate	The belt has	been traine	ed and is	not ru	bbing the	struct	ure.
18. Terminated A. Date	Mo Da Yr 04/29/2009 B. Time (24 Hr. Clock)	1015				
Section IV-Automated System I	Data						
19. Type of Inspection (activity code)	20. Event Number	4119936	21. Prir	nary or Mill			
22. Signatu					23. AR Num	ber	

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



Section IViolation Data	Time during and Cloudy Administration
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 04/29/2009 1025	3. Citation/ Order Number 8082745
4. Served To Gary May, Mine Foreman	5. Operator PERFORMANCE COAL COMPANY
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)
8. Condition or Practice	8a. Written Notice (103g)

The operator is failing to provide readily functional fire valves at 300' intervals along the #2 belt on the #1 section. The fire valve located at break 72 has adapters on it to accommodate a wash down hose that would prevent the fire hose from being hooked up.

This is the fifth time a fire valve has been cited since 1/1/2009.

						See Cont	inuation Form (MSH	IA Form 7000-3a)
	lth ☐ ety ☑ her ☐	B. Section of Act		C. Part/Section o Title 30 CFR	f	75,110	00-2(b)	
Section IIInspector's Ev	aluation							
10. Gravity:								
A. Injury or Illness (has) (is):	No Likelihood	Unlikely [Reasonabl	y Likely 🗸	Highly Likely	Occur	rred 🗌
B. Injury or illness of sonably be expect		No Lost Work	days 🗌 Lost \	Workdays Or Rest	ricted Duty 🗌	Permanen	tly Disabling 🔽	Fatal 🗌
C. Significant and S	Substantial;	Yes 🗸	No 🗌			D. Number of	Persons Affected:	003
11. Negligence (check	onė)	A. None	B. Low	C. 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.	Order 🔲	C. Safeguard	D. Written Notice	E. Citation/ Order Nu	mber		F. Dated	Mo Da Yr
15. Area or Equipment		Mo Da Yr						
16. Termination Due	A. Date	04/29/2009	B. Time (24 Hr. Cloc	k) 1045	5			
Section IIITermination A	ction							
17. Action to Terminate accomadate	- 4.3	ne fitting e hose.	s have bee	n removed	l and th	e fire v	alve will	now
18. Terminated A. Da	fa	Da Yr 9/2009 B. Time	(24 Hr. Clock)	1028				
Section IVAutomated S	stem Data							
19. Type of Inspection (activity code)	E01	20. Event Number	4119930	5 21. P	rimary or Mill			
22. Signature						23. AR	Number	

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



			Mille Salety and ne	eann Aumminstration	1 1/
Section IVi	olation Data				
1. Date	Mo Da Yr 04/29/2009	2. Time (24 Hr. Clock) 1028		3. Citation/ Order Number	8082746
4. Served T Gary Ma	o ny, Mine Foremar	1	5. Operator PERFORMANCE	COAL COMPAN	Y
6. Mine UPPER	BIG BRANCH N	MINE-SOUTH_	7. Mine ID 46-08	436	(Contractor)
8. Condition	n or Practice				8a. Written Notice (103g)

The operator is failing maintain mandoors closed when not in use on the #1 section. The mandoor at break 72 has a waterline passed through it preventing the door from closing.

·				See Con	tinuation Form (MS)	łA Form 7000-3a)
9. Violation A. Health B. Section of Act Other		C. Part/Section of Title 30 CFR		75.33	3(c)(3)	
Section IIInspector's Evaluation						
10. Gravity:						
A. Injury or Illness (has) (is): No Likelihood	Unlikely 🗸	Reasonably	_ikely 🔲	Highly Likely	Occu	rred 🗌
B. Injury or illness could reasonably be expected to be: No Lost W	orkdays 🗹 Lost	Workdays Or Restric	ted Duty 🔲	Permaner	ntly 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 Disreg	ard 🗌
12. Type of Action 104(a)	13. Type of Issu	ance (check one)	Citation 🗸	Order 🗌	Safeguard	Written Notice
14. Initial Action A. Citation B. Order C. Safeguard [D. Written Notice	E. Citation/ Order Num	per		F. Dated	Mo Da Yr
15. Area or Equipment						
16. Termination Due A. Date Mo Da Yr 04/29/2009	B. Time (24 Hr. Clos	ck) 1048				
Section IIITermination Action						
17. Action to Terminate The door h	as been clos	ed.				
18. Terminated A. Date Mo Da Yr 04/29/2009 B. 1	ime (24 Hr. Clock)	1030				
Section IV-Automated System Data						
19. Type of Inspection (activity code) E01 20. Event Num	hber 411993	6 21. Pri	nary or Mill			
22. Signatur				23. AR	Number	

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



Section IVi	iolation Data			<u> </u>
1. Date	Mo Da Yr 04/29/2009	2. Tíme (24 Hr. Clock) 1205	3. Citation/ Order Number 8082	747
4. Served 7			5. Operator	
Gary Ma	ay, Mine Foremai	ı	PERFORMANCE COAL COMPANY	
6. Mine		The state of the s	7. Mine ID 46-08436	10.000
UPPER	BIG BRANCH N	MINE-SOUTH	40-00430	(Contractor)
8 Condition	n or Practice		8a Writt	en Notice (103a)

The operator is failing to provide readily functional fire valves at 300' intervals along the #6-6' belt. The fire valve located at break 109 has a miner waterline hooked to it that would prevent the fire hose from being hooked up.

This is the sixth time a fire valve has been cited since 1/1/2009.

							See Con	inuation Form (MS	SHA Form 7000-3a)
9. Violation A. Health Safety Othe	/ V	B. Section of Act			Part/Section o Title 30 CFR	f	75.110	00-2(b)	
Section ItInspector's Evalu	ation								
10. Gravity:									
A. Injury or Illness (ha	s) (is).	No Likelihood	l 🗍 Uni	ikely 🗌	Reasonabl	y Likely 🔽	Highly Llkely	O00	urred 🗌
 B. Injury or illness cou sonably be expected 		No Lost \	Vorkdays 🗌	Lost Worl	kdays Or Resti	ricted Duty 🔲	Permanen	tly Disabling 🔽	Fatal 🗌
C. Significant and Sul	ostantial:	Yes [No 🗌				D. Number of	Persons Affecte	d: 003
11. Negligence (check or	ie)	A. None	B. Low [C. N	Moderate 🗸	D. High	1 🗌 E	. Reckless Disre	gard 🗌
12. Type of Action 1	04(a)		13. Ty	pe of Issuance	(check one)	Citation 🗸	Order	Safeguard [Written Notice
14. Initial Action A. Citation B. Or	der 🗌	C. Safeguard	D. Writter	Notice [E. Citation/ Order Nu	mber		F. Dated	Mo Da Yr
15. Area or Equipment									
16. Termination Due	A. Date	Mo Da Yr 04/29/200	9 B. Time (2	24 Hr. Clock)	1215	5			
Section IIITermination Acti	on								
17. Action to Terminate	Th	e mine	r waterl	ine has	been r	removed	and the	fire val	ve will
now accommod	ate a	fire	hose.						
18. Terminated A. Date		9/2009 B	Time (24 Hr. Cl	ock)	1210				
Section IVAutomated System	em Dala								
19. Type of Inspection (activity code)	E01	20. Event No	ımber 4	119936	21. P	rimary or Mill			
22. Signatu							23. AR	Number	

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

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Section IVi	iolation Data	nenthylminen siderigenmann Africanian and Harman and Ha	
1. Date	Mo Da Yr 04/29/2009	2. Time (24 Hr. Clock) 1300	3. Citation/ Order Number 8082748
4. Served 7	Го		5. Operator
Gary Ma	ay, Mine Foremar	1	PERFORMANCE COAL COMPANY
6. Mine	BIG BRANCH N		7. Mine ID 46-08436 (Contractor)
	n or Propting		So Miritan Nation (402d)

The operator is failing to maintain the #4 6' belt free of accumulations of combustible materials. Coal float dust has accumulated on, under and around the belt from the tailpiece to the #27 break including the crosscuts. Also coal, float coal and float coal dust has accumulated under and up to the bottom rollers, and float coal dust has accumulated from the remote belt drive to the discharge roller.

									See Co	ntinuation Form (M	SHA Form 7000-3a)
9. Violation	A. Health Safety Other		B. Section of Act			C. Part/Section Title 30 CF			75	.400	
Section IIInspe	ector's Evalua	tion									
10. Gravity:				. = .						<u>1</u>	
	Illness (has		No Likelih	ooa ∐	Unlikely	Reaso	nabiy L	kely 🔽	Highly Likel	/ <u> </u>	curred
	illness coul be expected		No Los	t Workd	ays Lost	Workdays Or F	Restrict	ed Duty 🗌	Permane	ntly Disabling 🔽	Fatal 🗌
C. Significa	ant and Subs	stantial:	Yes	· 🗸	No 🗌				D. Number o	f Persons Affecte	ed: 001
11. Negligence	e (check one)	A. None]	B. Low	C. Moderate	V	D. High		E. Reckless Disr	egard 🗌
12, Type of Ad	ition 10	4(a)			13. Type of Issu	ance (check or	ne)	Citation 🗸	Order 🗌	Safeguard _	Written Notice
14. Initial Action A. Citation	•••	ler 🗌	C. Safegua	ard 🗌	D. Written Notice	E. Citati Ordei	on/ r Numb	er		F. Dated	Mo Da Yr
15. Area or Ed							·				
16. Terminatio	n Due	A, Date	Mo Da 05/01/20		B. Time (24 Hr. Clo	ck) ()	800				
Section IIITerm	nination Actio	n									
17. Action to T	Terminate						<u>-</u>				
18. Terminate	A. Date	Мо	Da Yr	B. Time	(24 Hr. Clock)						
Section IV-Auto	omated Syste	m Data									
19. Type of Ins (activity co		E01	20. Event	Number	411993	6	1. Prim	ary or Mill			
22. Signatu									23. AR	Number	

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

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Continuation		22	Mine Sa		N//		
Section I-Subsequent Action/Continuation Data							
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 04/29/20	Yr 009	3. Citation/ Order Number	8082748 - 01		
4. Served To		· · · · · · · · · · · · · · · · · · ·	5. Operator				
Gary May, Mine Foreman	PERFORMANCE COAL COMPANY						
6, Mine	7. Mine IE	7. Mine ID		(Contractor)			
UPPER BIG BRANCH MINE-SO	1	46-0843	6				
Section IIJustification for Action							

The belt has been cleaned, but due to mechanical failure has not been dusted yet. Additional time is needed.

Section IIISubsec	quent Ac	lion Taker	i								See Continuation Form	
	NAME OF TAXABLE PARTY.	Carrow Constitution of Constit		r)9 B. Ti	me (24 F	lr. Clock)	0800	C. Vacate	ed []	D. Terminated	E. Modified	
Section IVInspect 9. Type of Inspe	HURANICO NO CONTRACTOR	a E01	[10	. Event N	umber	4119936						
11. Signalu	<u> </u>	<u></u>				AR Number	12. Date	Mo Da Yr 05/07/200		. Time (24 Hr. Clo 1415	ock)	

Mine Citation/Order U.S. Department of Labor Continuation Mine Safety and Health Administration Section I--Subsequent Action/Continuation Data 1. Subsequent Action 1a. Continuation 2. Dated Da Yr 3. Citation/ Мо 8082748 - 02 Order Number V (Original Issue) 04/29/2009 4. Served To 5. Operator PERFORMANCE COAL COMPANY Gary May, Mine Foreman 6. Mine 7. Mine ID (Contractor) 46-08436 **UPPER BIG BRANCH MINE-SOUTH**

The belt has been cleaned and dusted.

Section II--Justification for Action

Section IIISubse	quent Action Tal	(en							See Continuation Form
8. Extended To			Yr	B. Time (24	Hr. Clock)		C. Vacated	D. Terminated	E. Modified
posturative de la constantina del constantina del constantina de la constantina de l	Section IVInspection Data								
9. Type of Inspe	ction E01		10. E	vent Number	4119936				
11. Signature					AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ock)
							05/13/2009	0915	- CAMPANIA

2. Signature

U.S. Department of Labor

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Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 04/30/2009 1015	3. Citation/ Order Number 8082749
4. Served To	5. Operator
Gary May, Mine Foreman	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID 46-08436
UPPER BIG BRANCH MINE-SOUTH 8. Condition or Practice	(Contractor) 8a, Written Notice (103g)
	l electrical devices are protected by an
inline fuse or a circuit breaker to pr	rovide protection against short circuit use at the #1 section 4 belt drive set up
	•
·	See Continuation Form (MSHA Form 7000-3a)
	Part/Section of Title 30 CFR 75.518
Section IIInspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Unlikely	Reasonably Likely Highly Likely Occurred
B. Injury or illness could 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 Issuance	e (check one) Citation 🗹 Order 🗌 Safeguard 🗌 Written Notice 🗌
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)	1100
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 4119936	21. Primary or Mill

In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration as established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal gency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the nforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 rd 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, reluding the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

23. AR Number

Mine Citation/Order Continuation

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

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Section ISubsequent Action/Continuation Date	a								
Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo 04/3	Da 30/20	• • •	3. Citation/ Order Number	8082749 - 01			
4. Served To					5. Operator				
Gary May, Mine Foreman					PERFORMANCE COAL COMPANY				
6. Mine					7. Mine ID (Contract				
UPPER BIG BRANCH MINE-SOUTH					46-0843	6			
Section ItJustification for Action									

The bonder has been provided with a in-line fuse.

Section IIISubseq	went Action Take	ri.						See Continuation Form
8. Extended To		Da	Yr	B. Time (24 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IVInspect 9. Type of Inspec	Contract to the contract of th		10. E\	vent Number 4119936				
11. Signatu				AR Number	12. Date	Mo Da Yr 05/05/2009	13. Time (24 Hr. Clo	ock)

.vline Citation/Order

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

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Section IVi	olation Data					The state of the s				
1. Date	Mo Da Yr 04/30/2009	2. Time (24 Hr. Clock) 1030		Citation/ Order Number	8082750					
4. Served To			5. Operator	5. Operator						
Gary May, Mine Foreman			PERFORMANCE COA	L COMPANY	-					
6. Mine UPPER BIG BRANCH MINE-SOUTH			7. Mine ID 46-08436			(Contractor)				
O Onnatha	Decalica				Qa Meittan Matt	on (402m)				

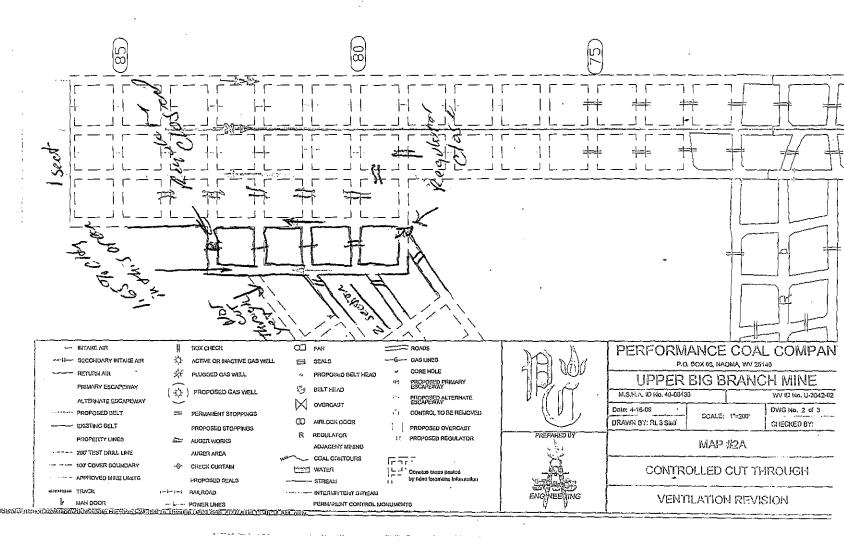
The operator is failing to take actions to prevent the accumulation of methane gas on the #1 section. At the area off #1 section intake where #2 section is cutting in, the operator failed to comply with an approved revision to the mine ventilation plan (separate citation issued) which allowed 1.65% methane to accumulate in the area.

	·		See Continuation Form (MS	HA Form 7000-3a)				
9. Violation A. Health ☐ B. Sec Safety ✓ of A		C. Part/Section of Title 30 CFR	75.323(b)(1)					
Section IIInspector's Evaluation								
10. Gravity:								
A. Injury or Illness (has) (is): No L	_ikelihood	Reasonably Likely 🗸	Highly Likely 🗍 Occi	urred 🗌				
B. Injury or illness could reasonably be expected to be:	lo Lost Workdays 🗌 💮 Lost W	Vorkdays Or Restricted Duty	Permanently Disabling 🔽	Fatal 🗌				
C. Significant and Substantial:	Yes 🗹 No 🗌		D. Number of Persons Affected	d: 002				
11. Negligence (check one) A. No	one B. Low C	C. Moderate 🔽 D. High [E. Reckless Disre	gard 🗌				
12. Type of Action 104(a)	13. Type of Issua	nce (check one) Citation 🗸	Order Safeguard	Written Notice				
14. Initial Action A. Citation B. Order C. Sa	afeguard D. Written Notice	E. Citation/ Order Number	F. Dated	Mo Da Yr				
15. Area or Equipment								
To:	Da Yr 30/2009 B. Time (24 Hr. Clock	3) 1100						
Section IIITermination Action			"1					
17. Action to Terminate The au	rea has been prope	erly ventilated an	nd the gas remov	ved from				
the area.								
18, Terminated A. Date 6 Mo Da Y. 04/30/20	LB Time (24 Hr Clock)	1110						
Section IVAutomated System Data								
19. Type of Inspection (activity code) E01	Event Number 4119936	21. Primary or Mill						
22. Signature			23. AR Number					

ascoundost

NOTE

CONTROLS WILL BE INSTALLED IN THIS AREA PRIOR TO CUT THROUGH. AREA WILL BE VENTILATED UNTIL IMMEDIATELY PRIOR TO CUT THROUGH



./line Citation/Order

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



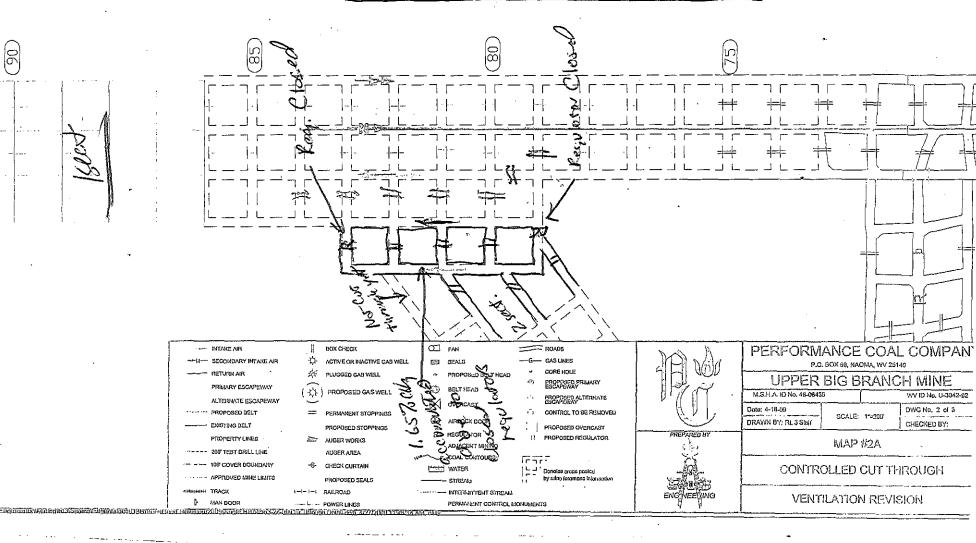
Section IV	iolation Data								
1. Date	Mo Da Yr 04/30/2009	2, Time (24 Hr. Clock) 1032		3. Citation/ Order Number 8082751					
4. Served To			5. Operator						
Gary May, Mine Foreman			PERFORMANCE COAL COMPANY						
6. Mine			7. Mine ID 46-084	26					
UPPER BIG BRANCH MINE-SOUTH				(Contractor	(Contractor)				
8. Conditio	n or Practice			8a. Written Notice (103g)	\Box				

The operator is failing to comply with an approved revision to the mine ventilation plan on the #1 and #2 section. At the area where a revision was approved on 4/27/09 to allow the #2 section to punch into the #1 section the operator failed to leave a regulator at each end of the area stopped off for the cut through to allow ventilation. This allowed 1.65% methane gas to accumulate in the area. (separate citation issued)

				_	•				_	See Co	ontinuatio	n Form (MSI	HA Form 7000	-3a) []
9. Violation	iolation A. Health B. Section Safety V of Act				C. Part/Section of Title 30 CFR			75.370(a)(1)						
Section IIInspe	ector's Evalua	ation												
10. Gravity:											_		. —	
****	Illness (has		No Likelih	ood [_]	Unlikely [Reasonab	y Likely	<u>/ </u>	Highly Like	у 📙	Occi	ırred 🗌	
	illness cou be expected		No Los	t Workda	ays 🗌 Lost	Work	days Or Rest	ricted [Outy 🗌	Permane	ently Disa	abling 🗸	Fatal _]
C. Significant and Substantial: Yes ✓					No 🗌					D. Number	of Perso	ns Affected	002	
11. Negligeno	e (check on	e)	A. None		B. Low	C. Ń	loderate 🔽		D. High		E. Reck	dess Disreg	gard 🗌	
12. Type of A	ction 1)4(a)		- 001	13. Type of Iss	uance	(check one)	C	itation 🗸	Order 🗌	Safe	guard 🗌	Written No	otice 🗌
14. Initial Action A. Citation		der [C. Safegu	ard 🗌	D. Written Notice		E. Citation/ Order Nu	mber				F. Dated	Mo Da	Yr
15. Area or Ed	luipment								3					
16. Termination	on Due	A. Date	Mo Da 04/30/2		B, Time (24 Hr. Clo	ock)	104	5						
Section IIITem	nination Action	on												
17. Action to 1		Th	e regu	lato:	rs have be	een	opened	d al	lowin	g the	area	to be	e	
18. Terminate	A. Date	04/3	Da Yr 30/2009	B. Time	(24 Hr. Clock)	-	1040							
Section IVAuto		m Data	T											
'9, Type of In (activity co		E01	20. Event	Number	411993	6	21. F	rimary	or Mill					
2. Signature										23. AF	R Numbe	r		·

1, tation 8082 75,

NOTE: CONTROLS WILL BE INSTALLED IN THIS AREA PRIOR TO CUT THROUGH. AREA WILL BE VENTILATED UNTIL IMMEDIATELY PRIOR TO CUT THROUGH



9. Type of Inspection

(activity code)

2. Signatur

20. Event Number

E01

6/1//	
~/''*	<u> </u>

while CharlothOrder	Mine Safety and Health Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 04/30/2009 1037	3. Citation/ Order Number 8082752
4. Served To	5. Operator
Gary May, Mine Foreman	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID 46 09426
UPPER BIG BRANCH MINE-SOUTH	(Contractor)
8. Condition or Practice	8a. Written Notice (103g)
The operator is failing to keep com	bustible materials from accumulating in
the area where #2 section in punching	through into the #1 section. At the #1,2
	in each intersection in piles as wide
as the intersection and up to 2' in de	<u>-</u>
as one interpologonal and of the ar	
	See Continuation Form (MSHA Form 7000-3a)
	Part/Section of
1	Title 30 CFR 75.400
Other Section IIInspector's Evaluation	
10. Gravity:	
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred
B. Injury or illness could rea-	reasonably Enery Cocurred
sonably be expected to be: No Lost Workdays Lost Work	days Or Restricted Duty 🔲 Permanently Disabling 🗹 Fatal 🔲
	D. Number of Persons Affected: 001
ies 🖂 no 😢	001
	// 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	
1 - 1 / 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	
16. Termination Due A. Date Mo Da Yr A. Date 04/20/2000 B. Time (24 Hr. Clock)	1400
04/30/2009 B. Tille (24 HI. Glock)	1400
Section IIITermination Action	
17. Action to Terminate	
·	
18. Terminated Mo Da Yr	
A. Date B. Time (24 Hr. Clock)	
Section IV-Automated System Data	

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

4119936

21. Primary or Mill

23. AR Number

Mine Citation/Order Continuation

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

5/6/91	
,	

Section ISubsequent Action/Continuation Data		<u> Silano (2002), Silano (2002)</u>						
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	ivio Da 04/30/20	}	3. Citation/ Order Number	8082752 - 01			
4. Served To			5. Operator					
Gary May, Mine Foreman			PERFORMANCE COAL COMPANY					
6. Mine		7. Mine ID	46.0043		(Contractor)			
UPPER BIG BRANCH MINE-SO			46-0843	0	T			
Section IIJustification for Action	TOTAL CONTRACTOR OF THE PARTY O							

The accumulation of combustible materials have been removed.

