Mine Activity Data

1. Action:  
   a. New Entry ☑ b. Update ☐

2. Activity Code: E02

3. Event Number: 4110672

4. Date Event Started: 11/15/2005

5. Date Event Finished: 11/15/2005

6. Mine ID: 46-08436

7a. Organization Code (Mine Assignment): 20401

   b. Work Group Identifier: 02

8a. Organization Code (AR Assignment): 20401

   b. Work Group Identifier: 02

9. Company Name: PERFORMANCE COAL COMPANY

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 b. Idle Sections

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

13. Number of Samples Collected:  

14. Impoundments/Refuse Piles:  
   a. Number b. FHC c. Configuration

15. Prime Independent Contractor Codes (Major Construction)

16. Inspection Results  
   a. This Inspection
      b. Previously Issued
         (1) Modifications/Extensions (2) Terminations/Vacations

   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 2 0 0 0 0 0 0
   (2) Terminations/Vacations 0/0 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 2 0 2 0 0 0 0 0 0
   (1) Modifications/Extensions 0/1 0/0 0/0 0/0 0/0 0/0 0/0 0/0
   (2) Terminations/Vacations 0/0 0/0 0/0 0/0 0/0 0/0 0/0 0/0

17. Remarks:

Card Number 23855

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>[X]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

11/13/2005

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)
Water is being allowed to accumulate over both track rails in the east main between 28 and 29 cross cuts. The water is 2" over the rails and extends for 36 feet.
The water has been pumped off the east mains track between 28 and 29 cross cuts.
Date: 11/15/2005  
Time (24 Hr. Clock): 1920

Operator: JIM GRISWOLD, FOREMAN  
Performance Coal Company

Mine: UPPER BIG BRANCH MINE-SOUTH  
ID: 46-08436

Condition or Practice: Written Notice (103g)

The 1-south belt conveyor is not being maintained in a safe operating condition. There are several stuck and broken rollers in various locations from the drive to the tailpiece. The operator is taking the belt out of service.

The Fairness Act of 1996, the Small Business Administration, and the Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small businesses. 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.
The stuck and broken rollers have been replaced on the 1 south belt conveyor.
There has been little effort to clean the loose coal under the bottom belt of the 1-south belt. There are several bottom rollers turning in coal and the belt running on coal in various locations from the drive to tailpiece with no one working on the violation.
The loose coal has been cleaned up under the bottom rollers of the 1 south belt conveyor.
Mine Citation/Order

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

Section I--Violation Data

<table>
<thead>
<tr>
<th>1. Date</th>
<th>Mo Da Yr</th>
<th>2. Time (24 Hr. Clock)</th>
<th>3. Citation/Order Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/15/2005</td>
<td></td>
<td>1920</td>
<td>7247495</td>
</tr>
</tbody>
</table>

4. Served To
JIM GRISWOLD, FOREMAN

5. Operator
PERFORMANCE COAL COMPANY

6. Mine
UPPER BIG BRANCH MINE-SOUTH

7. Mine ID
46-08436 (Contractor)

8. Condition or Practice

<table>
<thead>
<tr>
<th>8a. Written Notice (103g)</th>
</tr>
</thead>
</table>

There has been no apparent effort to repair the fire valves along the 1-south belt conveyor from the drive to 18 cross cut. The handles are still frozen up and can not be turned on.

---

Section II--Inspector's Evaluation

<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>75.1100-2(b)</td>
</tr>
</tbody>
</table>

10. Gravity:

<table>
<thead>
<tr>
<th>A. Injury or Illness (has (is)):</th>
<th>No Likelihood</th>
<th>Unlikely</th>
<th>Reasonably Likely</th>
<th>Highly Likely</th>
<th>Occurred</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

B. Injury or illness could reasonably be expected to be:

<table>
<thead>
<tr>
<th>Lost Workdays</th>
<th>Lost Workdays Or Restricted Duty</th>
<th>Permanently Disabling</th>
<th>Fatal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

C. Significant and Substantial:

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

D. Number of Persons Affected:

11. Negligence (check one)

<table>
<thead>
<tr>
<th>A. None</th>
<th>B. Low</th>
<th>C. Moderate</th>
<th>D. High</th>
<th>E. Reckless Disregard</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12. Type of Action

104(b)

13. Type of Issuance (check one)

<table>
<thead>
<tr>
<th>Citation</th>
<th>Order</th>
<th>Safeguard</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

14. Initial Action

<table>
<thead>
<tr>
<th>A. Citation</th>
<th>B. Order</th>
<th>C. Safeguard</th>
<th>D. Written Notice</th>
<th>E. Citation/Order Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>✔</td>
<td></td>
<td></td>
<td></td>
<td>7247481</td>
</tr>
</tbody>
</table>

15. Area or Equipment

The 1-south belt conveyor from the drive to 18 cross cut.

---

Section III--Termination Action

16. Termination Due

<table>
<thead>
<tr>
<th>A. Date</th>
<th>Mo Da Yr</th>
<th>B. Time (24 Hr. Clock)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

Section IV--Automated System Data

<table>
<thead>
<tr>
<th>19. Type of Inspection (activity code)</th>
<th>20. Event Number</th>
<th>21. Primary or Mill</th>
</tr>
</thead>
<tbody>
<tr>
<td>F02</td>
<td>4110672</td>
<td></td>
</tr>
</tbody>
</table>

22. Signature

23. AR Number

23855

---

MSHA Form 7000-3, Mar 95 (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.
The fire valves have been repaired on the 1 south belt conveyor.
The operator requested additional time to finish cleaning under the bottom rollers of the 1- north belt and additional time is granted due to the work that has been completed.