



6/1-10



6-75-10

6/14/10

D4-121
362457

COMPLAINT TRACKING FORM

(for internal use only)

To be completed by the Supervisor

Status: Resolved
Findings Reported? Yes
Decision: Negative Findings

1. Place/Office where
Complaint received: MOUNT HOPE DISTRICT OFFICE

2. Mine I. D. Number: 46-08436

3. Time and date received: 5/26/10

4. Type of complaint: (check one)
 103(g) Code-a-Phone
 Anonymous Other

5a. Received by: (check one)
 Mail Fax
 Telephone Hand Delivered
 In Person Other

5b. Complaint No. D4-121 362457

6. Assigned to:

Supervisor:  _____ Date: 5/26/10

Inspector:  _____ Date: 5/27/10

7a. Date Investigation began: 5/27/10 Event No. 6287628

7b. Date Investigation completed: 6/2/10

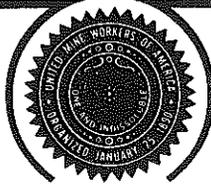
8. Date Response received in District: 6/15/10

Distribution: District Manager
 Assistant District Manager
 Pending File

SOUTHEAST REGION OFFICE

UNITED MINE WORKERS OF AMERICA

1300 KANAWHA BLVD., E.
CHARLESTON, WV 25301



TELEPHONE
AREA CODE (304) 343-0259
FAX (304) 343-0250
Email
umwregion2@charterInternet.com

May 26, 2010

MSHA
MOUNT HOPE, WV

MAY 27 2010

RECEIVED
DISTRICT MANAGER'S OFFICE

Via Facsimile (304-877-3927) and Regular Mail

[REDACTED]
Mine Safety and Health Administration
100 Bluestone Road
Mount Hope, WV 25880

Re: Performance Coal Co., Upper Big Branch Mine
MSHA ID: 46-08 436

Dear [REDACTED]

As a representative of the miners at the Upper Big Branch Mine, we request a 103(g)(1) inspection in accordance with the Federal Mine Safety and Health Act of 1977. We are being denied access by security guards to travel to MSHA's mobile office at the portal while authorized representatives of the Secretary are gathering gas samples and performing inspections on the surface areas.

If you have any questions regarding this request, please feel free to contact me at your earliest convenience.

Respectfully,

[REDACTED]

[REDACTED]

6/14/10

NOTIFICATION OF HAZARDOUS CONDITIONS

Complaint ID: D4-121

Date of Complaint: 5/26/10

System Assigned ID: _____

Mine ID: 46-08436

Name: _____

Operator: Performance Coal Company

Address: _____

Mine Name: Upper Big Branch Mine-South

Phone: _____

Contractor ID: _____

Contractor: _____

COMPLAINT: Representatives of the miners are being denied access by security guards to travel to MSHA's mobile office at the portal while authorized representatives of the Secretary are gathering gas samples and performing inspections on the surface areas.

05/14/10

COMPLAINT ALLEGATIONS AND FINDINGS

Complaint ID: D4-121

Mine ID: 46-08436

Date of Complaint: 05/26//10

Operator: Performance Coal Company

System Assigned ID: _____

Mine Name Upper Big Branch Mine-South

Contractor ID: _____

Event No. 6287628

Contractor: _____

Allegation/s: Representatives of the miners are being denied access by security guards to travel to MSHA's mobile office at the portal while authorized representatives of the Secretary are gathering gas samples and performing inspections on the surface areas.

Findings: This was assigned to CMS&H Inspector [redacted] After his investigation, the following were his findings:

After discussions with security guards, company personnel and the complainant, it was found that the miners' representatives were not being denied entry. NEGATIVE FINDINGS.

Condition Complaint

[Show Initial Complaint](#) [View History](#) [Print](#)

Complaint Information	Edit Complaint	View Full Complaint	Refer to a Non-MSHA Agency
Id	362457	Entered by	[REDACTED]
Status	Resolved	Is 103(g)?	No
Source	Written	Received	5/27/2010
Complainant is a:	Miner's Rep	Anonymous User	Yes
Complaint Type:	Technical (T)		
Mine Name	Upper Big Branch Mine-South, Operated by Performance Coal Company		
Mine ID	4608436	Came from HQ?	No

Assignments

Current District Assignment		Coal District 4
Current Field Office Assignment	None Assigned	Assign/Send Complaint
Current User Assignment	[REDACTED]	Assign/Send Complaint

Allegations (1) [Create New Allegation](#) [Print Allegation Summary](#)

- Representatives of the miners are being denied access by security guards to travel to MSHA's mobile office at the portal while authorized representatives of the Secretary are gathering gas samples and performing inspections on the surface areas.
 - [Edit allegation](#)
 - [Modify Findings](#)
 - [Modify Decision](#)
 - [Delete](#)
- Status: **Resolved**
 Findings Reported? Yes
 Decision: Negative Findings

Complaint #362457

[Print](#)

General Information

Complaint Date 5/27/2010 Person Entering Complaint [REDACTED]

Source Written

Code-A-Phone File

Complaint Representatives of the miners are being denied access by security guards to travel to MSHA's mobile office at the portal while authorized representatives of the Secretary are gathering gas samples and performing inspections on the surface areas.

