



Section I--Violation Data

1. Date Mo Da Yr 12/06/2011	2. Time (24 Hr. Clock) 0800	3. Citation/ Order Number 4900607
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 failed to evacuate the mine following a mine explosion on 04.05.2010 at 15:02. The Responsible Persons failed to initiate and conduct immediate evacuation of the mine when there is a mine emergency, which presents an imminent danger to miners due to fire, explosion, or gas or water inundations. An obvious imminent danger existed following the explosion at 15:02 as indicated by the following factors:

(1) Ten Carbon Monoxide sensors for the Pyott-Boone Atmospheric Monitoring System (AMS) went into alarm. The alarming sensors are located inby 4 North tailpiece. All these alarms occurred from 3 minutes 57 seconds until 4 minutes 48 seconds after the explosion at 15:02.

(2) The three sections (HG 22, TG22 and the Longwall) could not be contacted by mine telephones after the CO sensors went into alarm (over 10

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 75.1501(b)
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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: 012

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

12. Type of Action 104(a) 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 F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due A. Date Mo Da Yr 01/05/2012 B. Time (24 Hr. Clock) 0800

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 Patrick Alan Stanfield 23. AR Number 23908

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.



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 4900607
4. Served To Berman Cornett (Safety Director)	5. Operator PERFORMANCE COAL COMPANY, et al	
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Section II--Justification for Action

Continuation of 8. Condition or Practice

PPM CO).

(3) The second shift Longwall crew were 300 feet inby the Ellis Portal, track entry when the explosion occurred. Section foreman, Kevin Medley and his crew were hit with a blast of air, containing small particles of coal, rock and dust. This powerful blast knocked men's hats off. The air reversed in the belt/track entries at the Ellis Portal. These men traveled to the surface and reported to Wayne Persinger-Mine Manager, and Everett Hager-superintendent and Responsible Person.

(4) Testimonies stated the North UBB fan made a distinctly different sound that was not normal and dust came exiting the North Portal.

These obvious conditions indicated that an imminent danger existed following the explosion. At least two Responsible persons were at the two surface locations-Everett Hager at the Ellis Portal and Gary May at the North UBB portals. Wayne Persinger-Mine Manager at the Ellis Portal also knew of the obvious imminent danger. The Barrier Section miners exited the mine 34 minutes following the explosion and through testimonies some went home and did not know of the explosion until later that night. Two miners (Clifton Earls and Jeremy Woods) working underground in the South Portal, did not exit the mine until 04:10 p.m.

Historically the Hazards are paramount following a mine explosion. (Jim Walters mine explosion -2001 and Aracoma-2006) reflect the need for immediate evacuation of the mine. Further fatal accidents have occurred by failure to immediately evacuate the mine.

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 E16	10. Event Number 4440348		
11. Signature Patrick Alan Stanfield	AR Number 23908	12. Date Mo Da Yr 12/06/2011	13. Time (24 Hr. Clock) 0800