1									See Continuation Fo	ıın 🔲
Section IIISubse	quent Action Tak	en								
8. Extended To	A, Date Mo	Da	Υr	B. Time (24 Hr. 0	Clock)		C. Vacated	✓ D. Terminated	☐ E. Modified	
Section IVInspec	tion Data			-			,			
9. Type of Inspe	ction E01		10. E	vent Number	4119936					
11. Signature		-		AR	Number	12. Date	Mo Da Yr 05/05/2009	13. Time (24 Hr. Cl 0943	ock)	

Section IV--Automated System Data

20, Event Number

E01

19. Type of Inspection

(activity code)

22. Signatur



Mine Citation/Order						U.S. Department of Labor Mine Safety and Health Administration							N//	
Section IViolatio	n Data			and the second		THE REAL PROPERTY AND ADDRESS OF THE PERSON NAMED IN	The second secon		· · · · · · · · · · · · · · · · · · ·					and the second
1. Date	Mo Da 04/30/2		2. Time (2	24 Hr. Cl 111						3. Citation/ Order No	umber	80827	53	
4. Served To					,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		5. Operator							
Gary May, N	Mine Fo	reman					PERFOR	MAN	CE CC	AL COM	YANY			
6. Mine UPPER BIG	BRAN	ICH M	INE-SOU	JTH			7. Mine ID	46-	0843	6			(Con	tractor)
8. Condition or F											8	Ba. Written	Notice (103	3g)
The or	erat	or i	s fail	ing	to keep	the	#4 belt	on	the	#2 sect	ion	free	of	
accumula	ation	s of	combu	stib	le mate	rial	s. Coal,	flo	at c	oal and	d flo	at co	al du	st
nas accı	ımu⊥a	ted (on and	aro	und the	: #4	belt for	ıts	100	00'+ 1er	igth.			
9. Violation	A. Health		B. Section				C. Part/Section of					Form (MSH	A Form 7000	-3a) <u></u>
	Safety Othe	r 🗌 📗	of Act				Title 30 CFR			75.	.400 			
Section IIInspect	tor's Evalu	ation												
10. Gravity: A. Injury or II			No Likelih	ood [Unlikely	у 🔲	Reasonably	Likely	V	Highly Likely		Occur	red 🗌	
B. Injury or il sonably be			No Los	st Work	iays 🗌	Lost W	orkdays Or Restri	cted Du	ty 🗌	Permaner			. Fatal [
C. Significan	it and Sul	bstantial:	Ye	s 🗸	No 🗌					D. Number of	Persons	s Affected:	003	
11. Negligence	(check or	ie)	A. None		B. Low	, с	. Moderate 🔽). High	<u> </u>	E. Reckle	ss Disrega	ard 🗌	
12. Type of Acti	on 1	04(a)			13. Туре с	of Issuan	ce (check one)	Cita	tion 🗸	Order 🗌	Safeg	uard 🗌	Written N	otice 🗌
14. Initial Action A. Citation] B. O:	rder 🗌	C, Safegu	ard 🗌	D. Written No	otice [E. Citation/ Order Nun	nber			F	. Dated	Mo Da	ı Yr
15. Area or Equi	ipment	,												
16. Termination		A. Date	Mo Da 04/30/2		B. Time (24 H	łr. Clock)	1400							
Section IIITermi		ion												
17. Action to Te	rminate													
18. Terminated	A. Date	Мо	Da Yr	B. Time	(24 Hr. Clock))					.,			

MSHA Form root-5, Apr on (reviseu) — 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.

4119936

21. Primary or Mill

23. AR Number

√line Citation/Order Continuation

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

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/ "["	

O STRUTTURE OF THE STRU					100		
Section ISubsequent Action/Continuation Data							- CONTRACTOR CONTRACTO
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 04/30/2		3. Citation/ Order Number	8082753 - 01	4900 and the second a	
4. Served To			5. Operat	or			
Gary May, Mine Foreman			PERFO				
6. Mine	7. Mine II	1	_	(Contractor)			
UPPER BIG BRANCH MINE-SO		46-0843	6				
Section IIJustification for Action							

The accumulation of combustible material has been removed, and the belt has been rock dusted.

Section IIISubse	quent Actio	n Take	n		and the second s	эттин тай б <mark>ер</mark> тар <u>такжа такжа</u> такжа та	Numerical Agricultura de la Companya				See Continuation Fo	OHH
8. Extended To	A. Date	Мо	Da	Yr	B. Time (2	4 Hr. Clock)		C. Vacal	ted	✓ D. Terminated	E. Modified	Change CC accessions a profession of CC accession.
Section IVInspec	ction Data									SECTION IN THE PROPERTY OF THE		
9. Type of Inspe	ection E	01		10. E	ent Numbe	d119936						T WOOD PECONOMICAN LAND
11. Signature		_	ALCOHOLD S		ALEMAN MARKET IN A	AR Number	12. Date	Mo Da Y 05/05/20		13. Time (24 Hr. Cla 0925	ock)	

2. Signatur

5/1/9	(\$)
	(%)

wifie Okation/Order	Mine Safety and Health Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 04/30/2009 1120	3. Citation/ Order Number 8082754
4. Served To	5. Operator
Gary May, Mine Foreman	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID 46-08436
UPPER BIG BRANCH MINE-SOUTH	(Contractor)
8. Condition or Practice	8a, Written Notice (103g)
The #4 Belt on the #2 section is not tailpiece the nearest fire valve is 4	
	See Continuation Form (MSHA Form 7000-3a)
	Part/Section of Title 30 CFR 75.1100-2(b)
Section IIInspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely Unlikely	Reasonably Likely Highly Likely Occurred
B. Injury or illness could 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: 003
11. Negligence (check one) A. None B. Low C. I	Moderate ☑ D. High ☐ E. Reckless Disregard ☐
12. Type of Action 104(a) 13. Type of Issuance	e (check one) Citation 🗸 Order 🗌 Safeguard 🗍 Written Notice 🗍
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number
15. Area or Equipment	
A. Date Mo Da Yr B. Time (24 Hr. Clock)	1200
Section IIITermination Action	
17. Action to Terminate	
8. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)	
Section IVAutomated System Data	
9. Type of Inspection (activity code) E01 20. Event Number 4119936	21. Primary or Mill

In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration as established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal as established a National Small Dusiness and Agriculate Regidadity Oribudshina and to Regional Fairness boards to receive comments from small businesses about federal figures each agency's responsiveness to small business. If you wish to comment on the inforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 rd 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



		wine S	wine Safety and Health Administration					
2. Dated (Original Issue)	****		3. Citation/ Order Number	8082754 - 01				
		5. Operat	tor					
		PERFO	RMANCE CO	AL COMPANY				
Gary May, Mine Foreman 6. Mine					(Contractor)			
UPPER BIG BRANCH MINE-SOUTH								
	(Original Issue)	(Original Issue) 04/3(2. Dated Mo Da Yr (Original Issue) 04/30/2009 5. Operal PERFO	2. Dated Mo Da Yr 3. Citation/ (Original Issue) 04/30/2009 Order Number 5. Operator PERFORMANCE CO 7. Mine ID	2. Dated Mo Da Yr Order Number 8082754 - 01 5. Operator PERFORMANCE COAL COMPANY 7. Mine ID 46. 08436	(Original Issue) 04/30/2009 Order Number 8082/54 - 01 5. Operator PERFORMANCE COAL COMPANY 7. Mine ID 46, 09426 (Contractor)		

The belt has been permanently removed from service.

					•			See Continuation Form	l
Section IIISubse	quent Action Take	n				V			2
8. Extended To	A. Date Mo	Da	Υr	B. Time (24 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified	92
Section IVInspec	tion Data								22
9. Type of Inspe	ction E01		10. E	vent Number 4119	9936				22
11. Signature				AR Numbe	r 12. Date	Mo Da Yr 05/05/2009	13. Time (24 Hr. Cl 0932	•	

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



Section IVi	olation Data						
1. Date	Mo Da Yr 04/30/2009	2. Time (24 Hr. Clock) 1130		3. Citation/ Order Númber	8082755		
4. Served 7	0		5. Operator		and the second s		
Gary Ma	ıy, Mine Foremar	1	PERFORMANCE COAL COMPANY				
6. Mine UPPER	BIG BRANCH N	MINE-SOUTH	7. Mine ID 46-0	8436	(Contractor)		
8. Condition	n or Practice				8a, Written Notice (103g)		

The operator is failing to adequately guard the rotating drive rollers on the #4 belt drive on the #2 section. The inby drive roller is not guarded across the rear of the head and could easily be fallen into or contacted while shoveling.

										See Cor	tinuation Form (MSHA F	orm 7000-	3a) 🔲
	A. Health Safety Other		B. Section of Act				Part/Section o Fitle 30 CFR	f		75.1′	722(b)			
Section IIInspec	lor's Evalua	tion												
10. Gravity:					13.79				<u></u>				. —	
A. Injury or II			No Likelihood	<u>Ш</u> _	Unlikely 🗌		Reasonabl	y Likei	<u> </u>	Highly Likely		ccurrec		
B. Injury or ill sonably be			No Lost V	orkda	ys Lost	Work	days Or Restr	ricted I	Duty 🗌	Permaner	ntly Disabling	/	Fatal []
C. Significan	t and Sub	stantial:	Yes 🗸]	No 🗌					D. Number o	Persons Affec	ted:	001	
11. Negligence	(check one)	A. None		B. Low	C. N	Moderate 🗸		D. High		E. Reckless Dis	regard		
12. Type of Action	on 10	4(a)			13. Type of Iss	Jance	(check one)	С	itation 🗸	Order 🗌	Safeguard [] v	Vritten No	tice 🗌
14. Initial Action A. Citation		ler 🗌	C. Safeguard). Written Notice		E. Citation/ Order Nu	mber			F. Date	į	Mo Da	Yr
15. Area or Equi	pment													
16. Termination	Due	A. Date	Mo Da Yr 04/30/2009	, [3. Time (24 Hr. Clo	ick)	1230)						
Section IIITermin	nation Actio	n												
17. Action to Tel	rminate													
18. Terminated	A. Date	Mo E	Da Yr B.	l'ime (24 Hr. Clock)									
Section IVAutom	ated Syster	m Data												
19. Type of Insp (activity code		E01	20. Event Nur	nber	411993	6	21. P	rimary	or Mill					
?2. Signature										23. AR	Number			

ASHA 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 as established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal gency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the nforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 rd 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, scluding the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Mine Citation/Order Continuation

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

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Oommadaon			WILLIO	<i>l</i>	***					
Section I-Subsequent Action/Continuation Data										
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 04/30/2	Yr 009	3. Citation/ Order Number	8082755 - 01					
4. Served To			5. Opera	or)				
Gary May, Mine Foreman			PERFO							
6. Mine			7. Mine ID (0			(Contractor)				
UPPER BIG BRANCH MINE-SOL	JTH		46-08436							
Section IIJustification for Action										

The belt drive has been permanently removed from service.

			·					See Continuation Form		
Section IIISubse	quent Action Take	en								
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 Inspe	ction E01		10. E	vent Number 4119936						
11. Signature	430			AR Number	12. Date	Mo Da Yr 05/05/2009	13. Time (24 Hr. Close)	ok)		

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



Section IVi	ection IViolation Data											
1. Dale	Mo Da Yr 04/30/2009	2. Time (24 Hr. Clock) 1137	3. Citation/ Order Number 8082756									
4. Served T	o		5. Operator									
Gary Ma	y, Mine Foremar	i.	PERFORMANCE COAL COMPANY									
6. Mine			7. Mine ID 46-08436									
UPPER BIG BRANCH MINE-SOUTH			40-06430 (Contract	or)								
8. Condition	or Practice		8a. Written Notice (103g)	'n								

The #3 tailpiece on the #2 section is not being kept free of accumulations of combustible materials. The hold up roller in front of the tailpiece is spinning in accumulated coal spillage. The tailroller is turning in coal spillage and on the walkway side under the boom of 4 head the accumulations have built up back the head up to 20" deep.

							See Cor	tinuation Form (MSF	IA Form 7000-3a)
9. Violation	A. Health ☐ Safety ✔ Other	B, Section of Act	ត	,	C. Part/Section of Title 30 CFR	of	75	.400	
	ector's Evaluation	n							
10. Gravity:				11.191.					
	lilness (has) (lihood 🗌	Unlikely	Reasonab	y Likely 🔽	Highly Likely	Occu	rred 🗌
	illness could re be expected to		ost Workd	ays Lost \	Workdays Or Rest	ricted Duty 🗌	Permaner	ntly Disabling 🔽	Fata[
C. Significa	ant and Substa	ntial:	∕es 🗸	No 🗌			D. Number o	Persons Affected:	001
11. Negligence	check one)	A. None		B. Low	C. Moderate 🗸	D. High		E. Reckless Disreg	ard 🗌
12. Type of Ac	tion 104	(a)		13. Type of Issu	ance (check one)	Citation 🗸	Order 🗌	Safeguard 🗌	Written Notice
14. Initial Action A. Citation	n B. Order	C. Safe	guard 🗌	D. Written Notice	E. Citation/ Order Nu	mber		F. Dated	Mo Da Yr
15. Area or Eq	ulpment								
16. Terminatio	n Due A.	Date 04/30		B. Time (24 Hr. Cloc	ck) 1230	o			
Section IIITerri	nination Action								
17. Action to T	erminate								
18. Terminated	A. Date	Mo Da Yr	B. Time	(24 Hr. Clock)					
Section IVAuto	mated System I	Data			•				
19. Type of Instantial (activity co		20. Eve	nt Number	4119930	ó ^{21. F}	rimary or Mill			
22. Signatu							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 Continuation

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

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Continuation			wine S	alety and Head		\//	
Section ISubsequent Action/Continuation Data							
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 04/30/2	Yr 009	3. Citation/ Order Number	8082756 - 01		
4. Served To			5. Opera	tor	The second of th		
Gary May, Mine Foreman_			PERFORMANCE COAL COMPANY				
6. Mine			7. Mine I	D 46 0040		(Contractor)	
UPPER BIG BRANCH MINE-SO	UTH		46-08436				
Section IIJustification for Action							

The accumulation of combustible material has be removed.

									See Continuation For	m []
Section IIISubsec	quent Action Tak	en								
8. Extended To	A. Date Mo	Da	Yr	B. Time (24	Hr. Clock)		C. Vacated	D. Terminated	E. Modified	
Section IVInspec	tion Data				#			- 100 - 100		
9. Type of Inspe	ction E01	The second second	10. E	vent Number	41 19936					
11. Signatur					AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Ck	ock)	
•							05/05/2009	0928		

Mine	Oits	ntion.	100	lar
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U.S. Department of Labor Mine Safety and Health Administration

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			White Carety and Fleath Administration
Section IVi	olation Data		
1. Date	Mo Da Yr 04/30/2009	2. Time (24 Hr. Clock) 1237	3. Citation/ Order Number 8082757
4. Served T	O		5. Operator
Gary Ma	y, Mine Foreman	L	PERFORMANCE COAL COMPANY
6. Mine UPPER	BIG BRANCH N	IINE-SOUTH	7. Mine ID 46-08436 (Contractor)
8. Condition	or Practice		8a, Written Notice (103g)

the operator is failing to ensure bad belt structure that presents a fire hazard is immediately removed from the belt. At break 71 on the #2 section #2 belt a bottom roller has lost its bearing on the track side causing the roller to generate heat and visible smoke.

										See Co	ntinuation For	m (MSH	A Form 7000-3a)
9. Violation	A. Health Safety Other		B. Section of Act				Part/Section of itle 30 CFR			75.1	731(a)		
Section IIInspe	ector's Evalua	ation											
10. Gravity:				-	11 W 1.							_	. —
	Illness (has		No Likelihood		Unlikely		Reasonably	Likely		Highly Likel	<u>/ </u>	Occur	red 🗌
	r illness cou be expected		. No Lost Wor	kdays	Lost \	Work	days Or Restr	icted Du	ıty 🗌	Permane	ntly Disabling		Fatal 🗌
C. Signific	ant and Sub	stantial:	Yes 🗸	N	o 🗌					D. Number o	f Persons A	ffected:	003
11. Negligeno	e (check on	e)	A. None	В	. Low 🗌	C. M	oderate 🗹]	D. High		E. Reckless	Disrega	ırd 🗌
12. Type of A	ction 1)4(a)			13. Type of Issu	ance	(check one)	Cite	ition 🗸	Order 🗌	Safeguar	d 🗌	Written Notice
14. Initial Action A. Citation		der 🗌	C. Safeguard	D.	Written Notice		E. Citation/ Order Nur	nber		_	F, Da	eted	Mo Da Yr
15, Area or E	quipment												
	:					·					~		
16. Termination	on Due	A. Date	Mo Da Yr 04/30/2009	B.	Time (24 Hr. Cloo	ck)	1245						
Section IIITen	mination Acti	on											
17. Action to	Terminate	Th	e roller	was	s removed	l fi	com the	bel	t.				
18, Terminate	A. Date		Da Yr 10/2009 B. Tir	ne (24	f Hr. Clock)	1	245						
Section IVAut	omated Syste	em Data											
19. Type of In (activity co		E01	20. Event Numb	er	411993	6	21. Pr	imary o	r Mill				
22. Signature										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 Continuation

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

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Continuation								
Section ISubsequent A	ction/Continuation Data							
 Subsequent Action 	1 1a. Continuation	2. Dated (Original Issue)	Mo Da 04/30/20	Yr 09	3. Citation/ Order Number 8082757 - 01			
4. Served To				5. Opera	itor			
Gary May, Mine	May, Mine Foreman				PERFORMANCE COAL COMPANY			
6. Mine UPPER BIG BRANCH MINE-SOUTH				7. Mine	46-08436	(Contractor)		
Section IIJustification for								
Change	Fre	om			То			
8. Condition Or Pract	ice							

Reason Capitalize the word "the" beginning the first sentence.

Section IIISubsequent Action Taken				See Continuation Form
8. Extended To A. Date Mo Da Yr B. Time (24 Hr. Clock)		C. Vacated	D. Terminated	E. Modified
Section IVInspection Data				<u></u>
9. Type of Inspection E01 10. Event Number 411993	36			
11. Signature AR Number	12. Date	Mo Da Yr 05/06/2009	13. Time (24 Hr. Clo	ock)
MSHA Form 7000-5a, Mai oo (reviseo)		03/00/2009	1 1334	•

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

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Section IVi	iolation Data						-	
1. Date	Mo Da Yr 04/30/2009	2. Time (24 Hr. Clock) 1239			3. Citation/ Order Number	8082758		
4. Served T	Го		5. Operator				· · · · · · · · · · · · · · · · · · ·	
Gary Ma	ay, Mine Foreman		PERFOR	PERFORMANCE COAL COMPANY				
6. Mine			7. Mine ID	7. Mine ID 46-08436 (Co				
UPPER I	BIG BRANCH M	IINE-SOUTH	•					
	n or Practice					8a. Written Not		
		s failing to provi				break on	the #2	

See Continuation Form (MSHA Form 7000-3a) 9. Violation A. Health [C. Part/Section of B. Section Safety V of Act Title 30 CFR 75.1722(a) Other Section II--Inspector's Evaluation 10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely 🗸 Reasonably Likely Highly Likely Occurred | B. Injury or illness could rea-No Lost Workdays [Lost Workdays Or Restricted Duty Permanently Disabling 🗸 Fatal [sonably be expected to be: C. Significant and Substantial: D. Number of Persons Affected: Yes 🗌 No 🗸 002 11. Negligence (check one) A. None B. Low C. Moderate 🗸 D. High E. Reckless Disregard 13. Type of Issuance (check one) 12. Type of Action Citation 🗸 Order 104(a) Safeguard | Written Notice 14. Initial Action E. Citation/ F. Dated Mo Da Yr C. Safeguard D. Written Notice A. Citation B. Order Order Number 15. Area or Equipment Mo Da Yr 16. Termination Due A. Date B. Time (24 Hr. Clock) 1400 04/30/2009 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 21. Primary or Mill 19. Type of Inspection 20. Event Number 4119936 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 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-FEFAIR (1-888-734-7), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

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Continuation					atety and Health			
Section ISubsequent Action/C								
1. Subsequent Action 1a. (✓	Continuation	Dated (Original Issue)	Mo D 04/30/2		3. Citation/ Order Number	8082758 - 01		
4. Served To				5. Opera				
Gary May, Mine Fore	eman			PERFO	RMANCE CO	AL COMPANY		
6. Mine				7. Mine I	D 46 0042		(Contractor)	
UPPER BIG BRANC	H MINE-SOL	JTH			46-0843	6		
Section IIJustification for Action	n							

The belt has been removed from service.

								See Continuation Form
Section IIISubseq	uent Action Take	n						
8. Extended To	A. Date Mo	Da	Yr	B. Time (24 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IVInspect	lion Data							
9. Type of Inspe	ction E01		10. Ev	vent Number 4119936				
11. Signate				AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Cloc	k)
					_L	05/05/2009	0915	

16. Termination Due

18. Terminated

22. Signature

19. Type of Inspection

(activity code)

Section III--Termination Action 17. Action to Terminate

A. Date

Section IV--Automated System Data

Mo Da Yr

04/30/2009

20. Event Number

A. Date

E01

Mo Da Yr

04/30/2009

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Mine Citation/Order		U.S. Department Mine Safety and	t of Labor Health Administratio	n	
Section IViolation Data	9. (19. (19. (19. (19. (19. (19. (19. (1	The second secon			tety attack to the College Advantage of the College at the College
1. Date Mo Da Yr 2. Time (24 Hr. C	Clock) 50	-	3. Cilation/ Order Number	. 80827.	59
4. Served To		5. Operator			
Gary May, Mine Foreman		PERFORMANC	E COAL COMPAN	Y	
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-0)8436		(Contractor)
8. Condition or Practice				8a. Written	Notice (103g)
use at the #2 section #3 lplugged into an identified		ine Catheac	i marked "ABB	#3 Сак	e up" is
9. Violation A. Health ☐ B. Section of Act Other ☐		Part/Section of Fitle 30 CFR	See Continuati	on Form (MSHA	A Form 7000-3a)
Section IIInspector's Evaluation					
10. Gravity: A. Injury or Illness (has) (is): No Likelihood] Unlikely [Reasonably Likely	Highly Likely	Occurr	ed
B. Injury or illness could rea- sonably be expected to be: No Lost Worl	kdays 🗌 Lost Work	days Or Restricted Duty	Permanently Di	sabiling 🔲	Fatal 🗸
C. Significant and Substantial: Yes 🗹	No 🗌		D. Number of Pers	ons Affected:	001
11. Negligence (check one) A. None	B. Low C. N	Noderate 🗸 D.	High [E. Red	kless Disregar	rd 🗌
12. Type of Action 104(a)	13. Type of Issuance	(check one) Citatio	on 🔽 Order 🗌 Sa	feguard 🗌	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					

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

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1300

21. Primary or Mill

23. AR Number

B. Time (24 Hr. Clock)

4119936

B. Time (24 Hr. Clock)

the receptacle has been properly identified.

