1. Action: a. New Entry	b. Update	2. A	ctivity e: E02		3. Eve	nt Num	iber: 4	1203	<b>8</b> 1			
4. Date Event Started:	-	5. E	Date Event shed:	5/6/20	08 6. Mir	ie ID: Z	46-08	3436				
7a. Organization Code (Mine Assignment)	20401	b. Wo Ident	ork Group ifier 02	9. Comp	any Name	PEF	RFORM	ANCE C	OAL CO	MPANY		
8a. Organization Cod (AR Assignment)	20401	b. Wo Grou	117.	10. Min	e Name	UPI	PER BIG	BRAN	CH MINE	SOUTH	[	
11. Report Type (check a. l	irst 🗌	b. Interim	c. Last d.	Not Applicable	<u> </u>	Area of pections	i	n. Active Sections	1	b. I	dle tions	
c. Outby	I. Shafts/	e, Surface Areas (UG)	f. Surface  Workings	g. Comp Records	any 🗸	h. ATF		. Impou	ndments		j. Refuse Piles	
Construction —	1) Shaft/ Slope Sinking	(2) Impoundment Construction	(3) Buildi		) Dragline/ novel:		(5) Othe	er	1. Mis	scellaneo	us 🗌	***************************************
m. MMU/Pit Number (1) 029 (2) 030												
13. Number of Samples Collected a.	Air 0 Samples	b. Rock Dust Spot	0 c. Rock Surv		d. Respiral Dust	ble 0		e. Noise	0	f. Otl	ner 0	
14. Impoundments/Re	use Piles:		15. Prime Independ									
a. Number	b. FHC	c. Configuration	Codes (Major									
			16. Inspection Res	ults	Citations		Orders	ı	Safegua	ards	Other	
			a. This Inspect	ion	Coal I		Coal Opr	Ind Con	Coal Opr		Coal Opr	Ind Con
			(1) New Issu	ances	4	0	0	0	0	0	0	0
				ione/Vacatione			_	_				0
			(2) Terminat	ions/ vacations	0/\$	0	0	0	0	0	0	Ü
				tions/Extensions	0/\$1 3 <b>6</b> /0	0	0	0	0	0	0	0
				tions/Extensions						_		
			(3) Modifica (4) Left Pend b. Previously I	tions/Extensions ling ssued	<b>36</b> /0	0	0	0	0	0	0	0
			(3) Modifica  (4) Left Pend  b. Previously I  (1) Modifica	tions/Extensions ling ssued tions/Extensions	<b>36</b> /0 4 0/0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
			(3) Modifica  (4) Left Pend  b. Previously I  (1) Modifica	tions/Extensions ling ssued	<b>36</b> /0	0	0	0	0	0	0	0
18. Signature and Car Right of Entry Per			(3) Modifica (4) Left Pend b. Previously I (1) Modifica (2) Terminat	tions/Extensions ling ssued tions/Extensions	<b>36</b> /0 4 0/0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
Right of Entry Per  a. b.			(3) Modifica (4) Left Pend b. Previously I (1) Modifica (2) Terminat tive/ 17	tions/Extensions ling ssued tions/Extensions ions/Vacations	<b>36</b> /0 4 0/0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
Right of Entry Per			(3) Modifica (4) Left Pend b. Previously I (1) Modifica (2) Terminat tive/ 17	tions/Extensions ling ssued tions/Extensions ions/Vacations	<b>36</b> /0 4 0/0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
a. b. c.			(3) Modifica (4) Left Pend b. Previously I (1) Modifica (2) Terminat tive/  Card Number 24320	tions/Extensions ling ssued tions/Extensions ions/Vacations	<b>36</b> /0 4 0/0	0 0	0 0	0 0	0 0	0 0	0 0	0 0

Activity Calendar

Event Number: 4120381

Mine ID: 4608436

	Sun	Mon	Tue	Wed	Thur	Fri	Sat
Shift	1 2 3	1 2 3	1 2 3	1 2 3	1 2 3	1 2 3	1 2 3
Wee <b>k</b> 1 5/4/2008							

Section IV--Automated System Data

E02

20. Event Number

19. Type of Inspection

(activity code)

22. Signature

RR	
5-8-	08.

