t									R	R -2-05
Mine Activity Data				Mi		-	tment of Health A		•	
1. Action: 2. Action:	tivity :: E02		<b>3.</b> E	vent Nu	<sup>nber:</sup> 4	1106	74			
4. Date Event 5. D. Started: 12/1/2005 Finis	nte Event hed:	12/1/2005	6, M	fine ID:	46-08	3436	· · ·	;		
7a. Organization Code (Mine Assignment)b. Work 20401IdentificationIdentification	k Group ier 02	9. Company	/ Name	PE	RFORM	ANCE C	OAL COI	WPANY		
8a. Organization Codeb. Wo(AR Assignment)20401Identities	k Group ler	10. Mine N	ame	UF	PER BIO	BRAN	CH MINE	-SOUTH	ſ	
11. Report Type (check one) a. First b. Interim	. Last 🗌 d. Not App	olicable		2. Area on spection		a. Active Sections			Idle ctions	
c. Outby d. Shafts/ e. Surface Areas Slopes Areas (UG)	f. Surface Workings	g. Company Records	<ul> <li>✓</li> </ul>	h. ATF		i. Impour	ndments		j. Refuse Piles	, 🗌
k. Major (1) Shaff/ (2) Impoundment Construction Slope Construction	(3) Buildings	(4) E Shov	Dragline/ el:		(5) Oth	er.	l. Mi	scellaneo	eus 🗌	
m. MMU/Pit Number		<b></b>								
:										
										,
13. Number of Samples Collected a. Air 0 b. Rock Dust Samples Spot	0 c. Rock Dust Survey	0	d. Respir Dust	able	)	e. Noise	0	f. Ot	her 0	
14. Impoundments/Refuse Piles:	15. Prime Independent Con Codes (Major Construct									
a. Number b. FHC c. Configuration	16. Inspection Results				,					
	10. Inspection Restuts		Citation	15	Order	3	Safegu	ards	Othe	r
· · ·	a. This Inspection		Coal Opr	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con	Coał Opr	Ind Con
	(1) New Issuances	_	3	0	0	0	0	0	0	0
	(2) Terminations/Va	cations	2/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0
	(3) Modifications/Ex	tensions	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0
	(4) Left Pending		1	0	0	0	0	0	0	0
• • • • • • • • • • • • • • • • • • •	b. Previously Issued									
	<ul><li>(1) Modifications/Ex</li><li>(2) Terminations/Va</li></ul>		0/0 0/0	0/0 0/0	0/0	0/0	0/0	0/0	0/0	0/0
			0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0
<ol> <li>Signature and Card Number of Authorized Representativ Right of Entry Person(s) Responsible for Activity</li> </ol>	e/ 17. Rema	rks:								
	Card Number	·								
a 	23855									
b										
cd										
19. Key Entered By Date										

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MSHA Form 2000-22. Oct. 85 (Revised) Previous editions are Obsolete

Activity Calendar

-

Event Number: 4110674

Mine ID: 4608436

	Sun	Mon	Tue	Wed	Thur	Fri	Sat
Shift	1 2 3	1 2 3	1 2 3	1 2 3	123	123	1 2 3
Week 1 11/27/2005							

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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)