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

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Section IVi	iolation Data			
1. Date	Mo Da Yr 05/06/2009	2. Time (24 Hr. Clock) 0955	3. Citat Orde	ion/ er Number 8082760
4. Served To Gary May, Mine Foreman			5. Operator PERFORMANCE COAL CO	MPANY
6. Mine UPPER BIG BRANCH MINE-SOUTH			7. Mine ID 46-08436	(Contractor)
0. 0	Du U			O- 14/-Way Mallay (400a)

The operator is failing to maintain the LBB intake split in a condition where it can be safely traveled in its entirety. At # 8 break water has accumulated over 18 inches deep hiding numerous stumbling hazards. This condition prevents the weekly examiner from being able to travel the airway in its entirety.

										See Co	ntinuation i	Form (MS	HA Form 700	00-3a)
9. Violation	A. Health Safety Other		B. Section of Act				art/Section of le 30 CFR			75.36	4(b)(1)			
Section IIInspe	ector's Evalu	ation												
10. Gravity: A. Injury or	Illness (has	s) (is):	No Likeliho	ood []	Unlikely 🗸		Reasonably	Likely (Highly Likely	y 🗌	Occ	urred 🗌	
B. Injury or sonably	illness cou be expected		No Los	t Workd	ays 🗌 Lost	Workd	ays Or Restr	icted Dut	у 🗹	Permane	ntly Disab	ling 🗌	Fatal	
C. Significa	ant and Sub	stantial:	Yes		No 🗸					D. Number o	f Persons	Affecte	d: 001	
11. Negligence	e (check on	e)	A. None		B. Low 🗸	C. Mo	derate	D	. High		E. Reckle	ss Disre	gard 🗌	
12. Type of Ac	ition 1)4(a)			13. Type of Issu	ıance (check one)	Citat	ion 🗸	Order 🗌	Safeg	uard 🔲	Written	Notice 🗌
14. Initial Action A. Citation		der [_	C, Safegua	ırd [D. Written Notice		E. Citation/ Order Nu	nber			F	. Dated	Mo [Da Yr
15. Area or Eq														
16. Terminatio	n Due	A. Date	Mo Da 05/11/20		B. Time (24 Hr. Clo	ck)	0800							
Section IIITerm	nination Acti	on												
17. Action to T	erminate													
18. Terminated	A. Date	Мо	Da Yr	B. Time	(24 Hr. Clock)									
Section IVAuto	mated Syste	m Data				.,								
19. Type of Instantiation (activity co		E01	20. Event	Number	411993	6	21. P	rimary or	Mill					
22. Signature		1								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 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

Continuation	ion Mine Safety and Health Administration							
Section ISubsequent Action/Continuation	Data							
1, Subsequent Action 1a. Continuation ✓ ✓	n 2, Dated (Original Issue)	Mo Da 05/06/20	- 1	3. Citation/ Order Number	8082760 - 01			
4. Served To			5. Operato	7			Value of the last	
Gary May, Mine Foreman_			PERFO.	RMANCE CO	AL COMPANY			
6. Mine			7. Mine ID (Contractor)					
UPPER BIG BRANCH MINI	E-SOUTH	(I)************************************		46-0843	Ö	·		
Section IIJustification for Action								

The water has been pumped down.

Section IIISubsec	quent Actio	n Takeп				- 10 <u>14 14 14 14 14 14 14 14 14 14 14 14 14 1</u>			See Continuation Form
8. Extended To	A. Date	Мо	Da	Ϋ́τ	B. Time (24 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IVInspec	tion Data								
9. Type of Inspe-	ction E	01		10. Ev	vent Number 4119936				
11. Signature					AR Number	12. Date	Mo Da Yr 05/11/2009	13. Time (24 Hr. Cloc 1155	k)

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

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	Mine Safety and Health Administration							
Section IVie	olation Data							
1. Date	Mo Da Yr 05/07/2009	2. Time (24 Hr. Clock) 1105		3. Citation/ Order Number	8082761			
4. Served To Andy Coalson, Mine Foreman			5. Operator PERFORMANCE (COAL COMPANY				
6. Mine UPPER BIG BRANCH MINE-SOUTH			7. Mine ID 46-084	136	(Contractor)			
8. Condition	or Practice				8a. Written Notice (103g)			

The operator is failing to ensure proper rail traffic control. Two mantrips, each traveling opposite directions, were each given clearance by the dispatcher to use the same section of track. This resulted in the track vehicles meeting each other midway.

										See Con	tinuatio	n Form (N	/ISHA Form	7000-3a)
9. Violation	A. Health Safety Other	_ :	B. Section of Act			1	Part/Section of Title 30 CFR	,		75,]	1403		., , , , ,	
Section IIInspe	ector's Evaluation	on												
10. Gravity:														
A. Injury or	Illness (has)	(is):	No Likelihoo	d 🗌	Unlikely 🗌		Reasonably	Likely	y	Highly Likely		00	curred [] .
	illness could be expected to		No Lost	Workda	ays 🗌 Lost	Work	days Or Restr	cted L	Outy 🗌	Permanen	tly Dis	abling 🔽	/ Fa	tal 🗌
C. Significa	ant and Subst	antial:	Yes	v	No 🗌					D. Number of	Perso	ns Affect	ted:	004
11. Negligeno	e (check one)		A. None		B. Low	C. N	loderate 🗸		D. High		E. Rec	kless Dis	regard [
12. Type of Ad	ction 104	(a)			13. Type of Iss	uance	(check one)	Ci	tation 🗸	Order 🗌	Saf	eguard [] Writ	ten Notice
14. Initial Action A. Citation	on B. Orde	r []	C. Safeguard	V	D. Written Notice		E. Citation/ Order Nur	nber	7	204264		F. Dated		to Da Yr 1/28/2003
15. Area or Ec	nn Due		Mo Da Y	. 1	1.11.00					,				
10. 10.	A.	Date	05/07/200		B. Time (24 Hr. Clo	ock)	1200							
Section IIITerr	nination Action													Communication in the contract of the contract
17. Action to T	erminate							•						
18. Terminated	A. Date	Mo D	a Yr E	. Time	(24 Hr. Clock)									
Section IVAuto	mated System	Data												
19. Type of Instantial (activity co		E01	20. Event N	umber	411993	6	21. Pr	imary	or Mill					Vacantiar - arran
22. Signatur	2000 CONTRACTOR STATE OF THE ST									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 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 fite a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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

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Continuation				Mine Safety and Health Administration					
Section ISubsequent A	ction/Continuation Data								
1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)	Mo Da 05/07/2	Yr 009	3. Citation/ Order Number	8082761 - 01			
4. Served To				5. Operat	or				
Gary May, Mine	Foreman			PERFO	RMANCE CO	AL COMPANY			
6. Mine) 46 00 40	<i>C</i>	(Contractor)		
UPPER BIG BRANCH MINE-SOUTH					46-0843	<u> </u>			
Section IIJustification for									

The Dispatchers have been retrained on their job and safety talks have been held with the miners concerning track safety.

TOTAL MARKET PROPERTY AND ADMINISTRATION OF THE PARTY AND ADMI		www.dX			water and the second se			See Continuation Form
Section IIISubse	Name and the second	en						
8. Extended To	A. Date Mo	Da	Yr	B. Time (24 Hr. Clock)		C. Vacated	D. Terminated	E. Modified
Section IVInspec	tion Data							
9. Type of Inspe	ction E01	1200	10. E	vent Number 41199	936		Account to the second s	
11. Signature	1.00002	141114		AR Number	12. Date	Mo Da Yr 05/13/2009	13. Time (24 Hr. Clo	ock)

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

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Section IV	iolation Data				
1. Date	Mo Da Yr 05/11/2009	2. Time (24 Hr. Clock) 1044		3. Citation/ Order Number	8082762
4. Served	Го		5. Operator		110100000000000000000000000000000000000
Charley	Semenske, Week	ly Examiner	PERFORMANCE CO	AL COMPANY	?
6. Mine			7. Mine ID 46-0843	6	Alternative Control of the Control o
UPPER	BIG BRANCH I	MINE-SOUTH	40-0843		(Contractor)
8 Conditio	n or Practice				8a Written Notice (103a)

The operator is failing to certify weekly examinations by leaving Dates, Times and Initials in the examined area. There are not any up to date, Dates, Times and Initials present in the neutral entries going towards DPP # 1 to prove that a weekly examination has been conducted of the area.

		See Continuation Form (MSH	IA Form 7000-3a)
9. Violation A. Health ☐ B. Section of Act Other ☐	C. Part/Section of Title 30 CFR	75.364(g)	
Section IIInspector's Evaluation			
10. Gravity:			_
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely	Highly Likely Occu	rred
B. Injury or illness could reasonably be expected to be: No Lost Workdays Lo	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. Hi	igh 🗸 E. Reckless Disreg	ard 🗌
12. Type of Action 104(d)(2) 13. Type of I	ssuance (check one) Citation	Order 🗸 Safeguard 🗌	Written Notice
14. Initial Action A. Citation ☐ B. Order ☑ C. Safeguard ☐ D. Written Notice	E. Citation/ e	8082692 F. Dated	Mo Da Yr 03/17/2009
15. Area or Equipment Natural entries from 1	LBB #4 head to DP		
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. 4	Clock)		
Section IIITermination Action			
17. Action to Terminate The area has been example 17. Action to Terminate The area has been example 17. Action to Terminate The area has been example 17. Action to Terminate The area has been example 17. Action to Terminate The area has been example 17. Action to Terminate The area has been example 17. Action to Terminate The area has been example 17. Action to Terminate The area has been example 17. Action to Terminate The area has been example 17. Action to Terminate The area has been example 17. Action to Terminate The area has been example 17. Action to Terminate The area has been example 17. Action to Terminate The area has been example 18. Action to Terminate The area has been exam	mined and DTI's a	re now present.	
18. Terminated A. Date	1050		
Section IVAutomated System Data			
19. Type of Inspection (activity code) E01 20. Event Number 41199	P36 21. Primary or Mill		
22. Signature		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-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.

Reason Change the word "Natural" to read "neutral"

U.S. Department of Labor

Blist	9
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Continuation	Min	Mine Safety and Health Administration				
Section ISubsequent Action/Continuation Data						
1. Subsequent Action 1a. Continuation (2, D)	ated Mo Da Y Original Issue) 05/11/2009	r 3. Citation/ Order Number 8082762 - 01				
4. Served To	5. O	5. Operator				
Charley Semenske, Weekly Examiner	PEF	RFORMANCE COAL COMPANY				
6. Mine UPPER BIG BRANCH MINE-SOUTH	1	ine ID 46-08436	(Contractor)			
Section IIJustification for Action						
Change From		То				
15. Area or Equipment						

See Continuation Form Section III--Subsequent Action Taken 8. Extended To Da B. Time (24 Hr. Clock) C. Vacated D. Terminated ✓ E. Modified Section IV--Inspection Data 9. Type of Inspection E01 10. Event Number 4119936 AR Number 12. Date Mo Da Y٢ 13. Time (24 Hr. Clock) 11. Signature 05/12/2009 1153



/ ine Citation/Order		U.S. Department of Labor Mine Safety and Health Administration				
Section I-Violation Data						
1. Date Mo Da Yr 05/11/2009	2. Time (24 Hr. Clock) 1100		3. Citation/ Order Number	8082763		
4. Served To		5. Operator				
Charley Semenske, Weekly	Examiner	PERFORMANC	E COAL COMPANY			
6. Mine UPPER BIG BRANCH M	A STATE OF THE STA	7. Mine ID 46-0	8436	(Contractor)		
8. Condition or Practice			8	a. Written Notice (103g)		
split going towar The intake is blo intake has been of spad 21539. This	ntirety, so the entiged the Ellis punch- ocked by two roof fa dangered off due to conditions were rep this time. The last	out is not beialls, two break bad top and ba borted on 03/23	ng examined in s out-by spad d ribs from sp /09 and the in of this area w	its entirety. 21054 and the ad 21054 to take was		
0.35-1-2	D. D K	0 B-20 - 8 4	Gee Continuation (om (wsi iA r om 1000-sa)		
Safety ✓ Other	B. Section of Act	C. Part/Section of Title 30 CFR	75.364(b)(1)			
Section IIInspector's Evaluation						
10. Gravity:				. —		
A. Injury or Illness (has) (is):	No Likelihood Unlikely	Reasonably Likely	Highly Likely	Occurred		

9. Violation A. Health Safety ✓ Other	<u>. </u>		C. Part/Section of Title 30 CFR		75.364(b)	(1)	
Section IIInspector's Evaluation	n			·			
 Gravity: A. Injury or Illness (has) 	is): No Likelihoo	d Unlikely 🗸	Reasonably Like	ely 🗌	Highly Likely	Оссип	red [
 B. Injury or illness could sonably be expected to 	Nio Look	Workdays 🗹 Lost	Workdays Or Restricted	Duty 🗌	Permanently Di	sabling	Fatal 🗌
C. Significant and Substa	ential: Yes	□ No 🗸			D. Number of Pers	sons Affected:	001
11. Negligence (check one)	A. None	B. Low	C. Moderate	D. High	E. Re	ckless Disrega	rd 🗌
12. Type of Action 104	(d)(2)	13. Type of Issu	ance (check one)	Citation	Order 🗸 Sa	feguard [Written Notice
14. Initlal Action A. Citation B. Orde	· ☑ C, Safeguar	d D. Written Notice	E. Citation/ Order Number	80)82692	F. Dated	Mo Da Yr 03/17/2009
		take split go	ing towards	the E	llis punc	h-out.	
16. Termination Due A.	Date Mo Da Y	B. Time (24 Hr. Clo	ck)				
Section IIITermination Action							
17. Action to Terminate							
18. Terminated A. Date	Mo Da Yr E	3, Time (24 Hr. Clock)					
Section IVAutomated System	Data						
19. Type of Inspection (activity code)	E01 20. Event N	umber 411993	6 21. Prima	ry or Mill			
22. Signature			The second secon		23. AR Num	ber	

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

Mine Citation/Order Continuation				U.S. Department of Labor Mine Safety and Health Administration					
Section ISubsequent Action									
1. Subsequent Action 1:	a. Continuation	2. Dated (Original Issue)	Мо 05/11	Da Yr /2009	3. Citation/ Order Number 80	32763 - 01			
4. Served To				1	5. Operator				
Homer Wallace, St	ıpt.			PERF	PERFORMANCE COAL COMPANY				
6. Mine UPPER BIG BRANCH MINE-SOUTH				7. Mine	7. Mine ID 46-08436				
Section IIJustification for A	ction								
Change	Fr	om			То				

Reason Change spad 21054 to spad 21254.

8. Condition Or Practice

						See Continuation Form
Section IIISubsequent Action Ta	ken					
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. Ev	rent Number 4119936				
11. Signatur		AR Number	12. Date	Mo Da Yr 05/12/2009	13. Time (24 Hr. Clo 1146	ck)

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

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Continuation				ivilne Safety and Health Administration			
Section 1Subsequent Action/Continuation Data							
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo _05/11	Da Yr 1/2009	3. Citation/ Order Number 8	082763 - 02		
4. Served To		- 2	5. Ope				
Charley Semenske, Weekly Examiner				PERFORMANCE COAL COMPANY			
6. Mine			7. Mine	7. Mine ID (Contra		(Contractor)	
UPPER BIG BRANCH MINE-SOUTH				46-08436			
Section IIJustification for Action							

A revision to the vent plan concerning the affected area has been approved and the necessary changes in ventilation have been made to make the LBB entries common air.

									See Continuation Form
Section IIISubsequ	ent Action T	aken							
8. Extended To	A. Date	lo Da	Ϋ́r	B. Time (24	Hr. Clock)		C. Vacated	🗹 D. Terminated	E. Modified
Section IVInspecti	on Data								
9. Type of Inspec	tion E01	<u> </u>	10. E	ent Number	4119936				
11. Signatu					AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Ck	ock)
							06/23/2009	0755	

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

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			white Safety and Health Authinistration	***
Section IVi	olation Data			
1. Date	Mo Da Yr 05/11/2009	2. Time (24 Hr. Clock) 1132	3. Citation/ Order Number 808	2764
4. Served T	0		5. Operator	
Charley :	Semenske, Week	ly Examiner	PERFORMANCE COAL COMPANY	
6. Mine			7. Mine ID 46-08436	
UPPER I	BIG BRANCH N	MINE-SOUTH	40-00430	(Contractor)
8. Condition	n or Practice		8a. Wri	tten Notice (103g)

The operator is failing to leave Dates, Times, and Initials in enough locations to prove that a weekly examination for hazardous conditions has been conducted. There are not any up to date, Dates, Times and Initials present in the right return were it travels around the panel off of LBB #4 head.

									See Cor	tinuation Form (MSH	A Form 7000-3a)
9. Violation	A. Health Safety Other		B. Section of Act			C. Part/S Title 30		f		64(g)	
Section IIInsp	ector's Evalua	lion							a. n		
10. Gravity:											
	Illness (has		No Likelil	rood 🔲	Unlikely 🗸	Re	asonably	y Likely 🗌	Highly Likely	Occur	red 🗌
	illness coul be expected		No Lo	st Workda	ys 🗌 Lost	Workdays	Or Restr	icted Duty 🗌	Permaner	itly Disabling 🔽	Fatal 🗍
C, Signific	ant and Sub	stantial:	Ye	s 🗌	No 🗹				D. Number o	Persons Affected:	001
11. Negligeno	e (check one)	A. None [B. Low	C, Modera	ite 🗌	D. Higi	n 🗹	E. Reckless Disrega	ard 🔲
12. Type of A	ction 10	4(d)(2`)		13. Type of Issu	ance (chec	k one)	Citation [Order 🗸	Safeguard	Written Notice
14. Initial Action		er 🗸	C. Safegu	ıard [] [D. Written Notice [,	itation/ rder Nur	mber	8082692	F. Dated	Mo Da Yr 03/17/2009
15. Area or Edhead.	quipment	The	right	retu	ırn were i	t tra.	vels	around	l the par	el off of	LBB #4
16. Termination	on Due	A. Date	Mo Da	Yr (3. Time (24 Hr. Clo	ck)					
Section IIITen	nination Actio	n									
17. Action to	l'erminate	The	area	has k	oeen exami	ned a	nd D	TI are	now pres	ent.	
18. Terminate	d A. Date		0a -Yr 1/2009	B. Time (24 Hr. Clock)	1135					
Section IVAut	omated Syste	m Data									
19. Type of In (activity co		E01	20. Even	t Number	411993	6	21. P	rimary or Mill			
22. Signature	<u></u>		<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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Section IVi	iolation Data			and the second s			
1. Date	Mo Da Yr 05/11/2009	2. Time (24 Hr. Clock) 1140			. Citation/ Order Number	8082765	
4. Served T Charley	To Semenske, Weekl	y Examiner	5. Operator PERFOR	MANCE COAL	. COMPANY		
6. Mine UPPER	BIG BRANCH N	MINE-SOUTH	7. Mine ID	46-08436	and add the state of the state		(Contractor)
8. Condition	n or Practice					8a. Written Notk	ce (103g)
mı		filling to constant	10+ 202000000	L			

The operator is failing to construct permanent ventilation controls from non-combustible materials. The operator has constructed a return regulator, at spad 21083, out of line curtain.

_					See Contin	nuation Form (MSH.	A Form 7000-3a)
9. Violation A. Health Safety 1 Other	B. Section of Act	C	. Part/Section of Title 30 CFR		· 75.333(e)(1)(ii)	
Section IIInspector's Evaluation							
10. Gravity:							
A. Injury or Illness (has) (is):	No Likelihood	Unlikely 🗸	Reasonably	Likely	Highly Likely	Occur	red 🗌
B. Injury or illness could reasonably be expected to be:	No Lost Workdays	✓ Lost Wo	orkdays Or Restric	cted Duty	Permanenti	y Disabling 🔲	Fatal 🗌
C. Significant and Substantial	Yes No	· 🗸			D. Number of F	Persons Affected:	001
11. Negligence (check one)	A. None B.	Low 🗌 C.	Moderate 🗸	D. High	□ E.	Reckless Disrega	ard 🗌
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/ Order Num	ber		F. Dated	Mo Da Yr
15. Area or Equipment 16. Termination Due	Mo Da Yr	ALAKA MILITARIA MARIAN MAR					
A. Date	05/12/2009 B.	Time (24 Hr. Clock)	0800				
Section IIITermination Action							
17. Action to Terminate							
18. Terminated A. Date Mo	Da Yr B. Time (24	Hr. Clock)			The state of the s	- William Control	Commission of the commission o
Section IVAutomated System Data							
19. Type of Inspection (activity code) E01	20. Event Number	4119936	21. Pri	mary or Mill			
22. Signature					23. AR N	umber	

MSHA Form 7666 6, Apr 66 (Apr 66 (Apr

ine Citation/Order Continuation

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

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Section ISubsequent Ad	tion/Continuation Data	gan ya juga andah katamin (na 19 amasa ada anamaninin katamin da kili katamin ada pagangan pangan pangan katam		NO FEEL HEROTE LA SPECIE				kamilika menerangan menerangan perangan di kanangan penangan dani kanangan bermangan penangan penangan penanga
1. Subsequent Action	1a. Continuation	2. Dated (Original Issue)	Mo 05/1	Da 1/20	Yr 09	3. Citation/ Order Number	8082765 - 01	
4. Served To					5. Operat			
Gary May, Mine	Foreman				PERFC	RMANCE CO	AL COMPANY	• •
6. Mine					7. Mine II	16.0040		(Contractor)
UPPER BIG BRA	NCH MINE-SO	UTH				46-0843	6	
Section IIJustification fo	r Action							

The regulator is now constructed of non combustible material.

