
West Virginia Office of Miners' Health, Safety and Training

March 31, 2005

Fatal Roof Fall Investigation Report
Coal River Mining, LLC
Tiny Creek No. 2 Mine
Permit No. U-5037-98B

Region Three – Danville Office
137 Peach Court, Suite 2
Danville, West Virginia 25053
Harry Linville, Inspector-at-Large

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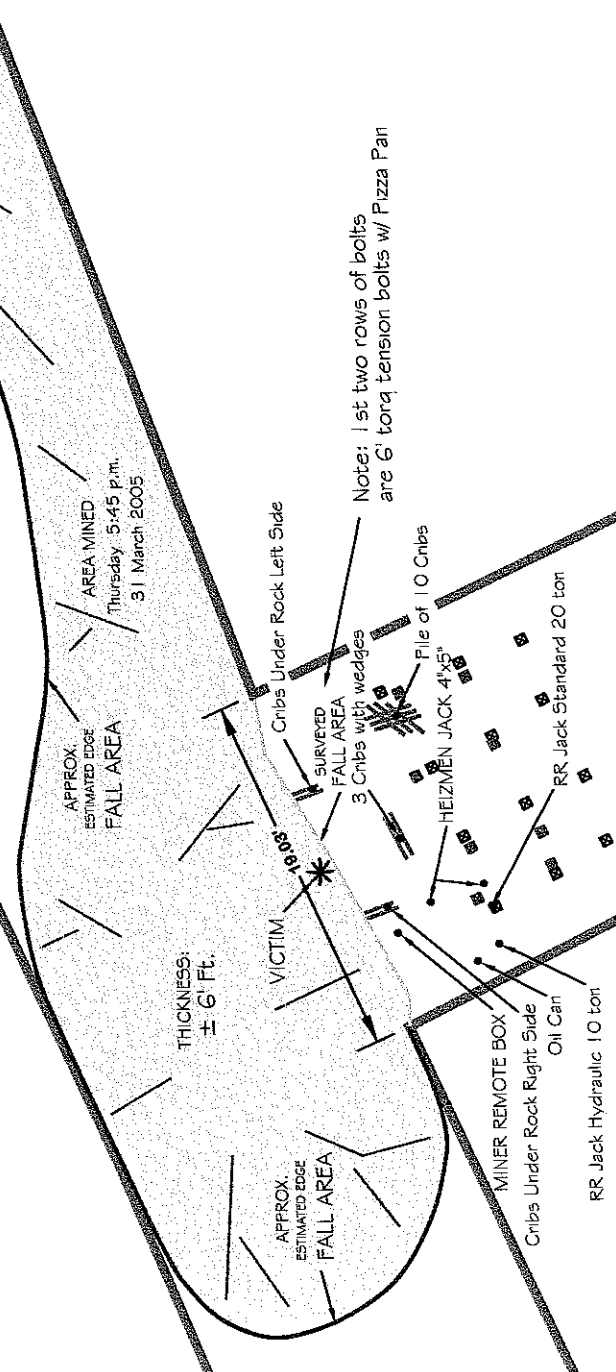
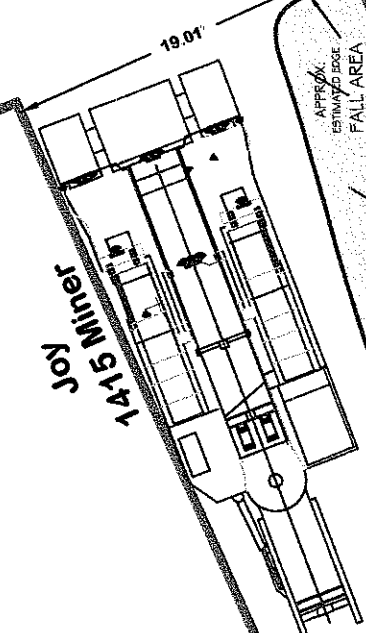
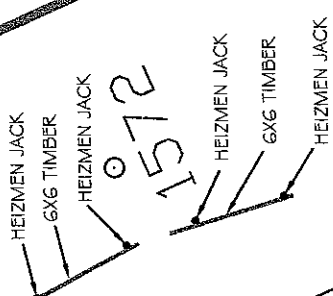
**COAL RIVER ENERGY
TINY CREEK MINE NO. 2
001 SECTION MMU 003-0
FATALITY AREA
31st March 2005**

SCALE 1" = 10'

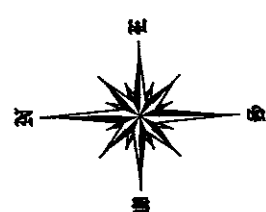
**#7 Entry
AREA BOLTED
NOT SHOWN**

3rd North West Mains
AZM. 336°44'13"

**#6 Entry
AREA BOLTED
NOT SHOWN**



- LEGEND**
- 8' Double Plated Bolt (Surveyed)
 - ⊠ 6' Torq Tension Bolt w/ Pizza Pan (Surveyed)
 - * VICTIM



**Fatal Roof Fall Investigation Report
Coal River Mining, LLC
Tiny Creek No. 2
Permit No. U-5037-98B**

GENERAL INFORMATION

A fatal roof fall accident occurred on March 31, 2005 at the Coal River Mining, LLC, Tiny Creek No. 2 mine located near Sumerco in Lincoln County, West Virginia. The accident happened at approximately 5:30 to 5:45 p.m. Mr. Richard Hughes, a 49 year old continuous mining machine operator was fatally injured when an unintentional roof fall occurred in the no. 6 entry intersection on the 3rd. Northwest Mains section. This is West Virginia's first coal mine fatality in 2005.

Mr. Hughes had been employed at the Tiny Creek No. 2 mine since October 20, 2004 and had approximately 25 years of overall coal mining experience. Mr. Hughes resided at Turkey Creek, Kentucky.

Jim Bunn II of Coal River Mining, LLC, at approximately 7:29 p.m. on March 31, 2005, notified the Office of Miners' Health, Safety and Training's Inspector-at-Large, Harry Linville, of the accident. A joint investigation with the Mine Safety and Health Administration (MSHA) was started immediately.

Coal River Mining, LLC was originally permitted to commence operation of the Tiny Creek No. 2 mine on May 13, 2004. The mine employs 53 people on three shifts. One underground unit is currently in operation and coal is mined in the Number 5 Block seam.

DESCRIPTION

The 3rd. Northwest Mains section evening shift crew entered the Tiny Creek No. 2 mine on March 31, 2005 at their normal starting time of 3:30 p.m. under the direction of section foreman, Douglas Perkins. They arrived at the 3rd. Northwest Mains section around 3:55 to 4:00 p.m. Members of the evening shift crew included scoop/shuttle car operator, Earl Perry; shuttle car operator, Billy McClanahan; shuttle car operator, Patrick Rankin; roof bolter operator, Frank Spence; roof bolter operator, Henry Trout; roof bolter operator, Marvin Shawn Bench; roof bolter operator, Harold May; electrician, Eddie Eversole; continuous mining machine operator, John Vandal; and trainee (red-hat), James Fowler.

Upon arrival Perkins met briefly with day shift section foreman, Keith Pack, at the section power center. The two section foremen went over Pack's section map and discussed where the evening shift crew would be mining. Pack told Perkins and continuous mining machine operator, Richard Hughes, that the continuous mining machine was located in the no. 1 left working place. Pack stated that he heard Perkins instruct Hughes to move the continuous mining machine from the no. 1 left location to the 5 right crosscut, which had been started on the dayshift and mined to a depth of approximately 35 feet. (Crosscuts are mined on 60-foot centers resulting in 40-foot wide blocks.) Pack stated that he heard Perkins instruct Hughes to mine the 5 right crosscut through, then back the mining machine out of the place and mine a short cut in the no. 5 entry face while the 5 right crosscut was being roof bolted. Section electrician, Eddie Eversole, also stated that he heard Perkins' instructions to Hughes.

Perkins and Rankin stated that Hughes performed service work on the continuous mining machine (set bits, cleaned sprays and scrubber) before starting the move from 1 left to 5 right. Right side roof bolting machine operators, Spence and Trout, helped with the mining machine cable during the move. Spence and Trout stated that they heard Perkins say in Hughes' presence that crosscut 5 right would be mined through first and then the machine would be backed out to allow the roof bolting machine to bolt 5 right while a short cut was mined in the no. 5 face. Spence and Trout then parked their bolting machine in the crosscut between entries 4 and 5 (one crosscut outby the line of crosscuts where the mining was to be done) to wait for the completion of mining in 5 right.

No person interviewed was able to say what time coal production began in the 5 right crosscut. Given an approximated travel time to the section from the surface of approximately 25 minutes and time spent servicing the mining machine before the start of the move it is highly unlikely that mining started before 4:30 p.m.

Shuttle car operators, McClanahan and Rankin, stated that the section foreman, Perkins, was present in the 5 right crosscut area where mining was intended but left the area before mining actually commenced. Perkins left the area and found scoop operator Earl Perry. Perkins instructed Perry to begin operating a third shuttle car after supplying the roof bolting machines. Perry began operating a third shuttle car sometime later.

Left side roof bolting machine operators, Marvin Shawn Bench and Harold May, found their machine in the no. 1 entry at the start of the shift. They finished bolting the no. 1 face and moved their machine to the 1 left face where the continuous mining machine had been at the start of the shift. Bench and May noticed the roof "working" at this location and backed away from their machine to watch the roof. Perkins joined them a few minutes later. Bench and May stated that Perkins remained with them to watch the roof for approximately 30 to 35 minutes. After this period of observation they determined that the roof was okay and Perkins left the no. 1 entry. Bench and May stated that they heard a roof fall within 5 minutes or less after Perkins left.