Image:	
Date       Mo Da Yr       2. Time (24 Hr. Clock)         12/01/2005       1630         Served To       I         IM GRISWOLD, FOREMAN       I         Mine       7         JPPER BIG BRANCH MINE-SOUTH       7         Condition or Practice       7         The first track switch going into the naintained in a safe manner. The barrel throw .         A. Violation       A. Health         B. Section       of Act         Other       of Act	3. Citation/ Order Number 7247499 5. Operator PERFORMANCE COAL COMPANY 7. Mine ID 46-08436 (Contracto 8a. Written Notice (103g) charging building is not being is broke again and the switch will no See Continuation Form (MSHA Form 7000-3a)
12/01/2005       1630         Served To       5         IM GRISWOLD, FOREMAN       1         Mine       7         JPPER BIG BRANCH MINE-SOUTH       7         Condition or Practice       7         The first track switch going into the naintained in a safe manner. The barrel throw .         A. Violation       A. Health         B. Section of Act       C. Par Title	Order Number         7.247499           5. Operator         PERFORMANCE COAL COMPANY           7. Mine ID         46-08436         (Contractor)           8a. Written Notice (103g)           charging building is not being           is broke again and the switch will not           See Continuation Form (MSHA Form 7000-3a)
IM GRISWOLD, FOREMAN       I         Mine       JPPER BIG BRANCH MINE-SOUTH       7         Condition or Practice       7         The first track switch going into the naintained in a safe manner. The barrel throw .       8         A. Health       B. Section of Act       C. Par Title	PERFORMANCE COAL COMPANY 7. Mine ID 46-08436 (Contracto 8a. Written Notice (103g) charging building is not being is broke again and the switch will no See Continuation Form (MSHA Form 7000-3a) art/Section of
A. Mine       JPPER BIG BRANCH MINE-SOUTH       7         D. Condition or Practice       The first track switch going into the naintained in a safe manner. The barrel throw .       7         D. Violation       A. Health       B. Section of Act       C. Par Title	7. Mine ID 46-08436 (Contracto 8a. Written Notice (103g) charging building is not being is broke again and the switch will no See Continuation Form (MSHA Form 7000-3a) art/Section of
a. Condition or Practice         The first track switch going into the naintained in a safe manner. The barrel throw .         b. Violation       A. Health         B. Section       C. Part Safety / of Act         Other       Other	8a. Written Notice (103g) charging building is not being is broke again and the switch will no See Continuation Form (MSHA Form 7000-3a)
The first track switch going into the maintained in a safe manner. The barrel throw .	charging building is not being is broke again and the switch will no See Continuation Form (MSHA Form 7000-3a)
A. Health B. Section Safety M of Act C. Par Title	is broke again and the switch will no See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health ☐ B. Section C. Par Safety ✔ of Act Title Other ☐	art/Section of
Safety of Act Title	art/Section of
Safety of Act Title	art/Section of
Safety of Act Title	art/Section of
Safety of Act Title	art/Section of
Safety of Act Title	art/Section of
Section IIInspector's Evaluation	
· · · · · · · · · · · · · · · · · · ·	
I0. Gravity: A. Injury or Illness (has) (is): No Likelihood 🗍 Unlikely 🛄	Reasonably Likely 🔽 Highly Likely 🗌 Occurred 🗌
B. Injury or illness could rea- sonably be expected to be: No Lost Workdays Lost Workda	ays 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. Mod	oderate 🖌 D. High 🗌 E. Reckless Disregard 🗌
12. Type of Action 104(a) 13. Type of Issuance	nce (check one) Citation 🗹 Order 🗌 Safeguard
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr B. Time (24 Hr. Clock)	0800
Section IIITermination Action	
17. Action to Terminate	
18. Terminated A Data Mo Da Yr D Time (24.01 Olash)	
A. Date B. Time (24 Hr. Clock)	·
Section IVAutomated System Data           19. Type of Inspection         20. Event Number         4110674	21. Primary or Mill
(activity code) E02 4110674	23. AR Number
	23855
MSHA Form 7000-37 war 85 (revised) in accordance with the provisions of the Small Bu has established a National Small Business and Agriculture Regulatory Ombudsman and 10	usiness Regulatory Enforcement Fairness Act of 1996, the Small Business Administration D Regional Fairness Boards to receive comments from small businesses about foderal

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Mine Citation/O Continuation	rder					epartment of Safety and Hea	L <b>abor</b> Ith Administration	RR 12.5-05	
Section ISubsequent	Action/Continuation Data								
1. Subsequent Actio	n 1a. Continuation	2. Dated (Original Issue)	Mo 12/0	Da )1/20	Yr 05	3. Citation/ Order Number	7247499 - 01	ren (danvetta juretta orvitaten Artikorh volutetus zetoka hod	
4. Served To					5. Opera	ator		``````````````````````````````````````	
DEAN JONES,	BLOCK SUPER				PERF	ORMANCE CO	OAL COMPANY		
6. Mine				7. Mine	ID AC OOM	(Contractor)			
UPPER BIG BI	RANCH MINE-SO	UTH				46-084.	36		
Section IIJustification	for Action						ŊĸĔŔĸĊĸŢŔĬŔĸĸĬĸĊĸĸĸĊĊĸĬĊĸĊĸĸĸĬĸĸŔĸĸĬĸĸŢĸĸĊĸĸĬĸĸĬĬĸĸĹĬĸĊŎ	nni (con sastovi servitent shishishi na take na ka ka ma	1731/2014/071/2012/071/1712/2014

The first track switch going into the charging building has been repaired.