Mine Citation/C	Order	07	128/	108		U.S. Depar Mine Safety			tration	
Section IViolation D	Data						<del></del>		······	
	no Da Yr 5/06/2008	2. Time (	24 Hr. Clo 1220					3. Citation	n/ Number 72787	95
4. Served To				· · · · · · · · · · · · · · · · · · ·		5. Operator	***	<del> •</del>		
William Harle	ss, Mine F	oreman				PERFORM	ANCE CO	OAL COM	PANY	
6. Mine UPPER BIG B	BRANCH	MINE-SOL	JTH			7. Mine ID	46-084	36	<del> </del>	(Contractor)
8. Condition or Pra				· · · · · · · · · · · · · · · · · · ·					8a. Written	Notice (103g)
roof. The	e contr e #4 be stance	olled t lt and	o pro trac}	otect pers c entry or	sons	s from h ne #1 se	azards ction	relate is from	apported or ed to falls a 22 to 24 reak 10 fee	feet wide
9. Violation A.	Health Safety V	B. Section of Act				Part/Section of itle 30 CFR			ontinuation Form (MSH/	. Form 7000-3a)
Section IIInspector	's Evaluation						. '			
10. Gravity: A. Injury or Illn	ess (has) (is)	: No Likelih	ood [	Unlikely [	·	Reasonably L	ikely 🗸	Highly Like	ely 🗌 Occur	ed [
B. Injury or illno sonably be e	ess could rea expected to b		t Workda	ays 🗌 Lost \	Vorkd	ays Or Restrict	ed Duty 🗌	Permane	ently Disabling 🔲	Fatal 🗸
C. Significant a	and Substant	ial: Ye	s 🗸	No 🗌				D. Number	of Persons Affected	001
11. Negligence (c	heck one)	A. None	]	B. Low	C. M	oderate 🗸	D. High		E. Reckless Disrega	rd 🗌
12. Type of Action	n 104	4(a)		13. Type o	f Issu	ance (check on	e) (	Citation 🔽	Order 🗌	Safeguard 🗌
14. Initial Action A. Citation	B. Order	C. Safegua	ard 🔲 [	D. Written Notice		E. Citation/ Order Num	ber		F. Dated	Mo Da Yr
15. Area or Equip	ment							,		
16. Termination D	Due A. Da	te Mo Da 05/06/2		B. Time (24 Hr. Ci	ock)	1600			· · · · · · · · · · · · · · · · · · ·	
Section IIITerminat	tion Action									
17. Action to Tern	minate									
18. Terminated	A. Date	lo Da Yr	B. Time	(24 Hr. Clock			,,.	·	der vice in the developer of the develop	

wiSHA Form 7000-3, Mar 65 (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 (1-883-734-3247), 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.

4120381

21. Primary or Mill

23. AR Number

24320

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

RR	-08
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Section ISubsequer	t Action/Continuation Data		-44			- Mariatiki izatem de zadelaza zabela		
1. Subsequent Act	tion 1a. Continuation	Dated     (Original Issue)	Мо 05/	Da '06/200		Citation/     Order Number	7278795 - 01	
4. Served To					5. Operat	or		
Gary May, Mir	ne Foreman				PERFO	RMANCE CO	AL COMPANY	
6. Mine					7. Mine II			(Contractor)
UPPER BIG BRANCH MINE-SOUTH						46-0843	6	
Section IIJustificatio	n for Action							

The operator has provided additional roof support at #25 break to the #26 in the #4 entry on the #1 section.

