**Mine Activity Data**

1. **Action:**
   - a. New Entry
   - b. Update

2. **Activity Code:** E08

3. **Event Number:** 4122393

4. **Date Event Started:** 11/12/2008

5. **Date Event Finished:** 11/17/2008

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:** 01

10. **Mine Name:** UPPER BIG BRANCH MINE-SOUTH

11. **Report Type check:**
   - a. First
   - b. Interim
   - c. Last
   - d. Not Applicable

12. **Area of Inspections:**
   - a. Active Sections 1
   - b. Idle Sections 0

13. **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:**
   - **Citations**
     - Coal Opr | Ind Con | Coal Opr | Ind Con | Coal Opr | Ind Con | Coal Opr | Ind Con | Coal Opr | Ind Con | Coal Opr | Ind Con
     - (1) New Issuances 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0
     - (2) Terminations/Vacations 0/0 | 0/0 | 1/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0
     - (3) Modifications/Extensions 0/0 | 0/0 | 1/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0
     - (4) Left Pending 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0
   - **Previously Issued**
     - (1) Modifications/Extensions 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0
     - (2) Terminations/Vacations 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0

18. **Signature and Card Number of Authorized Representative/Right of Entry Person(s) Responsible for Activity**
   - a. Card Number: 23703
   - b. Card Number: 24559

19. **Key Entered By**

**Remarks:**
- Roof Fall on #2 Section

---

MSHA Form 2000-22. Oct. 85 (Revised) Previous editions are Obsolete
<table>
<thead>
<tr>
<th>Week 1</th>
<th>11/9/2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shift</td>
<td>Sun 1 Mon 1 Tue 1 Wed 1 Thur 1 Fri 1 Sat 1</td>
</tr>
<tr>
<td>Week 2</td>
<td>11/16/2008</td>
</tr>
<tr>
<td>Shift</td>
<td>Sun 2 Mon 3 Tue 3 Wed 3 Thur 3 Fri 3 Sat 3</td>
</tr>
</tbody>
</table>
Mine Citation/Order

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

Section I - Violation Date

1. Date Mo Da Yr 11/13/2008

2. Time (24 Hr. Clock) 1100

3. Citation/Order Number 8064236

Section II - Inspector's Evaluation

4. Served To
HOMER WALLEANCE

5. Operator
PERFORMANCE COAL COMPANY

6. Mine
UPPER BIG BRANCH MINE-SOUTH

7. Mine ID
46-08436

8. Condition or Practice

9. Violation

A. Health ☐

B. Section of Act ☐

C. Part/Section of Title 30 CFR ☐

10. Gravity:

A. Injury or Illness (has) (is):

B. Injury or Illness could reasonably be expected to be:

C. Significant and Substantial:

D. Number of Persons Affected:

11. Negligence (check one)

A. None ☐

B. Low ☐

C. Moderate ☐

D. High ☐

E. Reckless Disregard ☐

12. Type of Action

103(k) ☐

13. Type of Issuance (check one)

Citation ☐

Order ☑

Safeguard ☐

14. Initial Action

A. Citation ☐

B. Order ☐

C. Safeguard ☐

D. Written Notice ☐

15. Area or Equipment

no. 2 section.

16. Termination Due

A. Date Mo Da Yr

B. Time (24 Hr. Clock)

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) E08

20. Event Number 4122393

21. Primary or Mill

22. Signature

23. AR Number 23703

A roof fall has occurred on the no. 2 section in the no. 5 entry, 90 ft inby spad 22812 and extending inby to the face for a distance of 35 ft. 18 ft. wide and 6 ft. high. This order is issued to insure the safety of all persons working on this section. No other work is to be done until MSHA has determined it is safe to resume normal mining operations.
Mine Citation/Order
Continuation

<table>
<thead>
<tr>
<th>1. Subsequent Action 1a. Continuation</th>
<th>2. Dated (Original Issue)</th>
<th>3. Citation/Order Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Served To: HOMER WALLANCE</td>
<td>11/13/2008</td>
<td>8064236 - 01</td>
</tr>
<tr>
<td>5. Operator: PERFORMANCE COAL COMPANY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Mine: UPPER BIG BRANCH MINE-SOUTH</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Mine ID: 46-08436</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Section II—Justification for Action

