
West Virginia Office of Miners' Health, Safety and Training

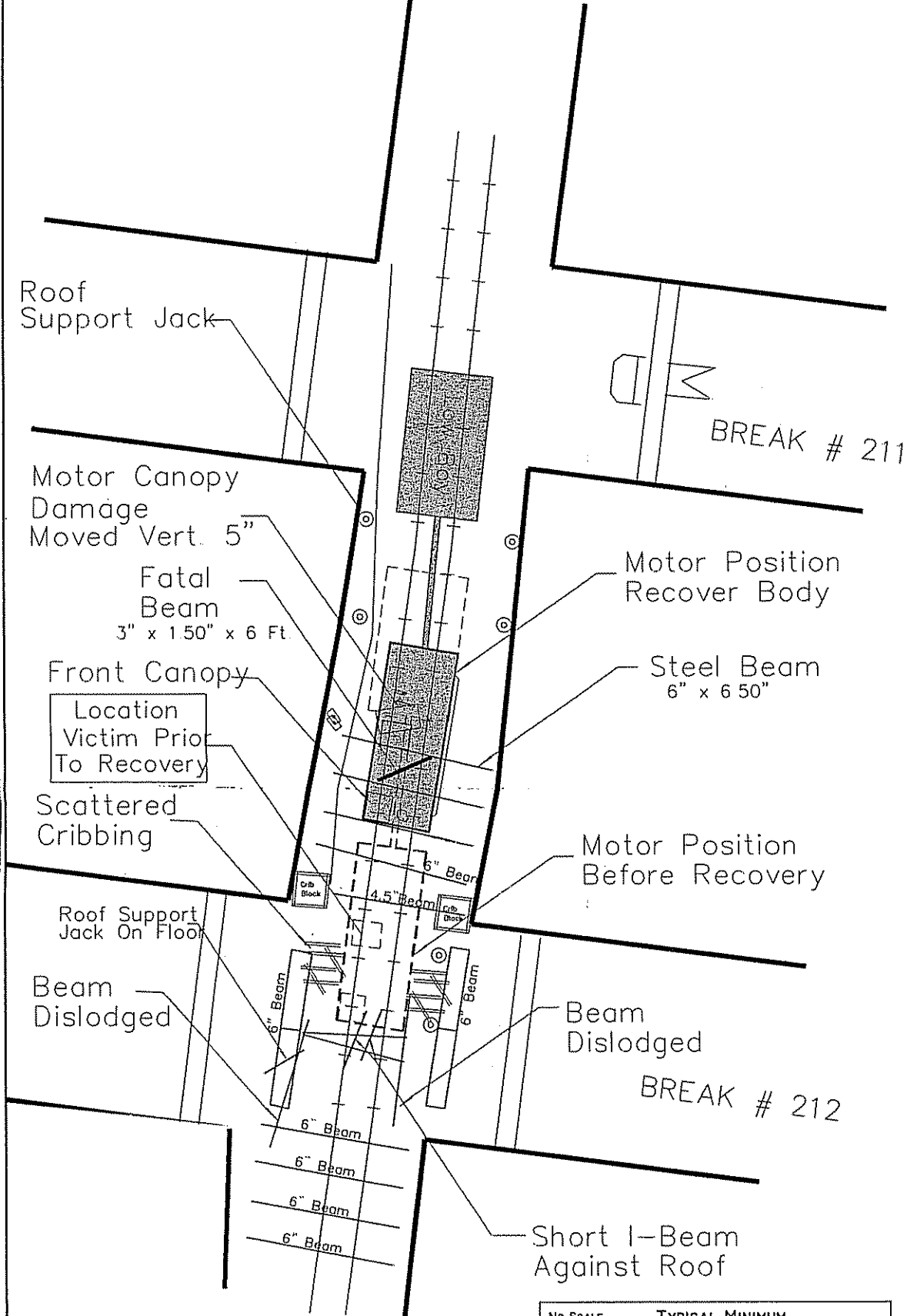
April 7, 2006

Fatal Underground Track Haulage Report
Southern West Virginia Resources, LLC
Spruce Creek Mine
Permit No. U-5785-AA

Region Three – Danville Office
137 Peach Court, Suite 2
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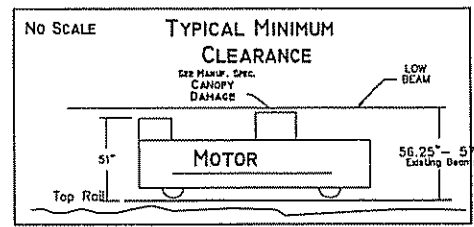
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ACCIDENT - FATAL
JACOB MINING CO., LLC.