			See Cont	inuation Form
Section IIISubsequent Action Taken				
8. Extended To A. Date Mo Da	B. Time (24 Hr. Clock)	C. Vacated	✓ D. Terminated ☐ E. M	odified
Section IVInspection Data				
9. Type of Inspection E01	0. Event Number 4120376			Secretaria de la constanta de
11. Signati	AR Number 24320	12. Date Mo Da Yr 05/07/2008	13. Time (24 Hr. Clock) 1205	
MSHA Form 7000-3a, Mar 85 (revised)	<del></del>			

Mine Citation/Order
Continuation

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

R R 5-13-08
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Section ISubsequent Action/Continu	uation Data						
1. Subsequent Action 1a. Conti	nuation 2. Dated (Original Issue	Mo Da <sup>≘)</sup> 05/06/2008	Yr 3. Citation/ Order Number	7278795 - 02			
4. Served To		5.	Operator				
Rick Hodge, Superintend	ent	P.	PERFORMANCE COAL COMPANY				
6. Mine		7.	7. Mine ID (Contractor)				
UPPER BIG BRANCH M	MNE-SOUTH		46-0843	0			
Section IIJustification for Action							
Change	From		То				
8. Condition Or Practice							

Reason To add the word break after #26 and take out the word entry.

									See Continuation Form
Section IIISubse	quent Action Ta	ken							
8. Extended To	A. Date	) Da	Yr	Yr B. Time (24 Hr. Clock)			cated	D. Terminated	✓ E. Modified
Section IVInspec	tion Data		A google on the Committee of				·-····································		
9. Type of Inspe	ection E01		10. E	vent Number 4120376					
11. Signatur				AR Number	12. Date	Mo Da	Yr	13. Time (24 Hr. Cl	ock)
				24320		05/12/2	800	1440	

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5-8-08	113

Mine Citation/Orde	r	07/	a8/0	8			. Departn e Safety a			itration		r- 4-01	
Section IViolation Data			*				, ,						
1. Date Mo Da 05/06/		2. Time (2	4 Hr. Cl 123		·				3. Citatio	on/ Number 72	27879	6	
4. Served To	2000		12.7	· V		5. O	perator			*			
William Harless, N	Aine Fo	reman					RFORMA	NCE CO	DAL CON	<b>IPANY</b>			
6. Mine UPPER BIG BRA		<del>"</del>	TH			7. M	line ID 4	6-0843	36	**************************************	<del>varia na mantitri</del>	(Contr	actor)
8. Condition or Practice		шчь-500	111							8a. \	Written N	lotice (103	
Activities Section and Activities 1984 1984 1984	gh-vo									ion is r		<del></del>	
	a"								See	Continuation Form	n (MSHA I	Form 7000-3	a) 🗀
9. Violation A. Healt Safe Othe	ty 🗸 er 🗌	B. Section of Act			C	. Part/Se Title 30	ection of CFR		,	75.807			
Section IIInspector's Eval	uation												
<ol> <li>Gravity:</li> <li>A. Injury or Illness (I</li> </ol>	nas) (is):	No Likeliho	ood [	Unii	kely 🗸	Reas	sonably Like	ely 🗌	Highly Llk	ely [	Occurre	d 🗌	
B. Injury or illness of sonably be expect		No Los	Workd	lays []	Lost Wor	kdays O	r Restricted	Duty 🗌	Perman	ently Disabling	ı 🗆	Fatal 🗸	
C. Significant and S	ubstantia	l: Yes		No 🗸					D. Numbe	r of Persons A	ffected:	001	
11. Negligence (check	one)	A. None	]	B. Low	C.	Moderat	te 🗸	D. High		E. Reckless I	Disregar	t	
12. Type of Action	104(	a)		13	3. Type of Is	suance (	(check one)	C	Citation 🗸	Order 🗌		Safegu	ard 🗌
14, Initial Action A. Citation B. C	order 🔲	C. Safegua	ard [	D. Written	Notice		itation/ rder Numbe	r	·	F. Da	ated	Mo Da	Yr
15. Area or Equipment													
16. Termination Due	A. Date	Mo Da 05/06/2	1	B. Time (2	24 Hr. Clock	)	1600		<del>,</del>	·			
Section IIITermination Ac	tion					<u> </u>	· · · · · · · · · · · · · · · · · · ·						
17. Action to Terminate	•												
18. Terminated A. Dat	e	Da Yr	B. Time	e (24 Hr. Cl	ock				·				
Section IVAutomated Sys	tem Data												
19. Type of Inspection (activity code)	E02	20. Event	Number	r 41	120381		21. Prima	ry or Mill					