Perkins stated that as he was moving from left to right across the section and was in the vicinity of the section power center in no. 5 entry when he heard a roof fall. He ran in the inby direction toward the no. 5 entry face and turned right into the crosscut 5 right where he encountered a roof fall. He then retraced his steps outby and proceeded up the no. 6 entry to the fall area where he could see Mr. Hughes under the fall that covered the entire no. 6 entry face and intersection created by the mining of 5 right into the no. 6 entry.

Shuttle car operator, Earl Perry, was positioned in his shuttle car in the crosscut 5 right at the time of the roof fall. Perry stated that Hughes had mined the crosscut 5 right through into the no. 6 entry and continued to mine across the no. 6 entry that had not been advanced far enough for an even cut through. Perry stated that Hughes had mined an area in the no. 6 entry face approximately as wide as the continuous mining machine ripper head and had also mined a crosscut from the no. 6 entry completely through into the no. 7 entry. Perry stated that Hughes was in the process of cleaning up the 6 right crosscut when the fall occurred. Perry stated that Hughes was positioned in the no. 6 entry and appeared to take a step toward the face in the inby direction when the roof fall occurred without warning.

No person interviewed could provide an exact time for the accident. Estimates ranged from 5:30 to 5:45 p.m. All persons involved in the recovery stated that Mr. Hughes' injuries were obviously instantly fatal. The body was eventually recovered and brought to the surface at approximately 10:00 p.m. The Lincoln County Medical Examiner made a pronouncement of

death at the mine, and the body was transported to the West Virginia Medical Examiner's office in Charleston for an autopsy.

FINDINGS OF FACT

1. See Attachment No. 1. (Memorandum from OMHST, Chief Engineer, Monte Hieb, to Harry Linville and Terry Farley regarding geological conditions relevant to this accident.)
2. The victim, Richard Hughes, was operating via remote control a Model 14-1511CX Joy continuous mining machine, serial no. JM5073A, at the time of this accident. The machine measures 35 feet, 9 inches in length.
3. Crosscuts on the 3rd North Mains section were turned/mined on 100 foot centers with the connection to the adjacent entries mined on 60 foot centers. This creates pillars that should measure 80 feet long by 40 feet wide.
4. The mine's approved roof control plan allows extended cut mining via remote control to a maximum depth of 40 feet.
5. The dayshift crew had mined the no. 5 right crosscut to an approximate depth of 35 feet on March 31, 2005 leaving an approximate mine through distance of 5 feet to connect to the no. 6 entry.
6. The no. 6 entry face had been advanced to a point approximately 99 feet from a spad located in the last open crosscut according to engineer, Tim Tackett, who estimated the distance on March 31, 2005. This left the entry 10 feet short of a point where the connection to the 5 right crosscut would be even and a crosscut from the no. 6 entry to the no. 7 entry could be started.
7. The mine through from the 5 right crosscut into the no. 6 entry was accomplished by advancing the continuous mining machine approximately 5 feet creating an opening approximately 8 to 9 feet wide on the right side of the cut. An area approximately 10 to 11 feet wide was then mined as the continuous mining machine was advanced across the width of the no. 6 entry face which measured 19 feet wide. Mining then proceeded through the block from no. 6 entry connecting to no. 7 entry. The total distance of unsupported area created by the mining measured approximately 70 feet.
8. Earl Perry, Billy McClanahan, and Patrick Rankin were operating three shuttle cars at the time of the accident and traveled through the 5 right crosscut, no. 6 entry face, and 6 right crosscut to be loaded by the continuous mining machine. The total length of the shuttle cars is 37 feet, 8 inches.
9. Based on the location of the body, the victim, Richard Hughes, was positioned in by the next to last row of permanent roof supports, if not in by the last row of permanent roof supports at the time of the roof fall.

CONCLUSION

The victim sustained fatal crushing injuries from a roof fall accident while operating a continuous mining machine in the no. 6 entry intersection.

ENFORCEMENT ACTIONS

During the course of this investigation 8 notices of violation were cited, 5 of the violations were determined to have contributed to this occurrence. Three Individual Personal Assessments were issued. (See Attachment No. 2)

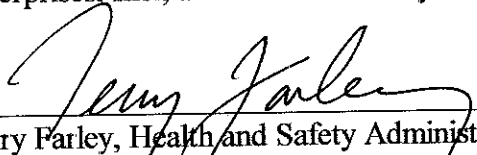
RECOMMENDATIONS

Coal River Mining, LLC submitted the following remedial measures.

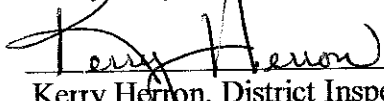
1. The Tiny Creek No. 2 mine roof control plan will be modified. (See Attachment No. 3)
2. Additional instruction of approximately 2 hours (or more if needed to develop an understanding of these topics) will be provided for all current employees on the mine's roof control plan, ventilation and cut sequences. This instruction will include all changes to the roof control plan. An additional 2 hours of instruction for new employees will be given at the time of employment on the mine's roof control plan.
3. These remedial measures will be incorporated into the mine's state comprehensive safety program.

ACKNOWLEDGMENT

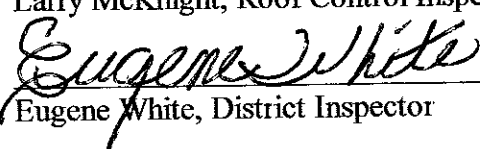
The Office of Miners' Health, Safety and Training gratefully acknowledges the cooperation of the employees and management of Coal River Mining, LLC, Quality Enterprises, Inc., and the Mine Safety and Health Administration during this investigation.


 Terry Farley, Health and Safety Administrator 5-26-05
 Date


 Harry Linville, Inspector-at-Large 5/25/05
 Date


 Kerry Herron, District Inspector 5/25/05 *at*
 Date


 Larry McKnight, Roof Control Inspector 5/25/05
 Date


 Eugene White, District Inspector 5/25/05
 Date

- Mine Information Sheet
- Victim Information Sheet
- Persons Present During Investigation
- Attachments

MINE INFORMATION

COMPANY Coal River Mining, LLC

MINE NAME Tiny Creek No. 2

WV PERMIT U-5037-98B MSHA PERMIT NO. 46-08835

ADDRESS P. O. Box 79 Alum Creek, WV 25003

COUNTY Lincoln PHONE NO. (304) 756-9100

DATE PERMIT ISSUED April 14, 2004

WORKING STATUS Active

LOCATION No. 1 Justice Road Corridor G

UNION _____ NON-UNION X

DAILY PRODUCTION 1500 tons ANNUAL PRODUCTION TO DATE 115,816.30 tons

TOTAL EMPLOYEES 53

NUMBER OF SHIFTS 3

COAL SEAM NAME AND THICKNESS No. 5 Block 48 inches

ACCIDENT INCIDENT RATE 2.78 LOST TIME ACCIDENTS 1

TYPE OF HAULAGE Conveyor belts

WVOMHST INSPECTOR Kerry Herron

DATE OF LAST INSPECTION March 29, 2005

NOTIFIED BY Jim Bunn II

NOTIFICATION TIME Approximately 7:29p.m. on March 31, 2005

CMSP – ANNIVERSARY DATE April 9, 2005

CMSP – CONTACT PERSON Larry Blackburn

INVESTIGATION

The following persons were present for the onsite investigation conducted on March 31, 2005.

COAL RIVER MINING, LLC

Jim Bunn II	Vice President
Larry Blackburn	Superintendent
Scott Brown	Mine Foreman

MINE SAFETY AND HEALTH ADMINISTRATION

Jesse Cole	District 4 Manager
Charles W. Cline	Roof Control Specialist
Roger Richmond	Accident Investigator
Terry Price	Supervisor
T. L. Workman	Coal Mine Inspector
Bobby Moreland	Coal Mine Inspector
Herman Miller	Coal Mine Inspector

MINERS' HEALTH, SAFETY AND TRAINING

Terry Farley	Health and Safety Administrator
Harry Linville	Inspector-at-Large
Kerry Herron	District Inspector
Eugene White	District Inspector
Willie Barker	Safety Instructor

The following persons were present for the onsite investigation conducted on April 1, 2005.

COAL RIVER MINING, LLC

Mark Blackburn	Third Shift Mine Foreman
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MINERS' HEALTH, SAFETY AND TRAINING

Larry McKnight	Roof Control Inspector
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INTERVIEWS

The following persons were present for the interviews conducted on April 2, 2005.

COAL RIVER MINING, LLC

Jim Bunn II	Vice President
Billy McClanahan *	Shuttle Car Operator
Patrick Rankin *	Shuttle Car Operator
Earl Perry *	Shuttle Car/Scoop Operator
Doug Perkins*	Second Shift Section Foreman
Emory Keith Pack *	Day Shift Section Foreman
Tim Tackett *	Engineer (P. & A. Engineers)
Mark Heath	Attorney
Denruse Smith Kushck	Attorney
Gary L. Tinch	Safety Consultant
E. Forrest Jones, Jr.	Jones & Associates
Karon Vorholt	Court Reporter

(* Denotes those interviewed)

MINE SAFETY AND HEALTH ADMINISTRATION

Roger Richmond	Accident Investigator
Charles W. Cline	Roof Control Specialist
Bobby Moreland	Coal Mine Inspector

MINERS' HEALTH, SAFETY AND TRAINING

C. A. Phillips	Deputy Director
Terry Farley	Health and Safety Administrator
Harry Linville	Inspector-at-Large
Larry McKnight	Roof Control Inspector
Eugene White	District Inspector

INVESTIGATION

The following persons were present for the investigation conducted on April 3, 2005.

COAL RIVER MINING, LLC

Jim Bunn II	Vice President
Larry Blackburn	Superintendent
Scott Brown	Mine Foreman

MINE SAFETY AND HEALTH ADMINISTRATION

Charles W. Cline
Don Winston
Brian Morris

Roof Control Specialist
Roof Control Specialist
Civil Engineer

MINERS' HEALTH, SAFETY AND TRAINING

Terry Farley
Harry Linville
Larry McKnight
Monty Hieb

Health and Safety Administrator
Inspector-at-Large
Roof Control Inspector
Chief Engineer

INTERVIEWS

The following persons were present for the interviews conducted on April 7, 2005.