								See Continuation Form
Section IIISubse	quent Action Take	n						
8. Extended To	A. Date Mo	Da	Υr	B. Time (24 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IVInspec	tion Data							
9. Type of Inspe	ction E01		10. E	vent Number 4119936				and the second s
11. Signature				AR Number	12. Date	Mo Da Yr 05/13/2009	13. Time (24 Hr. Close)	ok)

mα	Cite	ntin	nIC)rdei
.IIIItt	نزارا	411()	11/1	ин

22. Signature

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

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				Mine Sat	ety and He	alth Administr	ation	
Section IViolat	tion Data							
1. Date	Mo Da Yr 05/11/2009	2. Time (24 Hr. Close)				3. Citation/ Order Nu	mber 80827	66
4. Served To			· · · · · · · · · · · · · · · · · · ·	5. Operato				
Charley Se	menske, Weekly	Examiner		PERFO	RMANCE (COAL COMP.	ANY	
6. Mine			775	7. Mine ID	46-084	136		
	G BRANCH M	NE-SOUTH			70-00	130		(Contractor)
8. Condition or								Notice (103g)
extingu	-	In the LBB	intake at a	# 8 brea	ak is no	ot brovia	ed with a	: iire
						See Conl	inuation Form (MSH	A Form 7000-3a) []
9. Violation	A. Health Safety ✓	B. Section of Act	C	. Part/Section of Title 30 CFR	of	75,110		
Section IIInspe	ector's Evaluation							
10. Gravity: A. Injury or	· Illness (has) (is):	No Likelihood	Unlikely 🗌	Reasonab	ly Likely 🗸	Highly Likely	Occur	rred []
	rillness could rea- be expected to be:	No Lost Workda	ays 🗌 Lost Wo	rkdays Or Resi	ricted Duty] Permanen	lly Disabling 🔽	Fatal
C. Significa	ant and Substantial:	Yes 🗸	No 🗌			D. Number of	Persons Affected:	008
11. Negligeno	e (check one)	A. None	B. Low C.	Moderate 🗸	D. Hig	yh 🗌 E	. Reckless Disrega	ard 🗌
12. Type of Ad	ction 104(a)	CALIFORNIA CONTRACTOR OF THE STATE OF THE ST	13. Type of Issuand	ce (check one)	Citation (✓ Order 🗍	Safeguard	Written Notice
14. Initial Action A. Citation	on B. Order 🗌	C. Safeguard	D. Written Notice	E. Citation/ Order Nu	ımber		F. Dated	Mo Da Yr
15. Area or Ed	quipment			- Career - C		· Open Market		
16. Termination	A. Date	Mo Da Yr 05/11/2009	B. Time (24 Hr. Clock)	123	0			THE PERSON NAMED OF THE PE
Section IIITen					·			
17. Action to 1	Terminate The	pump has h	oeen removed	d from s	service			
18. Terminate	I A Data	Da Yr 1/2009 B. Time	(24 Hr. Clock)	1200		- WARTE SALE	Wanger - Wanger -	
Section IVAut	omated System Data						,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
19. Type of In (activity co		20. Event Number	4119936	21. 1	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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			mino caloty and the	alti Marini notration					
Section IViolation Data									
1. Date	Mo Da Yr 05/12/2009	2. Time (24 Hr. Clock) 1157		3. Citation/ Order Number	8082767				
4. Served	Го		5. Operator						
Homer V	Vallace, Supt.		PERFORMANCE COAL COMPANY						
6. Mine UPPER	BIG BRANCH N	ліne-south	7. Mine ID 46-084	436	(Contractor)				
8. Conditio	n or Practice				8a, Written Notice (103g)				

The mine operator is failing to comply with the approved mine ventilation plan. The operator is failing to examine EP's 53 and 54 in the location approved in the mine ventilation map.

								See Cor	itinuation Form (MS	HA Form 7000-3a)
9. Violation	A. Health Safety Other	$\overline{\mathbf{S}}$	B. Section of Act			C. Part/Section Title 30 CFR	of		0(a)(1)	#(1 dam 1 d d d d d)
Section IIInspe	ector's Evalua	ation								
10. Gravity:									•	
A. Injury o	r Iliness (ha	ıs) (is):	No Likelih	ood []	Unlikely 🔽	Reasonabl	y Likely 🔲	Highly Likely	Occi	rried [
	r illness co		No Los	t Workda	ys 🔽 🛚 Lost \	Workdays Or Rest	ricted Duty	Permanen	tly Disabling 🔲	Fatal 🗌
C. Signific	ant and Su	bstantial	: Yes	; [No 🔽			D. Number o	f Persons Affecte	d: 001
11. Negligeno	ce (check o	ne)	A. None		B. Low	C. Moderate	D, Hìgh	✓ E	. Reckless Disre	gard 🗌
12. Type of A	ction 1)4(d)(2	2)		13. Type of Iss	uance (check one) Citation [Order 🗸	Safeguard 🗍	Written Notice
14. Initial Acti A. Citation		der 🗸	C. Safegua	ard 📗 D), Written Notice	E. Citation/ Order No		8082692	F. Dated	Mo Da Yr 03/17/2009
15. Area or E		EP':	s 53 a							
16. Terminati	on Due	A. Date	Mo Da	Yr	3. Time (24 Hr. Cl	ock)				
Section IIITerr	nination Action	on								
17. Action to	Terminate									
18. Terminate	A. Date	Mol	Da Yr	B, Time ((24 Hr. Clock					
Section IVAut	omated Syste	em Data					<u> </u>			
19. Type of Ir (activity c		E01	20. Event	Number	411993	6 21.1	Primary or Mill			
22. Signatur							<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.

Mine Citation/Order Continuation

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

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					arecy arra rioare				
Section ISubsequent	Action/Continuation Data							lemitid	
Subsequent Action	1 1a. Continuation	2. Dated (Original Issue)	Mo Da 05/12/20		3. Citation/ Order Number	8082767 - 01			
4. Served To				5. Operat	or		The same of the sa		
Homer Wallace, Supt.					PERFORMANCE COAL COMPANY				
6. Mine) 46.0040		(Contractor)		
UPPER BIG BR	ANCH MINE-SO	UTH		46-08436					
Section IIJustification	for Action		Action of the Control		A STATE OF THE PARTY OF THE PAR		And the second s	p-willow.	

The weekly examiner have been retrained as to the proper location to check EP 53 and 54.

Section IIISubse	equent Action Tak	en	<u> </u>						See Continuation Form
8. Extended To	A. Date Mo	Da	Υr	B. Time (24	Hr. Clock)	erang (Peterson and Argument and	C. Vacated	D. Terminated	E. Modified
Section IVInspe	ction Data		n avašalo m vaid						
9. Type of Inspe	ection E01		10. E	vent Number	4119936			70000	Total Control of the
11. Signatur					AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ock)
							05/18/2009	0742	

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"Mine Citation/Order	U.S. Department of Labor Mine Safety and Health Administration				
Section IViolation Data					
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/ Order Number 8082768				
05/18/2009 1220 4. Served To	5. Operator				
Gary May, Mine Foreman	PERFORMANCE COAL COMPANY				
6. Mine	7. Mine ID 46-08436				
UPPER BIG BRANCH MINE-SOUTH	(Contractor)				
8. Condition or Practice	8a, Written Notice (103g)				
	e lifeline in the secondary escapeway of				
	rs can use it to effectively escape. The				
lifeline is passing over top of one cal	ole and over the antenna line twice.				
	See Continuation Form (MSHA Form 7000-3a)				
9. Violation A. Health B. Section C. F	Part/Section of				
	Title 30 CFR $75.380(d)(7)(iv)$				
Other Section IIInspector's Evaluation					
10. Gravity:					
A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely V Highly Likely Occurred				
B. Injury or illness could rea-	days Or Restricted Duty Permanently Disabling 🗸 Fatal 🗌				
Collection and Outside Valle					
C. Significant and Substantial: Yes 🗸 No 🗌	D. Number of Persons Affected: 008				
11. Negligence (check one) A. None B. Low C. N	foderate ✓ D. High . E. Reckless Disregard .				
12. Type of Action 104(a) 13. Type of Issuance	(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 Mo Da Yr D Time (OLUB Clean)					
A. Date 05/18/2009 B. Time (24 Hr. Clock)	1330				
Section IIITermination Action					
17. Action to Terminate					

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 Ombudsmen 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

Mo Da Yr

E01

20. Event Number

B. Time (24 Hr. Clock)

4119936

18. Terminated

22. Signature

A. Date

Section IV--Automated System Data

19. Type of Inspection

(activity code)

Mine Citation/Order Continuation

U.S. Department of LaborMine Safety and Health Administration

b	M	
יט	711	

Section ISubsequent Action/Continuation Data		***************************************			
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 05/18/20	Yr 109	3. Citation/ Order Number 8082768 - 01	
4. Served To			5. Opera	or	
GARY MAY, BLOCK SUPT.			PERFC	RMANCE COAL COMPANY	
6. Mine			7. Mine I		(Contractor)
UPPER BIG BRANCH MINE-SO	UTH]	46-08436		
Section IIJustification for Action					

The charger in the Secondary Escapeway has been moved, and the lifeline in the Secondary Escapeway of the #4 Section is being maintained, the lifeline has been untangled from all cables and antenna lines.

						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	4119936				
11. Signature		AR Number	12. Date	Mo Da Yr 05/20/2009	13. Time (24 Hr. Cl 1430	ock)

U.S. Department of Labor

6	10	19
77	11	` (%)

Anno Onan	ioni/Order						Mine Safe				stration	1	A 11.	≫
Section IViola	tion Data		2000 Commence of the Commence				and the second s		***************************************					
1. Date		3. Citation/ Order Number 8082769												
4. Served To	05/18/2		····	125			5. Operator	****						
Gary May,	Mine Fo	reman					PERFOR	MAN	CE CO	AL COM	IPANY	ľ		
6. Mine							7. Mine ID	46.	-0843	6				
UPPER BI		<u>CH M</u>	INE-SOU	<u>JTH</u>									(Contrac	tor)
8. Condition o				<u></u>				<u> </u>		3 1 6	1 7 1		Notice (103g)	
					or be sto crated sin				lala	ire s	шет	er on	tile #4	
					¢.									
	***************************************		000000000000000000000000000000000000000							See C	ontinuatio	on Form (MSH.	A Form 7000-3a)) 🗍
9. Violation	A. Health Safety Other	· 🗹 🗎	B. Section of Act				art/Section of itle 30 CFR			75.	.320(a))		
Section II-Insp	ector's Evalu	ation				·····								
10. Gravity: A. Injury of	r Illness (ha	s) (is):	No Likelih	ood [Unlikely [Reasonably	/ Likely	V	Highly Like	ely 🗌	Occur	red 🗌 .	
	r illness cou be expected		No Los	st Work	days 🗌 Los	st Work	days Or Restr	icted Du	uty 🗌	Perman	ently Dis	sabling [Fatal 🗸	
C. Signific	ant and Sub	stantial:	Ye	s V	No 🗌					D. Number	of Perso	ons Affected:	008	
11. Negligeno	e (check on	e)	A. None]	B, Low	C. M	oderate 🗸		D. High		E. Rec	kless Disrega	ard 🗌	
12. Type of A	ction] (04(a)		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	13. Type of Is	suance	(check one)	Cita	ation 🗸	Order [Saf	eguard 🗌	Written Notic	æ 🗌
14. Initial Acti A. Citation		der 🔲	C. Safegu	ard 🗌	D. Written Notice		E. Citation/ Order Nur	nber				F. Dated	Mo Da	Yr
15. Area or E	quipment													
											·	one in the second		
16. Termination		A. Date	Mo Da 05/18/2		B. Time (24 Hr. C	lock)	1300)						
Section IIITer											· · · · · · · · · · · · · · · · · · ·			
17. Action to	Terminate	The	spott	er h	as replac	ed v	vith a	rece	ently	calib	rate	ed spot	ter.	
18. Terminate	A. Date	05/	Da Yr 18/2009	B. Time	e (24 Hr. Clock)		258							
Section IVAut		em Data												
19. Type of In		E01	20. Even	Numbe	^r 41199	36	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

E01

(activity code)

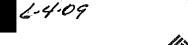
22. Signatur



8. Condition or Practice

UPPER BIG BRANCH MINE-SOUTH





8a. Written Notice (103g)

(Contractor)

Section IVi	olation Data	000 Н <u>— 1994 — 1994 — 1994 — 1994 — 1994 — 1994 — 1994 — 1994 — 1994 — 1994 — 1994 — 1994 — 1994 — 1994 — 1994</u>		K				
1. Date	Mo Da Yr 06/03/2009	2. Time (24 Hr. Clock) 1010	3. Citation/ Order Number 8082817					
4. Served	To		5. Operator					
Gary Ma	y, Mine Foreman		PERFORMANCE COAL COMPANY					
6. Mine	DIO DD AMOTELE	DIE COFEET	7. Mine ID 46-08436					

The operator is failing to maintained the #2 belt on the #1 section. A stand is improperly installed at break 48, causing the stand to twist and the belt to rub the metal across the width of the bottom cross member of the stand. At break 52, the stand is damaged, causing the belt to rub on the frame on the walkway side. At break 87, the stand is improperly installed, causing the stand to twist and the belt to rub the metal across the width of the bottom cross member of the stand.

											See C	ontinuatio	on Form (MS	HA Form 7000	-3a) [_
9. Violation	A. Health Safet Othe	y 🔽	B. Section of Act				C. Part/Section of Title 30 CFR			75.1731(b)					
Section IIInsp	ector's Eval	ıalion													
10. Gravity:															
A. Injury or	r Illness (ha	ıs) (is):	No Likelih	ood 🗌	Unlik	cely 🗌	Re	asonably	Likely	✓	Highly Llk	ely 🗌	Occ	urred	
B. Injury o sonably	r illness co be expecte		No Los	t Work	days 🗌	Lost V	orkdays (Or Restri	cted Du	ıty 🗌	Permar	ently Dis	sabling 🔽	Fatal [
C. Signific	ant and Su	bstantial:	Yes	s 🗸	No 🗌						D. Number	of Perso	ons Affected	d: 003	
11. Negligeno	e (check o	ne)	A. None		B. Low		C. Modera	ite 🗸		D. High		E. Rec	kless Disre	gard 🗌	
12. Type of A	ction]	04(a)			13. Тур	e of Issua	nce (chec	:k one)	Cita	ation 🔽	Order _	Saf	eguard 🗌	Written N	lotice 🗌
14. Initial Acti A. Citation		rder 🔲	C. Safegua	ard 🔲	D. Written	Notice [itation/ order Num	nber				F. Dated	Mo D	a Yr
16. Termination	on Dua	1	Mo Da		1					1					
A. Date 06/03/2009 B. Time (24 Hr. Clo					4 Hr. Clock	ck) 1200									
Section IIITer	mination Ac	lion													
17. Action to	Terminate						_								
18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)						ck)									
Section IVAut	omated Sys	tem Data													
19. Type of In (activity of		E01	20. Event	Numbe	41	19936		21. Pr	imary o	r Mill					
22. Signati											23. A	R 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 Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

22. Signatu

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



#3###\$\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\				#1.00a.ma.a) and 110di	/ tallillioti	attori			
Section IViolat						····							
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 06/03/2009 1040							3. Citation/ Order Number 8082818						
4. Served To	00/03/2002	·		1010		5. 0	perator		<u>.</u>				
Gary May, Mine Foreman							RFORM	IANCE CO	OAL COMP	ANY			
6. Mine							line ID	46-0843	36				
	G BRANCE	I MII	VE-SOU	TH		<u> </u>		100045			(Contractor)		
8. Condition or			C ! 7 !		• r	·	H 🔿 1.	. 7 :	17 111		Notice (103g)		
					to maintai								
					103 to 104 nd, up to						varkway		
side up	to the	ΩE	тс тал	rr ar	ia, up co	24 U	eep,	2 MICH	s and re	o long.			
									See Con	tinuation Form (MSF	IA Form 7000-3a)		
9. Violation	A. Health 🗌	E	3. Section			C. Part/S							
	Safety 🗸		of Act			Title 30) CFR		75.	400			
Section IIInspe	Other ector's Evaluation					<u> </u>				<u> </u>			
10. Gravity:													
A. Injury or	Illness (has) (is	s):	No Likeliho	od 📋	Unlikely 🗌	Re	asonably L	ikely 🔽	Highly Llkely	Occu	rred 🗌		
	illness could re		No Look	Morleda	nuo 🗆 I I I I I	Markdova	Or Postrial	od Dube []	Darmanan	the Disabling &	Fatal 🗌		
sonably	be expected to I	be:	No Lost	VVOIKUS	ays Lost	vvorkdays	JI RESUICI	ed Duty 🗌	1	itly Disabling 🔽			
C. Significa	ant and Substar	rtial:	Yes	V	No 🗌				D. Number of	Persons Affected:	003		
11. Negligence	e (check one)	ļ	A. None		B. Low	C. Modera	te 🗸	D. High		E. Reckless Disreg	ard		
12. Type of Ad	otion 104(a	a)		ii.	13. Type of Iss	uance (chec	k one)	Citation 🗸	Order 🗌	Safeguard	Written Notice		
14. Initial Actio	on.				J	F.C	itation/		•	F. Dated	Mo Da Yr		
A. Citation			C. Safeguar	rd 🗌	D. Written Notice		rder Numb	er					
15. Area or Ed	uipment												
40 Tamala di	n Para I		Mo Da Y	/-							·		
16. Termination	A. [Date	06/03/20		B. Time (24 Hr. Clo	ock)	1200						
Section IIITerr	nination Action		00,03,20	02 1		•							
17. Action to 1		he	accumi	ılati	ions have	been	clean	ed up.					
		110	accam		LOHO Have	200011	O.L.Can	ca ap.					
18. Terminate	d	Mo D	a Yr T										
io. ieininale			3/2009	B. Time	(24 Hr. Clock)	1400	·		•				
Section IVAuto	omated System E		, _ , _ , _ ,										
19. Type of In	spection		20. Event I	Number	411002	6	21, Prin	nary or Mill					
(activity co		01			411993	O							

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-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



23. AR Number

ane Citation/Order

22. Signature

U.S. Department of Labor

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				Mir	ne Safety	and Heal	th Administrat	ion	
Section IViolat	lion Data								
1. Date	Mo Da Yr 06/03/2009	2. Time (24 Hr. Clo 105					3. Citation/ Order Numb	er 80828	19
4. Served To	00/05/2005	100	5. C	Operator					
Gary May,	Mine Foreman			PE	RFORM	ANCE CO	DAL COMPA	NΥ	
6. Mine				7. N	/line ID	46-0843	26		
	G BRANCH MI	NE-SOUTH				+0.004.			(Contractor)
8. Condition of									Notice (103g)
entry of 22' wid	perator is on the #1 s de to allow c added add	section was for the	s mined ov belt and t	er 20 rack	wide. to be	The c	operator e same en	cuts thi try. The	s entry
							See Continu	ation Form (MSH	A Form 7000-3a)
9. Violation	A. Health ☐ Safety ✔ Other ☐	B. Section of Act		C. Part/Si Title 30			75.203	(a)	
	ector's Evaluation								
Gravity:A. Injury or	r Iliness (has) (is):	No Likelihood	Unlikely 🔽	Re	asonably Lik	cely 🗌	Highly Likely	Occur	rred
	r illness could rea- be expected to be:	No Lost Workd	ays Lost	Workdays (Or Restricte	d Duty	Permanently	Disabling 🗸	Fatal 🗌
C. Signific	ant and Substantial:	Yes 🗌	No 🗸				D. Number of Pe	rsons Affected:	011
11. Negligenc	e (check one)	A. None	B. Low	C. Modera	ite 🗌	D. High	☑ E. F	Reckless Disreg	ard 🗌
12. Type of Ad	ction 104(d)(2))	13. Type of Issu	ance (chec	k one)	Citation [Order 🗹 🤞	Safeguard 🗌	Written Notice
14. Initial Action A. Citation		C. Safeguard	D. Written Notice [citation/ order Numbe	r .	3082692	F. Dated	Mo Da Yr 03/17/2009
15. Area or Ed	quipment The	#3 belt o	n the #1 s	ectio	n is t	o be i	removed f	rom serv	
until a	additional								
16. Termination	on Due A, Date	Mo Da Yr	B. Time (24 Hr. Clo	ck)					
	mination Action								
17. Action to 3	Terminate The	operator	has set sa	ınd ja	cks fo	or the	length of	f the af	fected
18. Terminate	A. Date 06/0	0a Yr 3/2009 B. Time	(24 Hr. Clock)	1426					
	omated System Data				1				
19. Type of In (activity co		20. Event Number	411993	6	21. Prima	ary or Mill			



23. AR Number

ine Citation/Order

22. Signatur

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) 06/03/2009 1055	3. Citation/ Order Number 8082820
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)
valve. The fire valve present does no present. This is the 8th time this s	ion is not provided with a ready fire ot have a handle to turn it on/off standard had been cited since 3/10/09. e that further issuances of this standard
9. Violation A. Health B. Section	See Continuation Form (MSHA Form 7000-3a) C. Part/Section of
Safety ✓ of Act Other □	Title 30 CFR 75.1100-2(b)
Section IIInspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely V Highly Likely Occurred
B. Injury or illness could rea-	Workdays Or Restricted Duty ☐ Permanently Disabling ✔ Fatal ☐
sonably be expected to be: No Lost Workdays Lost v C. Significant and Substantial: Yes V No	D. Number of Persons Affected: 011
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 Issua	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. Clock	k) 1200
Section IIITermination Action	7 7 1.3
17. Action to Terminate The fire valve has been	replaced with a new one.
18. Terminated A. Date	1355
10. Time of Inspection 20. Front Number	21. Primary or Mill
(activity code) E01 20. Event Number 4119936) 21. Findary or twin



23. AR Number

.ine Citation/Order

22. Signatur

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

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						Mine Saf	ety ar	id Healt	h Administ	ration		1	1
Section IViolat	ion Data			William Willia						······································			become to the total of the tota
1, Date	Mo Da Yr 06/03/2009	•	ime (24 Hr. Clo 113						3. Citation/ Order N		80828	21	
4. Served To		· · · · · · · · · · · · · · · · · · ·			Î	Operator							
	Mine Foren	nan				PERFORMANCE COAL COMPANY							
6. Mine UPPER BI	G BRANCI	H MINE-	SOUTH			7. Mine ID	46	-0843	6			(Contract	tor)
8. Condition or	Practice										8a. Written	Notice (103g)	
stoppin startin	igs alon ig at sp	g esca ad 23	apeway. 524 and	to mark ma In the le going out these sto	ft by,	return are n	on	the	#1 sect	tion	., 3 ma	ndoors,	У
		·							22		5 44011	A. F	
0.16-1-11	A 1110-[-1	15.6	-10		^ D-	-11011			See Co	ntinuatio	n Form (MSH.	A Form 7000-3a)	
9. Violation	A. Health ☐ Safety ✔ Other	B. Se	ction Act			rt/Section of e 30 CFR	ſ		75.33	3(c)(2	2)		
Section IIInspe	ector's Evaluation)										····	
Gravity:A. Injury or	lilness (has) (i	s): No L	ikelihood 🗌	Unlikely 🗸		Reasonably	y Likely		Highly Likely	<i>,</i>	Occur	red 🗌	
	illness could re be expected to		lo Lost Worke	lays 🗌 Lost \	V orkda	ays Or Restr	icted D	uty 🗌	Permane	ntly Dis	abling 🔽	Fatal 🗌	
C. Significa	ant and Substa	ntial:	Yes 🗌	No 🗸					D. Number o	f Perso	ns Affected:	001	
11. Negligence	e (check one)	A. No	one 🗌	B. Low	C. Mo	derate 🔽		D. High		E. Recl	dess Disrega	ard 🗌	
12. Type of Ad	ction 104(a)		13. Type of Issua	ance (d	heck one)	Cit	ation 🗹	Order 🗌	Safe	guard 🗌	Written Notice	e 🗌
14. Initial Action		C. Sa	afeguard 🗍	D. Written Notice	7	E. Citation/ Order Nu	mber			***************************************	F. Dated	Mo Da Y	r
15. Area or Ec	quipment				1 .						Manual de la companya de la company		
16. Terminatio	on Due A.	Llata	Da Yr 04/2009	B. Time (24 Hr. Cloc	k)	0800)			11 - 11 - 11 - 11 - 11 - 11 - 11 - 11 	WWW.MAN	· · · · · · · · · · · · · · · · · · ·	•
Section IIITerr	nination Action												
17. Action to 1	Cerminat e												
18. Terminate	A. Date	Mo Da Y	r B. Time	(24 Hr. Clock)					TO WANTED		· · · · · · · · · · · · · · · · · · ·	-	
	omated System D					.,							
19. Type of In (activity co		301 20.	Event Number	4119936	5	21. P	rimary	or Mill					

Mine Citation/Order Continuation

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

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Section ISubsequent Action/Continuation Data											
1. Subsequent Action 1a. Continuation	Dated (Original Issue)	,,,,,	Da Yr /2009	3. Citation/ Order Number	8082821 - 01		Will be with the second				
4. Served To			5. Ope	rator							
Gary May, Mine Foreman		PERF	PERFORMANCE COAL COMPANY								
6. Mine		7. Mine	7. Mine ID (Con								
UPPER BIG BRANCH MINE-SOU	JTH		46-08436								
Section IIJustification for Action											

The doors has been marked.

