Mine Activity Data

U. S. Department of Labor

Mine Safety and Health Administration

1. Action:  
   a. New Entry ✓  
   b. Update □

2. Activity Code: E02

3. Event Number: 4119933

4. Date Event Started: 1/14/2009

5. Date Event Finished: 1/14/2009

6. Mine ID: 46-08436

7a. Organization Code (Mine Assignment) 20401

    b. Work Group Identifier 01

8a. Organization Code (AR Assignment) 20401

    b. Work Group 01

9. Company Name PERFORMANCE COAL COMPANY

10. Mine Name UPPER BIG BRANCH MINE-SOUTH

11. Report Type (check)

   a. First □  
   b. Interim □  
   c. Last □  
   d. Not Applicable ✓

12. Area of Inspections

   a. Active Sections 3  
   b. Idle Sections

   c. Outby Areas ✓  
   d. Shafts/Slopes □

   e. Surface Areas (UG) □
   f. Surface Workings □

   g. Company Records ✓
   h. ATP □

13. Number of Samples Collected

   a. Air Samples 3
   b. Rock Dust Spot 0
   c. Rock Dust Survey 0
   d. Respirable Dust 0
   e. Noise 0
   f. Other 0

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
      (2) Terminations/Vacations
      (3) Modifications/Extensions
      (4) Left Pending

   b. Previously Issued

      (1) Modifications/Extensions
      (2) Terminations/Vacations

17. Remarks:

   B1220,B1231,A7428

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

   Card Number

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>
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<tbody>
<tr>
<td>1/11/2009</td>
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Reverse, MSHA Form 2000-22, Oct 85 (Revised)  
Key Codes: 1- Owl Shift, 2- Day Shift & 3- Evening Shift (Mark "X" in appropriate block to indicate shift)
The return stoppings on the #1 section are not being maintained to serve the purpose for which they were built. The return stoppings at #43 and 45 break each have holes approximately 2 foot by 3 foot in them.
The stoppings have been repaired.
The operator is failing to ensure that life lines on the #1 section are located in a manner for miners to use effectively to escape. From #8 break to #12 break and from 47 break to 49 break along the secondary escapeway, the life line passes between roof props and the belt structure. Clearance between the roof props and the structure ranges from 0 inches to 1 foot.
The life line is now installed properly.
**UNITED STATES DEPARTMENT OF LABOR**  
**MSHA LABORATORIES - MOUNT HOPE, WEST VIRGINIA**  
**ANALYSIS OF AIR SAMPLES**

**Mine:** UPPER BIG BRANCH MINE SOUTH  
**Company:** PERFORMANCE COAL COMPANY  
**Mine ID:** 4608436  
**Date(s) Collected:** 01/14/2009  
**Inspector:**  
**Office:** 401

<table>
<thead>
<tr>
<th>BOTTLE NUMBER</th>
<th>LOCATION IN MINE</th>
<th>CARBON DIOXIDE</th>
<th>OXYGEN</th>
<th>METHANE</th>
<th>ETHANE</th>
<th>CUBIC FEET AIR PER MINUTE</th>
<th>CUBIC FEET METHANE IN 24 HOURS</th>
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<tbody>
<tr>
<td>A7428</td>
<td>AIR READING AT MINER IN #3 ENTRY</td>
<td>0.050</td>
<td>20.90</td>
<td>0.090</td>
<td>0.000</td>
<td>9376</td>
<td>12151</td>
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<tr>
<td>B1220</td>
<td>IMMEDIATE RETURN OFF #1 SECTION</td>
<td>0.060</td>
<td>20.89</td>
<td>0.120</td>
<td>0.000</td>
<td>23400</td>
<td>40435</td>
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<td>B1231</td>
<td>L.O.B. - #1 SECTION</td>
<td>0.060</td>
<td>20.90</td>
<td>0.100</td>
<td>0.000</td>
<td>9120</td>
<td>13133</td>
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THE PERCENTAGE OF NITROGEN CAN BE DETERMINED BY SUBTRACTING THE SUM OF THE REPORTED VALUES FROM 100.00
DATE: 3/17/09

MESSAGE FOR: FIELD OFFICE SECRETARY - [Redacted]

FROM: [Redacted]

# PAGES (INCLUDING COVER): 7

SUBJECT: CONTESTED VIOLATION DATA AT ID NO. 8436

The violations shown below have been contested by the mine operator:

<table>
<thead>
<tr>
<th>VIOL #</th>
<th>ISSUED</th>
<th>VIOL #</th>
<th>ISSUED</th>
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<tr>
<td></td>
<td>See attached</td>
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These documents go before lawyers and judges. It is important that all copies be clean and clearly legible.

Please provide a copy of each violation and all subsequent actions for that violation.

I also need a copy of the inspector’s notes (including the Daily Cover Sheet) for each violation, as well as any special assessment forms and a copy of appropriate plans related to those violations.

If there are any related violations, such as 107(a) Orders, I need a copy of them too.

Please fax your response back to me today or tomorrow - I have a very short turn-around time to get this material in to the Solicitor’s Office in Arlington.

If you have any questions, call me on extension 148.

Thank you for your help.
## Citations

**Selection Criteria:**

<table>
<thead>
<tr>
<th>MineID</th>
<th>Type</th>
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<th>Mg Off.</th>
<th>AR #</th>
<th>Cont ID</th>
<th>C/O #</th>
<th>Issue Date</th>
<th>Issuance</th>
<th>SS</th>
<th>Type Action</th>
<th>30 CFR Std</th>
<th>Activity Code</th>
<th>Event Number</th>
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