COAL RIVER MINING, LLC

Jim Bunn II
Larry Blackburn
Marvin Shawn Bench *
Harold May *
Frank E. Spence *
Henry Trout *
John Vandal *
Douglas Perkins *
Jerry Cisco *
Eddie D. Eversole *
James Fowler *
Steve Dolin *
Mark Heath
Gary Tinchler
E. Forrest Jones, Jr.
Karon Vorholt
(* Denotes those interviewed)

Vice President
Superintendent
Roof bolter Operator
Roof bolter Operator
Roof bolter Operator
Roof bolter Operator
Continuous Miner Operator
Section Foreman
Second Shift Mine Foreman
Electrician (Quality Enterprises)
Apprentice Miner (Quality Enterprises)
Security Guard (Security Group Services)
Attorney
Safety Consultant
Jones & Associates
Court Reporter

MINE SAFETY AND HEALTH ADMINISTRATION

Roger Richmond
Charles W. Cline
Bobby Moreland

Accident Investigator
Roof Control Specialist
Coal Mine Inspector

MINERS' HEALTH, SAFETY AND TRAINING

C. A. Phillips
Terry Farley
Harry Linville
Eugene White

Deputy Director
Health and Safety Administrator
Inspector-at-Large
District Inspector

MEETING

The following persons were present for a roof control meeting at the MSHA District 4 office in Mt. Hope on April 12, 2005.

COAL RIVER MINING, LLC

Jim Bunn II
Larry Blackburn
Mark Heath

Vice President
Superintendent
Attorney

MINE SAFETY AND HEALTH ADMINISTRATION

Jesse Cole
Luther Mars
Richard Kline
Terry Price
Roger Richmond
Jon Braenovich
Charles W. Cline

District Manager
Assistant District Manager
Assistant District Manger
Supervisor
Accident Investigator
Roof Control Specialist
Roof Control Specialist

MINERS' HEALTH, SAFETY AND TRAINING

Terry Farley
Harry Linville
Larry McKnight

Health and Safety Administrator
Inspector-at-Large
Roof Control Inspector

ATTACHMENT NO. 1

MEMO

TO: Harry Linville, Terry Farley
FROM: Monte Hieb
DATE: April 4, 2005
SUBJECT: Tiny Cr. #2 Roof Fall; 3-31-05, 001 Section, MMU 003-0

Below are a few illustrations and photos summarizing observations made yesterday at Tiny Creek No. 2 Mine.

The seam section in Figure 1, below summarizes the stratigraphic geology as observed ½ break outby the site of the accident.

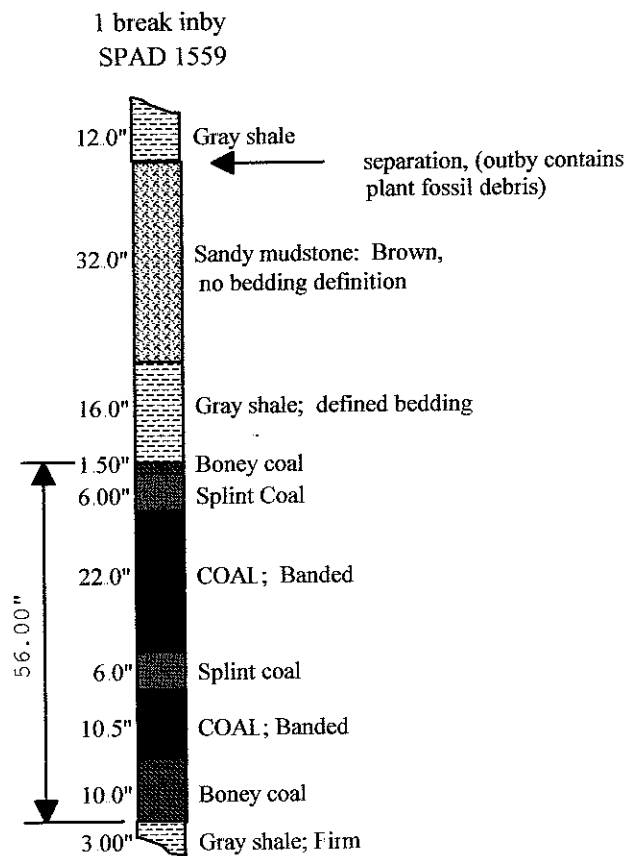


Figure 1. Stratigraphic section measured ½ break outby site of accident. The slab that fell was comprised mostly of the “sandy mudstone” unit, which is bounded on top by a horizontal separation containing plant debris, and bounded on three sides by sub-vertical slickensided slip planes (see Figure 2).

As shown, the immediate roof is approximately 16-in. of gray shale which in #6 entry appeared to have been taken down on-cycle as drawslate. Overlying it is a sandstone unit that on first appearances looks competent, but in actuality it is more like a “sandy mudstone” exhibiting poor tensile strength due to high clay content and lack of conspicuous horizontal (bedding) structure. Attempts were made to hold this unit in the entries, but in #6 entry this was largely unsuccessful. It is overlain by a firm, gray shale containing ¼-in. siderite bands which contains abundant plant fossil debris at this contact.

The rock slab that fell was approximately 65-ft. in length and is comprised primarily of the sandy mudstone unit. It’s thickness measured approximately 32-in. on the outby side of the fall, increasing to approximately 60-in. thick on the inby side of the x-cut, although the latter is estimated because the area was not accessible.

As shown in Figure 2, below, the roof cavity left by the fallen slab is bounded on all sides except the pillar line by a series of inter-connected high-angle slickensided slip planes which I believe is the point at which the slab failure initiated. The characteristically polished and slippery slickensided slips are related to differential compaction, but more specific details are not available at this point. Together with a bedding separation at the top of the sandy mudstone unit, these created a large “kettlebottom-like” structure that, without the benefit of bolting, was supported only by the tensile strength of the cantilevered rock mass on the outby side against the line of pillars.

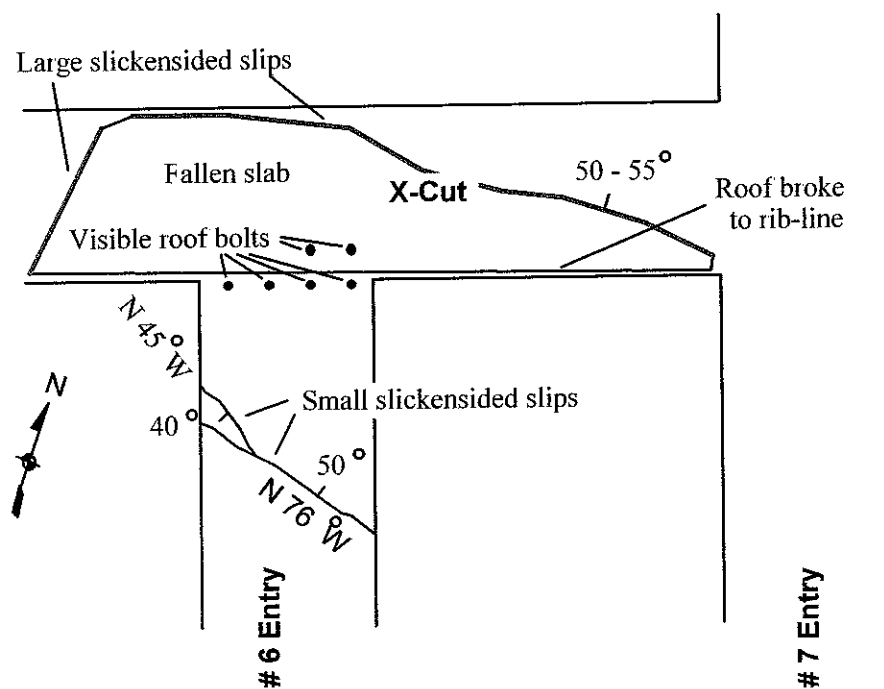


Figure 2. Plan view of fallen slab geometry. The slickensided failure plane around the inby edges of the fall are shown in red. Similar slips were noted outby the fall in #6 entry. The last row of surviving bolts in this entry were directly in line with the ribline.

Figure 3, below, is a generalized illustration from the vantage point of #7 entry, looking back toward #6 entry along the x-cut (right side of the x-cut is in by the fall).

The weight of the essentially-unbolted rock slab appears to have induced separation along the adjacent zones of weakness.

The result was a sudden drop-out of the rock slab, probably detaching simultaneously at the sub-vertical slickensided slips (A) and at the roof (B), and creating a cantilever of rock hinged along the line of pillars (C).

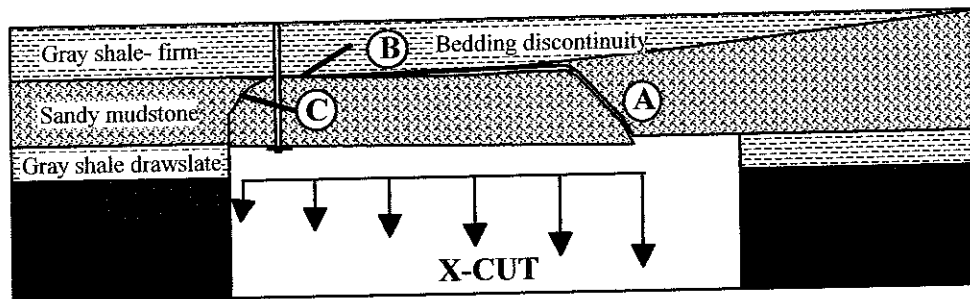


Figure 3. This generalized view looking SW down the x-cut from #7 entry intersection illustrates how the "sandy mudstone" unit may have detached in simultaneous shear failure along the high-angle slickensided plane (A) and tensile failure at or near the overlying gray shale contact (B), creating a beam cantilevered along the pillar edge (C).

