

4/17/09

Mine Activity Data

1. Action: a. New Entry b. Update 2. Activity Code: E02 3. Event Number: 4119283

4. Date Event Started: 4/15/2009 5. Date Event Finished: 4/15/2009 6. Mine ID: 46-08436

7a. Organization Code (Mine Assignment) 20401 b. Work Group Identifier 01 9. Company Name PERFORMANCE COAL COMPANY

8a. Organization Code (AR Assignment) 20401 b. Work Group 01 10. Mine Name UPPER BIG BRANCH MINE-SOUTH

11. Report Type (check one) a. First b. Interim c. Last d. Not Applicable 12. Area of Inspections a. Active Sections 4 b. Idle Sections

c. Outby Areas d. Shafts/Slopes e. Surface Areas (UG) f. Surface Workings g. Company Records h. ATF i. Impoundments j. Refuse Piles

k. Major Construction (1) Shaft/Slope Sinking (2) Impoundment Construction (3) Buildings (4) Dragline/Shovel: (5) Other l. Miscellaneous

m. MMU/Pit Number (1) 040

13. Number of Samples Collected a. Air Samples 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

	Citations		Orders		Safeguards		Other	
	Coal Opr	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con
a. This Inspection								
(1) New Issuances	2	0	0	0	0	0	0	0
(2) Terminations/Vacations	2/0	0	0	0	0	0	0	0
(3) Modifications/Extensions	0	0	0	0	0	0	0	0
(4) Left Pending	0	0	0	0	0	0	0	0
b. Previously Issued								
(1) Modifications/Extensions	0	0	0	0	0	0	0	0
(2) Terminations/Vacations	4/0	0	0	0	0	0	0	0

18. Signature and Card Number of Authorized Representative/ Right of Entry Person(s) Responsible for Activity

Card Number

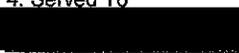
19. Key Entered By Date

17. Remarks:

Shift	Sun			Mon			Tue			Wed			Thur			Fri			Sat		
	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3
Week 1 4/12/2009	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>																		

4/16/09 

Section I--Violation Data

1. Date Mo Da Yr 04/15/2009	2. Time (24 Hr. Clock) 0820	3. Citation/ Order Number 6612413
4. Served To  (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) <input type="checkbox"/>

THE OPERATOR FAILED TO SUPPORT OR CONTROL THE RIGHT RIB (FACING THE #2 SECTION) IN THE BELT ENTRY BETWEEN THE POWER CENTER AND FEEDER. THIS RIB WAS APPROXIMATELY 14 TO 20 INCHES THICK, 10 TO 20 INCHES WIDE, 50 FT. IN LENGTH AND HAD SEPARATED FROM THE BLOCK OF COAL AT THE TOP.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.202(a)
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Section II--Inspector's Evaluation

10. Gravity:			
A. Injury or Illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input checked="" type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>			
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input checked="" type="checkbox"/> Fatal <input type="checkbox"/>			
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: 002
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>			
12. Type of Action 104(a)		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>	
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>			E. Citation/ Order Number
14. Dated Mo Da Yr			
15. Area or Equipment			

16. Termination Due	A. Date Mo Da Yr 04/15/2009	B. Time (24 Hr. Clock) 1000
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Section III--Termination Action

17. Action to Terminate TIMBERS WERE INSTALLED IN THE AFFECTED AREA.

18. Terminated	A. Date Mo Da Yr 04/15/2009	B. Time (24 Hr. Clock) 1000
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Section IV--Automated System Data

19. Type of Inspection (activity code) E02	20. Event Number 4119283	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-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.

4/16/09

Section I--Violation Data

1. Date Mo Da Yr 04/15/2009	2. Time (24 Hr. Clock) 0900	3. Citation/ Order Number 6612414
4. Served To [REDACTED] (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 VENTILATION CONTROL (STOPPING) LOCATED AT CROSS CUT #105 WAS NOT SERVING THE PURPOSE IN WHICH IT WAS INSTALLED FOR. THIS STOPPING HAD A HOLE IN IT CAUSING THE INTAKE NOT TO BE SEPARATED FROM THE BELT CONVEYOR ON THE #2 SECTION.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.333(h)
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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: 008

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

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

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

15. Area or Equipment

16. Termination Due A. Date Mo Da Yr 04/15/2009 B. Time (24 Hr. Clock) 0915

Section III--Termination Action

17. Action to Terminate THE STOPPING WAS REPAIRED.

18. Terminated A. Date Mo Da Yr 04/15/2009 B. Time (24 Hr. Clock) 0915

Section IV--Automated System Data

19. Type of Inspection (activity code) E02 20. Event Number 4119283 21. Primary or Mill

22. Signature [REDACTED] 23. AR Number [REDACTED]

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

Previously issued

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

4/16/09



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) 04/08/2009	3. Citation/ Order Number 6612406 - 01
4. Served To [REDACTED] (MINE FOREMAN)	5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436	(Contractor)

Section II--Justification for Action

THE LIFELINE HAS BEEN EXTENDED UP THE SECTION LOADING POINT.

See Continuation Form

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E02	10. Event Number 4119283	
[REDACTED] AP Number	12. Date Mo Da Yr 04/15/2009	13. Time (24 Hr. Clock) 0810

Mine Citation/Order
Continuation

Previously issued

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

4/16/09

Section I-Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 04/08/2009	3. Citation/ Order Number 6612407 - 02
4. Served To [REDACTED] (MINE FOREMAN)	5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436	(Contractor)

Section II-Justification for Action

THE PHONE IS NOW WORKING.

See Continuation Form

Section III-Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV-Inspection Data

9. Type of Inspection E02	10. Event Number 4119283	AR Number [REDACTED]	12. Date Mo Da Yr 04/15/2009	13. Time (24 Hr. Clock) 0930
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Mine Citation/Order
Continuation

Previously issued

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

4/16/09

Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>	2. Date (Original Issue) Mo Da Yr 04/09/2009	3. Citation/ Order Number 6612408 - 01
4. Served To [REDACTED] (MINE FOREMAN)	5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436	(Contractor)

Section II--Justification for Action

ADDITIONAL JACKS HAVE BEEN INSTALLED IN THE AFFECTED AREA.

See Continuation Form

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E02	10. Event Number 4119283		
[REDACTED]	AR Number [REDACTED]	12. Date Mo Da Yr 04/15/2009	13. Time (24 Hr. Clock) 0738

Mine Citation/Order
Continuation

Previously issued

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

4/16/9



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/>	2. Dated/ (Original Issue) Mo Da Yr 04/09/2009	3. Citation/ Order Number 6612409 - 01
4. Served To [REDACTED] (MINE FOREMAN)	5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)	

Section II--Justification for Action

THESE DOORS HAVE BEEN CHAINED AND LOCKED TO PREVENT OPENING

See Continuation Form

Section III--Subsequent Action Taken

8. Extended To A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E02	10. Event Number 4119283	AR Number [REDACTED]	12. Date Mo Da Yr 04/15/2009	13. Time (24 Hr. Clock) 0730
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