Notes D4-121 (Letter mailed to DM)

Type of complaint • Technical (T)

Mine and Contractor Information

Mine: Upper Big Branch Mine-South, operated by Performance Coal Company

Mine ID	46-08436	Type	Underground/ Coal
Status	NonProdActive	District - Field Office	Mt. Hope, WV(C0400) - Mt. Hope WV Field Office(C0401)

Address 130 Frontier Street, Montcoal, WV 25140

Contractor Name	Contractor Id
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Complainant Information

Prefers to Remain Anonymous Yes

First Name	[REDACTED]	Last Name	[REDACTED]
Title	[REDACTED]		
Address	1300 Kanawha Boulevard	City	Charleston
State	WV	Zip	25301
Phone	3043430259	Email Address	
Submitted by:	Miner's Rep		
Union Affiliation		# of Miners Represented	

Mine Activity Data



6.9.10

1. Action: a. New Entry b. Update 2. Activity Code: E03 3. Event Number: 6287628

4. Date Event Started: 5/27/2010 5. Date Event Finished: 6/2/2010 6. Mine ID: 46-08436

7a. Organization Code (Mine Assignment) 20401 b. Work Group Identifier 02 9. Company Name PERFORMANCE COAL COMPANY

8a. Organization Code (AR Assignment) 20401 b. Work Group 02 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 0 b. Idle Sections 0

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

k. Major Construction (1) Shaft/ Slope Sinking 0 (2) Impoundment Construction 0 (3) Buildings 0 (4) Dragline/ Shovel: 0 (5) Other 0 l. Miscellaneous

m. MMU/Pit Number

13. Number of Samples Collected a. Air Samples 0 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	0	0	0	0	0	0	0	0
(2) Terminations/Vacations	0	0	0	0	0	0	0	0
(3) Modifications/Extensions	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
(2) Terminations/Vacations	0	0	0	0	0	0	0	0

18. Signature and Card Number of Authorized Representative/ Right of Entry Person(s) Responsible for Activity

[Redacted Signature]

Card Number

[Redacted Card Number]

c. _____
d. _____

19. Key Entered By

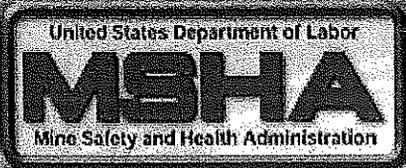
Date

17. Remarks:

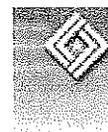
6/14/10

Shift	Sun			Mon			Tue			Wed			Thur			Fri			Sat		
	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3
Week 1 5/23/2010	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>																
Week 2 5/30/2010	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								

04/22/10



The information contained herein is protected under the Privacy Act and should be handled accordingly.



Legal ID Report

EDocument Submission

Notice Type: Update

Effective Date: 04/22/2010

Mine Information 1-8

1. Federal Mine Identification Number:	4608436		
2. Mine Name:	Upper Big Branch Mine-South		
3. Directions To Mine:	Rt. 3 South, to Montcoal		
4. Mine Location Address	Street Address 130 Frontier Street		
	City Montcoal	State WV	Zip Code 25140-
	County Raleigh		
5. Official Business Name of Operator:	Performance Coal Company		
6. Principal Office Address for this Operator	Street Address 130 Frontier Street		
	City Naoma	State WV	Zip Code 25140-
	Country USA	Foreign State	Foreign Zip Code
7. Telephone number for this mine:	Area Code 304	Telephone Number 854 - 1762	Extension
8. Commodity	Type of Product Coal - Coal (Bituminous)	Type of Operation Underground	

Health & Safety 9

9. Person at Mine in Charge of Health and Safety:

Last Name
Hager
First Name

Everett MI
 Title
 Superintendent
 Street Address OR P.O. Box
 69
 City State Zip Code
 Naoma WV 25140-
 Country Foreign State Foreign Zip Code
 USA
 E-mail Address

All Health & Safety 10

10. Person with Overall responsibility for a Health and Safety Program at ALL of the Operator's Mines, if the Operator is Not Directly Involved in the Daily Operation of the Mine:

Last Name
 Cornett
 First Name MI
 Berman
 Title
 Safety Director
 Street Address OR P.O. Box
 69
 City State Zip Code
 Naoma WV 25140 -
 Country Foreign State Foreign Zip Code
 USA

E-mail Address
 berman.cornett@masseyenergyco.com

Address of Record 11

11. Address of Records and Telephone Number:

Last Name
 Blanchard
 First Name MI
 Chris
 Title
 President
 Street Address
 130 Frontier Street
 City State Zip Code
 Montcoal WV 25140-
 Country Foreign State Foreign Zip Code
 USA

P.O. Box Address

City Richmond	State VA	Zip Code 23226-
Country USA	Foreign State	Foreign Zip Code
d. Employer Identification Number for this Business (EIN):		** - *****
Contact Information		
Name and Title of Official Completing Form		
Last Name	[Redacted]	
First Name		
Middle Initial		
Date Form Completed	04/22/2010	