The cantilever then failed at its hinge (Figure 4). When it did so it pulled down the several roof bolts installed part-way up #6 entry before the x-cut was driven.

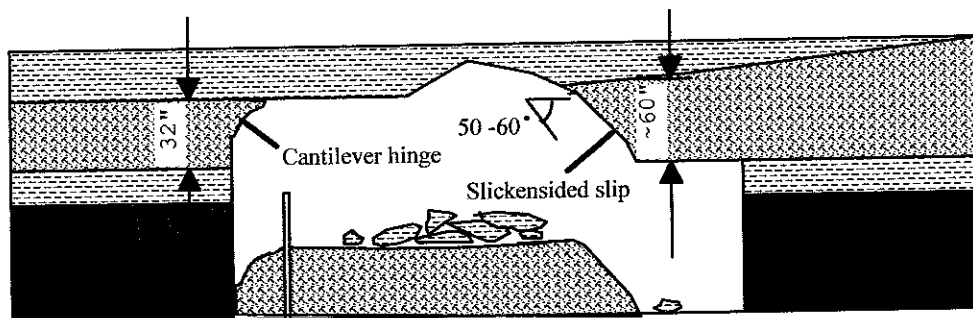


Figure 4. The rock slab fell when the stress at the cantilever hinge exceeded the rock's tensile strength (see Photo 1, reverse view)

Two (2) roof bolts were visible protruding from the top of the rock slab in the #6 entry intersection (Photo 1) with resin still attached. Other bolts were also visible in the fallen rock slab.

Locally, the shale top over the sandy mudstone also contributed some material to the fall, although this was likely pulled down as an after-effect.

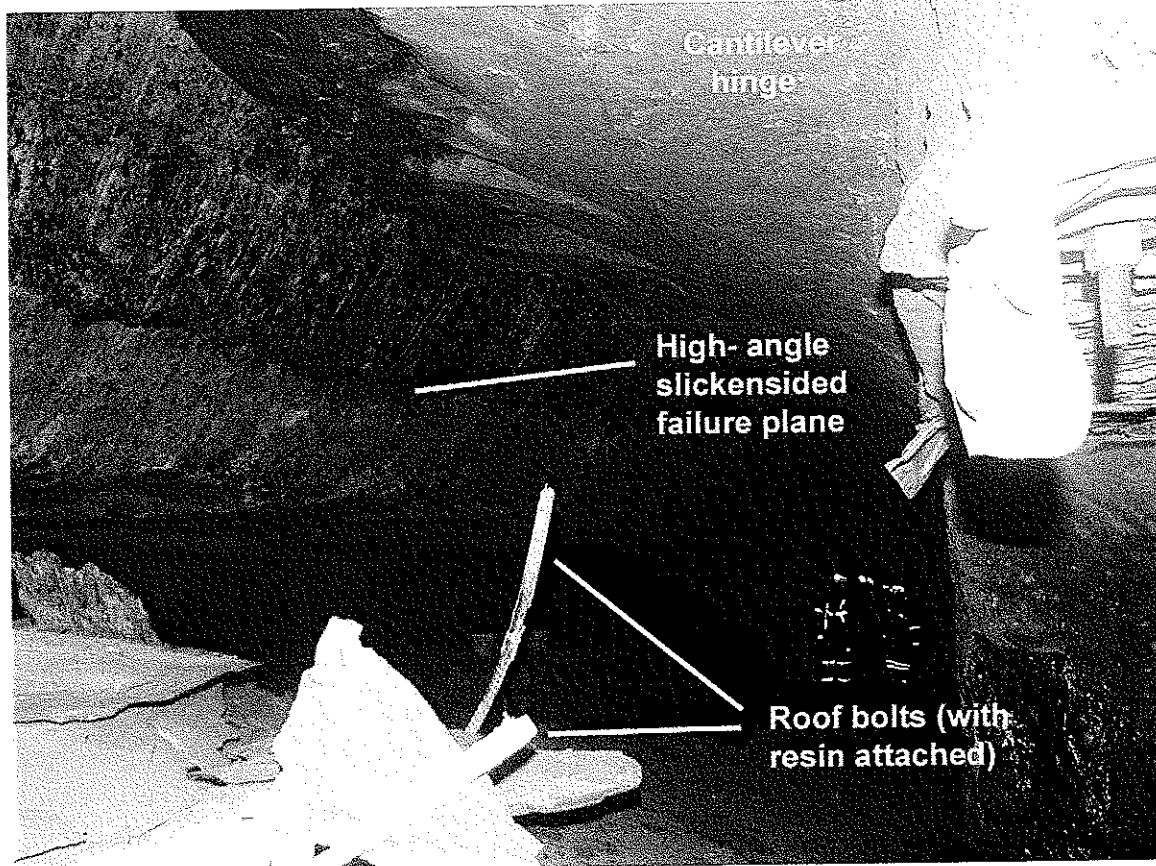


Photo 1. View from accident site, looking NE down cross-cut between # 6 and # 7 entries. Note the high-angle slip plane dipping away from the fall, allowing the roof slab to behave like a large “kettlebottom.” This created a cantilevered rock beam in the immediate roof along the coal pillar (top right) which failed when the stresses exerted at the cantilever hinge exceeded the tensile strength of the rock.

In Tiny Creek Mine No. 2 the presence of sandstone directly on top of the seam has generally been associated with good roof conditions. Historically, most roof problems here have been due to variable shale roof complicated by one or more rider seams, differential compaction slips associated with sandstone channels higher in the roof, and in lateral transitions from shale to sandstone.

When sandstone directly overlies the coal seam, it is so often so hard that it is difficult to cut with the miner (which was a problem a few years ago when the mining height dropped below 45-in. and the bottom was also hard and equipment had insufficient clearance). The presence of sandstone roof here may or may not have resulted in a feeling of overconfidence about the conditions.

The combination of poor bedding, high clay content, and adjacent high-angle slickensided failure planes at this particular location made this sandstone top dangerous because it was self-supporting just long enough to fail in a massive, sudden way.

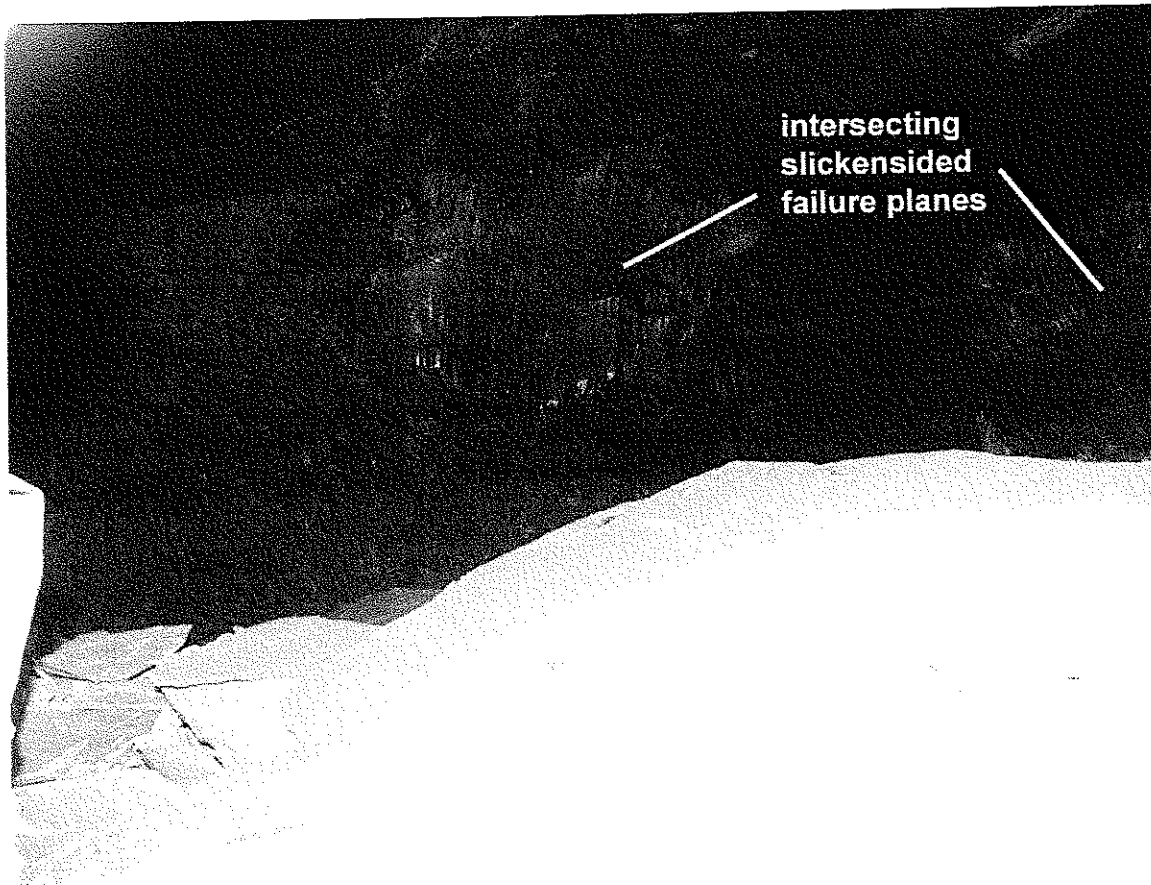


Photo 2. View from # 6 entry accident site looking SW down cross-cut toward # 5 entry. The intersecting high-angle failure planes created conditions analagous to very a large kettlebottom

The problem here (in addition to the extremely long cut taken) is the poorly-bedded nature of the rock involved. Actually, ANY rock which does not exhibit horizontal bedding should be treated with extra caution. Lack of horizontal bedding is indicative of one of two things:

- 1) the sediments were simply dumped in place in a rapid, high-energy event (mudstone), or,
- 2) the sediments were originally laid in place as stratified layers, but the bedding was disturbed or destroyed by subsequent root action of from fossil plants (“paleo-soil”) in which case the tell-tail root casts are often visible.

