Mine Activity Data

1. Action:  a. New Entry [✓]  b. Update [ ]
2. Activity Code: E02
3. Event Number: 6284370

4. Date Event Started: 3/18/2009
5. Date Event Finished: 3/18/2009

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)
   a. First [ ]
   b. Interim [ ]
   c. Last [ ]
   d. Not Applicable [✓]

12. Area of Inspections
   a. Active Sections [✓]
   b. Idle Sections [ ]

   c. Outby Areas [✓]
   d. Shafts/ Slopess [ ]
   e. Surface Areas (UG) [✓]
   f. Surface Workings [ ]

k. Major Construction [ ]
   (1) Shaft/ Slope Sinking [ ]
   (2) Impoundment Construction [ ]
   (3) Buildings [ ]
   (4) Dragline/Shovel [ ]
   (5) Other [ ]
   i. Impoundments [ ]
   j. Refuse Files [ ]

m. MMU/Pit Number (0/0/0)

13. Number of Samples Collected
    a. Air Samples 1
    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
      Citations
      Orders
      Safeguards
      Other
      Coal Opr Ind Con Coal Opr Ind Con Coal Opr Ind Con Coal Opr Ind Con
      (1) New Issuances 2 0 0 0 0 0 0 0 0
      (2) Terminations/Vacations 2/0 0/0 0/0 0/0 0/0 0/0 0/0 0/0
      (3) Modifications/Extensions 0/0 0/0 0/0 0/0 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 0/0 0/0 0/0 0/0
      (2) Terminations/Vacations 2/0 0/0 0/0 0/0 0/0 0/0 0/0 0/0

17. Remarks: H7925

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>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>3/15/2009</td>
<td></td>
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</tbody>
</table>

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 approved methane and dust control plan for the number 1 section (MMU 029-0) is not being complied with in that only 3,960 cf/m of air is reaching the in by end of the line curtain in the number 1 right break where the left continuous miner is operating. Methane reading was 0.15% in this place.

<table>
<thead>
<tr>
<th>9. Violation</th>
<th>A. Health Safety ✓</th>
<th>B. Section of Act</th>
<th>C. Part/Section of Title 30 CFR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>75.370(a)(1)</td>
</tr>
</tbody>
</table>

10. Gravity:
A. Injury or Illness (has) (is): Reasonably Likely ✓
B. Injury or illness could reasonably be expected to be: Permanently Disabling ✓
C. Significant and Substantial: Yes ✓
D. Number of Persons Affected: 001

11. Negligence (check one) C. Moderate ✓

12. Type of Action: 104(a)

13. Type of Issuance (check one): Citation ✓

14. Initial Action: A. Citation

15. Area or Equipment

16. Termination Due
A. Date: 03/18/2009
B. Time (24 Hr. Clock): 1005

17. Action to Terminate: Repairs were made and 5,688 cf/m with the scrubber off is now reaching the face of the number 1 left break, on the number 1 section.

18. Terminated
A. Date: 03/18/2009
B. Time (24 Hr. Clock): 1005

19. Type of Inspection (activity code) E02
20. Event Number: 6284370
21. Primary or Mill

22. Signature

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, 400 3rd Street SW. MC 2120, Washington, DC 20410. 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 approved roof control plan is not being complied with on the number 1 section, (MMU 029-0) in that a kettle bottom is present in the #1 entry, 20 feet outby the face and has not been supported. Page 6 of the roof control plan, safety precaution #32 requires that supplemental support is required.

**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

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):**
   - A. Citation [ ], B. Order [ ], C. Safeguard [ ], D. Written Notice [ ]

14. **Initial Action:**
   - A. Citation [ ], B. Order [ ], C. Safeguard [ ], D. Written Notice [ ], E. Citation/Order Number [ ]

15. **Area or Equipment:**

16. **Termination Due:**
   - A. Date: 03/18/2009, B. Time (24 Hr. Clock): 1030

**Section III–Termination Action**

17. **Action to Terminate:** The kettle bottom in the number 1 entry on the number 1 section has been supported.

18. **Terminated:**
   - A. Date: 03/18/2009, B. Time (24 Hr. Clock): 1030

**Section IV–Automated System Data**

19. **Type of Inspection (activity code):** E02
   - 20. Event Number: 6284370
   - 21. Primary or Mill
   - 22. Signature: [ redacted ]
   - 23. AR Number: [ redacted ]

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The operator side, inch tram levers, on the left side roof bolter used on the number 1 section are identified.
The intake phone used as the secondary means of communication is now in proper working order.
<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>
</tr>
</thead>
<tbody>
<tr>
<td>B7925</td>
<td>#1 SECTION - #3 IMMEDIATE RETURN</td>
<td>0.090</td>
<td>20.87</td>
<td>0.210</td>
<td>0.000</td>
<td>16380</td>
<td>49533</td>
</tr>
</tbody>
</table>

The percentage of nitrogen can be determined by subtracting the sum of the reported values from 100.00