



Section I--Violation Data

1. Date Mo Da Yr 12/06/2011	2. Time (24 Hr. Clock) 0800	3. Citation/ Order Number 8227550
4. Served To Berman Cornett, Safety Director	5. Operator PERFORMANCE COAL COMPANY, et al	
6. Mine UPPER BIG BRANCH MINE-SOUTH	7. Mine ID 46-08436	(Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The operator has engaged in a practice of failing to conduct adequate onshift examinations in the north area of the mine where an explosion occurred on April 5, 2010 which resulted in 29 fatalities and serious injuries to two miners. The inadequate examinations occurred from October, 2009 up to the date of the explosion.

The practice includes violations of the following subsections of 75.362:

(a)(1) The operator failed to identify obvious accumulations of loose coal, coal dust, and float coal dust that were present in various locations in the entries and crosscuts of the travelways for HG 22, TG 22, and Longwall sections and on the sections. These hazardous conditions existed over

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.362
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Section II--Inspector's Evaluation

10. Gravity:

A. Injury or illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No

D. Number of Persons Affected: 029

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104(d)(2) 13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/
Order Number 8082692 F. Dated Mo Da Yr
03/17/2009

15. Area or Equipment North area of the mine affected by the explosion on 4/5/2010.

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

Section III--Termination Action

17. Action to Terminate

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

Section IV--Automated System Data

19. Type of Inspection (activity code) E06 20. Event Number 4440347 21. Primary or Mill

22. Signature Pat Stanfield 23908 David A Steffey 23. AR Number 24209

Mine Citation/Order
Continuation

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



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 12/06/2011	3. Citation/Order Number 8227550
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Section II--Justification for Action

Continuation of 8. Condition or Practice

several shifts and should have been observed, recorded and corrected by examiners.

(a) (2) The operator engaged in a practice of failing to conduct adequate onshift examinations of the longwall equipment within one hour of the shift change or before production began to ensure compliance with the respirable dust control parameters. Numerous deficiencies on the longwall equipment existed as cited in Order No. 8227558 and Citation No. 8227552.

(d) The operator had a practice of failing to test for methane at 20 minute intervals during the operation of the shearer. On the day of the explosion six (6) 20 minute tests for methane were not conducted.

The failure to identify and correct hazards in one area of the mine can result in injury or loss of life in another part of the mine, due to the confined nature of the underground mining environment. The operator's practice of failing to conduct adequate onshift examinations, as well as the operator's practice of failing to conduct adequate preshift and weekly examinations, exposed miners to ongoing hazards. This practice of failing to conduct adequate onshift examinations and to identify and correct obvious hazardous conditions contributed to the explosion on April 5, 2010 and the resulting 29 deaths, disabling injuries to one miner, and serious injuries to another miner.

The operator has engaged in aggravated conduct constituting more than ordinary negligence. This is an unwarrantable failure to comply with a mandatory standard.

This violation is issued as a flagrant violation.

This citation is being issued to the following entities as a unitary operator: Performance Coal Company, Massey Coal Services, Inc., A.T. Massey Coal Company, Inc., and Massey Energy Company.

See Continuation Form

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E06	10. Event Number 4440347		
11. Signature Pat Stanfield 23908 David A Steffey	AR Number 24209	12. Date Mo Da Yr 12/06/2011	13. Time (24 Hr. Clock) 0800