Either way, rock which is not stratified (with discernable horizontal bands) is often weak rock. Rock strata that does not exhibit bedding, and/or exhibits “rooting” should always be suspected of poor strength.

Exceptions to this include strong, massive sandstone which may not have distinct bedding layers, but it can be distinguished from “sandy mudstone” because its grains are held together by a cement matrix of some kind (iron, calcium carbonate, etc.) and a hammer blow that returns a sharp rebound and ringing response is characteristic. A non-bedded sandstone that returns more of a “thud” and dents easily, on the other hand, indicates clay content rather than cement in its matrix (e.g. “sandy mudstone”). Because cement has good cohesion and clay does not, this makes the difference between a sandstone which is strong and one which is weak, respectively.

The NIOSH Coal Mine Roof Rating (CMRR) is one viable means to identify these potentially hazardous strata.

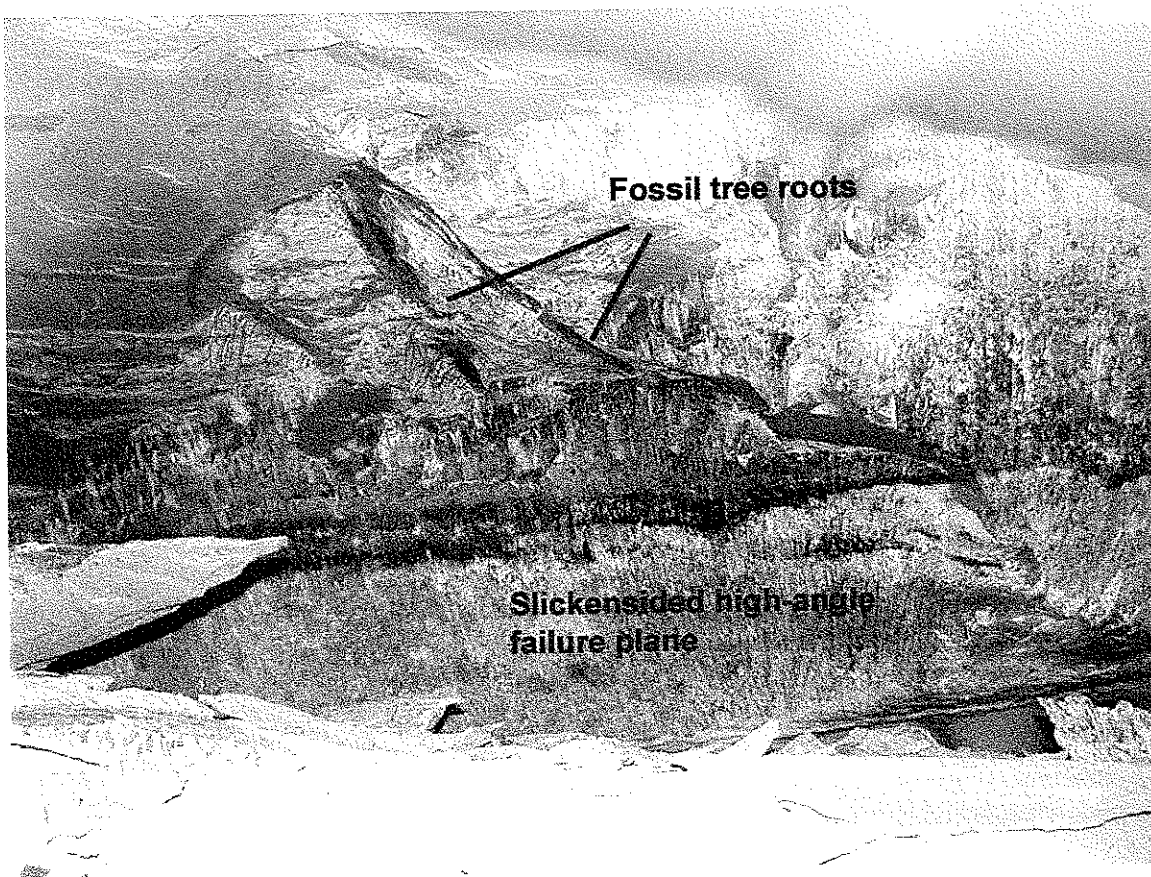


Photo 3. View from accident site looking inby down entry across rock fall. Prominent high-angle failure plane visible. The dark, diagonal structures are fossil tree roots. Although not visible in this photo the rootlets radiating off these roots can cause significant bedding disruption and loss of effective rock strength.

Conclusions:

It is not intended to over-state the case or “weak rock” here, but the perception that “solid sandstone” top was present at this location may have contributed to an illusion that very long cuts in this cross-cut could be made safely. This is an unfortunate example of how the combination of sub-vertical roof defects, together with immediate roof rock that is not as strong as it looks, can result in massive rock mass failure with little or no warning.

Contributing

IF-018
Revised 11-02

ATTACHMENT NO. 2

White- Company
Blue -Inspector
Green -Charleston
Canary -Regional Office
Pink- Post
Goldenrod -Rep of Mines

Region L-3
Case No 079-0660
Violation No 1

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

NOTICE OF VIOLATION

Company / Operator Coal River Mining LLC Contractor: Yes ___ No X
Permit Number W-5037-98-B Mine Name Timmy Creek #2
Date of Issue 4/29 2005 Time 11:30 A.M. P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 25(e) and/or West Virginia Administrative Regulation: Title ___ Series ___ Section ___ exists as follows:

DURING THE INVESTIGATION OF A FATAL ACCIDENT THAT HAS OCCURRED AT THIS MINE ON THE ACTIVE 3RD NORTH WEST MAINS SECTION ON 3/31/05 AT APPROX 5:30 PM. EVIDENCE AT THE ACCIDENT SCENE REVEALED THAT THREE SHUTTLE CAR OPERATORS HAD OPERATED / FRAMMED THEIR EQUIPMENT BEYOND THE LAST ROW PERMANENT ROOF SUPPORTS (BOSS) DURING THE MINING OF THE 5XR FACE EXTENDING ACROSS #6 HEADING AND INCLUDING THE MINING OF 6X RIGHT TO #7 WHICH MEASURED APPROX 70 FT IN DEPTH.

Type of Issuance: N O V ___ Order ___
Area or equipment (if order is issued): _____

The foregoing violation shall be totally abated by ___ a.m. ___ p.m. on ___ 20___
The foregoing violation was totally abated by 4 pm a.m. X p.m. on 4/8 2005

Action taken to abate the violation: REVISED ROOF CONTROL PLAN / RETRAINING MEETING HELD WITH ALL EMPLOYEES / CONTRACTORS WORKING AT THIS MINE.

Company / Operator Agent Served: Ryan Browning Chief Electrician
Authorized Representative: Super White Larry Mc Knight Inspector No. #79 #138

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

Recommend Special Assessment:
Likelihood of Occurrence: Unlikely: *(0) ___ Reasonably likely (10) ___ Occurred (20) ___
Severity of Injury Expected: None: *(0) ___ No lost work days *(6) ___ Lost or restricted days (11) ___
Permanently disabling (15) ___ Fatal (20) ___
No. of Persons Potentially Affected: 0 (0) ___ 1 (1) ___ 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___
Negligence: None (0) ___ Low (10) ___ Moderate (15) ___ High (20) ___
Knowing Violation: No ___ Yes ___ Repeat ___
Good Faith in Abatement: Lack of good faith (+15%) ___
No compliance (extenuating circumstances) (0%) ___ Extra effort (-15%) ___

IF-018
Revised 11-02

STATE OF WEST VIRGINIA

Contributing

White- Company
Blue -Inspector
Green -Charleston
Canary -Regional Office
Pink- Post
Goldenrod -Rep of Mines

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East
Charleston, West Virginia 25311-2126

Region R-3
Case No 079-0660
Violation No 2

NOTICE OF VIOLATION

Company / Operator Coal River Mining LLC Contractor: Yes ___ No
Permit Number U-5037-98-B Mine Name Tiny Creek # 2
Date of Issue 4/28, 2005 Time 11:35 AM A.M. ___ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 25(C) and/or West Virginia Administrative Regulation: Title ___ Series ___ Section ___ exists as follows:

THE OPERATOR OF A MINE HAS PRIMARY RESPONSIBILITY TO PREVENT PERSONS FROM WORKING UNDER UNSUPPORTED ROOF. THE INVESTIGATION OF A FATAL ACCIDENT REVEALED THAT PERSONS WERE EXPOSED TO UNSUPPORTED ROOF.

Type of Issuance: N.O.V. ___ Order ___
Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by ___ a.m. ___ p.m. on ___ 20___
The foregoing violation was totally abated by 4 pm a.m. p.m. on 4/8 2005

Action taken to abate the violation: Revised roof control plan / retraining meeting held with all employees / contractors working at this mine.

