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**FORMER MINE EMPLOYEE PLEADS GUILTY TO FEDERAL CHARGES IN CONNECTION WITH
AN INVESTIGATION AT UPPER BIG BRANCH MINE**

BECKLEY, W.Va. – A former Upper Big Branch (UBB) Mine employee pleaded guilty today before United States District Judge Irene C. Berger to two felonies in connection with a federal investigation at Performance Coal Company's Upper Big Branch Mine. Thomas Harrah, 45, of Comfort, Boone County, West Virginia, pleaded guilty to a two-count information, charging him with making a false statement on a document required to be maintained by the Federal Mine Safety and Health Act and with making false statements to a special agent of the Federal Bureau of Investigation (FBI) and a special investigator with the Mine Safety and Health Administration (MSHA).

U.S. Attorney Booth Goodwin stated, "Since shortly after the tragedy at Upper Big Branch, the President has been clear in his directives. He expects us to investigate the cause of the explosion, bring those responsible to justice, and take the steps necessary to prevent a similar tragedy from occurring again. This case arose from our investigation into the explosion and is directed at preventing a similar tragedy from happening again."

Harrah admitted that while employed at UBB Mine from January 2008 to August 2009, he performed mine foreman's duties including signing pre-shift and on-shift examination reports, even though he was not qualified as a foreman or an assistant foreman. As stipulated in his plea agreement, Harrah did not have and knew he did not have a mine foreman's certificate and was therefore not qualified to perform these examinations. Despite having failed the mine foreman's examination, Harrah in fact, used a false foreman's number on more than 200 occasions.

In August 2009, Harrah was transferred from Performance to the Marfork Coal Company (Marfork) which operated the Slip Ridge Cedar Grove Mine (Slip Ridge) located in Raleigh County. While employed at Slip Ridge, Harrah admitted to using a false foreman's number that did not belong to him to certify pre-shift and on-shift examinations on approximately three different occasions during one shift.

On October 22, 2010, Harrah was interviewed by a Federal Bureau of Investigation (FBI) special agent and by a special investigator with the Mine Safety and Health Administration (MSHA). During the interview, Harrah stated that he had taken and failed the mine foreman's examination. When he returned to work at Performance Coal, he informed an officer of Performance Coal that he had failed the examination. Harrah then stated that the officer provided him with a phone number to call. Harrah further stated that when he called the number that the individual on the phone provided him with a mine foreman's certification number. The defendant stated that he was also faxed a copy of a mine foreman's card, but that he had lost the card.

On October 28, 2010, Harrah was re-interviewed by the FBI and MSHA. Harrah admitted that he had been dishonest during the first interview with federal agents. The defendant further admitted that when he failed the examination, the Performance Coal officer did not give him a number to call, but instead discussed with him the possibility of retaking the examination. Harrah admitted that he did not retake the examination.

Harrah further admitted that after reviewing the examination book which listed individuals who had passed the foreman's examination, he changed a couple of digits on one of the numbers listed, and, a few months later, began using that number to sign pre-shift and on-shift examination books at Upper Big Branch mine.

When Harrah was interviewed by federal investigators on October 22, 2010, he knew that the information he provided them about how he had received the false foreman's number was untrue.

This investigation was conducted by the Federal Bureau of Investigation and the Mine Safety and Health Administration.

Harrah faces up to 10 years in prison and a \$500,000 fine when he is sentenced on August 11, 2011 at 10 a.m.

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