Section IIISubsequent Action Taken												
8. Extended To	A. Date	Мо	Da	Yr	B. Time (24	Hr. Clock)		C. v	Vacated	D. Terminated	E. Modified	ýcstod.
Section IVInspec	tion Data											
9. Type of Inspe	iction E	01	(Tankot Analysis) and an	10. Ev	/ent Number	4110669	a din tanàn amin'ny faritr'o amin'ny faritr'o amin'ny faritr'o dia mampina dia mampina dia mampina dia mampina	12101-1012-1012-1012-1012-1012-1012-101	224606-0410-0410-0410-0410-0410-0410-0410-	undalaan sa	an na ka mina kuna kuka ka kuka kuka kuka kuka kuka	(1000)000
				ļ								
11. Signature						AR Number	12. Date	Mo Da	Yr	13. Time (24 Hr. Clo	ock)	
· /						23855		12/05	5/2005	1115		

See Continuation Form

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

	RK, -05
Mine Citation/Order	U.S. Department of Labor Mine Safety and Health Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock)	3. Citation/ Order Number 7247500
12/01/2005 1730	
4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY
6. Mine UPPER BIG BRANCH MINE-SOUTH	<sup>7.</sup> Mine ID 46-08436 (Contractor)
8. Condition or Practice	8a. Written Notice (103g)
The weekly examination for the rig conducted ever 7 days. The last exami	ht return of north mains had not been nation was conducted on 10/18/2005.
	·
	:
· · · · · ·	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health B. Section Safety G of Act	C. Part/Section of Title 30 CFR 75.364(b)(2)
Section IIInspector's Evaluation	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
10. Gravity: A. Injury or Illness (has) (is): No Likelihood 🗌 Unlikely 🖌	Reasonably Likely Highly Likely Occurred
B Injury or illness could rea-	
solutily be expected to be.	/orkdays 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	C. Moderate 🖌 D. High 🗌 E. Reckless Disregard 🗌
12. Type of Action         104(a)         13. Type of Is	ssuance (check one) Citation 🗹 Order 🗌 Safeguard 🗌
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number
15. Area or Equipment	
16. Termination Due A. Date Mo Da Yr 12/01/2005 B. Time (24 Hr. Clock	0 1730
Section IIITermination Action	
17. Action to Terminate The return was examine	ed.
18. Terminated A. Date Mo Da Yr 12/01/2005 B. Time (24 Hr. Clock)	1730
Section IV-Automated System Data	
19. Type of Inspection (activity code) E02 20. Event Number 4110674	21. Primary or Mill
22. Signature	23. AR Number 23855
has established a National Small Business and Agriculture Regulatory Ombudsman a agency enforcement actions. The Ombudsman annually evaluates enforcement active enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or w	nail Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration and 10 Regional Fairness Boards to receive comments from small businesses about federal /ities and rates each agency's responsiveness to small business. If you wish to comment on the rite the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 right to file a comment with the Ombudsman is in addition to any other rights you may have,

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u di seconda	12 Part - 2 - 0 5
Mine Citation/Order	U.S. Department of Labor Mine Safety and Health Administration
Section IViolation Data	
1. Date Mo Da Yr 2. Time (24 Hr. Clock) 12/01/2005 1830	3. Citation/ Order Number 7247501
4. Served To	5. Operator
JIM GRISWOLD, FOREMAN	PERFORMANCE COAL COMPANY
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)
8. Condition or Practice	8a. Written Notice (103g)
The weekly examination for the north conducted ever 7 days. The last examination	
	See Continuation Form (MSHA Form 7000-3a)
9. Violation A. Health ☐ B. Section C Safety ✓ of Act C	C. Part/Section of Title 30 CFR 75.364(b)(2)
Other	
Section IIInspector's Evaluation	
10. Gravity: A. Injury or Illness (has) (is): No Likelihood 🗍 Unlikely 📝	Reasonably Likely Highly Likely Occurred
B. Injury or illness could rea-	orkdays Or Restricted Duty 🖌 Permanently Disabling 🗍 Fatal
C. Significant and Substantial: Yes No V	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 Iss	suance (check one) Citation 🖌 Order 🗌 Safeguard 🗌
14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice	E. Citation/ F. Dated Mo Da Yr Order Number
15. Area or Equipment	
	· · · · · · · · · · · · · · · · · · ·
16. Termination Due A. Date Mo Da Yr 12/01/2005 B. Time (24 Hr. Clock)	) 1830
Section IIITermination Action	
17. Action to Terminate The return was examin	.ed.
18. Terminated A. Date Mo Da Yr 12/01/2005 B. Time (24 Hr. Clock)	1830
Section IVAutomated System Data	
19. Type of Inspection (activity code)     E02     20. Event Number     4110674	21, Primary or Mill
22. Signature	23. AR Number 23855
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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.