7 APRIL 2006



SCALE 1" = 10 Ft.

MSHA ID.: 46-05978
 STATE ID.: SOUTHERN WEST VIRGINIA RESOURCES U-5785-AA/
 JACOB MINING COMPANY U-5785-AA-A

**Fatal Underground Track Haulage Report
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GENERAL INFORMATION

A fatal accident resulting from supplemental roof support material becoming dislodged and falling onto the 14-ton motor occurred on Friday, April 7, 2006 at Southern West Virginia Resources, LLC, Spruce Creek Mine located near Naugatuck, Mingo County, West Virginia. Robert Runyon, a 48 year-old superintendent of rehab and recovery, suffered fatal injuries at approximately 2:20 p.m. on April 7, 2006. Mr. Runyon was operating a Goodman Track Star 14-ton battery powered rail mounted locomotive with a track lowboy in tow at break no. 212 while en route from the Spruce Creek portal to no. 8 belt drive to retrieve disassembled belt drive equipment between Tom's Branch switch at break no. 190 and the Marrowbone Creek portal. The victim was recovered and removed from the mine at approximately 3:56 p.m. Mr. Runyon is survived by his wife Penny and resided at Belfry, Kentucky. He had been employed at this mine since June 13, 2005.

The West Virginia Office of Miners' Health, Safety and Training was notified at 2:39 p.m. by Jeff Wolford, Jacob Mining Company, Spruce Creek No. 1 mine owner, that a serious accident had occurred and would obtain more information from EMTs dispatched to the scene. At 3:20 p.m. it was a confirmed fatality. A joint investigation with the Mine Safety and Health Administration (MSHA) was started immediately.

Southern West Virginia Resources, LLC, Spruce Creek Mine is permitted with the Office of Miners' Health, Safety and Training, permit no. U-5785-AA. This mine was permitted to commence operation on June 13, 2005 and employs four (4) employees on eight-hour shifts supervising contract employees. The area where the accident occurred is referred to as the Marrowbone Creek track haul way.

DESCRIPTION

Robert Runyon, age 48, superintendent of recovery and rehabilitation at the Spruce Creek Mine began his regular shift at approximately 7:00 a.m. At 7:30 a.m. Mr. Runyon directed Paris Sheppard, Bill McClanahan and Jason Hamrick, all contract employees of Quality Enterprise, to take the rover (mantrip) into the area that is known as Tom's Branch at break no. 190 and get the scoop and take it inby up the track to the no. 8 belt drive where the crew had worked up to on Thursday, April 6, 2006 and begin to disassemble the drive for removal. Mr. Runyon also informed them to take necessary equipment with them to remove the canopy from the scoop because it wouldn't clear the low area at break no. 212.

After the rover carrying the crew previously mentioned had entered the mine, Mr. Runyon proceeded in the mine with another employee of Quality Enterprise on the Goodman Track Star 14-ton locomotive. Mr. Runyon was operating the motor and Chad Wilson was riding in the brakeman's compartment.

Mr. Runyon and Mr. Wilson arrived just outby break no. 212 and he and Mr. Wilson proceeded up to the scoop where they had already removed the canopy. Mr. Runyon and another employee removed the lights from the scoop so the scoop would clear under the low area at break no. 212. They loaded the canopy and lights on the scoop and they all walked up to the area of the no. 8 belt drive with the exception of Mr. Bill McClanahan who was operating the scoop. Sheppard and McClanahan loaded the tailpiece that had been removed into the scoop and secured it with a chain. Then Mr. McClanahan trammed the scoop back down (outby) the no. 8 head in the track entry. Mr. Sheppard stated the scoop with the tailpiece cleared the low area at break no. 212 all right.

They proceeded outby to where Mr. Runyon had parked the 14-ton motor with a lowboy attached. Mr. Sheppard maneuvered the 14-ton motor so that Mr. McClanahan could maneuver the scoop to load the tailpiece onto the lowboy. They left it set outby the accident scene (break no. 212) and proceeded back inby with the scoop to no. 8 head to continue dismantling the belt drive with Jason Hamrick.

Mr. Runyon and Mr. Wilson then walked back outby from the no. 8 head to where the 14-ton motor was parked with the tailpiece loaded onto the lowboy. Mr. Runyon and Mr. Wilson then proceeded to the surface to unload the tailpiece.