<table>
<thead>
<tr>
<th>Change</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Issue Date</td>
<td>11/13/2008</td>
<td>11/12/2008</td>
</tr>
<tr>
<td>Reason</td>
<td>incorrect date</td>
<td></td>
</tr>
<tr>
<td>2. Issue Time</td>
<td>11:00</td>
<td>23:00</td>
</tr>
<tr>
<td>Reason</td>
<td>incorrect time</td>
<td></td>
</tr>
</tbody>
</table>

Section III—Subsequent Action Taken

<table>
<thead>
<tr>
<th>8. Extended To</th>
<th>A. Date</th>
<th>Mo</th>
<th>Da</th>
<th>Yr</th>
<th>B. Time (24 Hr. Clock)</th>
<th>C. Vacated</th>
<th>D. Terminated</th>
<th>E. Modified</th>
</tr>
</thead>
</table>

Section IV—Inspection Data

<table>
<thead>
<tr>
<th>9. Type of Inspection</th>
<th>E08</th>
<th>10. Event Number</th>
<th>4122393</th>
</tr>
</thead>
<tbody>
<tr>
<td>11. Sign</td>
<td></td>
<td>AR Number</td>
<td>23703</td>
</tr>
<tr>
<td></td>
<td></td>
<td>12. Date</td>
<td>11/13/2008</td>
</tr>
<tr>
<td></td>
<td></td>
<td>13. Time (24 Hr. Clock)</td>
<td>1105</td>
</tr>
</tbody>
</table>

See Continuation Form

MSHA Form 7000-3a, Mar 85 (revised)
This order is modified to permit the operator to conduct clean-up operations only as outlined in the operators submitted clean-up plan dated 11-13-2008. No other work is to be done until MSHA has determined it is safe to resume normal mining operations.
The roof fall that occurred on 11-13-2008 in the number 5 entry on the number 2 section has been cleaned up and the area fully bolted. The roof control plan has been revised and approved by the district manager to prevent reoccurrences. All entries has been spot bolted with 6' torque tension bolts and 10' cable bolts.
### Accident Investigation Data

**Event Number:** 4122393

<table>
<thead>
<tr>
<th>A. Mine Information</th>
<th>U.S. Department of Labor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Mine ID Number:</td>
<td><strong>MINE INFORMATION</strong></td>
</tr>
<tr>
<td>2. Mine Name:</td>
<td>Event Number: 4122393</td>
</tr>
<tr>
<td>4. Mine Location: Raleigh, WV 25610</td>
<td><strong>Mine Safety and Health Administration</strong></td>
</tr>
<tr>
<td>3. Operating Company Name: Performance Coal Company</td>
<td></td>
</tr>
<tr>
<td>5. Mine Type: Underground</td>
<td></td>
</tr>
<tr>
<td>6a. Material Mined/Processed: BITUMINOUS COAL UNDERGROUND</td>
<td></td>
</tr>
<tr>
<td>6b. Area Affiliation: 9999</td>
<td><strong>B. Accident Information</strong></td>
</tr>
<tr>
<td>6c. Are explosives used in the extraction of material? Yes</td>
<td>11. Production: Coal only</td>
</tr>
<tr>
<td>6d. Extraction Method: 03</td>
<td>a. Hours per Shift: 9</td>
</tr>
<tr>
<td>7. Name Of Seam: Eagle</td>
<td></td>
</tr>
<tr>
<td>b. Surface: 0</td>
<td></td>
</tr>
<tr>
<td>9. Production (Coal only): Avg Tons per Day: 6000</td>
<td>b. Surface: 0</td>
</tr>
<tr>
<td>11. Days per Week: 6</td>
<td></td>
</tr>
<tr>
<td>12. Number of Active MUs (Coal Only): a. Development: 05</td>
<td></td>
</tr>
<tr>
<td>b. Retreat: 00</td>
<td></td>
</tr>
<tr>
<td>13. Methane Liberation: Cubic Feet in 24 hours</td>
<td></td>
</tr>
<tr>
<td>14. Average Mining Height: Feet: 1</td>
<td></td>
</tr>
<tr>
<td>15. Management/Labor Officials:</td>
<td>Inches: 0</td>
</tr>
<tr>
<td>Title</td>
<td></td>
</tr>
<tr>
<td>Superintendent</td>
<td>Name</td>
</tr>
<tr>
<td>Mine Foreman</td>
<td>Homer Wallace</td>
</tr>
<tr>
<td>Mine Foreman</td>
<td>William Heffley</td>
</tr>
<tr>
<td>Mine Foreman</td>
<td>Gary May</td>
</tr>
</tbody>
</table>

