

U. S. Department of Labor

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



AUG 21 2009

Mr. Berman Cornett
Safety Director
Performance Coal Company
P.O. Box 69
Naoma, WV 25140

#9492

Dear Mr. Cornett:

Subject: Inadequacy of the Roof-Control Plan for the Upper Big Branch Mine-South,
I.D. No. 46-08436, Performance Coal Company, Montcoal, Raleigh County,
West Virginia, Permit No. 4-RC-11-94-12307-11, approved October 25, 2005

A six (6) month review of your roof-control plan has identified a deficiency in the plan. The deficiency occurs when an entry is developed over 20-feet wide the roof support should consist of a combination of roof bolts and conventional support. There were several other deficiencies in the proposed update of the roof-control plan identified by letter dated February 17, 2009, copy attached. These deficiencies were never addressed.

This letter provides you with an opportunity to address the aforementioned deficiencies to the roof-control plan or the appropriate enforcement action may be taken. Please respond within 10-days from receipt of this letter.

Should you have any questions concerning this matter, please contact Don Winston at this office at (304) 877-3900 Extension 130.

Sincerely,

Robert G. Hardman
District Manager
Coal Mine Safety and Health, District 4

Enclosure

cc: Mount Hope Field Office (1 encl.)
Don Winston (1 encl.)
Files/clb

RECEIVED
AUG 24 2009



FEB 17 2009

Mr. Gregory Raines
Safety Director
Performance Coal Company
P.O. Box 69
Naoma, WV 25140

Dear Mr. Raines:

Subject: Proposed Update of the Roof-Control Plan for, Upper Big Branch
Mine-South, I.D. No. 46-08436, Performance Coal Company,
Montcoal, Raleigh County, West Virginia.

Your updated roof-control plan received May 19, 2008, has been reviewed and cannot be approved as submitted. The following is a list of deficiencies that must be addressed:

1. Page 4, Item 1 - second sentence should be changed to address the requirements of 75.221(a)(6) which states, "When an ATRS system is used the maximum distance that an ATRS system is to be set beyond the last full row of permanent roof support."
2. Page 5, Item 21 - needs corrected to "temporary supports will be installed on 4-foot centers."
3. Also, it was noted that the approved plan contains several safety precautions that were not included in the plan update and which appear to be site specific changes to the plan. These safety precautions are listed in the approved plan as Items 25, 26 and 30.
4. Item 27, from the approved plan was also left out of the updated plan submittal. Additionally, this item wording needs changed to "At no time will two unsupported openings adjacent to the same intersection be permitted."
5. Page 6, Item 5 - needs to include the statement that "test holes will be drilled 1-foot deeper than the bolts used as primary supports."
6. Page 6, Item 8 - needs to include statement that "Operator shall notify MSHA District Manager one (1) week prior and one (1) week before completion of retreat mining on a new panel."

7. Page 6, Safety Precautions for Pillar Recovery need to add the following safety precaution: Roof evaluations shall be made at the 1st and the 2nd rows of pillars outby the line of pillars being mined. During these evaluations the roof shall be examined for deteriorating conditions and additional stress resulting from abutment loading. If adverse roof is detected, supplemental roof support shall be installed before mining adjacent pillars.
8. Page 6, Safety Precautions for Pillar Recovery need to add the following safety precaution: A pillar plan is only valid for mining pillars in the sequence shown on Page No. ____ of the roof control plan. If panel configuration differs, such that the sequence in this drawing(s) is no longer applicable, then an addendum shall be submitted and approved prior to mining that panel.
9. Page 6, Item 4 - of the Safety Precautions for Mobile Roof Support Systems has a wording error "unit take(s) off" should be "unit(s)".
10. Page 7, of the Safety Precautions for Mobile Roof Support Systems also needs to include the following safety precautions:
 - a. All personnel shall be positioned clear of all pinch points when the Mobile Roof Supports (MRS) are being trammed. Under no circumstances shall anyone be permitted beside or within the turning radius of the Mobile Roof Supports when the units are being moved.
 - b. Onboard, manually operated controls or manual overrides shall be "locked out" or under a bolted-down cover plate to restrict their usage. These controls are for maintenance and troubleshooting purposes only.
 - c. Pressure gages or load indicating lights are to be continually observed to determine if pillaring operations need to be stopped in a specific lift. Pillaring operations shall cease when the MRS yield pressure is reached; (mining shall cease in that cut/lift and the mobile roof supports will be moved/ set-up for the next cut/lift). The mobile roof supports have a yield pressure of _____ psi. If neither the pressure gages nor the load indicating lights are operational, then pillaring shall cease immediately until repairs are made.
 - d. Immediately upon the completion of mining a block, the approaches to the gob will be supported according to the approved roof control plan.
 - e. When using four MRS units, if one of the units positioned inby the continuous miner becomes inoperative, one of the two (2) MRS units positioned on the outby end of the pillar will be moved inby the continuous miner to provide two (2) MRS units between the continuous miner and the gob area. The remaining MRS unit on the outby side of the pillar will be re-positioned to act as a breaker at a location adjacent to the intersection as indicated in the drawing(s). At this location, a minimum of eight (8) posts or two (2) cribs will be utilized in place of the removed outby unit. The block of coal being mined may be completed in this manner, after which all four units must be operational before mining the next pillar.