								See Continuation Form
Section IIISubse	quent Action Take	n						
8. Extended To	A. Date Mo	Da	Yr	B. Time (24 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IVInspe	ction Data							
9. Type of Inspe	ection E01	<i>y</i>	10. E	vent Number 4119936				
11. Signatu				AR Number	12. Date	Mo Da Yr 06/08/2009	13. Time (24 Hr. Clo	ck)





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

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Section Violat	ion Data				1				XII		· · · · · · · · · · · · · · · · · · ·		
1. Date	Mo Da 06/03/2		2, Time (2	24 Hr. Ct 132		.,			, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	3. Citation/ Order Nur	nber 80	82822)
4. Served To							5. Operator						
Gary May, Mine Foreman							PERFOR	MAN	CE CO.	AL COMP.	ANY		
6. Mine UPPER BI	G BRAN	JCH M	IINE-SOL	ΤΉ			7. Mine ID	46-	0843	6	270002000		(Contractor)
8. Condition or		(CIIII)	III III OO								8a. V	Vritten No	tice (103g)
	irebo	ss.			does	not	have an	ide	ntif	ication			
attache			belt.								549 -		z
										See Conti	nuation Forn	n (MSHA Fo	orm 7000-3a)
9. Violation	A. Health Safet Othe	y 🗸	B. Section of Act		VIII - VI		Part/Section o Fitle 30 CFR	f		75.1			
Section IIInspe	ector's Evalu	ation				1							
10. Gravity:	. 142		A F - 1 21 - 121-	🗖	1 1-1311		D				r —		
A. Injury or B. Injury or			No Likelih	000 🔽	Unlikely	Ц	Reasonabl	y Likely		Highly Likely	<u> </u>	Occurred	
	be expecte		No Los	st Work	days 🗸	Lost Work	days Or Rest	ricted Du	ty 🗌	Permanent	ly Disabling		Fatal
C. Significa	ant and Su	bstantial:	Yes	s 🗌	No 🗸					D. Number of	Persons Aff	ected:	001
11. Negligence	e (check o	ne)	A. None		B. Low	C. N	Noderate 🗸	E). High [E	. Reckless I	Disregard	
12. Type of Ad	ction 1	.04(a)			13. Type o	f Issuance	(check one)	Cita	ion 🗸	Order 🗌	Safeguard	1 🗌 V	Vritten Notice
14. Initial Action A. Citation		rder [C. Safegu	ard 🔲	D. Written Not	ice	E. Citation/ Order Nu	mber			F. Da	led	Mo Da Yr
15. Area or Ec	quipment												
16. Termination	on Due	A. Date	Mo Da 06/04/2		B. Time (24 Hı	r. Clock)	0800)					
Section IIITerr	mination Act	tion											
17. Action to 1	Ferminate												
18. Terminate	d A. Date	Mo	Da Yr	B. Time	e (24 Hr. Clock)					, , , , , , , , , , , , , , , , , , ,			
Section IVAuto	omated Sys	tem Data		L				t					
19. Type of In	spection	E01	20. Event	Number	4119	936	21. P	rimary or	Mill				
22. Signatur	7-5-00-00-00-00-00-00-00-00-00-00-00-00-0		<u></u>				<u></u>		F	23. AR I	lumber	<u> </u>	

Mine Citation/Order Continuation

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

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Oommaaton		IVIIIO OC		<u> </u>			
Section ISubsequent Action/Continuation Data							
1. Subsequent Action 1a. Continuation	2. Dated Mo Da (Original Issue) 06/03/20	.,	3. Citation/ Order Number	8082822 - 01	Annual Annua		
4. Served To		5. Operate	or				
Gary May, Mine Foreman		PERFO	RMANCE CO.	AL COMPANY			
6. Mine		7. Mine ID (Contractor)					
UPPER BIG BRANCH MINE-SO	UTH	46-08436					
Section IIJustification for Action						<u> </u>	

The miner now has a name tag firmly attached to his belt.

Since y								See Continuation Form
Section IIISubse							····	
8. Extended To	A. Date Mo	Da	Yr	B. Time (24 Hr. Clock)		C. Vacated	D. Terminated	☐ E. Modified
Section IVInspec	ction Data							
9. Type of Inspe	ection E01	March of A a decide of the section of	10. E	vent Number 4119936				
11. Signatu	····			AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Cl	ock)
						06/10/2009	0825	



22. Signatur



23. AR Number

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



						Mine Safe	ty an	d Healt	h Administr	ation			\//
Section IViola	tion Data						7.4.1.5.17.17.17.17.17.17.17.17.17.17.17.17.17.				Province LA COPAC Continue Aquation Con-		
1. Date	Mo Da Y 06/03/20		2. Time (24 Hr	. Clock) 1328					3. Citation/ Order Nu	ımber	80828	23	
4. Served To						5. Operator			•		•		
Gary May,	Mine Fore	eman				PERFOR	MAN	CE CC	AL COMP	ANY			
6. Mine UPPER BI	G BRANC	Н МГ	NE-SOUTH			7. Mine ID	46	-0843	6			(Contra	ctor)
8. Condition o			-			* , , , , ,					8a. Written	Notice (103g)) [
methane	e/air m	ixtu	re ever	g to calibra y 31 days. T ection belts	Che	Solari	s mu	ılti	gas det	ect	or in	use by	
							-	•					
									See Con	tinuatio	n Form (MSH	A Form 7000 -3:	a) 🗆
9. Violation	A. Health Safety Other	= 1	B. Section of Act		,	Part/Section of itle 30 CFR				20(a)			<u>ا</u>
Section IIInsp	ector's Evaluati	ดก					··						
10. Gravity: A. Injury o	r Illness (has)	(is):	No Likelihood	Unlikely		Reasonably	Likely	V	Highly Likely		Occur	red 🗌	
	r illness could be expected t		No Lost W	orkdays 🗌 🛚 Lost	Work	days Or Restri	cted D	uty 🗌	Permanen	itly Dis	abling 🗸	Fatal 🗌	
C. Signific	ant and Subs	tantial:	Yes 🗸	No 🗌					D. Number of	Perso	ns Affected:	020	
11. Negligenc	e (check one)	,	A. None	B. Low	C. M	loderate 🗸		D. High	E	E. Recl	dess Disrega	ard 🗌	
12. Type of A	ction 10	l(a)		13. Type of Iss	uance	(check one)	Cit	ation 🗸	Order 🗌	Safe	guard 🗌	Written Not	ice 🗌
14. Initial Acti A. Citation		er 🔲	C. Safeguard [D. Written Notice		E. Citation/ Order Nun	nber				F. Dated	Mo Da	Yr
15. Area or Ed	quipment										-		
16. Termination	on Due A	. Date	Mo Da Yr 06/03/2009	B. Time (24 Hr. Clo	ock)	1400							
Section IIITer	mination Actior	1											
17. Action to	Terminate												
18. Terminate	A. Date		a Yr B.1	Fime (24 Hr. Clock)									
Section IVAut		n Data	T										
19. Type of In (activity co		E01	20. Event Nun	^{nber} 411993	6	21. Pr	imary o	or Mill					

./line Citation/Order Continuation

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

apple	
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		V OIBIN	wine dately and recall realistic factor					
2. Dated (Original Issue)	1110	''	3. Citation/ Order Number	8082823 - 01				
		5. Operat	5. Operator					
		PERFO	PERFORMANCE COAL COMPANY					
Gary May, Mine Foreman 6. Mine					(Contractor)			
UTH			40-08430					
		(Original Issue) 06/03	2. Dated Mo Da Yr (Original Issue) 06/03/2009 5. Operat PERFO 7. Mine If	2. Dated Mo Da Yr 3. Citation/ (Original Issue) 06/03/2009 Order Number 5. Operator PERFORMANCE CO 7. Mine ID	(Original Issue) 06/03/2009 Order Number 8082823 - 01 5. Operator PERFORMANCE COAL COMPANY 7. Mine ID 46, 08426	2. Dated		

The methane detector has been calibrated.

S		770007 DH=1007 OF				×			See Continuation Form
Section IIISubse	quent Action Take	n							
8. Extended To	A. Date Mo	Da	Yr	B. Time (24 Hr. Clock)			C. Vacated	D. Terminated	E. Modified
Section IVInspe	ction Data								
9. Type of Inspe	ection E01		10. E	ent Number 411	9936	American Commission (Assessment)			
11. Signati			······································	AR Numb	er 12. D	ate	Mo Da Yr	13. Time (24 Hr. Clo	ock)
							06/08/2009	0745	

22. Signatur

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



	wife Safety and realth Administration					
Section IViolation Data						
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 1407	3. Citation/ Order Number 8082824					
4. Served To	5. Operator					
Gary May, Mine Foreman	PERFORMANCE COAL COMPANY					
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)					
8. Condition or Practice	8a. Written Notice (103g)					
The operator is failing to comply wit response plan. The secondary means of c section would not function when tested.						
	See Continuation Form (MSHA Form 7000-3a)					
	art/Section of the 30 CFR 75.1502					
Section IIInspector's Evaluation						
10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely	Reasonably Likely Highly Likely Occurred					
B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workd	ays Or Restricted Duty 🗌 Permanently Disabling 🗌 Fatal 🗹					
C. Significant and Substantial: Yes ✔ No ☐	D. Number of Persons Affected: 011					
11. Negligence (check one) A. None B. Low C. Mc	derate 🗸 D. High 🗌 E. Reckless Disregard 🗍					
12. Type of Action 104(a) 13. Type of Issuance (check one) Citation ☑ Order ☐ Safeguard ☐ Written Notice ☐					
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number					
15. Area or Equipment						
16. Termination Due A. Date 06/03/2009 B. Time (24 Hr. Clock)	1430					
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 4119936	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 Administratio

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Continuation			Mine S	V 10(\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\				
Section ISubsequent Action/Continuation Data		· · · · · · · · · · · · · · · · · · ·		,					
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 06/03/20	Yr 109	3. Citation/ Order Number	8082824 - 01	and the comment of th			
4. Served To			5. Operator						
Gary May, Mine Foreman			PERFORMANCE COAL COMPANY						
6. Mine			7. Mine ID		(Contractor)				
UPPER BIG BRANCH MINE-SC	46-08436								
Section IIJustification for Action					W. Carlotte				

The phone has been repaired.

		·			- Anide in a second of the sec				See Continuation Form
Section IIISubse	quent Action	Taken			•				
8. Extended To	A. Date	Мо	Da	Yr	B. Time (24 Hr. Clock)		☐ C. Vacated	✓ D. Terminated	E. Modified
Section IV-Inspec	lion Data								
9. Type of Inspe	ection E0)1		10. E	vent Number 411993	6			
11. Signatu			WOODAN LLU		AR Number	12. Date	Mo Da Yr 06/08/2009	13. Time (24 Hr. Clo 1055	ock)

22. Signature

U.S. Department of Labor

6-4-09

23. AR Number



Mine Safety and Health Administration

THE TRUMP OF THE PARTY OF THE P									
Section IViolation									
1. Date	Mo Da Yr 06/04/2009	2. Time (24 Hr. Clo 1152		, , , , , , , , , , , , , , , , , , , ,		3. Citation/ Order Numbe	r 80828	25	
4. Served To		-		5. Operator PERFORMANCE COAL COMPANY					
	Mine Foreman		· · · · · · · · · · · · · · · · · · ·		IANCE COA	L COMPAN	Y		
6. Mine UPPER BIO	BRANCH M	INE-SOUTH		7. Mine ID	46-08436	<u>,</u>		(Contractor)	
8. Condition or				1			8a. Written	Notice (103g)	
The op	erator is	failing to	comply wit	h page 1	, item 6	of the a	approve	d	
ventila	tion base	plan. The	plan requir	es 9000c	fm to be	maintai	ned whe	re	
			is being i						
			air was pre	sent at	the tail	end of	the lon	gwall	
2400, W		d by MSHA.							
						See Continuat	ion Form (MSHA	A Form 7000-3a)	
9. Violation	A. Health ☐ Safety ✔ Other ☐	B. Section of Act		Part/Section of Fitle 30 CFR		75.370(a)	(1)		
Section IIInspe	ctor's Evaluation					···			
Gravity:A. Injury or	Illness (has) (is):	No Likelihood	Unlikely 🗸	Reasonably L	ikely 🗌 💮 l	Highly Llkely	Occur	red 🗌	
	illness could rea- be expected to be	No Lost Workda	ys Lost Work	days Or Restrict	ed Duty 🗌	Permanently Di	sabling 🗸	Fatal	
C. Significa	int and Substantia	l: Yes 🗌	No 🗹			D. Number of Pers	sons Affected	: 007	
11. Negligenc	e (check one)	A. None	B. Low C. N	loderate 🗸	D. High	E. Red	ckless Disrega	ard 🗌	
12. Type of Ad	otion 104(a)		13. Type of Issuanc	e (check one)	Citation 🗸	Order Sa	feguard 🗌	Written Notice	
14. Initial Action	on B. Order	C. Safeguard 🔲 🏻	D. Written Notice	E. Citation/ Order Numl	ber		F. Dated	Mo Da Yr	
15. Area or Ed	quipment			•			•		
16. Termination	on Due A. Date	Mo Da Yr 06/04/2009	3. Time (24 Hr. Clock)	1500					
Section IIITern									
17. Action to	Terminate								
18. Terminate	A. Date Mo	Da Yr B. Time	(24 Hr. Clock						
Section IVAuto	omated System Data								
19. Type of In (activity co		20. Event Number	4119936	21. Prir	mary or Mill				

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small business. Additional Business Business Additional Business Business Additional Business Business Business Business Business Busi

√Mine Citation/Order Continuation

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

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Continuation		- Company of the comp	mile during and recent remaining and						
Section ISubsequent Action/Continuation Data					348				
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 06/04/20	• • •	3. Citation/ Order Number	8082825 - 01				
4. Served To			5. Operator						
Gary May, Mine Foreman			PERFORMANCE COAL COMPANY						
6. Mine	7. Mine ID (Contractor)			(Contractor)					
UPPER BIG BRANCH MINE-SC	46-08436								
Section IIJustification for Action									

11550 cfm of air is now present.

						10 days		See Continuation Form
Section IIISubse	quent Action Tak	en						
8. Extended To	A. Date Mo	Da	Yr	B. Time (24 Hr. Clock)		☐ C. Vacated	✓ D. Terminated	E. Modified
Section IVInspe	ction Data	**************************************						
9. Type of Inspe	ection E01		10. E	vent Number 4119936			CO American Section (Control of Control of C	
11. Signatur	7 + + 10 Year (1975) - 17 A - A			AR Number	12. Date	Mo Da Yr 06/08/2009	13. Time (24 Hr. Clo	ock)

18. Terminated

22. Signature

A. Date

Section IV--Automated System Data

19. Type of Inspection

(activity code)

Mo Da Yr

E01

20. Event Number

B. Time (24 Hr. Clock)

4119936



Mille Citation/Order	Mine Safety and Health Administration
Section I-Violation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 06/08/2009 0815	3. Citation/ Order Number 8082826
4. Served To	5. Operator
Andy Coalson, Mine Foreman	PERFORMANCE COAL COMPANY
6. Mine	7. Mine ID 46-08436
UPPER BIG BRANCH MINE-SOUTH	(Contractor)
8. Condition or Practice	8a. Written Notice (103g)
on the #4 Section. On 06/06/09 (110-13 operator failed to record last open br	eak air readings and the conditions 35 PM), 06/07/09 (100-125 PM), 06/06/09
Safety ✓ of Act Other ☐	See Continuation Form (MSHA Form 7000-3a) Part/Section of Title 30 CFR 75,360(f)
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 World	kdays Or Restricted Duty Permanentty Disabling Fatal
C. Significant and Substantial: Yes No 🗹	D. Number of Persons Affected: 000
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 Issuance	e (check one) Citation 🗸 Order 🗌 Safeguard 🗍 Written Notice 🗌
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number
15. Area or Equipment 16. Termination Due A Date Mo Da Yr D Time (24 Hz Cleate)	
A. Date 06/09/2009 B. Time (24 Hr. Clock)	0800
Section IIITermination Action	
17. Action to Terminate	

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small businesses. If you wish to comment on the reference of MSHA, we way 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

, Citation/Order

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

11/15/9	
4/12/1	

Juliuation					•	n Aummistration		
Section ISubsequent	Action/Continuation Data							
1. Subsequent Action	n 1a. Continuation	2. Dated	Mo Da	Yr	3. Citation/	0000007 01		
\checkmark		(Original Issue)	06/08/20	009	Order Number	8082826 - 01		
4. Served To				5. Operat	ог			
Andy Coalson, M	Aine Foreman			PERFC	RMANCE CO	AL COMPANY		
6. Mine		****		7. Mine II) 46 0040		(Contractor)	
UPPER BIG BR	ANCH MINE-SC	UTH			46-0843	6		
Section IIJustification	for Action							

The operator is now keeping a complete record of preshift exams.

								See Continuation Form
Section IIISubse	quent Action Take	n						
8. Extended To	A. Date Mo	Da	Yr	B. Time (24 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IVInspec	ction Data		AND A SECURITY OF THE PARTY OF					2
9. Type of Inspe	ction E01		10. E	vent Number 4119936				
11. Signatu				AR Number	12. Date	Mo Da Yr 06/10/2009	13. Time (24 Hr. Close) 0815	ck)

22. Signatu

U.S. Department of Labor



				Mine	Safety	and Healt	h Administra	ation		
Section IViolat	lion Dala			www.endergo.co.co.co.co.co.co.co.co.co.co.co.co.co	ON CONTRACTOR OF THE PROPERTY		788		And the second s	
1. Date	Mo Da Yr 06/08/2009	2. Time (24 Hr. C 09)					3. Citation/ Order Nur	mber 80828	27	
4. Served To				5. Op	5. Operator					
Andy Coals	son, Mine Foren	nan		PER	RFORM	ANCE CO	AL COMPA	ANY		
6. Mine			ANZ	7. Mi	ne ID	46-0843	6			
UPPER BI	G BRANCH M	INE-SOUTH				40-0043			(Contractor)	
8. Condition of	r Practice							8a. Written	Notice (103g)	
equipme Brookvi	ent operate lle Jitne	ed in the y is only	provide a intake pri provided w .0# fire ex	mary e	escape ne 10‡	e way c	n the # extingu	1 Section isher whe	. The #12	
9. Violation	A. Health ☐ Safety ✔	B. Section of Act		C. Part/Se Title 30			See Conti	inualion Form (MSH. f)(5)(ii)	4 Form 7000-3a)	
	Other 🗌			<u> </u>				-/(-)()		
Section IIInspe	ector's Evaluation									
10. Gravity: A. Injury or	r Illness (has) (is):	No Likelihood	Unlikely 🗌	Rea	sonably Lil	kely 🗸	Highly Likely	Occur	red [
	illness could rea- be expected to be:	No Lost Work	days Lost	Workdays O	r Restricte	ed Duty 🗍	Permanent	iy Disabling 🗸	Fatal 🗌	
C. Signific	ant and Substantial:	Yes ✓	No 🗌				D. Number of	Persons Affected:	005	
11. Negligeno	e (check one)	A. None	B. Low	C. Moderate	e 🗹	D. High	<u></u>	. Reckless Disrega	ırd 🗌	
12. Type of A	ction 104(a)		13. Type of Issu	ıance (check	one)	Citation 🗸	Order 🗌	Safeguard 🗌	Written Notice	
14. Initial Action		C. Safeguard	D. Written Notice	E. Cit	ation/ der Numbe	er		F, Dated	Mo Da Yr	
15. Area or Ed	quipment									
16. Termination	A. Date	Mo Da Yr 06/08/2009	B. Time (24 Hr. Clo	ock)	1000					
Section IIITen										
17. Action to	Terminate Ano	ther 10# 1	fire exting	guisher	c has	been p	rovided	•		
18. Terminate		Da Yr 98/2009 B. Tim	e (24 Hr. Clock)	0935						
Section IVAut	omated System Data									
19. Type of In (activity co		20. Event Numbe	411993	6	21. Prim	ary or Mill				

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

23. AR Number

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



		<u> </u>	177111	.,	. ,			
Section IVio	lation Data							
1. Date	Mo Da Yr 06/08/2009	2. Time (24 Hr. Clock) 1025			3, Citation/ Order Number	8082828	CONTRACTOR OF THE PARTY OF THE	
4. Served To	0		5. Operator					
Andy Coa	alson, Mine Fore	man	PERFOR	PERFORMANCE COAL COMPANY				
6. Mine			7. Mine ID	46-08436	`			
UPPER F	BIG BRANCH M	IINE-SOUTH		40-00430	,		(Contractor)	
8. Condition	or Practice					8a, Written Notice	e (103g)	
		failed to take an itation #8082817.	y action to	fix the	condition	s on the	#2	

										See Con	tinuation	Form (MSF	HA Form 700	0-3a) []
9. Violation	A, Health Safety Other		B. Section of Act				art/Section o	f		75,17	731(b)			
Section II-Inspe	ctor's Evalu	ation												
10. Gravity:														
A. Injury or	Illness (ha	s) (is):	No Likelih	ood 🗌	Unlikely [Reasonab	ly Likely		Highly Llkely		Occu	ırred	
B. Injury or sonably t	illness cou se expected		No Los	st Workda	ys Lost	Work	days Or Rest	ricted Du	ıty 📋	Permanen	itly Disat	oling 🗌	Fatal [
C. Significa	nt and Sub	stantial:	Ye	s 🗌	No 🗌				•	D. Number of	Persons	s Affected	:	
11. Negligence	(check on	e)	A. None		B. Low	C. M	oderate 🗌		D. High	[] E	. Reckle	ss Disreg	gard 🗌	
12. Type of Ac	tion] (04(b)			13. Type of Issu	ance	(check one)	Cita	ation 🗌	Order 🗸	Safeg	uard 🗌	Written I	Votice 🗌
14. Initial Actio A. Citation		der 🗌	C. Safegua	ard 🔲 🏻	D. Written Notice		E. Citation/ Order Nu	mber	80	082817	F	. Dated	Mo D 0 <u>6/</u> 0	a Yr 3/2009
15. Area or Eq cited c	•				on the #1 cted.	Sec	ction i	ls r∈	emove	d from	serv	rice ı	ıntil	all
16. Termination	n Due	A. Date	Mo Da	Yr E	3. Time (24 Hr. Clo	ck)	- waste * ** *	······································						.,, <u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>
Section IIITerm	ination Acti	on						***************************************						· · · · · · · · · · · · · · · · · · ·
17. Action to T	erminate	The	neces	sary	repairs w	ere	e made.	•						
18. Terminated	A. Date		oa Yr 8/2009	B. Time (24 Hr. Clock)]	400		7	, , , , , , , , , , , , , , , , , , , ,	,			
Section IVAuto	mated Syste	em Data												
19. Type of Ins (activity cod		E01	20. Event	Number	411993	6	21. F	rimary o	r Mill					
22. Signatui					- The second sec			······································		23. AR	Number			

A. Date

E01

Mo Da Yr

06/08/2009

Section III--Termination Action

17. Action to Terminate

A. Date

Section IV--Automated System Data

18. Terminated

22. Signatul

19. Type of Inspection

(activity code)

06/08/2009

20. Event Number

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



				Mine Safety a	nd Health	n Administratio	n W	1010 3		
Section IViol	lation Data									
1. Date	Mo Da Yr 06/08/2009	2. Time (24 Hr. Cloc 1045				3, Citation/ Order Number	80828	29		
4. Served To		IVTJ		5. Operator			······································			
	ılson, Mine Foren	nan		1 '	NCE CO.	AL COMPAN	Y			
6. Mine				7. Mine ID	6 00424		**************************************	-mosseys-arrowales-y		
UPPER B	BIG BRANCH M	NE-SOUTH		4	7. Mine ID 46-08436 (Contra					
8. Condition					1,000			Notice (103g)		
fire v necess This	tail piece ralve. The vary to hook same fire ire valves	valve avail c up a fire valve was	able does : hose. cited and	not have th	ne male on 06/0	e nipple :	in it,	that is		
9. Violation	A. Health ☐ Safety ✔ Other ☐	B. Section of Act	C	. Part/Section of Title 30 CFR		See Continuati 75.1100-2		IA Form 7000-3a)		
The state of the s	pector's Evaluation	CONTRACTOR OF THE PROPERTY OF					····			
10. Gravity: A. Injury	or Iliness (has) (is):	No Likelihood	Unlikely [Reasonably Likel	у 🗸	Highly Llkely	Occur	rred		
	or illness could rea- ly be expected to be:	No Lost Workda	ys Lost Wo	orkdays Or Restricted	Duty 🗍	Permanently Di	sabling 🗸	Fatal		
	icant and Substantial:	Yes 🗸	No 🗌			D. Number of Pers	ons Affected:	014		
11. Negligen	nce (check one)	A. None	B. Low C	Moderate	D. High	✓ E. Re	ckless Disrega	ard 🗌		
12. Type of	Action 104(a)		13. Type of Issuan	ce (check one) C	itation 🗸	Order Sa	feguard 🗌	Written Notice		
14. Initial Ac A. Citation		C. Safeguard [). Written Notice	E. Citation/ Order Number			F. Dated	Mo Da Yr		
15. Area or I		Mo Da Yr								

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.