Mr. Runyon either made or took a phone call before he and Mr. Wilson proceeded underground to return to the area where the work was being done at or near no. 8 head. Mr. William Miller, fireboss/EMT, stated he let Mr. Runyon and Mr. Wilson who were on the 14-ton motor pass at break no. 50 where a track switch is located at approximately 2:00 p.m. Mr. Runyon and Mr. Wilson proceeded up to the Tom's Branch switch where Mr. Runyon directed Mr. Wilson to get the track rover off charge.

While Mr. Runyon and Mr. Wilson were taking the tailpiece out, Mr. Sheppard, Mr. Hamrick and Mr. McClanahan stayed at no. 8 head area to remove and load the boom into the scoop. When they got the scoop over to the track entry it broke down and was disabled so at approximately 2:00 p.m. they started walking back outby down the track entry from the no. 8 head toward Tom's Branch. While they were en route they saw lights coming and then heard a crash. They proceeded to break no. 212 where they came upon the scene and observed the situation.

Mr. Runyon told them he couldn't feel his legs and to help him. Mr. Hamrick was told to call for help. While Mr. Hamrick was en route to call out, Mr. Sheppard and Mr. McClanahan started cleaning cribs, beams and draw rock off the motor when they saw Mr. Runyon was impaled on the 4 inch steel I-beam that had become dislodged from the other supplemental roof support. The I-beam had come into the operator's compartment during the crash and also damaged the canopy over the operator's compartment to the point accurate measurements could not be obtained at the scene.

When the call came from the Tom's Branch phone to the surface about the accident at approximately 2:20 p.m., Shawn Norman, superintendent for Jacob Mining, and Mr. Miller, EMT for Jacob Mining, proceeded to the scene with Jasher Norman, mantrip operator. When they arrived they observed Mr. Wilson and another employee walking two (2) breaks outby. Mr. Miller, the EMT, stated they arrived at approximately 2:33 p.m. and he checked Mr. Runyon for vital signs and detected none to indicate Mr. Runyon had expired.

Mr. S. Norman, Mr. J. Norman and Mr. Miller attached a chain from the lowboy to the mantrip they rode in on to pull the motor and car back under supported roof to remove the I-beam from the victim. They made a makeshift stretcher out of chain link fencing to put the victim on for transportation and told Chris Muncy, second shift foreman, to call to verify a fatality. Mr. Muncy along with two other men had been sent to assist but when they arrived they talked to William Miller who then told them to call outside to keep the track clear.

Mr. Mike Propst and Mr. Kenny Morgan, employees of Southern West Virginia Resources, were already proceeding toward the scene and met the others coming out with the victim. They arrived on the surface at approximately 3:54 p.m. with the victim where members of STAT ambulance service and the Mingo County coroner examined the victim and pronounced him dead at approximately 4:00 p.m.

FINDINGS OF FACT

1. The canopy and lights on the 488 scoop were removed before the scoop would clear under the I-beams at break no. 212.
2. Mr. Sheppard and Mr. McClanahan loaded a tailpiece into the bucket of the 488 scoop and transported from the no. 8 head at break no. 219 back under the I-beams at break no. 212 to where the 14-ton Goodman Track Star motor and lowboy were parked and loaded the tailpiece onto the lowboy. Then they proceeded back to break no. 219.
3. Robert Runyon and Chad Wilson transported the tailpiece to the outside on the 14-ton Goodman Track Star motor and lowboy and after unloading the tailpiece returned to the Tom's Branch switch where Mr. Runyon let Mr. Wilson off.
4. Mr. Runyon continued towards break no. 212 where he struck the I-beams causing fatal injuries with the 14-ton Goodman Track Star motor.
5. The I-beams were not secured to the roof in a manner that would prevent the I-beams from falling in the event they became dislodged from the legs.

CONCLUSION

Mr. Robert Runyon, 48, was fatally injured when an unsecured 4 inch I-beam, approximately 72 inches in length, used as flooring for supplemental roof support became dislodged and impaled the victim while he was operating a Goodman 14-ton Track Star rail locomotive at break no. 212 along the Marrowbone Creek track haul way. The motor was being used to haul equipment being dismantled from the Tom's Branch switch to the Marrowbone Creek portal.

