THE MINE OPERATOR FAILED TO SUBMIT 3 COPIES OF A CERTIFIED, ACCURATE, AND UP-TO-DATE MAP OF THE MINE, DRAWN TO SCALE OF NOT LESS THAN 100 NOR MORE THAN 500 FEET TO THE INCH TO THE DISTRICT MANAGER AT AN INTERVAL NOT EXCEEDING 12 MONTHS. THE ANNUAL VENTILATION MAP WAS DUE ON APRIL 14, 2006.
Two of the 11 rock dust samples collected on 03-08-2006 as part of a rock dust survey were below the required 65 and 80 per centum of incombustible content as determined by analysis in the Mt. Hope laboratory.
Both areas have had additional rock dust applied.
THE ANNUAL VENTILATION MINE MAP WAS RECEIVED BY MSHA ON THE 05/01/2006. MORE TIME IS GRANTED FOR REVIEW OF MINE MAP BY MSHA.
<table>
<thead>
<tr>
<th>Change</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>9. C. Part/Section</td>
<td>75.372(a)(1)</td>
<td></td>
</tr>
<tr>
<td>12. Type of Action</td>
<td>104(a)</td>
<td></td>
</tr>
</tbody>
</table>

TO CHANGE SECTION NO. 3 ITEM NO.8-A FROM 05/08/2006 TO 05/19/2006.
THE ANNUAL VENTILATION MAP WAS RECEIVED BY MSHA ON THE 05/19/2006. MSHA REVIEWED AND DENIED THE MAP ON THE 05/24/2006. A DENIAL LETTER AND EXTENTION OF CITATION NO. 7236951 TO ALLOW THE OPERATOR MORE TIME TO RECEIVE AND MAKE CORRECTIONS ON THE MAP WAS SEND BY CERTIFIED MAIL.
THE ANNUAL VENTILATION MAP WAS RECEIVED BY MSHA ON THE 05/19/2006. MSHA REVIEWED AND DENIED THE MAP ON THE 05/24/2006. A DENIAL LETTER AND EXTENTION OF CITATION NO. 7236951 TO ALLOW THE OPERATOR MORE TIME TO RECEIVE AND MAKE CORRECTIONS ON THE MAP WAS SEND BY CERTIFIED MAIL.
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) 04/25/2006
   3. Citation/Order Number 7236951 - 04

4. Served To
   GEORGE LEVO, ENGINEER

5. Operator
   PERFORMANCE COAL COMPANY

6. Mine
   UPPER BIG BRANCH MINE-SOUTH

7. Mine ID
   46-08436

Section II--Justification for Action

A CERTIFIED, ACCURATE, UP-TO-DATE ANNUAL VENTILATION MAP HAS BEEN RECEIVED, REVIEWED, AND APPROVED ON THE 06/14/2006.

Section III--Subsequent Action Taken

8. Extended To
   A. Date
   B. Time (24 Hr. Clock)

9. Type of Inspection
   T02

10. Event Number
    9832268

11. Signatures
    [Signature]

12. Date
    06/15/2006

13. Time (24 Hr. Clock)
    0623

See Continuation Form
SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
   - 46-08436
   - M. Craig Boggia, Pres.
   - Performance Coal Co., Inc.
   - POB 69
   - Naoma, WV 25540

2. Article Number:
   - 7002 3150 0005 2902 7573

COMPLETE THIS SECTION ON DELIVERY

A. Signature
   - [Signature]
   - [Address]

B. Received by / Printed Name
   - [Name]

C. Date of Delivery
   - [Date]

D. Is delivery address different from item 1? (Extra Fee)
   - [Yes] [No]

3. Service Type
   - [Certified Mail]
   - [Express Mail]
   - [Registered]
   - [Return Receipt for Merchandise]
   - [Insured Mail]
   - [C.O.D.]

4. Restricted Delivery? (Extra Fee)
   - [Yes]

U.S. Postal Service
CERTIFIED MAIL RECEPT
(Domestic Mail Only; No insurance Coverage Provided)

For delivery Information visit our website at www.usps.com

OFFICIAL USE

- Postage
- Certified Fee
- Return Receipt Fee (Endorsement Required)
- Restricted Delivery Fee (Endorsement Required)
- Total Postage & Fees

Sented To
- Craig Boggia, Pres.
- Performance Coal Co., Inc.
- POB 69
- Naoma, WV 25540

PS Form 3811, February 2004
Domestic Return Receipt
20505-02-M-1540
The mine operator has failed to submit an alternative protocol plan for ingassing seals to the District Manager. The alternative protocol must address a means to effectively evaluate the atmosphere of sealed area(s). A certified letter requesting the plan was received by the mine operator on November 7, 2007 and the plan was due November 14, 2007. Despite the notification, a plan was not submitted. An alternative protocol plan, which effectively evaluates the sealed area(s), must be submitted to the Mount Hope District Office to abate this condition.

A. Health Safety

B. Section of Act

C. Part/Section of Title 30 CFR

75.335(b)(1)
Due to a meeting which was held prior to the establishment of the Emergency Temporary Standard, the mine operator erroneously believed that when a set of seals is ingassing, and another set of seals is outgassing, then the sealed area is considered to be outgassing. A telephone conference was held on December 12, 2007 in which the requirements of the Emergency Temporary Standard were explained to the mine operator. In addition, the mine operator was previously placed on notice via certified letter on November 7, 2007, that an alternative plan to effectively evaluate the ingassing sealed area(a) was necessary.

As a result of the telephone call which occurred on December 12, 2007, in which the ETS requirements were explained, the mine operator was again placed on notice, verbally, that an alternative plan is required when seals are ingassing. The citation is hereby extended to allow the mine operator the time to develop and submit an alternative plan, and the citation is now due on December 19, 2007 at 8 a.m.
The mine operator submitted an alternative plan for ingassing seals for review.