### Mine Activity Data

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

**2. Activity Code:** EF08

**3. Event Number:** 6288658

**4. Date Event Started:** 11/24/2009

**5. Date Event Finished:** 11/30/2009

**6. Mine ID:** 46-08436

**7a. Organization Code (Mine Assignement):** 20401

**7b. Work Group Identifier:** 02

**9. Company Name:** PERFORMANCE COAL COMPANY

**8a. Organization Code (AR Assignment):** 20401

**8b. Work Group:** 02

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

**11. Report Type (check):**
- a. First [ ]
- b. Interim [ ]
- c. Last [ ]
- d. Not Applicable [ ]
- c. Outby Areas [ ]
- d. Shafts/Slopes [ ]
- e. Surface Areas (UC) [ ]
- f. Surface Workings [ ]
- g. Company Records [ ]
- h. ATF [ ]
- i. Impoundments [ ]
- j. Refuse Piles [ ]

**k. Major Construction (check):**
- (1) Shaft/Slope Sinking [ ]
- (2) Impoundment Construction [ ]
- (3) Buildings [ ]
- (4) Dragline/Shovel [ ]
- (5) Other [ ]
- j. Miscellaneous [ ]

**m. MMU/Fit Number:** 0500

**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 0
- b. FHC 0
- c. Configuration

**15. Prime Independent Contractor Codes (Major Construction):**

**16. Inspection Results**

<table>
<thead>
<tr>
<th>Citations</th>
<th>Orders</th>
<th>Safeguards</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coal Opr</td>
<td>Ind Con</td>
<td>Coal Opr</td>
<td>Ind Con</td>
</tr>
<tr>
<td>(1) New Issuances</td>
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<td>1</td>
<td></td>
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<tr>
<td>(2) Terminations/Vacations</td>
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<td>(3) Modifications/Extensions</td>
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<tr>
<td>(4) Left Pending</td>
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</tbody>
</table>

**17. Remarks:**

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

<table>
<thead>
<tr>
<th>a. Card Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
</tr>
</tbody>
</table>

**19. Key Entered By**

<table>
<thead>
<tr>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
</tr>
<tr>
<td>Shift</td>
</tr>
<tr>
<td>-------------</td>
</tr>
<tr>
<td>Week 1</td>
</tr>
<tr>
<td>11/22/2009</td>
</tr>
<tr>
<td>Week 2</td>
</tr>
<tr>
<td>11/29/2009</td>
</tr>
</tbody>
</table>
An accident occurred at this operation on November 24, 2009 at approximately 0241 hours. This order is being issued, under Section 103(j) of the Federal Mine Safety and Health Act of 1977, to prevent the destruction of any evidence which would assist in the investigation, the cause or causes of the accident. It prohibits all activity at or inby 050-0 MMU #50 break except to prevent or eliminate imminent danger and breaker the fall until MSHA has determined that it is safe to resume normal mining operations in this area. This order was initially issued orally to the mine operator at 0301 hours and has now been reduced to writing.

| 9. Violation | A. Health □ | B. Section of Act | C. Part/Section of Title 30 CFR |
|             | Safety □ |                          |                                |
|             | Other □ |

| 10. Gravity: | No Likelihood □ | Unlikely □ | Reasonably Likely □ | Highly Likely □ | Occurred □ |
|             | B. Injury or illness could reasonably be expected to: | No Lost Workdays □ | Lost Workdays Or Restricted Duty □ | Permanently Disabling □ | Fatal □ |
|             | C. Significant and Substantial: | Yes □ | No □ |
|             | 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(j) |

| 13. Type of Issuance (check one) | Citation □ | Order □ | Safeguard □ | Written Notice □ |

| 14. Initial Action | A. Citation □ | B. Order □ | C. Safeguard □ | D. Written Notice □ |

| 15. Area or Equipment | This order prohibits all activity at or inby the 050-0 MMU break #50. |

| 16. Termination Due | A. Date | Mo Da Yr | B. Time (24 Hr. Clock) |

| 17. Action to Terminate |

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

| 19. Type of Inspection (activity code) | E08 |

| 20. Event Number | 6288658 |

| 21. Primary or Mill |

| 22. Signature [Redacted] |

| 23. AR Number [Redacted] |

MSHA Form 7000-3a (Revised 12/1/01)  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, 408 3rd Street, SW, MC 2120, Washington, DC 20410. 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.
Mine Citation/Order