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 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-REG-FAIR (1-88

23. AR Number

24320

22. Signature

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

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Continuation			Wife Galety and Health Administration							
Section ISubsequent Action/Continuation Data							***************************************			
1. Subsequent Action 1a. Continuation	Dated     (Original Issue)	Mo Da 05/06/20	Yr 108	3. Citation/ Order Number	7278796 - 01					
4. Served To			5. Operat	or						
Gary May, Mine Foreman			PERFORMANCE COAL COMPANY							
6. Mine	7. Mine ID (Contractor)									
<b>UPPER BIG BRANCH MINE-SO</b>		46-0843	6		***************************************					
Section II-Justification for Action										

The high-voltage cable is guarded.

Section IIISubsequ	ent Action Take	n	N	akanna Baara (Piksanna paesen (Piksanna)						See Continuation Form	
8. Extended To	Mo A. Date	Da	Υr	B. Time (24	Hr. Clock)		C. Va	cated	D. Terminated	E. Modified	<del>Tales (Norma</del>
Section IVInspection	on Data										NAME OF TAXABLE PARTY.
9. Type of Inspec	tion E01	wine \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	10. E	vent Number	4120376				namana and Amerika (Amerika (	PORTECTION TO THE PROPERTY OF	222004-1
11. Signati				Ì	AR Number	12. Date	Mo Da	Yr	13. Time (24 Hr. Clo	ock)	
_					24320		05/07/	2008	1210		
MSHA Form 7000-0	a, iviai oo (revise	-uj									

Mine	Citation/Order
Conti	nuation

# **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	2. Dated (Original Issue)	Mo Da 05/06/20	Yr 08	3. Citation/ Order Number	7278796 - 02		
4. Served To			5. Opera				
Rick Hodge, Superintendent	PERFORMANCE COAL COMPANY						
6. Mine UPPER BIG BRANCH MINE-SO	7. Mine I	de-08436	-	(Contractor)			
Section IIJustification for Action							
Change Fo	ro <b>m</b>	То					
8. Condition Or Practice							

Reason To add after the word guarded to read: where people are required to travel under the cable.

						See Continuation Form
Section IIISubsequent Action Taken						
8. Extended To A. Date Mo Da	Yr B. Time (24	Hr. Clock)		C. Vacated	D. Terminated	☑ E. Modified
Section IVInspection Data		garan mangari mga mara na ngangan nga nganan 1970 ta ng ngigiri ng 197	A Comment of Comment of Assessment of Participants and Confederations			
9. Type of Inspection $E01$	10. Event Numbe	4120376				
11. Signature		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ock)
		24320		05/12/2008	1420	

MSHA Form 7000-3a, Mar 85 (revised)