1100

1130

21. Primary or Mill

23. AR Number

B. Time (24 Hr. Clock)

B. Time (24 Hr. Clock)

The fire valve now has the proper fittings.

4119936

Citation 🗸

Order

Safeguard

F. Dated

Written Notice

Mo Da Yr



Mille Citat	ion/Order			Mine Safety		Administration	a	m n 🔊
Section IViola	ition Data		Section and the section of the secti				**************************************	
1. Date	Mo Da Yr 06/08/2009	2. Time (24 Hr. Clo		THE PARTY OF THE P		3. Citation/ Order Number	808283	0
4. Served To	lson, Mine Forer	nan	·	5. Operator PERFORMA	NCE CO	AL COMPANY		
6. Mine	ison, ininio i oici	IRCER		7.1515	70			
	IG BRANCH M	INE-SOUTH		4	6-08436)		(Contractor)
8. Condition of							8a. Written N	otice (103g)
feeder	line the	corner doe	s not have	n the #1 Ser roof bolts 7 feet from	instal	lled within		
						See Continuation	ı Form (MSHA I	Form 7000-3a)
9. Violation	A. Health ☐ Safety ✔ Other ☐	B. Section of Act		C. Part/Section of Title 30 CFR		75.220(a)(1)	
	ector's Evaluation			· · · · · · · · · · · · · · · · · · ·				
10. Gravity; A. Injury o	r Illness (has) (is):	No Likelihood	Unlikely [Reasonably Like	ely 🔽	Highly Likely	Occurre	d []
	r illness could rea- be expected to be:	No Lost Work	lays 🗌 Lost V	Workdays Or Restricted	Duty 🗌	Permanently Disa	ibling 🗸	Fatal
G. Signific	ant and Substantial:	Yes 🔽	No 🗌			D. Number of Persor	ns Affected:	001
11. Negligeno	ce (check one)	A. None	B. Low	C. Moderate 🗸	D. High	E. Reck	less Disregar	d []

15. Area or Equipment

12. Type of Action

A. Citation

14. Initial Action

104(a)

B. Order

Mo Da Yr 16. Termination Due A. Date B. Time (24 Hr. Clock) 1130 06/08/2009

20. Event Number

C. Safeguard

Section III--Termination Action

Supplemental support has been installed. 17. Action to Terminate

Mo Da Yr 18. Terminated A. Date B. Time (24 Hr. Clock) 1134 06/08/2009 Section IV--Automated System Data

13. Type of Issuance (check one)

D. Written Notice

E. Citation/

Order Number

19. Type of Inspection

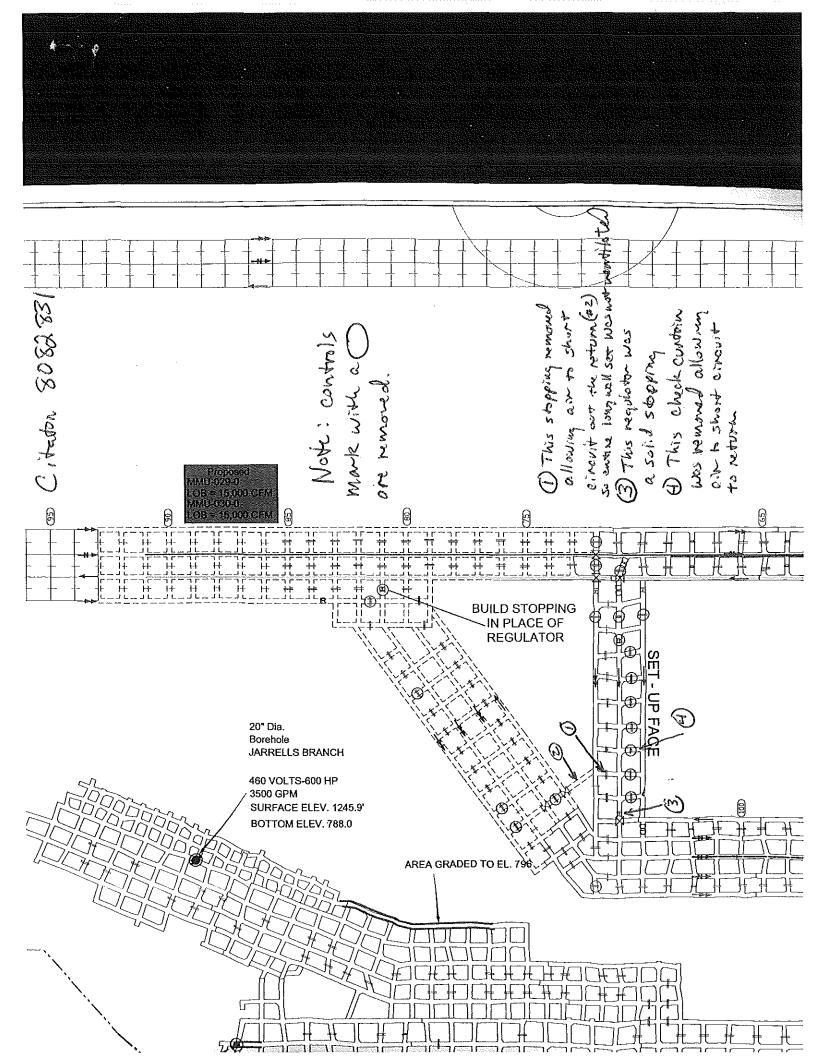
21. Primary or Mill 4119936 E01 (activity code) 22. Signatur 23. AR Number

ILS Department of Labor

Ù	10	Jq	
ч	1 0		~//

/Willing Old				ety and Health	Administration	4/10/9
Section IVi	olation Data			All book stores Wall in a		
1. Date	Mo Da Yr 06/08/2009	2. Time (24 Hr. Clock) 1237			3. Citation/ Order Number	8082831
4. Served T	•		5. Operator			
Andy Co	alson, Mine Foren	nan	PERFOR	MANCE COA	AL COMPANY	
6. Mine	BIG BRANCH M	INF-SOUTH	7. Mine ID	46-08436	ó	(Contractor)
	n or Practice	IIII-JOURI			3	Ba. Written Notice (103g)
ventil specia place return	lation plan fied by the has been p n. A regula	s failing to comply wit. The longwall set up in revision. A permanent ractically removed allow tor required to be in gad a solid stopping.	ls not ventil owing a	being ver ation cor air to sho	ntilated in ntrol, requ ort circuit	the manner lired to be in to the

						See Conf	inuation Form (MSH	A Form 7000-3a)
9. Violation A. Health Safet Othe	of A			C. Part/Section Title 30 CFR	of	75.370)(a)(1)	
Section It-Inspector's Evalu	ation							
10. Gravity:							_	
A. Injury or Illness (ha	s) (is): No L	ikelihood 🗌	Unlikely 🗸	Reasona	oly Likely	Highly Likely	Occur	red 🗌
B. Injury or illness cou sonably be expecte	· ·	o Lost Workd	ays 🗌 Lost ۱	Workdays Or Res	tricted Duty	Permanen	tly Disabling 🗸	Fatal 🗌
C. Significant and Sul	ostantial:	Yes 🗌	No 🗸			D. Number of	Persons Affected:	007
11. Negligence (check or	ne) A. No	ne 🗌	B. Low	C. Moderate	D. High	✓ E	. Reckless Disreg	ard 🗌
12. Type of Action 1	04(d)(2)		13, Type of Issu	ance (check one)	Citation [Order 🗹	Safeguard [Written Notice
14. Initial Action A. Citation B. O	der 🕢 C. Sa	feguard 🗌	D. Written Notice	E. Citation Order N	i	3082692	F. Dated	Mo Da Yr 03/ <u>17/2009</u>
15. Area or Equipment necessary to		_	set up ar entilation			e any wo	rk, excep	t that
16. Termination Due	A. Date Mo	Da Yr	B. Time (24 Hr. Cloo	ck)		11 11 11 11 11 11 11 11 11 11 11 11 11		
Section IIITermination Act	on							
17. Action to Terminate	The	ventila	tion is no	w correc	ted.			
18. Terminated A. Date	Mo Da Y 06/08/20	R Tima	(24 Hr. Clock)	1300			OU. 4	Produce West Constitution And A
Section IVAutomated Syst	em Data							
19. Type of Inspection (activity code)	E01 20.	Event Number	411993	6	Primary or Mill			
22. Signatur			· · · · · · · · · · · · · · · · · · ·		The second secon	23. AR	Number	<u> </u>



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



Section IVi	iolation Data			
1. Date	Mo Da Yr 06/10/2009	2. Time (24 Hr. Clock) 1003	3. Citation/ Order Number 8082	839
4. Served Rick Nic	ro colau, Chief electi	cian	5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER	BIG BRANCH N	INE-SOUTH	7. Mine ID 46-08436	(Contractor)
8. Condition	n or Practice		8a, Writte	n Notice (103a)

The operator is failing to comply with the safety precaution page, item 22 of the approved roof control plan on the #3 section. The next to the last row of bolts in the #6 entry is marked by only 1 reflector instead of 2.

					See Contin	uation Form (MSH	A Form 7000-3a)
9. Violation A. Health Safety V Other	B. Section of Act		Part/Section of Title 30 CFR		75.220((a)(1)	THE STATE OF THE S
Section II-Inspector's Evaluation							
10. Gravity:	· · · · · · · · · · · · · · · · · · ·						
A. Injury or Illness (has) (is): No Likelihood 🗌	Unlikely 🗌	Reasonably	Likely 🔽	Highly Llkely (Occur	πed □
 B. Injury or illness could re sonably be expected to I 		ys 🗌 Lost Wor	rkdays Or Restric	oted Duty 🗌	Permanently	/ Disabling 🔽	Fatal 🗌
C. Significant and Substan	tial: Yes 🔽	No 🗌			D. Number of P	ersons Affected:	001
11. Negligence (check one)	A. None	B. Low 🗌 C.	Moderate 🗸	D. High	E.	Reckless Disrega	ard 🗌
12. Type of Action 104(a	ı)	13. Type of Issuance	e (check one)	Citation 🗸	Order 🗌	Safeguard	Written Notice
14. Initial Action A. Citation B. Order	C. Safeguard [D. Written Notice	E. Citation/ Order Num	ber		F. Dated	Mo Da Yr
15. Area or Equipment 16. Termination Due	Mo Da Yr						
A. C	Date 06/10/2009	3. Time (24 Hr. Clock)	1100				
Section IIITermination Action							
17. Action to Terminate	The next to t	the last row	v of bolt	ts is no	ow marked	lby 2 re	flectors.
A. Date (16/10/2009	24 Hr. Clock)	1043				SCHOOL STREET
Section IVAutomated System D							·····
19. Type of Inspection (activity code)	01 20. Event Number	4119936	21. Pri	mary or Mill			
22. Signatur	THE RESERVE THE PROPERTY OF TH				23. AR N	umber	

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



			Third Salety Mila i locality (artificity action)
Section IV	olation Data	The state of the s	
1. Date	Mo Da Yr 06/10/2009	2. Time (24 Hr. Clock) 1010	3. Citation/ Order Number 8082840
4. Served	Го	101///	5. Operator
Jeremy I	Burghduff, 3rd sh	ift foreman	PERFORMANCE COAL COMPANY
6. Mine			7. Mine ID 46-08436
UPPER	BIG BRANCH N	MINE-SOUTH	(Contractor)
8. Conditio	n or Practice		8a. Written Notice (103g)

The operator is failing to comply with the safety precaution page, item 4 and the section specific page of the approved methane/dust control plan on the 064 MMU. Item 4 of the safety precaution page requires curtain to be advanced to within 10' of the face. The #6 face, on the #3 section is 24' deep without any line curtain. The section specific page requires all line curtain to be hung as exhausting. In the #7 entry, the operator has hung a solid check that prevents any air from passing around it and also restricts the LOB velocity to 5700cfm. (separate citation issued.)

										See Con	tinuatio	n Form (MS	HA Form 7000-	3a) 🔲
9. Violation	A. Health Safety Othe	r 🗌	B. Section of Act				t/Section of 30 CFR			75,370	0 (a) (1	1)	***	
Section IIInspe	ector's Evalu	ation		······································						·				
10. Gravity: A. Injury or	r Illness (ha	s) (is):	No Likelih	ood [Unlikely 🔽		Reasonably	/ Likely]	Highly Likely		Occi	urred 🗌	
	illness cou be expecte		No Los	st Workda	iys Lost\	Vorkda	s Or Restr	icted Duty		Permanen	tly Dis	abling 🗸	Fatal []
C. Signific	ant and Sul	ostantial:	Yes	3 <u> </u>	No 🗸			2000		D. Number of	Perso	ns Affected	i: 003	
11. Negligenc	e (check or	ne)	A. None]	B. Low	C. Mod	erate 🗌	D. I	High &	<u>Z</u>) E	I. Recl	kless Disre	gard 🗌	
12. Type of A	ction 1	04(d)(2)		13. Type of Issu	ance (cl	neck one)	Citatio	n 🗌	Order 🗸	Safe	eguard 🗌	Written No	tice 🗌
14. Initial Action A. Citation		rder 🗸	C. Safegu	ard 🔲 🛭	D. Written Notice	E	. Citation/ Order Nu	nber	80	82692		F. Dated	Mo Da 03/17	
15. Area or Ed Ventila			_		shall tak nd has bee	_					ınti	l the		
16. Terminatio	n Due	A. Date	Mo Da	Yr I	3. Time (24 Hr. Cloc	ck)								,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Section IIITerr	nination Act	ion												
17. Action to 1	Terminate	The	venti	latio	on control	s ai	e now	corr	ect]	ly inst	all	ed.		
18. Terminate	d A. Date		Da Yr 0/2009	B. Time (24 Hr. Clock)	10	35							
Section IVAuto	omated Syst	em Data												
19. Type of In- (activity co		E01	20. Event	Number	411993	6	21. P	rimary or M	iill .					
22. Signatur			•				*	, •		23. AR	Numb	er		**************

ள்e Citation/Order

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



Section IV	olation Data		'		
1. Date	Mo Da Yr 06/23/2009	2. Time (24 Hr. Clock) 0900		3. Citation/ Order Number	8087652
4. Served	То		5. Operator		
Homer V	Wallace, Superint	endent	PERFORMANO	CE COAL COMPANY	•
6. Mine		Commence of the property of th	7. Mine ID 46	08436	danalyses kishada secala maska mita cadan kisan dada milada milada secas Adab <u>ada mana mata cadan kisin kisa kis</u> akisa
UPPER	BIG BRANCH M	IINE-SOUTH	1 40-	V0 4 3U	(Contractor)
8. Conditio	n or Practice				8a, Written Notice (103g)

The operator is not following the established check-in and check-out system which will provide positive identification of every person underground, and will provide an accurate record of the persons in the mine. There was a total of 114 miners checked in and a record of only 76 miners underground.

							See Cont	inuation Form (MS	HA Form 7000-3a)
9. Violation A. Heal Safe Oth	ty 🗸 er 🗌	B. Section of Act		C. Part/Se Title 30			75.1	715	
Section IIInspector's Eva	uation	 		·					
10. Gravity:									
A. Injury or Illness (No Likelihood	Unlikely 🗸	Reas	sonably t	.ikely []	Highly Llkely	∐ Occi	ırred 🗌
B. Injury or illness of sonably be expect		No Lost Workda	ays 🗌 Lost V	Vorkdays O	r Restric	ted Duty 🔽	Permanent	ly Disabling 🔲	Fatal 🗌
C. Significant and S	ubstantiai:	Yes 🗌	No 🔽				D. Number of	Persons Affecte	d: 007
11. Negligence (check	one)	A. None	B. Low	C. Moderat	е 🗌	D. High	⊘ E.	Reckless Disre	gard 🗌
12. Type of Action	104(a)		13. Type of Issu	iance (chec	k one)	Citation 🗸	Order 🗌	Safeguard 🗌	Written Notice 🗌
14. Initial Action A. Citation B. C	Order []	C. Safeguard 🔲 🛚	D. Written Notice		tation/ der Num	ber		F. Dated	Mo Da Yr
15. Area or Equipment 16. Termination Due	·	Mo Da Yr							
ro. Tellimination Due	A. Date	06/23/2009	B. Time (24 Hr. Clo	ock)	0930				
Section IIITermination Ac	tion								
17. Action to Terminate	Tr	e respons:	ible perso	n pro	video	l positi	ve iden	tificati	on for
everyone un	dergro	ound and re	emoved the	othe:	rs.	_			
18. Terminated A. Da	te 06/2:	0a Yr 3/2009 B. Time	(24 Hr. Clock	0916			RASHING COLUMN TO THE TAXABLE PROPERTY OF TAXABLE		
Section IV-Automated Sy	tem Data								
19. Type of Inspection (activity	E01	20. Event Number	411993	6	21. Pri	mary or Mill			
22. Signatur							23. AR	Number	<u>, and a state of the state of </u>



Mine Citation/Order		U.S. Department of L Mine Safety and Healt		<i>[[l]</i>	191° 🤻	
Section IViolation Data			-			
1. Date Mo Da Yr	2. Time (24 Hr. Clock)		3. Citation/	809084	1	
06/10/2009	1015		Order Number		. 1	
4. Served To		5. Operator		_		
Rick Nicolau, Chief election	cian	PERFORMANCE CO	AL COMPANY			
6. Mine	en ve dolleri	7. Mine ID 46-0843	6			
UPPER BIG BRANCH M	IINE-SOUTH	10 00 12			(Contract	or)
8. Condition or Practice				8a. Written N		
	s failing to comply w					
	roof control plan on					
	unsupported #7 entry	is marked by onl	y 1 reflec	tor ins	stead of	f
2.						
			•			
						(- \cdot)
		770-T-RITTERIN STEAMENSMITHERINALISMITHERI	See Continuatio	on Form (MSHA	Form 7000-3a)	
9. Violation A. Health Sefety	B. Section C	C. Part/Section of Title 30 CFR	75.220(0)(1)		
Safety √ Other	Of Act	Title 30 CFIX	75,220(a)(1)		
Section IIInspector's Evaluation						
10. Gravity:						
A. Injury or Iliness (has) (is):	No Likelihood Unlikely	Reasonably Likely 🔽	Highly Likely	Occurre	d 🗌	
B. Injury or illness could rea-	No Lost Workdays Lost W	orkdays Or Restricted Duty	Permanently Dis	abling 🗸	Fatal 🗍	
sonably be expected to be:						
C. Significant and Substantial:	Yes 🗹 No 🗌		D. Number of Perso	ns Affected:	001	
11. Negligence (check one)	A. None B. Low C	. Moderate 🔽 D. High	E. Rec	kless Disregar	d 🗀	
12. Type of Action 104(a)	13. Type of Issuan	nce (check one) Citation 🗸	Order Safe	eguard 🗌	Written Notice) <u> </u>
14. Initial Action		E. Citation/		F. Dated	Mo Da Yr	
A. Citation B. Order	C. Safeguard D. Written Notice	Order Number		r . Datea	WIO BU TI	
Encoral beauty				Management		
15. Area or Equipment						
16. Termination Due	Mo Da Yr	1.00	, , , , , , , , , , , , , , , , , , ,			
A. Date	06(10/2000 B. Time (24 Hr. Clock)) 1100				

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small businesses. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 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.

1030

The next to the last row of bolts is now marked by 2 reflectors.

21. Primary or Mill

23. AR Number

06/10/2009

20. Event Number

B. Time (24 Hr. Clock)

4119936

Mo Da Yr

06/10/2009

E01

Section III--Termination Action

A. Date

Section IV--Automated System Data

17. Action to Terminate

19. Type of Inspection

(activity code)

18. Terminated

22. Signature

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



Section IVi	olation Data					
1. Date	Mo Da Yr 06/10/2009	2. Time (24 Hr. Clock) 1022		The state of the s	3. Citation/ Order Number	8090842
4. Served T	o ·		5. Operator			, /////
Rick Nic	olau, Chief electi	cian	PERFOR	MANCE COA	L COMPANY	
6. Mine	400 September 1990 Se		7. Mine ID	46-08436		
UPPER I	BIG BRANCH M	IINE-SOUTH		70-00-00-		(Contractor)
8. Conditler	n or Practice			- December 1944		8a. Written Notice (103g)

The operator is failing to maintain 9000cfm in the Right side last open break on the #3 section. When tested by MSHA only 5700cfm was present.

