



Section I--Violation Data

1. Date Mo Da Yr 12/06/2011	2. Time (24 Hr. Clock) 0800	3. Citation/ Order Number 8249996
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"/>

Inadequate examinations have been conducted on the Headgate 22 DBT belt feeder s/n 54-2147. During inspection of the feeder, several permissibility deficiencies that have existed for weeks and should have been found and corrected by the examiners. The mine is on a 103 (i) spot for methane liberation and has a history of methane outburst in the mine floor. The operator has engaged in aggravated conduct constituting more than ordinary negligence. This is an unwarrantable failure to comply with a mandatory health and safety standard.

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 (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 75.512
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Section II--Inspector's Evaluation

10. Gravity:							
A. Injury or Illness (has) (is):		No Likelihood <input type="checkbox"/>	Unlikely <input type="checkbox"/>	Reasonably Likely <input checked="" type="checkbox"/>	Highly Likely <input type="checkbox"/>	Occurred <input type="checkbox"/>	
B. Injury or illness could reasonably be expected to be:		No Lost Workdays <input type="checkbox"/>	Lost Workdays Or Restricted Duty <input type="checkbox"/>	Permanently Disabling <input checked="" type="checkbox"/>	Fatal <input type="checkbox"/>		
C. Significant and Substantial:			D. Number of Persons Affected:				
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>	001				
11. Negligence (check one)							
A. None <input type="checkbox"/>		B. Low <input type="checkbox"/>		C. Moderate <input type="checkbox"/>		D. High <input checked="" type="checkbox"/>	
E. Reckless Disregard <input type="checkbox"/>							
12. Type of Action 104(d)(2)			13. Type of Issuance (check one)				
			Citation <input type="checkbox"/>		Order <input checked="" type="checkbox"/>		
			Safeguard <input type="checkbox"/>		Written Notice <input type="checkbox"/>		
14. Initial Action			E. Citation/ Order Number		F. Dated		
A. Citation <input type="checkbox"/>		B. Order <input checked="" type="checkbox"/>		C. Safeguard <input type="checkbox"/>		D. Written Notice <input type="checkbox"/>	
			8082692		Mo Da Yr 03/17/2009		
15. Area or Equipment H.G 22 belt feeder.							

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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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) E16	20. Event Number 4440348	21. Primary or Mill
22. Signature Keith McElroy		23. AR Number 24153