Continuation

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

Section I—Subsequent Action/Continuation

<table>
<thead>
<tr>
<th>1. Subsequent Action Ta. Continuation</th>
<th>2. Dated (Original Issue)</th>
<th>3. Citation/Order Number</th>
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<tbody>
<tr>
<td>✓</td>
<td>11/24/2009</td>
<td>8080105 - 01</td>
</tr>
</tbody>
</table>

4. Served To

Chris Blanchard, President

5. Operator

PERFORMANCE COAL COMPANY

6. Mine

UPPER BIG BRANCH MINE-SOUTH

7. Mine ID

46-08436

(Contractor)

Section II—Justification for Action

<table>
<thead>
<tr>
<th>Change</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reason</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The initial order is modified to reflect that MSHA is now proceeding under the authority of Section 103 (k) of the Federal Mine Safety and Health Act of 1977. This Section 103(k) Order is intended to protect the safety of all persons on-site, including those involved in rescue and recovery operations or investigation of the accident. The mine operator shall obtain prior approval from an Authorized Representative of the Secretary for all actions to recover and/or restore operations in the affected area. Additionally, the mine operator is reminded of its existing obligations to prevent the destruction of evidence that would aid in investigating the cause or causes of the accident.

12. Type of Action

| 103(j) | 103(k) |

Reason

Section III—Subsequent Action Taken

8. Extended To

<table>
<thead>
<tr>
<th>A. Date</th>
<th>B. Time (24 Hr. Clock)</th>
</tr>
</thead>
</table>

Section IV—Inspection Data

9. Type of Inspection

E08

10. Event Number

6288658

11. Signature

[signature]

AR Number

12. Date

11/24/2009

13. Time (24 Hr. Clock)

0614

MSHA Form 7000-3a, Mar 85 (revised)
Mine Citation/Order Continuation

Section I-Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation [✓] [ ]


3. Citation/Order Number 8080105 - 02

4. Served To

Chris Blanchard, President

5. Operator

PERFORMANCE COAL COMPANY (Contractor)

6. Mine

UPPER BIG BRANCH MINE-SOUTH

7. Mine ID 46-08436

Section II-Justification for Action

Change From To

8. Condition Or Practice

Reason The operator has submitted a clean-up plan and the District Manager has approved it. Therefore this order is modified to allow the operator to begin the clean-up of the roof fall.

Modify to begin the clean-up plan.

Section III-Subsequent Action Taken

8. Extended To A. Date Mo Da Yr [ ] [ ]

B. Time (24 Hr. Clock) [ ]

C. Vacated [ ]

D. Terminated [ ]

E. Modified [✓]

Section IV-Inspection Data

9. Type of Inspection E08

10. Event Number 6288658

11. Signature [ ]

AR Number [ ]

12. Date Mo Da Yr 11/24/2009

13. Time (24 Hr. Clock) 0018

MSHA Form 7000-3a, Mar 86 (revised)
Change From To

Reason The operator has developed a required clean-up plan addressing the clean-up of fall area in the #2 entry @ spad#22944 on the MMU 050-0 Section. Therefore this 104 (k) order is hereby modified to allow the operator to implement the plan procedures to clean-up the fall.

To delete the sentences from 8080105-02 modification to read.
Order #8080105 is terminated. The roof fall has been cleaned up and additional roof supports have been installed in the roof fall. Additional roof supports have been installed inbound and outbound the roof fall and normal mining operations can resume.
### Preliminary Report of Accident

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

**PR001**  
**21-Jan-10**

#### 1. Accident Type:
- No Injuries

#### 2. Accident Classification:
- Fall of Roof or Back

#### 3. Date/Time of Accident:
- 11/24/2009 02:41 AM

#### 4. Date/Time of Death:

#### 5. Fatal Case No.:

#### 6. Mine Information:
- **a) Mining Company Name:** Performance Coal Company
- **b) Mine Name:** Upper Big Branch Mine-South
- **c) Parent of Mining Company:** Massey Energy Company