									See Con	tinuation	Form (MS	HA Form 7000	3a) []
Oti	ety 🗸 ner 🗌	B. Section of Act				art/Section of			75,32	25(b)			
Section IIInspector's Eva	luation												
10. Gravity:													
A. Injury or Illness (has) (is):	No Likeliho	od 📋	Unlikely 🗸		Reasonably	Likely		Highly Likely		Occ	urred 🗌	
B. Injury or illness o sonably be expec		No Los	t Workda	ays 🗌 Lost	Work	days Or Restr	icted D	uty 🗌	Permanen	tly Disal	bling 🔽	Fatal []
C. Significant and S	ubstantial:	Yes		No 🗸					D. Number of	Person	s Affected	d: 003_	
11. Negligence (check	one)	A. None]	B. Low	C. M	oderate 🗹		D. High		E. Reckl	ess Disre	gard 🗌	
12. Type of Action	104(a)			13. Type of Issu	ance	(check one)	Cit	ation 🗸	Order 🗌	Safeç	guard 🗍	Written N	otice 🗌
14. Initial Action A. Citation B.	Order 📋	C. Safegua	ırd 🔲 l	D. Written Notice		E. Citation/ Order Nur	nber			F	. Dated	Mo Da	Yr
15. Area or Equipment 16. Termination Due		Mo Da	yr I					I					· · · · · · · · · · · · · · · · · · ·
To: Termination Dae	A. Date	06/10/20	1 8	B. Time (24 Hr. Clo	ck)	1100)						
Section IIITermination A	ction		y										
17. Action to Terminate	: 16	.031 c	fm is	s now pres	sent	- -							
18. Terminated A. Da	te 06/1	Da Yr 10/2009	B. Time ((24 Hr. Clock)]	1055	·			·		**************************************	
Section IVAutomated Sy	stem Data												
Type of Inspection (activity code)	E01	20. Event	Number	411993	6	21. P	rimary	or Mill					
22. Signatul		TA FOR DAMES OF THE STREET							23. AR	Number	•	· · · · · · · · · · · · · · · · · · ·	



F. Dated

Mo Da Yr

Mine Cit	ation/Order				rtment of La ty and Healti	+	ation	` \
Section IVi	olation Data							A CONTRACTOR OF THE PARTY OF TH
1. Date	Mo Da Yr 06/10/2009	2. Time (24 Hr. Clos			, VANCOURIUM	3. Citation/ Order Nun	nber 80908	43
4. Served T				5. Operator				
Rick Nic	olau, Chief election	cian		PERFORM	MANCE CO	AL COMPA	ANY	
6. Mine UPPER	BIG BRANCH M	IINE-SOUTH	- Charles I William I and a second and a second as	7. Mine ID	46-0843	6	A LIGHT CONTRACTOR OF THE CONT	(Contractor)
	n or Practice						8a, Writter	Notice (103g)
		oof bolter						
		permissible f along wit						the T bar
1100 0	CCII COLC OL	r arong are	ii ico pon	Cr Crcc.) 0 011 1 W	ab acce	occu.	
					AND ADMINISTRATION ADMINISTRATION AND ADMINISTRATION ADMINISTRATION AND ADMINISTRATION AND ADMINISTRATION AND ADMINISTRATION AND ADMINISTRATION AN	See Conti	nuation Form (MSH	IA Form 7000-3a) 🔲
9. Violation	Safety ✓ Other	B. Section of Act		C. Part/Section of Title 30 CFR		75.5	03	
*****	spector's Evaluation							
10. Gravity: A. Injury	: / or Illness (has) (is):	No Likelihood	Unlikely 🗸	Reasonably	Likely	Highly Likely	П Осси	rred
B. İnjury	or illness could rea- bly be expected to be:	No Lost Workda		Workdays Or Restric	-		y Disabling 🔽	Fatal
C. Signi	ificant and Substantial:	Yes	No 🗸	The state of the s	- Company of the Comp	D. Number of F	Persons Affected:	002
11. Neglige	ence (check one)	A. None	B. Low 🗌	C. Moderate 🗸	D. High [E.	Reckless Disreg	ard [
12. Type of	Action 104(a)	, , , , , , , , , , , , , , , , , , ,	13. Type of Issu	ance (check one)	Citation 🗸	Order	Safeguard	Written Notice [

17. Action to Terminate

Section III--Termination Action

16. Termination Due

15. Area or Equipment

14. Initial Action

A. Citation B. Order C. Safeguard

A. Date

Mo Da Yr

06/11/2009

18. Terminated Mo Da Yr A. Date B. Time (24 Hr. Clock) Section IV--Automated System Data 20. Event Number 19. Type of Inspection 21. Primary or Mill 4119936 E01 (activity code) 22. Signatu 23. AR Number

E. Citation/

Order Number

0800

D. Written Notice

B. Time (24 Hr. Clock)

Mine Citation/Order Continuation

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

4/11/9	
'.''	

o ontinaction				,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,				
Section I-Subsequent Action/Continuation Data								
1. Subsequent Action 1a. Continuation	Dated (Original Issue)	Mo 06/	Da 10/20		3. Citation/ Order Number	8090843 - 01		
4. Served To				5. Operat	or			
Rick Nicolau, Chief electician				PERFO	RMANCE CO	AL COMPANY		
6. Mine	-			7. Mine II) 46 00 42		(Contractor)	
UPPER BIG BRANCH MINE-SO	UTH				46-0843	6		
Section ItJustification for Action								

A new light has been installed.

	1 B 11 7 7	 					See Continuation Form
8. Extended To		Yr					AV
o. Emanada ro	A. Date	 •	B. Time (24 Hr. Clock)		C. Vacated	D. Terminated	E. Modified
Section IVInspe	ction Data	 ACT SHOWS AND SHOW					
9. Type of Inspe	ection E01	10. E\	vent Number 4119936				
11. Signatur		 	AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ck)
					06/17/2009	0158	

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

6/15/9	
· ' (%)	

Section IVi	iolation Data			
1. Date	Mo Da Yr 06/10/2009	2. Time (24 Hr. Clock) 1220	3. Citation/ Order Number 809084	14
4. Served 7	Го		5. Operator	
Rick Nic	colau, Chief electi	ician	PERFORMANCE COAL COMPANY	
6. Mine			7. Mine ID 46-08436	
UPPER	BIG BRANCH N	MINE-SOUTH	40-00430	(Contractor)
O Conditio	n or Oractica		90 Mritton I	Votice (103a)

The Joy 14-10AA continuous miner on the #3 section is not being maintained in a safe operating condition. The offside emergency stop button has the Red palm button missing. This condition would make the emergency stop difficult to find and/or operate.

Management removed the miner from service until repairs are made.

								See Cont	inuation Form (MSH.	A Form 7000-3a)
9. Violation	A. Health Safet Othe	y 🗹	B. Section of Act			art/Section of itle 30 CFR		75.17	25(a)	
Section IIInspe	ector's Evalu	ation								
10. Gravity:				_	_		_		Million of a	_
	r liiness (ha		No Likelihood	Unlike	ly [_	Reasonably	Likely 🗸	Highly Llkely	Occur	red
	r illness cou be expecte		No Lost V	Vorkdays 🗌	Lost Work	days Or Restri	cted Duty 🗌	Permanen	tly Disabling 🗸	Fatal
C. Signific	ant and Sul	bstantial:	Yes 🖳	No 🗌				D. Number of	Persons Affected:	001
11. Negligeno	e (check or	ne)	A. None	B. Low 🗸	C. M	oderate 🗌	D. High	[] E	. Reckless Disrega	ard 🗌
12. Type of A	ction 1	04(a)		13. Туре	of Issuance	(check one)	Citation 🗸	Order 🗌	Safeguard	Written Notice
14. Initial Acti A. Citation		rder 🗌	C, Safeguard	D. Written N	otice	E. Citation/ Order Nun	ber		F. Dated	Mo Da Yr
16. Termination	on Duo		Mo Da Yr							
		A. Date	06/11/2009	B. Time (24	Hr. Clock)	0800				
Section IIITer	mination Act	ion								
17. Action to	Terminate									
18. Terminate	A. Date	Mo .	Da Yr B.	Time (24 Hr. Cloc	k)	and the second			VI = 200 100 TO MA ANA	THE LANGESTON COMMONS
Section IVAut	omated Syst	em Dala			,					
19. Type of In (activity or		E01	20. Event Nu	mber 411	19936	21. Pr	imary or Mill			
22. Signatur			•					23. AR	Number	- Transcament of the Control of the

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

11/11/1	,

Continuation			WILLIAM OF		111		
Section ISubsequent Action/Continuation Data							
1. Subsequent Action 1a. Continuation	Dated (Original Issue)	Mo Da 06/10/20		3, Citation/ Order Number	8090844 - 01		
4. Served To			5. Operate	or			
Rick Nicolau, Chief electician			PERFO	RMANCE CO	AL COMPANY		
6. Mine		· · · · · · · · · · · · · · · · · · ·	7. Mine ID	16.0040		(Contractor)	
UPPER BIG BRANCH MINE-SO	UTH			46-0843	6		
Section IIJustification for Action					2/		

The E-stop has been repaired.

Section IIISubse	equent Action Tak	еп	- Friend State Commission	2000 - Militaria				See Continuation Form
8. Extended To	A. Date Mo	Da	Yr	B. Time (24 Hr. Clo	ck)	C. Vacated	✓ D. Terminated	E. Modified
Section IVInspe 9. Type of Inspe			10. E	vent Number 4	119936			
11. Signatur				AR Nui	mber 12. Date	Mo Da Yr 06/17/2009	13. Time (24 Hr. Clo 0155	ock)

11/19	19
470	

Mine Citation	on/Order			-	U.S. Department of Labor Mine Safety and Health Administration					
Section IViolat	ion Data				·····					
1. Date	Mo Da Yr 06/10/2009	2. Time (24 Hr. 1	Clock) 245			3. Citation/ Order Nu	mber 80908	45		
4. Served To				5. Operator	Treatment of the same of the s	***************************************				
Rick Nicola	au, Chief electi	ician		PERFORI	MANCE CO	OAL COMP.	ANY			
6. Mine				7. Mine ID	46-0843	36		700000000000000000000000000000000000000		
		MINE-SOUTH			40-004.			(Contractor)		
8. Condition or				·	MARAN	MIN - U - W - W - W - W - W - W - W - W - W		Notice (103g)		
maintai will no	ned in a t stay fi	safe oper irmly agai	er (s/n 2003 mating condi nst the min miner from	tion. The e roof.	automat	tic temp	-			
9. Violation	A. Health Safety ✓	B. Section of Act		C. Part/Section of Title 30 CFR		See Cont 75.17	inuation Form (MSH.	A Form 7000-3a)		
Section II-Jasne	ector's Evaluation	, , , , , , , , , , , , , , , , , , , ,								
10. Gravity:	300, 9 210,020,000	-	THE STATE OF THE S	, <i>/////</i>			<u>,</u>			
•	Illness (has) (is):	No Likelihood	Unlikely	Reasonably	Likely 🗸	Highly Llkely	Occur	red		
B. Injury or	illness could rea- be expected to be:	No Lost Wo	rkdays Dest \	Workdays Or Restric			tly Disabling 🔽	Fatal 🗍		
C. Significa	ant and Substantia	l: Yes 🗸	No 🗌			D. Number of	Persons Affected:	002		
11. Negligence	e (check one)	A. None	B. Low 🗸	C. Moderate	D. High		. Reckless Disrega	ard [
12. Type of Ad	tion 104(a)		13. Type of Issue	ance (check one)	Citation 🗸	Order 🗌	Safeguard 🗌	Written Notice		
14. Initial Action	on B. Order	C. Safeguard	D. Written Notice	E. Citation/ Order Num	ber	. ,	F. Dated	Mo Da Yr		
15. Area or Ec	quipment			111110111011001000000000000000000000000	The state of the s	OFFICE OF THE STATE OF THE STAT				
16. Terminatio	on Due A. Dat	e Mo Da Yr 06/11/2009	B. Time (24 Hr. Cloc	ck) 0800						
Section IIITerr	nination Action							and the same of th		
17. Action to 1	Ferminate									
18. Terminate	d A. Date M	o Da Yr B. Ti	me (24 Hr. Clock)		Account of STEEDER	TO STATE INVESTMENT AND ADDRESS OF THE PARTY	A TOTAL CONTROL OF THE CONTROL OF TH	- Operation and the second and the s		
Section IVAuto	omated System Data	<u> </u>								
19. Type of In	spection	20. Event Num	Der 4110024	21. Pri	mary or Mill	· *100000		CHIPPENDO CHIPPENDO CONTRACTOR CO		

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small businesses about tederal 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

4119936

E01

(activity code)

22. Signatu

Mine Citation/Order Continuation

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

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v	V	14/

			TIC CAICL	Mariniodadon	U V			
Section ISubsequent Action/Continuation Data								
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 06/10/2009		Citation/ Order Number	8090845 - 01			
4. Served To	5.	Operator						
Rick Nicolau, Chief electician	PI	PERFORMANCE COAL COMPANY						
6. Mine		7.	7. Mine ID (Contractor)					
UPPER BIG BRANCH MINE-SO	DUTH	ĺ	46-08436					
Section IIJustification for Action							, , , , , , , , , , , , , , , , , , ,	
Change F1	om		Т	0				
8. Condition Or Practice								

Reason Change the word "miner" in the last sentence to read "roof bolter".

Section IIISubsequent Action Taken			See Continuation Form
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	C. Vacated D. Terminated	✓ E. Modified
Section IVInspection Data 3. Type of Inspection E01	10. Event Number 4119936		And the state of the
Signati	AR Number 12. Date	Mo Da Yr 13. Time (24 Hr. C 06/15/2009 2013	lock)

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

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4/11/9	

Continuation			Mine Safety and Health Administration						
Section ISubsequent Action/Continuation Dat	3								
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 06/10/20	Yr)09	3. Citation/ Order Number	8090845 - 02				
4. Served To			5. Operat						
Rick Nicolau, Chief electician			PERFC	RMANCE CO	AL COMPANY				
6. Mine	7. Mine II	16.0042	(Contractor)						
UPPER BIG BRANCH MINE-S	OUTH			46-0843	O				
Section IIJustification for Action									

The ATRS has been repaired.

Section IIISubsequent Action Taken						See Continuation Form
8. Extended To A. Date Mo Da	Yr B.	Time (24 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IVInspection Data						
9. Type of Inspection E01	10, Event	Number 4119936				
Signatu		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Cloc	k)
₩ ₁₀₀ ppperiod(10) _{00pp} pi				06/17/2009	0055	

Form 7000-3a, Mar 85 (revised)

U.S. Department of Labor



						Mi	ne Safe	ety and	Health	Administr	ation	(
Section IViolation	on Data						<u> </u>				<u></u>		· · · · · · · · · · · · · · · · · · ·
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 06/10/2009 1355							3. Citation/ Order Number 8090846						
4. Served To							Operator			<u> </u>	,		· · · · · · · · · · · · · · · · · · ·
Rick Nicola	u, Chief	electici	an			ĴΡΙ	ERFOR	MAN	CE CO.	AL COMP	ANY		
6. Mine						7.	Mine ID	46-	08436	5			
UPPER BIO 8. Condition or		ICH MI	NE-SOU	TH_	سنجي التفسيح ا						On Maille	(Co n Notice (10	ntractor)
		or ic	. foil	ina	to properl	** ** **	n+oi	n th	- mo-				
					co properi ous miner								
					r only wen					• MITEII	tested w.	I CII a	2,56
OII4/ all	IUTVC	urc c	are mo.	111 603	c Onry wen	.c up		.00.					
			•										
										See Con	tinuation Form (MS)	dA Form 70€	10-3a) []
9. Violation	A. Health		B. Section			C. Part/S	Section of						, ca,
}	Safety		of Act				0 CFR			75.34	2(a)(4)		
l	Other												
Section II-Inspe	ctor's Evalu	ation											
10. Gravity: A. Injury or	lilneee (ha	e) (ie):	No Likelih	nd [□	Unlikely 🗸	R	easonably	ı l ikalı	П	Highly Likely	□ Occi	irred 📋	
B. Injury or			NO LINCING		Oranicity [V]			Likely	Ш	riginy Entery			
	se expected		No Los	t Workd	ays 🗌 Lost \	Workdays	Or Restr	icted Du	rty 🔲	Permanen	tly Disabling 🔽	Fatal	
C. Significa			Yes	□	No 🗸					D. Number of	Persons Affected	002)
11. Negligence	check on	ie)	A. None]	B. Low 🗸	C. Moder	ate 🗌		D. High [. Reckless Disre	jard []	
12. Type of Ac	tion 1	04(a)	· · ·		13. Type of Issu	ance (che	ck one)	Cita	tion 🗸	Order []	Safeguard []	Written	Notice 🗌
14. Initial Actio						F	Citation/				F. Dated	Mo I	Da Yr
A, Citation		der []	C. Safegua	ard 🔲	D. Written Notice	- 1	Order Nur	nber				,,,,	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
15. Area or Eq	uinment												
10.702 0, 24	шринон												
									,				
16. Termination	n Due	A. Date	Mo Da		B. Time (24 Hr. Cloc	ck)	0800)	ĺ				
			06/11/2	009	· · · · · · · · · · · · · · · · · · ·				<u> </u>				
Section IIITerm		on											
17. Action to T	erminate												
										······································			
18. Terminated	A. Date	Mo E	Da Yr	B. Time	(24 Hr. Clock)								
Section IVAuto	mated Syst	em Data		<u></u>	o,			L	····, ·····		······································		
19. Type of Ins	spection	E01	20. Event	Number	411993	6	21. P	rimary o	r Mill				
22. Signatur			<u></u>							23. AR	Number		
V													

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

4/11/9	
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Continuation				Mine Safety and Health Administration					
Section ISubsequent A	ction/Continuation Data		province and Construction with				nandri Zwanski (Opanika na pod Parane 1932 meli 200		
1. Subsequent Action ✓	1a. Continuation	2. Dated (Original Issue)	Mo D 06/10/		3, Citation/ Order Number	8090846 - 01			
4. Served To				, ,	5. Operator				
Rick Nicolau, Ch	ief electician			PERFO	RMANCE CO	AL COMPANY			
6. Mine					7. Mine ID (Contractor)				
UPPER BIG BR	ANCH MINE-SO	UTH			46-0843	b		- which plays - was	
Section IIJustification (or Action								

The methane monitor has been repaired.

Section IIISubsequent Action Taken	= <u></u>					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. Ev	rent Number 4119936				
11. Signatu		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clock)
				06/17/2009	0208	

6/15/9	
u/(t > (·	

F. Dated

Mo Da Yr

Mine Citation	/Order				rtment of L ty and Healt	.abor h Administratio		
Section IViolation	Data							
	Mo Da Yr 6/10/2009	2, Time (24 Hr. Clo 1325				3. Citation/ Order Number	80908	47
4, Served To				5. Operator				
Rick Nicolau,	Chief electici	an		PERFOR	MANCE CO	OAL COMPAN	Υ	
6. Mine				7. Mine ID	46-0843	6		
UPPER BIG	BRANCH MI	NE-SOUTH_			40-0043	U .		(Contractor)
8. Condition or Pr							·	Notice (103g)
The Jo	y 14-10A	continuous	s miner (s/	'n 5519A)	on the	#3 section	n is no	t being
maintain	ed in a p	ermissible	e condition	n. The cal	ole junc	tion box	has an	opening
			was detect		-			
						See Continua	ntion Form (MSH/	A Form 7000-3a)
9. Violation A	, Health	B. Section		C. Part/Section of				
1	Safety 🗸	of Act		Title 30 CFR		75,503	3	
<u> </u>	Other _							
Section IIInspecto	r's Evaluation							
10. Gravity:		AT 40 M 1 [77]	namer (a	D	121.	12. t. b. a ab t		• [⁻]
	ness (has) (is):	No Likelihood	Unlikely 🕢	Reasonably	Likely [_]	Highly Llkely	Occur	red 🗌
	ess could rea- expected to be:	No Lost Workda	ays 🗌 💮 Lost W	/orkdays Or Restri	cted Duty 🗍	Permanently E	Disabling 🔽	Fatal 🗌
C, Significant	and Substantial:	Yes 🗌	No 🗸			D. Number of Per	sons Affected:	002
11. Negligence (d	check one)	A. None	B. Low 🗌 🤾	C. Moderate 🗸	D. High	E. Re	eckless Disrega	rd 🗌
12. Type of Actio	n 104(a)		13. Type of Issua	nce (check one)	Citation 🗸	Order 🗌 S	afeguard 🔲	Written Notice

E. Citation/

Order Number

1400

D. Written Notice

B. Time (24 Hr. Clock)

The panel has been resealed.

B, Time (24 Hr. Clock)

19. Type of Inspection 20. Event Number 21, Primary or Mill 4119936 E01 (activity code) 22. Signature 23. AR Number In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration MSHA Form 7000-3, Apr 08 (revised)

1344

14. Initial Action

A. Citation

16. Termination Due

18. Terminated

Section III--Termination Action 17. Action to Terminate

A. Date

Section IV--Automated System Data

15. Area or Equipment

B. Order

A. Date

Mo Da Yr

06/10/2009

C. Safeguard

Mo Da Yr

06/10/2009

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

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WITH	

	Mine Safety and Health Administration								
Section IVi	iolation Data								
1. Date	Mo Da Yr 06/15/2009	2. Time (24 Hr. Clock) 2236		35 H	3. Citation/ Order Number	8090848			
4. Served 7	Го		5. Operator						
Bill Gral	ham, Chief electri	cian .	PERFORM	PERFORMANCE COAL COMPANY					
6. Mine			7. Mine ID	46-08436					
UPPER	BIG BRANCH N	MINE-SOUTH		40-06430	, 		(Contractor)		
8. Conditio	n or Practice					6a. Written Notk	ce (103g) 🔝		
The	operator i	s failing to maint	ain a comple	te and a	accurate i	secord of			

The operator is failing to maintain a complete and accurate record of preshift examinations on the #4 section. The preshift examination conducted on the #4 section on 6/13/09 (1130pm-1152pm) is dated 5/14/09 and also has no record of the lifeshelter being examined.