Company / Operator Agent Served: Ryan Browning Chief Electrician
Authorized Representative: Eugene White Inspector No. #79138

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

Recommend Special Assessment:
Likelihood of Occurrence: Unlikely: *(0) ___ Reasonably likely (10) ___ Occurred (20) ___
Severity of Injury Expected: None: *(0) ___ No lost work days *(6) ___ Lost or restricted days (11) ___
Permanently disabling (15) ___ Fatal (20) ___
No. of Persons Potentially Affected: 0 (0) ___ 1 (1) ___ 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___
Negligence: None (0) ___ Low (10) ___ Moderate (15) ___ High (20) ___
Knowing Violation: No ___ Yes ___ Repeat ___
Good Faith in Abatement: Lack of good faith (+15%) ___
No compliance (extenuating circumstances) (0%) ___ Extra effort (-15%) ___

IF-018
Revised 11-02

STATE OF WEST VIRGINIA

Contributing

White- Company
Blue -Inspector
Green -Charleston
Canary -Regional Office
Pink- Post
Goldenrod -Rep of Mines

Region R-3
Case No 079-0660
Violation No 3

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

NOTICE OF VIOLATION

Company / Operator Coal River Miners LLC Contractor: Yes ___ No X
Permit Number W-5037-98-B Mine Name Timy Creek #2
Date of Issue 4/28 2005 Time 11:40 AM A M P M

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 25(a) and/or West Virginia Administrative Regulation: Title _____ Series _____ Section _____ exists as follows:

THE STATE APPROVED ROOF CONTROL PLAN WAS NOT BEING COMPLIED WITH AT THIS MINE IN THAT ON MARCH 31, 2005 AT APPROX 530 PM. A CONTINUOUS MINING MACHINE OPERATOR WAS FATALLY INJURED WHILE MINING IN THE NUMBER 51V. ENTRY ON THE ACTIVE 3RD NORTH WEST MAINS SECTION. EVIDENCE AND TESTIMONY REVEALED DURING AN INVESTIGATION WHICH WAS HELD BY PERSONNEL FROM THE OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING THAT THE CONTINUOUS MINING MACHINE OPERATOR HAD POSITIONED HIMSELF INBY THE NEXT TO THE LAST FULL ROW OF PERMANENT ROOF SUPPORTS.

Type of Issuance: N O V _____ Order _____
Area or equipment (if order is issued): _____

The foregoing violation shall be totally abated by _____ a.m. _____ p.m. on _____ 20____
The foregoing violation was totally abated by 4 pm a.m. p.m. on 4/8 2005

Action taken to abate the violation: REVISED ROOF CONTROL PLAN / retraining meeting held with all employees / contractors working at this mine

Company / Operator Agent Served: Ryan Baunring Chief Electrician
Authorized Representative Eugene White, Jr. M.S.E. Inspector No 79 138

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

Recommend Special Assessment:
Likelihood of Occurrence: Unlikely: *(0) _____ Reasonably likely (10) _____ Occurred (20) _____
Severity of Injury Expected: None: *(0) _____ No lost work days *(6) _____ Lost or restricted days (11) _____
Permanently disabling (15) _____ Fatal (20) _____
No. of Persons Potentially Affected: 0 (0) _____ 1 (1) _____ 2 (2) _____ 3 (4) _____ 4-5 (6) _____ 6-9 (8) _____ 9+ (10) _____
Negligence: None (0) _____ Low (10) _____ Moderate (15) _____ High (20) _____
Knowing Violation: No _____ Yes _____ Repeat _____
Good Faith in Abatement: Lack of good faith (+15%) _____
No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____

Contributing

IF-018
Revised 11-02

STATE OF WEST VIRGINIA

White- Company
Blue -Inspector
Green -Charleston
Canary -Regional Office
Pink- Post
Goldenrod -Rep of Mines

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East
Charleston, West Virginia 25311-2126

Region R-3
Case No 019-0660
Violation No 4

NOTICE OF VIOLATION

Company / Operator Coal River Mining LLC Contractor: Yes ___ No X
Permit Number 11-5037-98-B Mine Name Tiny Creek #2
Date of Issue 4/28 2005 Time 11:45 am X A.M. ___ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 25(a) and/or West Virginia Administrative Regulation: Title 22A, Series 2, Section 25(a) exists as follows: DURING AN

ACCIDENT INVESTIGATION OF A FATAL INJURY THAT HAS OCCURRED, ON THE ACTIVE 3RD (1) WEST MAINS SECTION, MEASUREMENTS WERE TAKEN AND A SKETCH WHICH WAS PROVIDED BY THE ENGINEERS OF THE MINE OPERATOR REVEALED APPROX. SEVENTY FEET OF UNSUPPORTED MINE ROOF BETWEEN THE NO 5X RIGHT CROSSCUT EXTENDING ACROSS NO. 6 ENTRY FACE AND INCLUDING THE MINING OF NO. 6X RIGHT CROSSCUT TO NO. 7 ENTRY. THE STATE APPROVED ROOF CONTROL PLAN STATES THE MAXIMUM DEPTH OF AN EXTENDED CUT OF COAL IS 40 FEET FROM THE LAST ROW OF PERMANENT SUPPORTS.

Type of Issuance: N O V ___ Order ___
Area or equipment (if order is issued): _____

The foregoing violation shall be totally abated by ___ a.m. ___ p.m. on ___ 20___

The foregoing violation was totally abated by 4 pm a.m. X p.m. on 4/8 2005

Action taken to abate the violation: REVISED ROOF CONTROL PLAN / RETRAINING MEETING HELD WITH ALL EMPLOYEES / CONTRACTORS WORKING AT THIS MINE.

Company / Operator Agent Served: Ryan Browning Chief Electrician
Authorized Representative: Guadalupe White, M.S.E. Inspector No. #79 / 38

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

Recommend Special Assessment:

Likelihood of Occurrence: Unlikely: *(0) ___ Reasonably likely (10) ___ Occurred (20) ___
Severity of Injury Expected: None: *(0) ___ No lost work days *(6) ___ Lost or restricted days (11) ___
Permanently disabling (15) ___ Fatal (20) ___
No. of Persons Potentially Affected: 0 (0) ___ 1 (1) ___ 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___
Negligence: None (0) ___ Low (10) ___ Moderate (15) ___ High (20) ___
Knowing Violation: No ___ Yes ___ Repeat ___
Good Faith in Abatement: Lack of good faith (+15%) ___
No compliance (extenuating circumstances) (0%) ___ Extra effort (-15%) ___

IF-018
Revised 11-02

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East
Charleston, West Virginia 25311-2126

Contributing
White- Company
Blue -Inspector
Green -Charleston
Canary -Regional Office
Pink- Post
Goldenrod -Rep of Mines

Region P-3
Case No 079-0660
Violation No 5

NOTICE OF VIOLATION

Company / Operator Cool River Mining LLC Contractor: Yes ___ No X
Permit Number U-5037-98-B Mine Name MINY CREEK #2
Date of Issue 4/28 2005 Time 11:50 AM X A.M. ___ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 25(a) and/or West Virginia Administrative Regulation: Title ___ Series ___ Section ___ exists as follows: ___

A fatal roof fall accident occurred on March 31, 2005 from evidence gathered during the investigation it was determined that two reflective signs was not hung on the second full row of bolts out by the face of Five crosscut right and No. 70 entry where the crosscut was mined into the No. 7 entry. This condition was on the third Northwest Main's (Section. This requirement is on Drawing No. 2 Item No. 3 of the approved roof control plan.

Type of Issuance: N.O.V. X Order CONTROL PLAN.
Area or equipment (if order is issued):

The foregoing violation shall be totally abated by ___ a.m. ___ p.m. on ___ 20___
The foregoing violation was totally abated by 1:25 pm a.m. X p.m. on 4/29 2005

Action taken to abate the violation: Discussed Roof Control Plan requirements concerning reflectors with Mine Management.

Company / Operator Agent Served: Ryan Brauning Chief Electrician
Authorized Representative: Eugene White P.O. #138 Inspector No 79

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

Recommend Special Assessment:
Likelihood of Occurrence: Unlikely: *(0) ___ Reasonably likely (10) X ___ Occurred (20) ___
Severity of Injury Expected: None: *(0) ___ No lost work days *(6) ___ Lost or restricted days (11) ___
Permanently disabling (15) X ___ Fatal (20) ___
No. of Persons Potentially Affected: 0 (0) ___ 1 (1) ___ 2 (2) ___ 3 (4) X ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___
Negligence: None (0) ___ Low (10) ___ Moderate (15) ___ High (20) ___
Knowing Violation: No ___ Yes ___ Repeat ___
Good Faith in Abatement: Lack of good faith (+15%) ___
No compliance (extenuating circumstances) (0%) ___ Extra effort (-15%) ___

West Virginia Office of Miners' Health, Safety and Training INSPECTION REPORT

Record No. 20499 Date: 5-4-05 Regular Inspection No.: Check Insp.
Case No. 143-152 Inspector Number: 143

Facility Type	Type of Inspection	
Underground: <input checked="" type="checkbox"/>	Regular: <input type="checkbox"/>	Electrical: <input type="checkbox"/>
Surface: <input type="checkbox"/>	Idle:* <input type="checkbox"/>	Shaft & Slope: <input type="checkbox"/>
Contractor: <input type="checkbox"/>	Investigation:* <input checked="" type="checkbox"/>	Roof Control: <input type="checkbox"/>
Preparation: <input type="checkbox"/>	Complaint:* <input type="checkbox"/>	BIT/ JSA: <input type="checkbox"/> (If this block is checked please use bit/jsa inspection form)
Quarry: <input type="checkbox"/>	Other:* <input type="checkbox"/>	

Company Name: Coal River Mining LLC WV Permit No.: 41-5037-98B
Mine Name: Jing Creek No. 2 Mine Phone: 756-9100 Contractor ID: N/A
Mine Location: Justice Road County: Lincoln
Company Address: P.O. Box 79 Alum Creek W.V. Zip: 25003
No. of Employees: 50 No. of Shifts: 3 No. of Sections: 2
Shifts Inspected: Day: 4 Evening: 1 Midnight: 1 Tot. Insp. Days: 6
Mine Foreman: Scott Brown Certificate No.: 37433 Miners Rep: N/A