ENFORCEMENT ACTION

The Office of Miners' Health, Safety and Training issued a control order under Chapter 22, Article 2, Section 68. The order applied to the area of the Spruce Creek portal to the North

Marrowbone portal. The control order was issued for the protection of other employees and to control and preserve the scene of the accident pending the investigation.

The following is listed as a contributing violation:

(V-1) Chapter 22A, Article 2, Section 25(a): Page 6, Item 10 of the roof control plan: During the investigation of a fatality that occurred 4-7-06 at approximately 2:20 p.m., it was revealed that a 4 inch by 4 inch steel I-beam 72 inches in length became dislodged from atop unsecured 4 inch by 4 inch headers, that were installed on legs only, and impaled the victim while he was operating a Goodman 14-ton Track Star rail mounted motor at break no. 212 on the track entry leading to and from the Spruce Creek mine portal to the Marrowbone Creek portal.

The following is a list of non-contributing violations:

Southern West Virginia Resources, Spruce Creek Mine

(V-1) Chapter 22A, Article 2, Section 13: Dates, times and initials of the areas inby the Tom's Branch switch (break no. 190) area where men were conducting recovery work such as belt, belt structure and other equipment were not found to show a physical presence by a certified foreman that the areas were pre-shift examined on the day of the fatality on 4-7-06. This condition was revealed during an investigation of the said facility.

(V-2) Chapter 22A, Article 2, Section 13: During an investigation into a fatality that occurred on 4-7-06 at break no. 212, it was revealed a certified foreman had not conducted a pre-shift exam on 4-7-06 inby the Tom's Branch switch, inby to no. 8 head where men were to be working.

(V-3) Chapter 22A, Article 2, Section 60(f): During an investigation into a fatality that occurred on 4-7-06, it was revealed that first-aid materials were not provided within 500 feet of where men were working inby break no. 190 at Tom's Branch switch to the area around the no. 8 belt drive where recovery and removal of equipment were being conducted.

(V-4) Chapter 22A, Article 2, Section 37(o): The investigation of a fatality that occurred on 4-7-06 revealed the 14-ton Goodman Track Star motor involved in the accident had inoperable sand boxes when examined at the scene.

Jacob Mining, Spruce Creek No.1

(V-1) Chapter 22A, Article 2, Section 25(a): Page 6, Part 12 of the roof control plan: The approved roof control plan is not being complied with at this mine in that the crossbars that are installed along haulage roadways at various locations listed below are not provided with a means to prevent the crossbars from falling in the event the supporting legs are accidentally dislodged. Crosscut numbers 118, 127, 128, 129½, 131, 132, 133, 134½, 136, 143, 144½, 148, 173, 174 and 177.

RECOMMENDATIONS

Amendments to the mine roof control plan have been added to insure that additional support shall be examined by a foreman during the next pre-shift examination and verified that crossbars have been properly secured by making a written record of his observation in the pre-shift/on-shift examination book. See attachment.

ACKNOWLEDGMENT

The Office of Miners' Health, Safety and Training gratefully acknowledges the cooperation of the employees and management of Southern West Virginia Resources, LLC; Jacob Mining Company, LLC; Quality Enterprises, Inc. and the Mine Safety and Health Administration during this investigation.

C. A. Phillips, Deputy Director Date

Dennie Ballard, Assistant Inspector-at-Large Date

John Griffith, District Inspector Date

Harrison Stollings, District Inspector Date

APPENDIX

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

MINE INFORMATION

COMPANY Southern West Virginia Resources, LLC

MINE NAME Spruce Creek

WV PERMIT U-5785-AA MSHA PERMIT NO. 46-05987

ADDRESS P. O. Box 76, Naugatuck, WV 25685

COUNTY Mingo PHONE NO. 304-235-3867

DATE PERMIT ISSUED June 20, 2005

WORKING STATUS Active

LOCATION Big Branch Road off Rt. 65 near Naugatuck, West Virginia

UNION _____ NON-UNION X

DAILY PRODUCTION 0 ANNUAL PRODUCTION TO DATE 0

TOTAL EMPLOYEES 4

NUMBER OF SHIFTS 3

COAL SEAM NAME AND THICKNESS Coalburg, 84 inches

ACCIDENT INCIDENT RATE 0 LOST TIME ACCIDENTS 0

TYPE OF HAULAGE Conveyor belt

WVOMHST INSPECTOR John Griffith

DATE OF LAST INSPECTION February 23, 2006

NOTIFIED BY Jeff Wolford

NOTIFICATION TIME 2:39 p.m., April 7, 2006

CMSP – ANNIVERSARY DATE June 20, 2006

CMSP – CONTACT PERSON Mike Propst

INVESTIGATION

The following persons were present during the onsite investigation conducted on April 7, 2006.

