

DAILY COVER SHEET

Date 2-9-06 Event No. 4110072

Arrived at the Mine _____ Departed from the Mine _____

List Records Books Checked Preslift

Accompanied By: Company Representative _____

Miners Representative none by choice

AREAS OF INSPECTION ACTIVITY:

I met with _____
and gave him a copy of
Notification of hazardous
Condition Complaint.

_____ and I rode up to
where the conveyor belt
Crosses Route 3.

Inspector's Initials _____

Supervisor's Initials and Date PR-2-16-06 Page No. 1

GENERAL INFORMATION COVER SHEET

Inspection Code E03 Event No. 4110072Company Name Performance Coal CompanyMine Name Upper Big Branch mine southMine I.D. Number 4608436Date(s) of Mine File Review 1-9-06

D Status _____ Citation/Order No. _____ Date _____

Dates of Inspection: began 2-9-06 completed _____Pre-Inspection Conference Date 2-9-06

Company Representative(s) _____

Miners Representative(s) none by choice

Post-Inspection Conference Date _____

Company Representative(s) _____

Miners Representative(s) none by choice

Comments: _____

Inspector's Initials _____ Supervisor's Initials and Date PR-2-16-06

Date 2-9-06

which was 18. 1/2 feet
from the road (Rant 3).

#1 Steaming shows Rt 3 and
The enclosed canopy
conveyor crossing

A copy of negative
findings was given
to the operator.

[REDACTED] and [REDACTED]

Abstract Conference
held. There were no
miners kept by chance.

Inspector's Initials [REDACTED]

Supervisor's Initials and Date

2-16-06Page No. 4Date 2-9-06

In inspecting the Area
there were no visible
evidence of

- (1) rocks
- (2) mud or
- (3) fallen materials

The conveyor belt crossing
the road was enclosed
canopy. There were no
holes present to the
eye in the metal case
canopy enclosure.

There was spillage in
small amount at the
bottom of the concrete
pillar support located
inside the fence area

Inspector's Initials [REDACTED]

Supervisor's Initials and Date

2-16-06Page No. 3Date 2-9-06

In inspecting the Area
there were no visible
evidence of

- (1) rocks
- (2) mud or
- (3) fallen materials

The measurement from the
company fence to the hard
road (Rant 3) was 16.5 ft.
when traveling towards
monteouf.

The conveyor belt crossing
the highway was enclosed
canopy

Inspector's Initials [REDACTED]

Supervisor's Initials and Date

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On February 6, 2006 a 103(g) hazardous Conditions Complaint was received in Mt Hope Field Office. The Complaint alleged that: (1) rocks, (2) mud, and falling materials were hitting cars as they passed under ~~tents~~ 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 representatives present by choice. MSHA personnel was 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, or falling materials.

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 the 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.

Complaint Trucking Form

MSHA Form 7000-33

MSHA Form 7000-34

MSHA Form 7000-35

Investigator's Notes

[illegible]

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