### Mine Activity Data

| 1. Action: | a. New Entry ✔ | b. Update [ ] |
| 2. Activity Code: | E02 |
| 3. Event Number: | 4120609 |
| 4. Date Event Started: | 1/23/2008 |
| 5. Date Event Finished: | 1/23/2008 |
| 6. Mine ID: | 46-08436 |

#### 7a. Organization Code (Mine Assignment)
- Code: 20401
- Work Group Identifier: 02

#### 8a. Organization Code (AR Assignment)
- Code: 20401
- Work Group: 02

#### 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
- b. Idle Sections

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

#### m. MMU/Pit Number

#### 13. Number of Samples Collected
- a. Air Samples: 2
- 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

<table>
<thead>
<tr>
<th>Citations</th>
<th>Orders</th>
<th>Safeguards</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. This Inspection</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) New Issuances</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>(2) Terminations/Vacations</td>
<td>1/0</td>
<td>0/0</td>
<td>0/0</td>
</tr>
<tr>
<td>(3) Modifications/Extensions</td>
<td>0/0</td>
<td>0/0</td>
<td>0/0</td>
</tr>
<tr>
<td>(4) Left Pending</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>b. Previously Issued</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) Modifications/Extensions</td>
<td>0/0</td>
<td>0/0</td>
<td>0/0</td>
</tr>
<tr>
<td>(2) Terminations/Vacations</td>
<td>0/0</td>
<td>0/0</td>
<td>0/0</td>
</tr>
</tbody>
</table>

#### 17. Remarks:
- Examined work out area off of No. 2 section left return at EP 1, 4 and 7, DPP'S, DPP regulator and main return from BP'S to DPP regulator.
- Bottle Samples:
  1. W0470
  2. W0467

#### 18. Signature and Card Number of Authorized Representative/ Right of Entry Person(s) Responsible for Activity
- a. Signature:
- b. Card Number: 24329
- c. Date:
- d. 

#### 19. Key Entered By

MSHA Form 2000-22. Oct. 85 (Revised) Previous editions are Obsolete
<table>
<thead>
<tr>
<th>Shift</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>Week 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1/20/2008</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)
The left return for the No. 2 Section (MMU 040,041) could not be examined in its entirety. Water had been permitted to accumulate in the face of the No. 3 DPP (Deepest Point of Penetration) in the worked out area. The water was over one break long, including crosscuts and in excess of 24 inches.
The water was pumped and the DPP's were examined.
The No. 3 LBB Belt Drive was not being maintained in safe operating condition. The bearings in the stationary return roller, located 6 feet from the return take-up roller, had failed and the inner bar was turning on the metal roll. There was visible smoke coming off the roller and after the operator took the belt out of service the roller was too hot to touch without safety gloves.
Mine Citation/Order

Continuation

Section I -- Subsequent Action/Continuation Data

1. Subsequent Action: 
   a. Continuation: [X] 

2. Dated (Original Issue):
   Mo: 01, Da: 23, Yr: 08

3. Citation/Order Number: 72797112

4. Served To: Mike Vaught
   By Certified Mail

5. Operator: Performance Coal Company

6. Mine: Upper Big Branch Mine - South

7. Mine ID: 46-08436- (contractor)

Section II -- Justification for Action

Upon further review at conference, this citation is modified.

Item No. 10A shall read "Unlikely"
Item No. 10B shall read "Lost Workdays or Restricted Duty"
Item No. 10C shall read "No"
Item No. 11 shall read "None"

This condition occurred after the inspector and a representative of the company traveled through this area. On their return out of the mine, they found this condition. There was no indication that anyone else had traveled through this area.

Section III -- Subsequent Action Taken

8. Extended To:
   A. Date: 01-01-01
   B. Time (24HrClock): 00:00

9. Type of Inspection: [X]

10. Event Number:

11. Signature: [Redacted]

12. Date: 03-12-08
13. Time (24 Hr Clock): 11:45

See Continuation Form

Section IV -- Inspection Data

14. AR Number: 20837

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