22. Signature

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5-1	3-08

Mine Citatio	n/Order		07/28	108			Mine Sa				stration		
Section IViolati	on Data												
1. Date	Mo Da 05/06/2		2. Time (2	24 Hr. C 134						3. Citation Order	n/ Number	727879	97
4. Served To							5. Operato		IOE OO	M. CO.	(D ( ) IX	7	
William Ha	rless, M	ine Fo	reman				PERFO	KMAN	ICE CO	AL CON	1PAN Y	·	
6. Mine UPPER BIO	T DD AN		TINIE COL	TTLI			7. Mine ID	46	-0843	6			(Contractor)
8. Condition of		CH IV	HINE-SOC	ın.			<u> </u>	· · · · · · · ·			<del> </del>	8a. Written	Notice (103g)
o, condition o		roof	of ar	625	where pers	one	work	Or :	trave	l sha	ll be	<del></del>	
roof. T	he ro	of a y 20	t #80 feet	brea	otect pers k in the t by 10 fee	rac	ck ent	ry o	n the	#2 No	orth	Mains	has an 4
		ρĨ								See (	Continuatio	on Form (MSHA	A Form 7000-3a)
9. Violation	A. Health		B. Section			C. F	Part/Section	of					
	Safety Other	<b>V</b>	of Act			T	itle 30 CFR			75	.202(a)	)	
Section II-Inspe													
10. Gravity:  A. Injury or  D. Injury or  sonably		uld rea-	No Likelih		Unlikely [	Vorkd	Reasonab ays Or Res			Highly Llk		Occurr	red [] Fatal <b>√</b>
C. Significa	ant and Sul	bstantia	il: Ye:	3 <b>V</b>	No 🗌					D. Numbe	r of Pers	ons Affected:	010
11. Negligenc	e (check o	ne)	A. None	_	<del></del>	C. M	oderate 🔽		D, High		E. Recl	dess Disrega	ırd 🗌
12. Type of Ad	ction	104(	(a)		13. Type of	Issu	ance (check	one)	Ci	tation 🗸	Ord	er 🗌	Safeguard [
14. Initial Action  A. Citation	on B. Or	der [	C. Safegua	ard 🗌	D. Written Notice		E. Citation Order N					F. Dated	Mo Da Yr
15. Area or Ed	quipment												
16. Termination	on Due	A, Date	Mo Da 05/06/2		B. Time (24 Hr. Clo	ck)	160	00					
Section IIITerm	nination Action	on											
17. Action to 1	Terminate												
18. Terminate	A. Date		Da Yr	B. Tim	e (24 Hr. Clock								
Section IVAuto	mated Syste	em Data											
19. Type of In		E02	20. Even	Numbe	412038	1	21.	Primary	or Mill				

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23. AR Number

24320

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

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	<i>2</i> .

1 1000000000000000000000000000000000000						
Section I-Subsequent Action/Continuation D	ata					
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 05/06/20	Yr 08	3. Citation/ Order Number	7278797 - 01	
4. Served To			5. Operato	or		
Gary May, Mine Foreman			PERFO	RMANCE CO.	AL COMPANY	
6. Mine		<del> </del>	7. Mine ID			(Contractor)
UPPER BIG BRANCH MINE	-SOUTH		<u> </u>	46-0843	6	
Section IIJustification for Action						

The operator has provided additional roof support at the #80 break in the track entry on the #2 North Mains.

					V	See Continuation Form
Section IIISubsequent Action Taken						
8. Extended To A. Date Mo D	a Yr	B. Time (24 Hr. Clock)		C. Vacated	✓ D. Terminated	E. Modified
Section IV-Inspection Data	******					
a. Type of hispection E01	io. I	Event Number 4120376				
11. Signature		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ock)
		24320		05/07/2008	1045	
MSHA Form 7000-3a, war 85 (revised)						

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

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Section ISubsequent Action/Continuati	on Data					
1. Subsequent Action 1a. Continua	ation 2. Dated (Original Issue)	Mo Da 05/06/20	• • •	3. Citation/ Order Number	7278797 - 02	
4. Served To			5. Operat			
Rick Hodge, Superintendent			PERFORMANCE COAL COMPANY			
			7. Mine ID 46-08436		(Contractor)	
UPPER BIG BRANCH MINE-SOUTH						All the second s
Section IIJustification for Action						
Change	From	То				
8. Condition Or Practice						

Reason To remove the word (of) after the word roof in the first sentence. To add the word (in) in front of the word areas in the first sentence. To add (ed) to the end of the word drop to read (dropped). To add the word (primary) in front of the word mine in the last sentence.

			See Continuation Form			
Section IIISubsequent Action Taken						
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Cłock)	C. Vacated	☐ D. Terminated ✓ E. Modified			
Section IVInspection Data						
9. Type of Inspection E01	10. Event Number 4120376					
11. Signate	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)			
	24320	05/12/2008	1447			

MSHA Form 7000-3a, Mar 85 (revised)