					See Conti	nuation Form (MSF	IA Form 7000-3a)
9. Violation A. Health Safety Other	of Act			C. Part/Section of Title 30 CFR		75.360(f)	
Section IIInspector's Evalua	tion						
10. Gravity:							
A. Injury or Illness (has	s) (is): No Likelih	ood 🕢 Unlikely	Unlikely Reasonably Likely		Highly Likely Occurred		
 B. Injury or illness coul sonably be expected 		No Lost Workdays 🗹 Lost V		Workdays Or Restricted Duty 🗌		ly Disabling 🗌	Fatal 🗌
C. Significant and Sub	stantial: Yes	s ☐ No ☑			D. Number of I	Persons Affected	000
11. Negligence (check on	e) A. None	B. Low	B. Low 🗌 C. Moderate 🗹 D. High		E. Reckless Disregard		
12. Type of Action 1()4(a)	13. Type of I	ssuance (check one)	Citation 🔽	Order 🔲	Safeguard 🗌	Written Notice
14. Initial Action A. Citation B. Ore	der C. Safegu	ard D. Written Notic	E. Citation/ e Order Nur	mber		F. Dated	Mo Da Yr
15. Area or Equipment		·					
16. Termination Due	A. Date Mo Da 06/16/2	1 D Time /2/1 Ur	Clock) 0800)			
Section IIITermination Action	on						
17. Action to Terminate							
18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)							
Section IVAutomated Syste	m Data	<u> </u>					
9. Type of Inspection (activity code) E01 20. Event Number 4119936			936 ^{21, Pi}	rimary or Mill			
Signatur		<u> </u>	<u></u>	······································	23. AR N	lumber	

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

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Continuation			wine Salety and Health Authinistration							
Section ISubsequent Action/Continuation Data										
1. Subsequent Action 1a. Continuation	Dated (Original Issue)	Mo Da 06/15/20	• •	3, Citation/ Order Number	8090848 - 01					
4. Served To		4	5. Operat	or						
Bill Graham, Chief electrician			PERFORMANCE COAL COMPANY							
6. Mine			7. Mine ID (Contrac							
UPPER BIG BRANCH MINE-SOU	JTH	i	46-08436							
Section IIJustification for Action		San, Sums, and Inc., all the								

The fire bosses have been retrained to check the life shelter during preshift examinations and record the results in the preshift book.

Section III-Subsec	quent Action Take	n			Operit <u>ies and operating and o</u>				See Continuation Form
8, Extended To	A. Date	Da	Yr	B. Time (24	Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IV-Inspec	tion Data							galantening <u>-</u> terretakan <u>ng pantan manggalater</u> kaj	
Type of Inspe	ction E01		10. Ev	ent Number	4119936				
ignati					AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Cloo	ok)
·							06/18/2009	0800	

16. Termination Due

18. Terminated

22. Signatur

Section III--Termination Action 17. Action to Terminate

A. Date

Section IV--Automated System Data

19. Type of Inspection

(activity code)

Mo Da Yr

06/16/2009

20, Event Number

A. Date

E01

Mo Da Yr

U.S. Department of Labor



mo Onan	on/Order			Mine Safety and Health Administration							
Section IViola	tion Data										
1. Date	Mo Da Yr	2. Time (24 Hr. Clock	()			3. Citation/	80908	49			
	06/15/2009	2240		12.0.	<u> </u>	Order Number		• /			
4. Served To	61.01			5. Operator	MANGE CO.	AT COMMAND	<i>r</i>				
the same of the sa	m, Chief electric	nan			MANCE COA	AL COMPANY					
6. Mine	G BRANCH M	THE COUTE		7. Mine ID	46-08436	6		(Contractor)			
8. Condition o		IIIVE-300III					8a Written	Notice (103g)			
	1-1-1-1	s failing to	naintair) a compl	ata and a	accurata r					
record	of the li	feshelter b	eing exami	ned.							
9. Violation	A. Health Safety ✓	B. Section of Act		C. Part/Section of Title 30 CFR		See Continuation 75.360(f)		A Form 7000-3a)			
Section IIInsp	ector's Evaluation			<u> </u>							
10. Gravity:	/	<u> </u>									
A. Injury o	r Illness (has) (is):	No Likelihood 🗸	Unlikely 🗌	Reasonably	Likely	Highly Likely	Occur	red 🗌			
	r illness could rea- be expected to be:	No Lost Workday	rs 🔽 Lost W	/orkdays Or Restri	cted Duty 🗌	Permanently Dis	abiling 🗌	Fatal			
C. Signific	ant and Substantial:	Yes 🗌 🗈 1	40 🔽			D. Number of Perso	ns Affected:	000			
11. Negligeno	ce (check one)	A. None 🗌 💮 E	3. Low 🗌 🤇	C. Moderate 🗸	D. High	E. Reci	kless Disrega	ard 🗌			
12. Type of A	ction 104(a)		13. Type of Issua	nce (check one)	Citation 🗸	Order 🗌 Safe	eguard 🗌	Written Notice			
14. Initial Acti A. Citation		C. Safeguard D	. Written Notice	E. Citation/ Order Num	ber		F. Dated	Mo Da Yr			
15. Area or E	quipment										

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

0800

21. Primary or Mill

23. AR Number

B. Time (24 Hr. Clock)

4119936

B. Time (24 Hr. Clock)

Mine Citation/Order Continuation

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

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Section ISubsequent Action/Co	ontinuation Data						***************************************	
1. Subsequent Action 1a. C	ontinuation 2. Dated (Original I	Mo Da Issue) 06/15/20	• •	3, Citation/ Order Number	8090849 - 01			
4. Served To			5. Operato	• •		Nonches (1997)	***************************************	
Bill Graham, Chief ele	ctrician		PERFORMANCE COAL COMPANY					
6. Mine			7. Mine ID	46.0040		(Contractor)		
UPPER BIG BRANCI	H MINE-SOUTH	774	46-08436					
Section IIJustification for Actio	n						2	

The fire bosses have been retrained to check the life shelter during preshift examinations and record the results in the preshift book.

				NOTE THE STATE OF	THE STATE OF THE S				See Continuation Form	
Section IIISubsec	quent Action Take	n								
8. Extended To	A. Date Mo	Da	Yr	B. Time (24	Hr. Clock)	Aking a samu	C. Vacat	ed 🕢 D. Terminated	E. Modified	500-00-0
Section IVInspection Data										
9. Type of Inspe-	ction E01		10. E	vent Number	41 19936					
11. Signatu	A				AR Number	12, Date	Mo Da Y	` `	,	
							06/18/200	080 080	0	

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



Section IVi	olation Data	MACAGAR SANCE AND								
1. Date	Mo Da Yr 06/15/2009	2. Time (24 Hr. Clock) 2250	3. Citation/ Order Number	090850						
4. Served T	Ö		5. Operator	5. Operator						
Bill Gral	nam, Chief electri	cian	PERFORMANCE COAL COMPANY	PERFORMANCE COAL COMPANY						
6, Mine			7. Mine ID 46-08436							
UPPER :	BIG BRANCH N	MINE-SOUTH	40-06430	(Contractor)						
8. Condition	n or Practice		8a.	Written Notice (103a)						

The operator is failing to maintain a complete and accurate record of preshift examinations on the #4 section. The preshift examination conducted on the #4 section on 6/14/09 (1100am-210am) is dated 5/14/09 and also has no record of the lifeshelter being examined.

										See Cor	tinuation Form	(MSHA	A Form 7000-3a)
9. Violation	A. Health Safety Other	· 🔽	B. Section of Act			C. Part/Section of Title 30 CFR			75.3	60(f)			
Section IIInspe	ctor's Evalu	ation											
10. Gravity:				_					_		_		
A. Injury or			No Likelihoo	d 🗸	Unlikely [Reasonably	Likely		Highly Likely	' '	Occuri	red
B. Injury or sonably	illness cou pe expected		No Lost	Workd	ays 🗸 Lost '	Workda	ys Or Restr	icted Duty	<i>'</i> 🗌	Permaner	ntly Disabling		Fatal 🗌
C. Significa	int and Sub	stantial:	Yes		No 🗸					D. Number of	Persons Affe	cted:	000
11. Negligence (check one) A. None					B. Low	C. Mo	derate 🗸	Ď.	High		E. Reckless D	isrega	rd 🔲
12. Type of Ac	tion 1	04(a)			13. Type of Issu	ance (d	heck one)	Citatio	on 🗹	Order 🗌	Safeguard		Written Notice
14. Initial Action A. Citation		der 🗌	C. Safeguare	· 🗌	D. Written Notice		E. Citation/ Order Nur	nber			F. Date	ed	Mo Da Yr
15. Area or Ed	uipment												· ·
16. Termination	n Due	A. Date	Mo Da Y 06/16/20		B. Time (24 Hr. Clo	ck)	0800				······································		***************************************
Section IIITerm	nination Acti	on											
17. Action to T	erminate												
18. Terminate	d A. Date	Mo E	Da Yr E	. Time	(24 Hr. Clock)								
Section IVAuto	mated Syst	em Data											
19. Type of In:		E01	20. Event N	umber	411993	6	21. Pi	rimary or I	Mill				
22. Signature										23. AR	Number		

⊿ine Citation/Order Continuation

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

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I. Subsequent Action 1a. Continuation ✓ ✓	2. Dated (Original Issue)	Mo Da 06/15/20	'' 1	3. Citation/ Order Number	8090850 - 01		
. Served To			5. Operato	T	,		
Bill Graham, Chief electrician		PERFORMANCE COAL COMPANY					
. Mine JPPER BIG BRANCH MINE-SC	UTH	7. Mine ID	(Contractor)				

The fire bosses have been retrained to check the life shelter during preshift examinations and record the results in the preshift book.

						The second secon				See Continuation Form
Section IIISubse	quent Action Tak	en								
8. Extended To	A. Date Mo	Da	Υr	B. Time (24 l	Ⅎr. Clock)		C. Vacat	ted [D. Terminated	E. Modified
Section IV-Inspec	tion Data		WEST TO A STATE OF THE STATE OF							
9. Type of Inspe	ction E01		10. E	vent Number	41 19936					
11. Signature					AR Number	12. Date	Mo Da Y 06/18/20	- 1	13. Time (24 Hr. Clo 0800	ock)

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



Section IVi	olation Data			
1. Date	Mo Da Yr 06/15/2009	2. Time (24 Hr. Clock) 2310	3. Citation/ Order Number 8090851	
4. Served To			5. Operator	
Bill Graham, Chief electrician			PERFORMANCE COAL COMPANY	
6. Mine		000000000000000000000000000000000000000	7. Mine ID 46-08436	
UPPER !	BIG BRANCH N	MINE-SOUTH	40=00430	(Contractor)
8 Condition	a or Propins		8a Written Notic	00 (1030)

The operator is failing to maintain an up to date escapeway map posted in an area where miners congregate before and after shift. The escapeway map posted in the bathhouse is not up to date as to the location of mining, mandoors and ventilation controls on the 1,3, and 4 sections. The map also does not show the change in primary and secondary escapeways for the #4 section, that took effect on 6/15/09.

								See Con	tinuation Form (M	SHA Form 7000-3a)
	ealth afety Other	B. Section of Act			C. Part/Section of Title 30 CFR	of		75.150	5(a)(3)	
Section IIInspector's E	valuation									
10. Gravity:				_			_		£15.000	
A. Injury or Illness		No Likelihood		Unlikely 🗌	Reasonab	ly Likely	V	Highly Likely	<u> </u>	curred
B. Injury or illness sonably be exp		No Lost \	Vorkda	ys 🗌 Lost	Workdays Or Res	ricted Du	ıty 🗌	Permanen	tly Disabling] Fatal 🗸
C. Significant and	Substantial:	Yes 🕻		No 🗌				D. Number of	Persons Affecte	ed: 048
11. Negligence (chec	k one)	A. None		B. Low 🗌	C. Moderate 🗸	:	D. High	F	E. Reckless Disr	egard 🗌
12. Type of Action	104(a)			13. Type of Issu	iance (check one)	Cite	ation 🗸	Order 🗌	Safeguard	Written Notice
14. Initial Action A. Citation	3. Order	C. Safeguard		D. Written Notice [E. Citation/ Order Nu	ımber			F. Dated	Mo Da Yr
40.7		Mo Da Yr					1			
16. Termination Due	A. Date	06/16/200	9	B. Time (24 Hr. Clo	ck) 080	0 .				
Section IIITermination	Action									
17. Action to Termina	ate									
18. Terminated A.	Date Mo	Da Yr B.	Time ((24 Hr. Clock)						
Section IV-Automated	System Data									
19. Type of Inspection (activity code)	E01	20, Event Nu	mber	411993	6	orimary o	r Mill			
22. Signature								23. AR	Number	

Mine Citation/Order Continuation

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

Continuation				Mille	(-	``//		
Section ISubsequent	t Action/Continuation Data							
1. Subsequent Act ✓	ion 1a. Continuation	2. Dated (Original Issue)	Mo 06/15	Da Yr /2009	3. Citation/ Order Number	3090851 - 01		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
4. Served To		•		5. Oper	ator			
Homer Wallace	e, Supt.			PERF	ORMANCE COA	L COMPANY		
6. Mine UPPER BIG BRANCH MINE-SOUTH					7. Mine ID (Contracted 46-08436)			
Section IIJustification	n for Action							
Change	Fr	om			То			
8. Condition Or Pra	actice							
Reason in the l	lat sentence change "	#4 section" to read	"#1 section	on".				

Section IIISubsequent Action Taken		See Continuation Form
	Yr B. Time (24 Hr. Clock)	☐ C. Vacated ☐ D. Terminated ☑ E. Modified
Section IVInspection Data 9. Type of Inspection E01	0. Event Number 4119936	
11. Signature	AR Number 12. Date	Mo Da Yr 13. Time (24 Hr. Clock) 06/16/2009 2043

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

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Communication	207.70.10.10.10.10.10.10.10.10.10.10.10.10.10			1431710 0	aroty and mount	n / talminotration		1//
Section ISubsequent Acti	on/Continuation Data							
Subsequent Action 1 ✓	a. Continuation	Dated (Original Issue)	Mo D 06/15/		3. Citation/ Order Number	8090851 - 02		
4. Served To				5. Opera	or			
Bill Graham, Chief	f electrician			PERFO	RMANCE CO	AL COMPANY		
6. Mine				7. Mine II		·	(Contractor)	
UPPER BIG BRANCH MINE-SOUTH					46-0843	6		
Section IlJustification for	Action							

An up to date escapeway map has been posted in the bathhouse.

.									See Continuation Form
Section IIISubse	quent Action T	aken		₽*					
8. Extended To	A. Date	o Da	Υr	B. Time (24	Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IVInspec	ction Data		-co-onco-onco		and the second section of the section of t				entere viero kinet il reduce del un livel è reduce del proposition del proposition del proposition del proposi
9. Type of Inspe	ection E01		10. E	vent Number	4119936				
11. Signature			L	, , , , , , , , , , , , , , , , , , ,	AR Number	12. Date	Mo Da Yr 06/17/2009	13. Time (24 Hr. Cloo 2310	ck)

18. Terminated

19. Type of Inspection

(activity code) 22. Signature

A, Date

Section IV--Automated System Data

Mo Da Yr

06/16/2009

E01

20. Event Number

B. Time (24 Hr. Clock)

4119936



Mine Citation/Order		U.S. Department of Labor Mine Safety and Health Administration				
Section IViolation Data						
1. Date Mo Da Yr 2. Time (24 F 06/16/2009	Ir. Clock) 0006		3. Citation/ Order Number 8090	0852		
4. Served To		5. Operator	OAL COMPANY			
Bill Graham, Chief electrician	,	PERFORMANCE C	OAL COMPANY	ANTHORNES OF THE STREET, STREE		
6. Mine UPPER BIG BRANCH MINE-SOUTI	Н	7. Mine ID 46-084	7. Mine ID 46-08436 (Contract			
8. Condition or Practice			8a. Writ	ten Notice (103g)		
14-15 continuous miner of tested with a 2.5% methal						
9. Violation A. Health B. Section Safety V Other Section IIInspector's Evaluation		C. Part/Section of Title 30 CFR	See Continuation Form (N	ISHA Form 7000-3a)		
10. Gravity:		······································				
A. Injury or Illness (has) (is): No Likelihood	Unlikely 🗸	Reasonably Likely	Highly Likely 🗌 Oc	curred		
B. Injury or illness could reasonably be expected to be: No Lost V	Vorkdays 🗌 Lost W	orkdays Or Restricted Duty	Permanently Disabling 🔽	rg Fatal □		
C. Significant and Substantial:	No ✓		D. Number of Persons Affect	ed: 002		
11. Negligence (check one) A. None	B. Low C	. Moderate 🗸 D. High	E. Reckless Dis	regard 🗌		
12. Type of Action 104(a)	13. Type of Issuan	ce (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 06/16/200	B. Time (24 Hr. Clock)	0800				
Section IIITermination Action						
	ne monitor has	been calibrate	d and now funct:	ions		
properly when tested.						

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

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21. Primary or Mill

23. AR Number

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

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	Mine Safety and Health Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/
06/16/2009 0303	Order Number
4. Served To	5. Operator
Bill Graham, Chief electrician	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 right side Joy 14-15 continuous m	miner (JM5924) on the #4 section is not
being maintained in a permissible condi	tion. The main cable junction box has
an opening in excess of .005".	_
	•
	•
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health B. Section C. P	Part/Section of
7 <u> </u>	itle 30 CFR 75.503
Other	
Section IIInspector's Evaluation	
10. Gravity:	

Reasonably Likely A. Injury or Illness (has) (is): No Likelihood Unlikely 🗸 Highly Likely Occurred B. Injury or illness could rea-No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling 🗸 Fatal sonably be expected to be: C. Significant and Substantial: D. Number of Persons Affected: 002 Yes 🗍 No 🗸 11. Negligence (check one) A. None B. Low C. Moderate V D. High E. Reckless Disregard 13. Type of Issuance (check one) Citation 🗹 Safeguard Written Notice 12. Type of Action Order 🗌 104(a) F. Dated 14. Initial Action E. Citation/ Mo Da Yr A. Citation B. Order C. Safeguard D. Written Notice Order Number 15. Area or Equipment Mo Da Yr 16. Termination Due A. Date B. Time (24 Hr. Clock) 0800 06/16/2009 Section III--Termination Action 17. Action to Terminate The junction box has been cleaned and resealed. Mo Da Yr 18. Terminated A, Date B. Time (24 Hr. Clock) 0345 06/16/2009 Section IV--Automated System Data 19. Type of Inspection 20. Event Number 21. Primary or Mill 4119936 E01 (activity code) 22. Signature 23. AR Number

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

10/14/01	1
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Section IVi	olation Data			***************************************					***************************************			by-selection-seconds
1. Date	Oate Mo Da Yr 2. Time (24 Hr. Clock) 06/17/2009 0044						3. Citation/ Order Number 8090854					
4. Served To					5. Operator							
Bill Graham, Chief electrician					PERFORMANCE COAL COMPANY							
6. Mine					7. Mine ID 46-08436							
UPPER BIG BRANCH MINE-SOUTH					(Contractor						ctor)	
8. Condition	n or Practice									8a. Written Notic	e (103g)	
The	oil static	n on the	#3 section	is r	ot pr	ovided	with	а	fire	extingu:	isher	

The oil station on the #3 section is not provided with a fire extinguisher. 27-5 gallon cans of hydraulic oil are being stored at this location.

										See Co	ontinuatio	n Form (MSF	IA Form 7000-	3a)
9. Violation	Safety	. Health B. Section Safety of Act Other				C. Part/Section of Title 30 CFR			75.1100-2(f)					
Section IIInspe	ector's Evalu	ation	·											
10. Gravity:														
A. Injury or			No Likelih	ood 🗌	Unlikely	Rea	asonably	Likely	✓	Highly Llke	ly 🗌	Occu	rred 🗌	
	illness cou be expecte		No Los	st Workd	ays 🗌 Lost	Workdays (Or Restri	icted Du	ty 🗌	Permane	ently Disa	abling 🔽	Fatal []
C. Significa	ant and Sul	bstantial:	Ye	s 🗸	No 🗌					D. Number	of Perso	ns Affected	001	
11. Negligeno	B. Low	C. Moderate D. High				E. Reckless Disregard								
12. Type of A	ction 1	04(a)			13. Type of Issu	ance (chec	k one)	Cita	tion 🗸	Order 🗌	Safe	guard 🗌	Written No	otice 🗌
14. Initial Action		rder 🗌	C. Safegu	ard []	D. Written Notice [3	itation/ rder Nun	nber				F. Dated	Mo Da	Yr
16. Terminatio	on Due	[Mo Da	Yr			6100							· .
		06/17/2009		B. Time (24 Hr. Clock) 0100										
Section IIITen	mination Act	ion												· · · · · · · · · · · · · · · · · · ·
17. Action to	Terminate	A	fire e	extin	guisher ha	as bee	n pr	ovid	led a	it the	oil	statio	on.	
18. Terminated A. Date Mo Da Yr 06/17/2009 B. Time (24 Hr. Clock)					(24 Hr. Clock)	0048								
Section IVAut	omated Syst	em Data												
19. Type of In		E01	20. Event	Number	411993	6	21. P	rimary or	r Mill					
22. Signature										23. AI	R Numbe	er E		

18. Terminated

22. Signatur

19. Type of Inspection

(activity code)

A. Date

Section IV--Automated System Data



Mine Citation	on/Order		U.S. Departm Mine Safety a		ibor n Administration		· [110]	
Section IViolat	ion Data							
1. Date	Mo Da Yr 06/17/2009	2. Time (24 Hr. Cl 01 I				3. Citation/ Order Number	809085	55
4. Served To	00/11/2005			5. Operator	<u> </u>			
Steve Colo,	section foreman	L		•	NCE CO	AL COMPANY	7	
6. Mine				7. Mine ID	6-0843 <i>6</i>	5		
	G BRANCH MI	NE-SOUTH		41	0-00420)		(Contractor)
8. Condition or	~			rith page5 of				Notice (103g)
7. The present bolts a split a section any lin return the con Steve C	following in the #5 nd 15' bac nd air pas (4) The le curtain of the condition of color engage	condition entry. 2 k from the sing over eft side and the matinuous mathe face ed in aggre	s were four face. 3 the left continuous iner man iner. The ventilation avated con	plan, sectind: 1) There curtain in the ventil miner is going miner is loss standing is section for and failed duct by fail the to comply	e is not the 4H ation and to the ceman selection the	ot a back R crosscut current i the right in the #3 visible of stated he ake action o take act	up chect is 4 : Is improve side of a face of the control of the co	ck rows of operly of the without the are of rrect it. a known
· · · · · · · · · · · · · · · · · · ·		ATT THE THE THE THE THE THE THE THE THE T			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	See Continuation	on Form (MSHA	Form 7000-3a) 🗸
9. Violation	A. Health ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	B. Section of Act	,	C. Part/Section of Title 30 CFR		75.370(a)(1)	
	ector's Evaluation							,
10. Gravity: A. Injury or	Illness (has) (is):	No Likelihood	Unlikely [Reasonably Likely	у 🗌	Highly Likely 🔽	Occurr	ed []
	illness could rea- be expected to be:	No Lost Work	days Lost	Workdays Or Restricted	Duty 🗌	Permanently Dis	abling 🗸	Fatal
C. Significa	C. Significant and Substantial: Yes V No D. Number of Persons Affected: 003							
11. Negligence	e (check one)	A. None	B. Low	C. Moderate	D. High &	✓ E. Rec	kless Disrega	rd 🗌
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 B. Citation/Order Number E. Citation/Order Number F. Dated Mo Da Yr 03/17/2009								Mo Da Yr 03/17/2009
			_	section pow t necessary				
16. Terminatio	n Due A. Date	Mo Da Yr	B. Time (24 Hr. Cloo	ok) ·				
Section IIITerr	nination Action							
17. Action to 1	Ferminate ${ m Th} \epsilon$	esection	is now cor	rectly venti	lated	and a saf	ety med	eting

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,

0145

21. Primary or Mill

23. AR Number

was held with the crew about ventilation and silicosis.

B. Time (24 Hr. Clock)

4119936

Mo Da Yr

06/17/2009

E01

20. Event Number