VIOLATIONS BY CATEGORY

Mine Maps: <input type="checkbox"/>	Coal Dust & Rock Dust: <input type="checkbox"/>	Electricity: <input type="checkbox"/>
Ventilation: <input type="checkbox"/>	Roof, Face & Ribs: <input type="checkbox"/>	Safeguards for Mech. Eq.: <input type="checkbox"/>
Equipment: <input type="checkbox"/>	Explosives & Blasting: <input type="checkbox"/>	Surface Structures & Prac: <input type="checkbox"/>
Foreman: <input type="checkbox"/>	Protective Clothing: <input type="checkbox"/>	Auger Mining: <input type="checkbox"/>
Fire Boss: <u>1</u>	Transportation: <u>1</u>	Underground Workings: <input type="checkbox"/>
Highwalls: <input type="checkbox"/>	Excavating: <input type="checkbox"/>	Tipples & Cleaning Plants: <input type="checkbox"/>
Drilling: <input type="checkbox"/>	Dust (Surface): <input type="checkbox"/>	Misc. Safety Provisions: <input type="checkbox"/>
Haulage: <input type="checkbox"/>	Compressed Gases: <input type="checkbox"/>	General Safety Provisions: <input type="checkbox"/>
First Aid: <input type="checkbox"/>	Fire Protection: <input type="checkbox"/>	Other Categories: <input type="checkbox"/>
Hoisting: <input type="checkbox"/>		

VIOLATIONS / ORDERS ISSUED:

Orders: 0 Failure to Abate: 0 IPA: 3 71-WC: 0

Total Violations Issued: 2 Total Violations Abated: 2

COMMENTS:

*If this is an idle inspection, investigation, or complaint, please state the reasons:

Non Contributing NOV's issued and I.P.A.'s during total investigation

Harry Jimmelle 5-4-05
Inspector-at-large

Kerry Holloway 143
Inspector and number

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East
Charleston, West Virginia 25311-2126

White- Company
Blue -Inspector
Green -Charleston
Canary -Regional Office
Pink- Post
Goldenrod -Rep of Mines

Region 3
Case No 143-0152
Violation No 1

L0499

NOTICE OF VIOLATION

Company / Operator Coal River Mining LLC Contractor: Yes No Y
Permit Number 11-5037-98B Mine Name Tring Creek No. 2 Mine
Date of Issue 4-29- 2005 Time 11:30 A.M. P.M. X

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 20 and/or West Virginia Administrative Regulation: Title , Series , Section exists as follows:

During the investigation of a fatal accident that has occurred at this mine, the fire boss, or a certified person acting as such (within the performance of his required pre-shift examination) of the third (3rd) West West Mining section failed to record the No. 5 crosscut right (SYR) working face in the approved record book provided for that purpose.

Type of Issuance: N O V Order
Area or equipment (if order is issued):

The foregoing violation shall be totally abated by a.m. p.m. on 20
The foregoing violation was totally abated by 12:45 a.m. p.m. on 4-29- 2005

Action taken to abate the violation: The requirements of 22A-2-20 has been
Complied with Mine Management.

Company / Operator Agent Served: James Blackburn
Authorized Representative: Kelvin Edgema White Inspector No 143

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

Recommend Special Assessment:
Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) Occurred (20)
Severity of Injury Expected: None: *(0) No lost work days *(6) X Lost or restricted days (11)
Permanently disabling (15) Fatal (20)
No. of Persons Potentially Affected: 0 (0) 1 (1) 2 (2) 3 (4) 4-5 (6) 6-9 (8) 9+ (10)
Negligence: None (0) Low (10) Moderate (15) High (20)
Knowing Violation: No Yes Repeat
Good Faith in Abatement: Lack of good faith (+15%)
No compliance (extenuating circumstances) (0%) Extra effort (-15%)

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East
Charleston, West Virginia 25311-2126

Region 3
Case No 143-0152
Violation No 2

20477

NOTICE OF VIOLATION

Company / Operator Coal River Mining LLC Contractor: Yes No X
Permit Number 11-5037-98B Mine Name F. Timm Creek No. 2 Mine
Date of Issue 4-29, 2005 Time 12:45 A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 37(T,3) and/or West Virginia Administrative Regulation:

Title Series Section exists as follows:

During the investigation of a fatal accident that has occurred at this mine it was revealed that a responsible person was not provided on the surface at this mine evening shift 3-31-05 concerning dispatching and communication persons responsibilities and duties. An employee of Security Group Services LLC was assigned these duties. When questioned he was not familiar with dispatching duties, for alarms ect.

Type of Issuance: N O V Order

Area or equipment (if order is issued):

The foregoing violation shall be totally abated by a.m. p.m. on 20

The foregoing violation was totally abated by 1:00 a.m. X p.m. on 4-29 2005

Action taken to abate the violation: Section 22A-2-37(T3) has been covered with Mine Management.

Company / Operator Agent Served: Larry Blackburn

Authorized Representative K. Thomas Eugene White, Jr. Inspector No 143 792

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

Recommend Special Assessment:

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) Occurred (20)

Severity of Injury Expected: None: *(0) No lost work days *(6) Lost or restricted days (11) X

Permanently disabling (15) Fatal (20)

No. of Persons Potentially Affected: 0 (0) 1 (1) X 2 (2) 3 (4) 4-5 (6) 6-9 (8) 9+ (10)

Negligence: None (0) Low (10) Moderate (15) High (20)

Knowing Violation: No Yes Repeat

Good Faith in Abatement: Lack of good faith (+15%)

No compliance (extenuating circumstances) (0%) Extra effort (-15%)

IF-020-IPA
Rev. 5/02

White- Individual
Canary -Region
Pink- Charleston

State of West Virginia
OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street, East, Charleston, WV 25311-2126

Notice of Individual Violation

Case Number: 143-0153

Name of person charged: Carl Perry Social Security Number: [REDACTED]

Address: [REDACTED]

Home phone number: 804 [REDACTED] Certification number: 3-13680

Applicable type of certification: 3-13680

Name of mine operator/company: Coal River Mining Mine: Tiny Creek No. 2

Date: 4-29-2005 Time 11:30 0 A.M. 0 P.M.

Location of violation: 3RD North West Mains 5 Crosscut Right toward No. 7 entry

Notice is hereby given that you have been found in violation of the following: West Virginia Code,

Chapter 22A, Article 2, Section 25 (E) and/or Administrative Regulation _____

Title 36, Series 10, Section 3 (3.2) in that you were: Operating a Joy 10 SC

shuttle car beyond the last permanent roof support and the
continuous miner was mining coal from 5-crosscut right,
across No. 6 entry, into the No. 7 entry. This covered a distance
of approximately seventy feet (70') a fatal roof fall accident
occurred to the continuous miner operator when this practice
was being performed. From the accident investigation, this
violation of the West Virginia laws was revealed.

Proposed Order of Assessment

Likelihood of occurrence: Unlikely (0) _____ Reasonably likely (10) _____ Occurred (20) X

Severity of injury normally expected: None (0) _____ No lost work days (5) _____

Lost workdays/restricted days (10) _____ Permanently disabled (15) X Fatal (20) _____

Number of persons potentially affected: 0 (0) _____ 1 (5) X 2 (10) _____ 3 (15) _____ 4-5 (20) _____

6-9 (25) _____ more than 9 (30) _____

History of prior violations during past thirty-six (36) months: 0 (0) _____ 1 (15) _____ 2 or more (30) _____

Total Points: _____

Authorized representative: Eugene White Larry M. Light

Assessment Officer: _____

Assessment Review Officer: _____

IF-020-IPA
Rev. 5/02

White- Individual
Canary -Region
Pink- Charleston

State of West Virginia
OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street, East, Charleston, WV 25311-2126

Notice of Individual Violation

Case Number: 143-0154

Name of person charged: Patrick Rankin Social Security Number: [REDACTED]

Address: [REDACTED]

Home phone number: [REDACTED] Certification number: L-10743

Applicable type of certification: L-10743

Name of mine operator/company: Coal River Mining LLC Mine: Tony Creek No. 2

Date: 4-29- 2005 Time 11:40 X A.M. P.M.

Location of violation: 3RD North West Mains 5-Crosscut Right toward No. 7 entry

Notice is hereby given that you have been found in violation of the following: West Virginia Code,

Chapter 22A, Article 2, Section 25 (E) and/or Administrative Regulation _____

Title 36, Series 10, Section 3(3.2) in that you were: Operating a Joy 10 SC

shuttle car beyond the last permanent roof support as the continuous miner was mining coal from 5-crosscut right across No. 6 entry into the No. 7 entry. This covered a distance of approximately seventy feet (70') a fatal roof fall accident occurred to the continuous miner operator when this practice was being performed. From the accident investigation, this violation of the West Virginia mining laws was revealed.

Proposed Order of Assessment

Likelihood of occurrence: Unlikely (0) _____ Reasonably likely (10) _____ Occurred (20) X

Severity of injury normally expected: None (0) _____ No lost work days (5) _____

Lost workdays/restricted days (10) _____ Permanently disabled (15) X Fatal (20) _____

Number of persons potentially affected: 0 (0) _____ 1 (5) X 2 (10) _____ 3 (15) _____ 4-5 (20) _____

6-9 (25) _____ more than 9 (30) _____

History of prior violations during past thirty-six (36) months: 0 (0) _____ 1 (15) _____ 2 or more (30) _____

Total Points: _____

Authorized representative: Eugene White Long McKelvey

Assessment Officer: _____

Assessment Review Officer: _____

IF-020-IPA
Rev. 5/02

White- Individual
Canary -Region
Pink- Charleston

State of West Virginia
OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street, East, Charleston, WV 25311-2126

Notice of Individual Violation

Case Number: 143-0155

Name of person charged: Billy McClanahan Social Security Number [REDACTED]

Address: [REDACTED]

Home phone number: [REDACTED] Certification number: 4-2907-UG

Applicable type of certification: 4-2907-UG

Name of mine operator/company: Coal River Mining LLC Mine: Tiny Creek No. 2

Date: 4-29- 2005 Time 11:50 0 X A.M. 0 P.M.

Location of violation: 3RD North West Main 5-Crosscut Right toward No. 7 entry.

Notice is hereby given that you have been found in violation of the following: West Virginia Code,

Chapter 22A, Article 2, Section 25(E) and/or Administrative Regulation _____

Title 36, Series 10, Section 3 (3.2) in that you were: Operating a Jay 10 SC

shuttle car beyond the last permanent roof support in the
continuous miner was mining coal from 5-Crosscut Right
across No. 6 entry into the No. 07 entry. This covered a
distance of approximately seventy feet (70') a fatal roof
fall accident occurred to the continuous miner operator when
this practice was being performed. From the accident
investigation, this violation of the West Virginia Mining
laws was revealed.

