<table>
<thead>
<tr>
<th><strong>Mine Activity Data</strong></th>
</tr>
</thead>
</table>
| **1. Action:**  
  a. New Entry □  
  b. Update ✔ |
| **2. Activity Code:** E02 |
| **3. Event Number:** 4117133 |
| **4. Date Event Started:** 8/20/2007 |
| **5. Date Event Finished:** 8/23/2007 |
| **6. Mine ID:** 46-08436 |
| **7a. Organization Code (Mine Assignment):** 20401 |
| **7b. Work Group Identifier:** 01 |
| **9. Company Name:** PERFORMANCE COAL COMPANY |
| **8a. Organization Code (AR Assignment):** 20401 |
| **8b. Work Group:** 01 |
| **10. Mine Name:** UPPER BIG BRANCH MINE-SOUTH |
| **11. Report Type (check):**  
  a. First □  
  b. Interim □  
  c. Last □  
  d. Not Applicable ✔  
  e. Outdoor Areas ✔ |
| **12. Area of Inspections:**  
  a. Active Sections  
  b. Idle Sections  
  c. Surface Areas (UG) □  
  d. Surface Workings □  
  e. Company Records □ |
| **13. Number of Samples Collected:**  
  a. Air Samples 2  
  b. Rock Dust Spot  
  c. Rock Dust Survey  
  d. Respirable Dust  
  e. Noise  
  f. Other |
| **14. Impoundments/Refuse Piles:**  
  a. Number  
  b. FHC  
  c. Configuration |
| **15. Prime Independent Contractor Codes (Major Construction):** |
| **16. Inspection Results:**  
  a. This Inspection  
  (1) New Issuances  
  (2) Terminations/Vacations  
  (3) Modifications/Extensions  
  (4) Left Pending  
  b. Previously Issued  
  (1) Modifications/Extensions  
  (2) Terminations/Vacations |
| **17. Remarks:** S2546, S8049 |
| **18. Signature and Card Number of Authorized Representative/Right of Entry Person(s) Responsible for Activity:** Card Number 23644 |
| **19. Key Entered By:** Date |

MSHA Form 2000-22. Oct. 85 (Revised) Previous editions are Obsolete
<table>
<thead>
<tr>
<th>Week 1</th>
<th>Sun</th>
<th>Mon</th>
<th>Tue</th>
<th>Wed</th>
<th>Thur</th>
<th>Fri</th>
<th>Sat</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/19/07</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

Key Codes: 1- Owl Shift, 2- Day Shift & 3- Evening Shift (Mark “X” in appropriate block to indicate shift)
Mine Citation/Order

1. Date: 08/20/2007
2. Time (24 Hr. Clock): 1330
3. Citation/Order Number: 7268857

Served To:
Bennie Presley, Block Superintendent

Operator:
PERFORMANCE COAL COMPANY

Mine:
UPPER BIG BRANCH MINE-SOUTH

Condition or Practice:
The North Mains intake is not separate from the return in that the door at break 67 was open when not in use and the stopping at break 60 is partially crushed allowing intake to return air flow.

Section I—Violation Data

<table>
<thead>
<tr>
<th>9. Violation</th>
<th>A. Health [ ]</th>
<th>Safety [✓]</th>
<th>Other [ ]</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Section of Act</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. Part/Section of Title 30 CFR</td>
<td>75.333(b)(1)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Section II—Inspector's Evaluation

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


12. Type of Action: 104(a)
13. Type of Issuance (check one): Citation [✓] Order [ ] Safeguard [ ]

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

15. Area or Equipment

16. Termination Due
   A. Date: 08/21/2007
   B. Time (24 Hr. Clock): 0900

Section III—Termination Action

17. Action to Terminate

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

Section IV—Automated System Data

19. Type of Inspection (activity code): E02
20. Event Number: 4117133

21. Primary or Mill
22. Signature: [Blacked Out]
23. AR Number: 23644

See Continuation Form (MSHA Form 7000-3a)

MSHA Form 7000-3, Mar 85 (revised). In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW, MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.
The stopping line has been moved at break 60 and the stopping is now intact. The open door was closed when cited.