SOUTHERN WEST VIRGINIA RESOURCES, LLC

Mike Propst	Superintendent of Mainline Belts
Roger Ball	Safety Consultant

JACOB MINING COMPANY, LLC

Shawn Norman	Superintendent
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MINE SAFETY AND HEALTH ADMINISTRATION

Jerry Cook	Accident Investigator
Vicki Mullins	Accident Investigator
Don Winston	Roof Control Inspector

OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

Dennie Ballard	Assistant Inspector-at-Large
John Griffith	District Inspector
Willie Barker	Safety Instructor

The following persons were present during the onsite investigation conducted on April 8, 2006.

SOUTHERN WEST VIRGINIA RESOURCES, LLC

Mike Propst	Superintendent of Mainline Belts
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JACOB MINING COMPANY, LLC

Shawn Norman	Superintendent
Dale Oliver	Mine Foreman
Jasher Norman	Mantrip Operator/Supply Man

TUG VALLEY SURVEYING, INC.

Alan Coffey	Surveyor
Doug Darath	Surveyor
Tim Sheppard	Surveyor

MINE SAFETY AND HEALTH ADMINISTRATION

Jerry Cook	Accident Investigator
Vicki Mullins	Accident Investigator
Don Winston	Roof Control Inspector

OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

Harrison Stollings	District Inspector
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The following persons were present during the onsite investigation conducted on April 9, 2006.

SOUTHERN WEST VIRGINIA RESOURCES, LLC

Mike Propst	Superintendent of Mainline Belts
Kenny Morgan	Maintenance Superintendent
Roger Ball	Safety Consultant

JACOB MINING COMPANY, LLC

Shawn Norman	Superintendent
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MINE SAFETY AND HEALTH ADMINISTRATION

Jerry Cook	Accident Investigator
Eugene Hennen	Technical Support
Don Winston	Roof Control Inspector

OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

John Griffith	District Inspector
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INTERVIEWS

The following persons were present during interviews conducted on April 10, 2006.

SOUTHERN WEST VIRGINIA RESOURCES, LLC

Jim Bunn II	Member
Robert Baldwin *	General Manager
Mike Propst*	Superintendent of Mainline Belts
David Hardy	Attorney
Denise Castie	Attorney
Karen Goreholt	Court Reporter

(* Denotes those interviewed)

JACOB MINING COMPANY, LLC

Jeff Wolford *	Owner/Operator
Shawn Norman *	Superintendent
Dale Oliver *	Mine Foreman
Christopher Muncy*	Second Shift Mine Foreman
William Miller *	Fireboss/EMT
Jasher Norman*	Mantrip Operator/Supply Man

(* Denotes those interviewed)

MINE SAFETY AND HEALTH ADMINISTRATION

Jesse Cole	Manager, District 4
Jerry Cook	Accident Investigator
Vicki Mullins	Accident Investigator
Don Winston	Roof Control Inspector

OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

C. A. Phillips	Deputy Director
Dennie Ballard	Assistant Inspector-at-Large
John Griffith	District Inspector
Harrison Stollings	District Inspector

The following persons were present during interviews conducted on April 12, 2006.

SOUTHERN WEST VIRGINIA RESOURCES, LLC

Jim Bunn II	Member
Robert Baldwin	General Manager
Denise Castie	Attorney
Karen Goreholt	Court Reporter

JACOB MINING COMPANY, LLC

Jeff Wolford	Owner/Operator
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QUALITY ENTERPRISES, INC.

Arthur White *	Foreman
James Thompson *	Foreman
Bill McClanahan *	Laborer
Paris Sheppard *	Laborer
Jason Hamrick *	Apprentice Miner
Chad Wilson *	Apprentice Miner

(* Denotes those interviewed)

BELO MINE SERVICE

Jimmy Hammonds *	Electrician
(* Denotes those interviewed)	

MINE SAFETY AND HEALTH ADMINISTRATION

Jerry Cook	Accident Investigator
Vicki Mullins	Accident Investigator
Don Winston	Roof Control Inspector

OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

James Dean	Director
Terry Farley	Health and Safety Administrator
Dennie Ballard	Assistant Inspector-at-Large
John Griffith	District Inspector
Harrison Stollings	District Inspector