#### 7. Mine Location:
- **a) City:** Montcoal
- **b) County:** Raleigh
- **c) State:** WV
- **8. Mine ID Number:** 46-08436
- **9. Union:** NO

#### 10. Primary Mineral Mined:
- **BITUMINOUS COAL UNDERGROUND**
- **11. Number of Mine Employees:**
  - a) Total: 210
  - b) Underground: 203

#### 12. Contractor Name:
- **13. Union:**

#### 15. Contractor Address:
- **a) City:**
- **b) County:**
- **c) State:**
- **d) Zip Code:**

#### 16. Number of Contractor Employees:
- **a) Total:**
- **b) Underground:**
- **c) Open Pit Quarry:**
- **d) Mill/Prep Plant:**
- **e) Other:**

#### 17. Number of Persons in Mine at Time of Accident:
- **a) Mine Employees:** 13
- **b) Contractor Employees:** 3

#### 18. Number of Persons Unaccounted For:
- **a) Mine Employees:**
- **b) Contractor Employees:**

#### 19. Location of Accident:
- **01-Underground**
- **02-Surface at UnderGround**
- **03-Open Pit**
- **07-Advance Mining**
- **08-Dredge Mining**
- **09-Retreat Mining**
- **30-Mill/Prep Plant**
- **Other (specify):**

#### 20. Mining Height:
- **Feet:** 6
- **Inches:** 0

#### 21. Nonfatal Injuries:

#### 22. Fatal Injuries:

#### 23. Victim Information:
- **a) Name:**
- **b) Age:**

**No Victims Reported for this Accident Investigation**

#### 24. Experience:
- **Years Weeks Days**
- **Years Weeks Days**
- **Years Weeks Days**
- **Years Weeks Days**

#### 25. Autopsy Performed:
- **Yes, Location:**

#### 26. Mine Telephone No.:
- (304) 854-3583

#### 27. Description of Accident (include equipment involved, the exact location in the mine, and status of rescue and recovery operations):

The roof fell in an intersection that has fallen before. The top in this area is slack rock with coal streaks. The roof fall occurred about 2 feet above anchorage.

#### 28. Equipment Manufacturer:

#### 29. Model:

#### 30. District:
- **CO0400**

#### 31. Field Office:
- **Mt. Hope**

#### 32. Field Office (continued):
- **Mt. Hope WV**

#### 33. Event Number:
- 6289858

#### 34. Accident Investigator:

#### 35. MSHA Person Notified:
- **Date:** 11/24/2009
- **Time:** 03:05 A

#### 37. Name of Preparer and Date Prepared:
- **Initial:**
- **Date:** 11/24/2009

#### 38. Reason For Amendment:

**MSHA Form 7000-13, March 05 (revised)**
An unintentional roof fall occurred above the anchorage zone of the six foot torque tension bolts and eight foot cable bolts. The six foot torque tension bolts were used as primary support when the longwall panel was developed. The eight foot cable bolts were installed later for additional support. The fall occurred at the #50 break in the #2 entry at spad #22944. The fall occurred right at the eight foot cable bolts. The roof fall fell approximately eight feet from the immediate roof. The whole intersection fell in.
24. Conclusion:
The roof fall most likely occurred due to the stack rock with coal streak being thicker than the anchorage of the eight foot cable bolts.

25. Enforcement Actions: Indicate P for procedure type violation, C for condition type, or T for training type.

<table>
<thead>
<tr>
<th>Violation Type</th>
<th>Citation Number</th>
<th>Regulation Cited</th>
<th>Section of the Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>8080105</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Citation  
Order  
Type/Action: 103(j)  
Summary of Violation: A 103(j) order was issued and modified to a 103(k) order upon arrival at the mine site. This order is being issued to prevent the destruction of any evidence which would assist in the investigation of the cause or causes of the accident.

| Citation  
Order  
Type/Action: | Summary of Violation: |
|------------|----------------------|

| Citation  
Order  
Type/Action: | Summary of Violation: |
|------------|----------------------|

| Citation  
Order  
Type/Action: | Summary of Violation: |
|------------|----------------------|

| Citation  
Order  
Type/Action: | Summary of Violation: |
|------------|----------------------|