**B. Accident Information**

16. Date (MM/DD/YYYY) Time (24Hr.) of Accident: a. Date: 11/13/2008 | 17. Type of Investigation:  |
17. Accident Classification: Roof Fall |  |
18. Number of Deg 1-5 Injuries: 0 |  |
20. Location of Accident/Injury/Ill.: a. Surface Location: | 21. Number of Independent Contractor Companies Involved in Accident: 0 |
22. Equipment Involved: a. Type: |  |
| b. Underground Location: 03 | b. Manufacturer: |
| c. Model No. | d. Serial Number: |  |
| d. Controls: | e. Controls: |
| a. Type: | b. Manufacturer: |
| a. Controls: |

23. Description of the Accident:

"A roof fall has occurred on the number 2 section in the no. 5 entry, 90 feet inby spad 22812 and extending inby to the face for a distance of 35 feet by 18 feet wide by 6 feet high. A 103(k) order was issued to ensure the safety of all persons working on this section."
A roof fall has occurred on the number 2 section in the no. 5 entry, 90 feet inby spad 22812 and extending inby to the face for a distance of 35 feet by 18 feet wide by 6 feet high. A 103(k) order was issued to ensure the safety of all persons working on this section.

On 11/18/2008, the order was modified after a cleanup plan was approved by the district manager and roof control.

On 11/17/2008, the (k) order was lifted after the fall was cleaned up and the section rebolted with torque-tension and cable bolts. The roof control plan was revised and approved to prevent any such recurrences.

<table>
<thead>
<tr>
<th>Citation</th>
<th>Order</th>
<th>Type/Action:</th>
<th>Summary of Violation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>IC:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IC:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IC:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IC:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IC:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### C. MSHA Information

<table>
<thead>
<tr>
<th>29. Last Quarter NFDR Injury Incidence Rate (PIR) for:</th>
<th>27. Did Technical Support participate in this investigation?</th>
<th>28. Part 50 Document Control Number (Form 7000-1):</th>
<th>31. Date Last Regular Inspection Completed:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industry: 4.43</td>
<td>This Mine: 6.93</td>
<td>Contractor:</td>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>30. MSHA Field Office: Mt. Hope WV</th>
<th>32. Lead Accident Investigator: Name; AR No; Date: Name:</th>
<th>33. Data On-site Investigation Started: Date:</th>
<th>34. Formal Report: Yes</th>
<th>No</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mt. Hope WV</td>
<td>AR No.: 23703</td>
<td>Date: 11/13/2009</td>
<td>11/13/2009</td>
<td>No</td>
<td>X</td>
</tr>
</tbody>
</table>
**Accident Investigation Data - Unintentional Fall of Roof/Back, Rib, or Face**

**Event Number:** 4722393

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

---

**A. General Information**

1. Type of Fall:
   - a. Roof/Back
   - b. Rib
   - c. Face **X**
   - d. Outburst
   - e. Rockburst

2. Dimension of Fall:
   - a. Length **3**
   - b. Width **18**
   - c. Thickness **06**

3. Width of Entry, Room, etc.
   - Feet **2**
   - Inches **0**

---

**B. Fall on Working Section/Active Face Area**

11. Type of Roof Support: *Mostly 4-foot glue (resin) bolts*

12. Type of ATRS (Coal only): *Fletcher Roof Bolters with ATRS systems*

13. Type of Original Support in Fall Area:
   - 4-foot resin bolts

14. Distance Between Fall and Face:
   - Feet **0**
   - Inches **0**

---

**C. Fall Outby Working Section/Previously Developed Area**

15. Location and Type of Entry (Intake, return, main haulage, etc.):
   - Fall fell to the face of #5 entry

16. Approximate Date of Development (MM/DD/YYYY):  
   - Date: **11/13/2008**

17. Type of Original Support in Fall Area:  
   - 4-foot resin bolts

---

**D. Operator's Investigation**

18. Did the operator investigate the fall?  
   - Yes **X**  
   - No

19. What did the operator determine to be the cause of the fall?  
   - Rider seam in this area.

---

20. What steps did the operator take to prevent a similar occurrence?  
   - Roof control plan was revised to address rider seam. Safety precaution was added to plan #35. Section was rebolted with 6-foot torque-tenion bolts and 10-foot cable bolts.

---

**E. Plan Revisions**

21. Are plan revisions anticipated (Coal only)?  
   - Yes **X**  
   - No

---

MSHA Form 7000-504, Sept. 1998  
Printed 12/30/2008 10:14:54 AM