

Mine Activity Data



1. Action: a. New Entry b. Update 2. Activity Code: E04 3. Event Number: 4110072

4. Date Event Started: 2/9/2006 5. Date Event Finished: 2/10/2006 6. Mine ID: 46-08436

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 Identifier 01 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 4 b. Idle Sections

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 (2) Impoundment Construction (3) Buildings (4) Dragline/Shovel (5) Other I. Miscellaneous

m. MMU/Pit Number
(1) 008 (2) 009 (3) 015 (4) 030 (5) 031

13. Number of Samples Collected a. Air Samples b. Rock Dust Spot c. Rock Dust Survey d. Respirable Dust e. Noise f. Other

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

15. Prime Independent Contractor Codes (Major Construction)

16. Inspection Results

	Citations		Orders		Safeguards		Other	
	Coal Opr	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con
a. This Inspection								
(1) New Issuances								
(2) Terminations/Vacations								
(3) Modifications/Extensions								
(4) Left Pending								
b. Previously Issued								
(1) Modifications/Extensions								
(2) Terminations/Vacations								

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

[Redacted Signature]

Card Number
23675

b. _____
c. _____
d. _____

19. Key Entered By _____ Date _____

17. Remarks:

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 2/9/2006	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>																		

U. S. Department of Labor

Mine Safety and Health Administration
100 Bluestone Road
Mount Hope, WV 25880-1000



MEMORANDUM FOR JESSE P. COLE

District Manager
Coal Mine Safety and Health, District 4

THROUGH:

LINCOLN L. SELFE
Assistant District Manager, Division I
Inspection Division 1



FROM:



SUBJECT:

Investigation of an Anonymous Complaint No. D4-027,
at Performance Coal Company, Upper Big Branch Mine-South,
ID No. 46-08436, located at Montcoal, Raleigh County, WV

On February 6, 2006, an anonymous complaint was received in the Mt. Hope Field Office. The complaint alleged that: (1) rocks, (2) mud, (3) falling materials were hitting cars as they passed under the belt crossing on Route 3.

The investigation was conducted on February 9, 2006. A copy of the complaint was furnished to and discussed with the operator. There were no miners' representative present by choice. MSHA personnel were accompanied by a representative of the operator during the investigation.

~~The investigation was conducted at the belt crossing on Route 3. The canopy enclosure that enclosed the conveyor belt was inspected and there was no evidence of holes in the canopy enclosure. The area underneath the conveyor belt along both sides of Route 3 were inspected and there were no visible evidence of (1) rocks, (2) mud, (3) falling material.~~

The investigation resulted in negative findings regarding the allegations.

Allegation: (1) Rock on the highway of Route 3 that had fallen from the conveyor belt crossing the road

Finding: There were no visible rocks on Route 3 or surrounding area. **NEGATIVE FINDING.**

Allegation: (2) Mud on the highway of Route 3 that had fallen from the conveyor belt crossing the road.

Finding: There was no mud visible on the highway or surrounding area. **NEGATIVE FINDING.**

Allegation: (3) Falling materials hitting cars passing under conveyor belt on Route 3.

Finding: The belt crossing Route 3 was enclosed canopy structured and no visible falling materials could be seen. **NEGATIVE FINDING.**

Attachments:

- Complaint Tracking Form
- MSHA Form 7000-34
- MSHA Form 7000-35
- Copy of Investigation notes
- Copy of Legal Identification Form

Link -
FBI

Forms Management Data	Unit of Issue	Edition Date Nov. 02	Status Code	Office of Primary Responsibility: CMS&H/ MNMS&H
Description/Remarks:				Stocked by: Prescribing Directive: PH02-1-9

VERBAL COMPLAINT INFORMATION



Name of Person Taking Call: _____
Date: 2/6/06 Time: 1:40 pm Office: mt hope

Complainant Name: Anonymous

Address: _____

Telephone No: _____ Job Title: _____

Contractor Name: _____

Operator Name: Massay Performance Coal. D4-027

Mine Name: _____

MSHA Identification Number _____

COMPLAINT: Belt crossing road off Rt 3 near mine office.
People traveling to their homes have to cross rocks & mud
on road. He said a mail person had their car hit by
this material. He is afraid someone will be hurt.

