



Section I--Violation Data

1. Date Mo Da Yr 03/02/2010	2. Time (24 Hr. Clock) 0800	3. Citation/ Order Number 9968854
4. Served To CHRIS BLANCHARD		5. Operator PERFORMANCE COAL COMPANY
6. Mine UPPER BIG BRANCH MINE-SOUTH		7. Mine ID 46-08436 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

Based on the results of five valid respirable dust samples collected by the operator, the average concentration of respirable dust in the working environment of the designated occupation in the 066-0 mechanized mining unit was 3.316 mg/m³, which exceeded the applicable limit of 2.0 mg/m³. Management shall take corrective actions to lower the respirable dust concentration and submit these changes in writing to the District Manager in the form of an updated Methane and Dust Control plan. After the plan is approved by the District Manager, abatement sampling may begin.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input checked="" type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 70.100(a)
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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: 005

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) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/Order Number F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date Mo Da Yr 03/16/2010 B. Time (24 Hr. Clock) 0800

Section III--Termination Action

17. Action to Terminate

18. Terminated A. Date Mo Da Yr B. Time (24 Hr. Clock)

Section IV--Automated System Data

19. Type of Inspection (activity code) T02 20. Event Number 9832268 21. Primary or Mill
22. Signatu [Redacted] 23. AR Number 24024

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, 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.

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Mine Citation/Order
Continuation

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



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 03/02/2010	3. Citation/ Order Number 9968854 - 01
4. Served To Chris Blanchard	5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436 (Contractor)	

Section II--Justification for Action

The operator has submitted a revision to the mechanized mining unit 066-0 (MMU) to the District Manager, additional time will be granted for the approval process.

See Continuation Form

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr 04/08/2010	B. Time (24 Hr. Clock) 0800	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection T02	10. Event Number 9832268		
11. Sig [Redacted]	AR Number 24025	12. Date Mo Da Yr 03/18/2010	13. Time (24 Hr. Clock) 0800

4/8/10
TW

Mine Citation/Order
Continuation

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



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>		2. Dated (Original Issue) Mo Da Yr 03/02/2010		3. Citation/ Order Number 9968854 - 02	
4. Served To Chris Blanchard			5. Operator PERFORMANCE COAL COMPANY		
6. Mine UPPER BIG BRANCH MINE-SOUTH			7. Mine ID 46-08436		(Contractor)

Section II--Justification for Action

Additional time will be granted for the 066-0 MMU revision to the methane and dust control plan. This mine has experience a major disaster at this time.

See Continuation Form

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input checked="" type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection T02		10. Event Number 9832268			
11. Sign	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)		
	24025	04/08/2010	1323		

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5/6/10
TLB

Mine Citation/Order
Continuation

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



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 03/02/2010	3. Citation/ Order Number 9968854 - 03
4. Served To Chris Blanchard	5. Operator PERFORMANCE COAL COMPANY	
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436	(Contractor)

Section II--Justification for Action

Change	From	To
16. A. Termination Due Date	04/08/2010	05/10/2010
Reason	Citation was terminated in error.	
16. B. Termination Due Time	08:00	08:00
Reason	Citation was terminated in error.	

This citation was terminated in error; therefore citation shall be in place as written.

See Continuation Form

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input checked="" type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection	T02	10. Event Number	9832268
11. S	[REDACTED]	AR Number	24025
12. Date	Mo Da Yr	13. Time (24 Hr. Clock)	
	05/05/2010	1304	

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**0401-002

---ADVISORY OF EXCESSIVE DUST---
(MECHANIZED MINING UNIT-DESIG OCC)
ADVISORY NO 0214

MAR 01, 2010

PERFORMANCE COAL COMPANY
UPPER BIG BRANCH MINE-SOUTH

MINE I.D.46-08436
MECHANIZED MINING UNIT I.D. 066-0
DESIGNATED OCCUPATION
036, CONTINUOUS MINER OPERATOR

CURRENT BIMONTHLY SAMPLING CYCLE JAN-FEB 2010

IN ACCORDANCE WITH 30 CFR 70, THE FOLLOWING SAMPLING RESULTS ARE RELATIVE TO DUST SAMPLES
RECEIVED FOR THE MECHANIZED MINING UNIT IDENTIFIED ABOVE. THE AVERAGE CONCENTRATION OF
RESPIRABLE DUST IN THE MINE ATMOSPHERE EXCEEDS THE ALLOWABLE LIMIT PRESCRIBED IN 30 CFR 70.

CASSETTE NO.	DATE	SAMPLING START TIME (24-HR CLOCK)	MRE EQUIV CONCENTRATION	PRODUCTION
51039580	02-02-2010	16	0.711	01187
51039603	02-03-2010	06	2.228	01167
51038618	02-22-2010	06	8.333	00269
51048537	02-22-2010	16	0.101	00300
51064966	02-23-2010	06	5.209	00320

AVG. CONC. 3.316 NORM. PROD. 00648

APPLICABLE STANDARD 2.0

---0401---081---46-08436---U ---A
PERFORMANCE COAL COMPANY
UPPER BIG BRANCH MINE-SOUTH
ATTN:CHRIS BLANCHARD
POB 69
NAOMA WV 25140

9832268