- f. When utilizing the plan for two (2) MRS units, when one becomes inoperative, mining shall be discontinued until it is made operative, or support procedures shall revert to an approved timber plan.
- g. Breaker posts may be pushed out with the MRS units to allow positioning when mining is started on a block. However, before dislodging posts with one MRS unit, its companion unit must be pressurized against the roof.
- h. When parking the MRS units for an extended period of time, they should be positioned between solid coal pillars outby the active pillaring area. The units shall remain in contact with the roof to prevent dynamic loading in the event of a roof fall. However, just enough set force to contact the roof should be used. The radio remote control units should be stored in a safe area away from the machines.

11. Page 7, Item 12 - Safety Precautions for Mobile Roof Support Systems, also needs to include the following statements:

Mined heights in excess of the working range of MRS units shall be anticipated and addressed using OEM extensions. However, in isolated (unanticipated) cases, when the MRS units cannot be set firmly against the roof, extensions meeting the following criteria may be used to increase the reach of the MRS units:

- a) The extensions shall not exceed 18 inches in height, and shall be constructed from a single layer of wood blocks, placed skin-to-skin.
- b) The wood blocks shall either be hickory, white oak or red oak and shall be replaced when damaged.
- c) The wood blocks shall be restrained by channel or angle iron tack-welded to three sides of the MRS roof contact plate, and held in place by chains, straps, or other equivalent means.

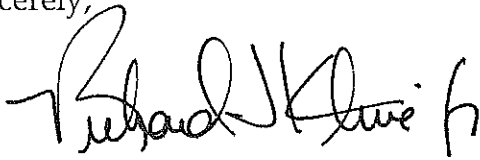
Wood extensions as a means of extending the reach of the MRS unit shall only be used for a maximum of three rows of pillars, and then a manufacturer approved extension must be used.

12. Page 19, Drawing "Barrier Extraction Plan #1" The turn posts are shown incorrectly turn posts "C" should be in the shape of a "V" for cuts 1, 3, & 5 and turn posts "D" should only complete from the bottom of the "V" to make turn posts for cuts 2, 4, & 6 for left side drawing. The Drawing on Page 20 has the same problem, but for the right side drawing.

This letter provides you with an opportunity to submit a revised update to the approved plan. Since there are five (5) supplements to the approved roof control plan, no additional supplements will be allowed until an updated roof control plan is approved.

Should you have any questions concerning your roof-control plan, please contact Don Winston at this office, (304) 877-3900, Extension 130.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert G. Hardman". The signature is stylized with a large, looped "R" and a trailing flourish.

Robert G. Hardman
District Manager
Coal Mine Safety and Health, District 4

Enclosure

cc: Mount Hope Field Office (1 encl.)
Lee Barker (1 encl.)
Files/cls

Plan Review

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



RC

1. MSHA Office 0401 - Mt. Hope, WV

2. Mine ID 46-08436

3. Mine Name

UPPER BIG BRANCH MINE-SOUTH

4. Company Name

PERFORMANCE COAL COMPANY

✓ Roof Control

☐ Adequate ☒ Deficiencies in Plan (Briefly Describe)

The plan was discussed with the management, the section foremen and the miners. The plan does not adequately address supplementary support to be added when entries are cut over 20', to accommodate the belt and track.

MSHA
MOUNT HOPE, WV
JUL 13 2009
RECEIVED
ROOF CONTROL

✓ Ventilation

☒ Adequate ☐ Deficiencies in Plan (Briefly Describe)

The ventilation plan has been discussed with management, the section foreman and the miners. 4 104-A citations and 6 104d-2 orders have been issued this quarter for failing to comply with the ventilation and/or the methane dust control plans. The plans appear to be adequate for the current mining conditions, if the operator would comply with it.

Inspector Signature

Date

6/29/09

Supervisor Signature

Date

[Redacted Signature]

6/30/09