NOTIFICATION OF HAZARDOUS CONDITIONS

Complaint ID: D4-027

Date of Complaint: 02/06/06

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: 1) Spillage from the conveyor belt as it crosses Route 3 is a hazard to cars as they pass under the belt. Passing vehicles are being struck by rocks, mud and other falling materials,

COMPLAINT ALLEGATIONS AND FINDINGS

Complaint ID: D4-027

Mine ID: 46-08436

Date of Complaint: 2-6-06

Operator: Performance Coal Company

System Assigned ID: _____

Mine Name: Upper Big Branch Mine - South

Contractor ID: _____

Event No. 4110072

Contractor: _____

Allegation/s: Spillage from the conveyor belt as it crosses Route 3 is a hazard to cars as they pass under the belt. Passing vehicles are being struck by rocks, mud and other falling materials

Findings: Negative findings - The enclosed canopy conveyor crossing route 3 was inspected and there were no evidence of (1) rocks, (2) mud or (3) fallen materials visible on the road or near the road.

A Legal Identity Report was submitted to MSHA on 2/11/03
 The Transaction Number is: #LID20030200089.

data submitted are presented below.

All information previously submitted remains in effect except where noted changes have been submitted.

Type of Notice:	Update Notice
Effective Date of Changes:	02/11/2003
Federal Mine Identification Number:	4608436
Mine Name:	UPPER BIG BRANCH MINE-SOUTH
Directions to the Mine:	South Route 3 Montcoal, WV
Mine Location Address	
Mine Street Address:	130 Frontier Street
Mine City:	MONTCOAL
Mine County:	Raleigh
Mine State:	WV
Mine Zip Code:	25140
Official Business Name of Operator:	PERFORMANCE COAL COMPANY
Telephone Number in Event of an Emergency:	3048541761
Commodity - Type of Product:	BITUMINOUS COAL UNDERGROUND MINING
Commodity - Type of Operation:	UNDERGROUND MINE
Person In Charge of Health and Safety	
Officer Name - First:	Wendell
Officer Name - Last:	Wills
Officer Title:	Superintendent
Health and Safety Officer Address	
Officer Street Address:	POB 69
Officer City:	NAOMA
Officer State:	WV
Officer Zip Code:	25140
Is the Mine Operator Directly Involved in the Daily Operation of the Mine?	Yes
Person Designated to Receive Official Mail or Server	
Official Name - First:	Bill
Official Name - Last:	Potter
Official Title:	President
Official Telephone Number:	3048543502

MSHA
 MOUNT HOPE, WV
 FEB 21 2003
 RECEIVED
 MOUNT HOPE FIELD

Designated Official's Address	
Official Street Address:	POB 69
Official City:	NAOMA
Official State:	WV
Official Zip Code:	25140
Type of Business:	Corporation
Corporation	
Corp. Officer1 Name - First:	Bill
Corp. Officer1 Name - Last:	Potter
Corp. Officer1 Title:	President
Corp. Officer1 Street Address:	130 Frontier Street
Corp. Officer1 City:	Montcoal
Corp. Officer1 State:	WV
Corp. Officer1 Zip Code:	25140
Corp. Officer2 Name - First:	Barkley
Corp. Officer2 Name - Last:	Sturgil
Corp. Officer2 Title:	Secretary
Corp. Officer2 Street Address:	130 Frontier Street
Corp. Officer2 City:	Montcoal
Corp. Officer2 State:	WV
Corp. Officer2 Zip Code:	25140
Corp. Officer3 Name - First:	Darrin
Corp. Officer3 Name - Last:	Butcher
Corp. Officer3 Title:	Corporate Financial Officer (CFO)
Corp. Officer3 Street Address:	130 Frontier Street
Corp. Officer3 City:	Montcoal
Corp. Officer3 State:	WV
Corp. Officer3 Zip Code:	25140
Official Completing Form	
Official Completing Form - Name - First:	George
Official Completing Form - Name - Last:	Nelson
Official Completing Form - Title :	Safety Director
Official Address:	george.nelson@masseyenergyco.com
Official Completing Form - Telephone Number:	3048543525
Date Form Completed:	Tuesday, February 11, 2003 2:37:21 PM