Proposed Order of Assessment

Likelihood of occurrence: Unlikely (0) _____ Reasonably likely (10) _____ Occurred (20) X

Severity of injury normally expected: None (0) _____ No lost work days (5) _____

Lost workdays/restricted days (10) _____ Permanently disabled (15) X Fatal (20) _____

Number of persons potentially affected: 0 (0) _____ 1 (5) X 2 (10) _____ 3 (15) _____ 4-5 (20) _____

6-9 (25) _____ more than 9 (30) _____

History of prior violations during past thirty-six (36) months: 0 (0) _____ 1 (15) _____ 2 or more (30) _____

Total Points: _____

Authorized representative: Supervisor Larry McClanahan

Assessment Officer: _____

Assessment Review Officer: _____

ATTACHMENT NO. 3

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING

April 14, 2005

Mr. Jim O Bunn, II

Coal River Mining, LLC.
Tiny Creek No. 2

Subject: Revisions to the approved roof control plan.
State Permit [U-5037-98B]

Dear Mr. Bunn

Your proposed revisions to the state approved roof control plan new items 29, 30, and 31, page 6, to the general safety precautions to be taken. In addition, the revision to drawing #2, paragraphs 3, 5, 7, and the sketch have been reviewed and approved. Also, noted the original items 29, 31, 32, 33, and 34 of the general safety precautions have been deleted. These changes are now in affect and shall supersede the pages that are now in your approved plan. If you have any questions please call me at the Office of Miner's Health, Safety and Training at 369-7823.

Sincerely: *Larry McKnight*

Larry McKnight

Inspector #138

Office of Miners' Health, Safety and Training
137 Peach Court, Suite 2
Danville, WV 25053

COAL RIVER MINING, LLC
P. O. BOX 79
ALUM CREEK, WV 25003

Mr. Doug Conaway
Director
WVOMHS&T
Charleston, WV

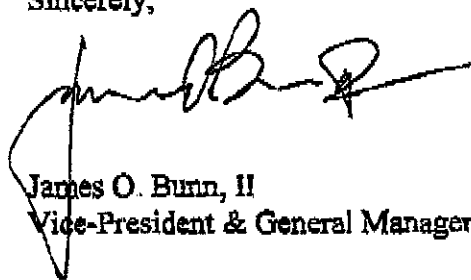
Re: Revision to the Tiny Creek Mine #2 Roof Control Plan
ID # 46-08835

Dear Mr. Conaway:

Coal River Mining, LLC is requesting a revision to our roof control plan, new items 29, 30, and 31, page 6, to the General Safety Precautions to be Taken. In addition, Drawing #2, paragraphs 3, 5, 7, and the sketch have been revised. Also, original items 29, 31, 32, 33, and 34 of General Safety Precautions to be Taken have been deleted.

Thank you.

Sincerely,



James O. Bunn, II
Vice-President & General Manager

JOB/dt

ENTRIES, ROOMS, CROSS CUTS, DEEP CUT REMOTE CONTROL, CONTINUOUS MINING

1. In the event the continuous mining machine malfunctions or breaks down that requires persons to go in by existing permanent roof support to correct the malfunction, the unsupported area, in as much as possible, will be supported with roof bolts with the remaining area being supported with temporary supports set on 5' centers lengthwise and crosswise before any other type of work is performed.

2. An automated temporary roof support system shall be maintained and used during bolting operations. A dual head roof bolting machine with ATRS will be used.

change 3. Two reflective signs shall be hung on the second *now eye level* full row of bolts out by the face, one on each side of the entry or crosscuts near eye-level, to aid the shuttle car operators and continuous mining machine operators in determining their position for maximum safety.

4. The initial cut taken from an entry for the development of a crosscut during the initial run and cut sequence shall not exceed 24' in depth from the last full row of roof bolts. This pertains to crosscuts turned from an entry or room and not straight on from a supported crosscut.

change 5. At no time will there be more than one unsupported opening adjacent to an intersection. *Old 2*

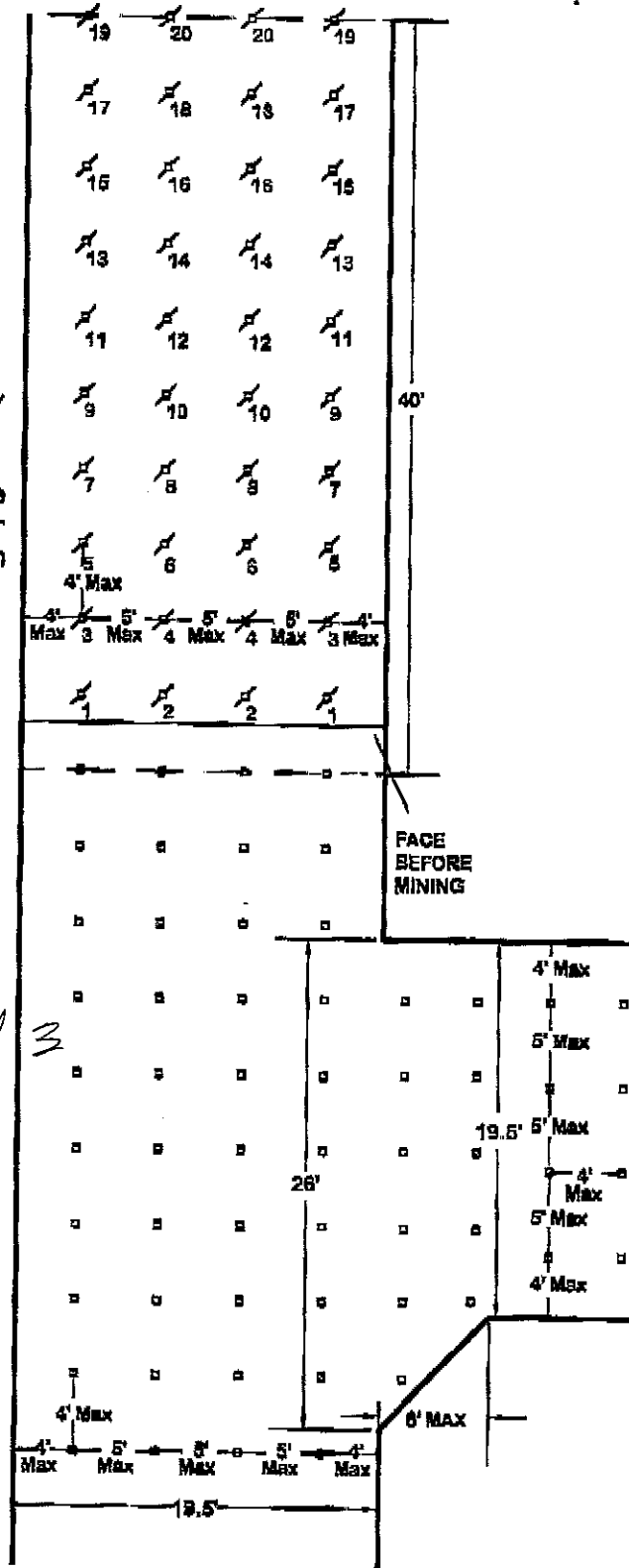
6. No more than one (1) deep cut per active MMU shall be left unsupported for an idle period of over eight (8) hours.

change 7. The maximum number of cuts greater than 20' unsupported between shifts shall not exceed one (1). *old 3*

8. Corners may be rounded off, as shown on Drawings 1 & 2, provided additional roof bolts are installed to within 4' of the rib. Only 1 corner may be rounded off in each intersection except that 2 corners may be rounded off in each intersection in 1 entry only.

9. No person shall advance in by the next to last full row of permanent supports except to install temporary and/or permanent supports.

10. The total depth of cut shall be limited to 40' feet, to the last full row of bolts.



↗ Bolting sequence
 □ Roof bolt

OK JPC 4/13/05

such supports installed a maximum of 12 inches inby the location of the row of bolts to be installed. **NOTE: ATRS system other than those shown in the equipment list shall not be used without prior approval.**

28. When conditions warrant the change from MRS assisted pillar plan to a partial pillar plan, two complete rows of blocks shall be left before partial pillaring begins.

Add 29. Primary roof support shall consist of fully-grouted, torque-tension rebar bolts at least 72" in length. Supplemental roof support will consist of 8' mechanical anchor / resin assisted 7/8" dia., grade 75 bolts, three per row, installed between rows of primary roof support to cover the area of the intersection on cycle as mining progresses. Metal straps, spider plates, or roof caps will be installed with the primary roof support.

Add 30. Where a face has been advanced beyond the inby corner of a projected crosscut in excess of fifteen feet, a minimum of ten feet of roof shall be supported with roof bolts on required centers inby the projected inby rib line prior to starting the crosscut. Where the face has been advanced fifteen feet or less inby the projected crosscut, a minimum of 2 rows of roof bolts shall be installed to within five feet of the face prior to starting the crosscut. The working face may be advanced no more than fifty feet inby the proposed inby corner of the crosscut rib line before the crosscut is completed on the intake side. One inby corner, not to exceed 26', may be rounded at an intersection where crosscuts are not turned in order to assist the movement of equipment.

Add 31. The continuous miner operator will stop the cut at 20' of material. The foreman will then evaluate roof conditions to authorize additional mining beyond 20 feet of material. Dates, Times and Initials will be made in the working place by the foreman when he gives this authorization. When the cut reaches 30 feet of material mined, the Continuous Miner Operator will stop the cut until the foreman comes to the cut and authorizes additional mining to a maximum of 40 feet. The foreman will remain in the area while this last material is mined. These examinations will be recorded in the on-shift examination record book by identifying each cut and times visited.

*Deleted 29, 31, 32, 33, & 34
from orig. plan*

*ok
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6*