C. MSHA Information

26. Last Quarter NFDL Injury Incidence Rate (PEIR) for:

<table>
<thead>
<tr>
<th>Industry</th>
<th>This Mine</th>
<th>Contractor</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.27</td>
<td>7.84</td>
<td>8.53</td>
</tr>
</tbody>
</table>

27. Did Technical Support participate in this Investigation?

Yes [ ] No [ ] X [ ]

28. Part 50 Document Control Number: (Form 7000-1):

<table>
<thead>
<tr>
<th>Document Control Number</th>
</tr>
</thead>
</table>

29. MSHA District Office:

Mt. Hope

30. MSHA Field Office:

Mt. Hope WV

31. Date Last Regular Inspection Completed:

09/09/2009

32. Lead Accident Investigator: Name; AR No.; Date:

Name:  
AR No.: [ ]  
Date: 11/30/2009

33. Date On-site Investigation Started:

11/24/2009

34. Formal Report:

Yes [ ] No [ x ]

35. Report Release Date:

Printed 01/27/2010 10:39:06 AM
## A. General Information

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

2. **Dimension of Fall:**
   - a. Length: 30
   - b. Width: 30
   - c. Thickness: 8

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

4. **Immediate Roof/Back Information:**
   - a. Thickness: 2
   - b. Strata Composition: 0-2' Slate

5. **Main Roof/Back Information:**
   - a. Thickness: 12
   - b. Strata Composition: Sandstone

6. **Was the fall above the anchorage horizon of the bolts?**
   - Yes: X
   - No: 
   - N/A: 

7. **Did the fall affect ventilation resulting in less than required quantity or quality?**
   - Yes: X
   - No: 

8. **Did the fall affect the passage of workers? (entrapment)**
   - Yes: 
   - No: X

9. **Did miners have indication of the pending fall?**
   - Yes: 
   - No: X

10. **If indication was given, what type?**

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

11. **Type of Roof Support:**

12. **Type of ATRS (Coal only):**

13. **Type of Original Support in Fall Area:**

14. **Distance Between Fall and Face:**
   - Feet: 1
   - Inches: 0

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

15. **Location and Type of Entry (intake, return, main haulage, etc.):**

   **Intake**

16. **Approximate Date of Development (MM/DD/YYYY):**
   - a. Date: 12/31/2008

17. **Type of Original Support in Fall Area:**
   - Six foot long tension

## 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?**
   - Fault in the top

20. **What steps did the operator take to prevent a similar occurrence?**
   - Additional supports in the area with fault in the roof

## E. Plan Revisions

21. **Are plan revisions anticipated (Coal only)?**
   - Yes: 
   - No: X
The following safety precautions shall be followed when cleaning up the roof fall that occurred at the #50 crosscut in the intake (Spad No. 22944) at Upper Big Branch Mine:

- All approaches to the fall will have loose rock and brows scaled and will be dangered off with signs and barriers to entry.
- All persons working in the affected area will be instructed in the rehabilitation plan.
- A certified foreman shall oversee all work.
- No inexperienced miners will be allowed to work in the immediate area.
- A copy of this rehabilitation plan will be posted at all approaches to the work area and in the mine office.
- No person shall work inby the second row of permanent support except to install permanent or temporary roof support.
- Damaged roof bolts shall be installed in accordance with the approved Roof Control Plan.
- A Fletcher Roof Bolter with ATRS will be used to bolt in the fall area.
- A Joy 12CM-12 continuous miner or scoops will be used to clean up or move the fall material.
- Beginning 80' outby the fall in the intake entry, 8' cable bolts will be spotted with two cable bolts installed between each row of permanent support.
- 10' test holes shall be drilled no further than 20' apart while approaching the fall. If a separation is located in the top, the bolts shall be sized so that each bolt is anchored at least one foot above the separation.
- Fall material may be ramped up upon with scoop or miner to allow loose material to be taken down and to establish a working surface for the roof bolter to install permanent support.
- Any brows or offsets in the roof shall be supported with supplemental support in accordance with the approved roof control plan.
- After the roof fall is cleaned and restorped, the following supplemental support shall be installed prior to production commencing:
  - Five (5) nine point cribs shall be installed in the #50, #51, and #52 intersections in the track entry. These cribs shall be installed in a star pattern in the intersection.
  - The LOC for the longwall section shall have additional four point cribs installed to narrow the travel way down to 6' in width.