



Section I--Violation Data

1. Date Mo Da Yr 12/06/2011	2. Time (24 Hr. Clock) 0800	3. Citation/ Order Number 8244549
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 mine operator failed to revise the approved roof control plan dated May 14, 2005 during retreat of the 1 North Longwall Panel and development of Headgate 22 despite experiencing several ground failures. There are extensive mine workings in the Powellton seam, 170 feet above 1 North Panel, and areas that exceed 1,000 feet of depth. The following represent a list of ground control problems that were encountered after the start of the 1 North Longwall (050-0 MMU) section, Tailgate 22 (040-0), and Headgate 22 (029-0):

1. On or about November 16, 2009, a water inundation occurred when the longwall panel was between crosscuts 52-61. This location is significant in

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 75.223(a)(1)
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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: 040

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 The area inby 54 crosscut on the North Mains

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) E16 20. Event Number 4440348 21. Primary or Mill

22. Signature Norman G. Page 23304 John F. Godsey 23. AR Number 23127

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 8244549	
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Section II--Justification for Action

Continuation of 8. Condition or Practice

that it occurs beneath the transition in the overlying Powellton seam from a series of Longwall panels to room-and-pillar workings separated by a 270 foot wide barrier. Subsidence above the 1 North longwall panel occurred beneath the barrier, opening fractures that allowed communication between the Eagle and Powellton seams resulting in the water inundation. As a result of this event, (dark murky water) from the overlying mine blocked safe travel of the main return from the continuous mining section to the Bandytown fan via 1 North Headgate. On November 13, 2009, the average fan pressure recorded at Bandytown Fan was approximately -4 inches of water. On November 15, the fan pressure began to gradually increase. On the 16th, the rate of increase sharply rose and by the 18th, a maximum fan pressure of -17.0 inches of water was recorded. Hand written notation on the Bandytown Fan pressure chart indicated "pumps down". The event was not reported to MSHA.

2. A roof fall (40 feet by 20 feet by 8 feet) occurred on the 1 North Headgate gate road in the No. 2 entry at crosscut 50 on November 24, 2009.

3. Notations on the December 4, 2009 longwall production report indicate that a roof fall "10 feet high by 16 foot wide" occurred in the Headgate 1 North, extending from # 1 shield to about 15 feet outby the crusher. At this time, the face was between crosscuts 51-52 gob/solid transition zone in the Powellton Seam workings, located approximately 170 feet above. The operator's report to MSHA on December 5, 2009, stated that the roof fell out between bolts on the stage loader crusher, and blocked part of the primary escapeway. This was a drastic understatement of the roof fall's size.

4. Tailgate 22 was started (approximately first of March 2010) parallel to the Headgate 1 North, separated by an 80 foot-barrier. The new Tailgate 22 utilizes the same pillar size as the failed Headgate 1 North. A prudent operator should have recognized that the stability of the roof and rib would not have been expected to be different from that experienced on the failed Headgate 1 North and should have anticipated that the ground conditions would deteriorate in the anticipated high cover and multiple seam conditions.

5. Pillar size in the Headgate 1 North was inadequate for the depth and

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 Norman G. Page 23304 John F. Godsey				AR Number 23127		12. Date Mo Da Yr 12/06/2011			13. Time (24 Hr. Clock) 0800	



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Section II--Justification for Action

multiple seam mining conditions. On December 1, 2009, an inspector documented in his inspection notes that permanent stoppings were crushing out from adverse roof, beginning at crosscut 54 to crosscut 68 on Headgate 1 North. Floor heave was similarly experienced during development of the adjacent 22 Tailgate entries, separated from Headgate 1 North by only an 80-foot barrier.

6. Pillar size in the Headgate 1 North was inadequate for the depth and multiple seam mining conditions. On December 4, 2009, an inspector's notes documented that the roof and mine floor on Headgate 1 North near crosscut 67 had received damage from excessive weight causing heaving in the mine floor that had transferred to the coal ribs. The ribs had rolled out and damaged approximately 30 roof supports that were installed for the future longwall tailgate.

7. Inspector notes dated December 29, 2009, depict rock falling on the end of the tail drive. Conditions in face line were rough due to rock falling out of face.

8. A roof fall was reported on February 21, 2010, one crosscut inby survey station number 24062 in the track entry in the crossover between Headgate 22 and Tailgate 22. The roof fall was reported to be 20 feet by 20 feet by 7 feet, but the roof fall measured to be 85 feet long by 19.6 feet wide by 10 feet thick. A preshift record reveals this roof fall occurred on February 18, 2010.

9. Pillar size in some areas of the Tailgate 1 North was inadequate for multiple seam mining conditions when subjected to longwall loading conditions, for which the tailgate had not been designed. Although pillars had already been developed, analyses with readily available NIOSH pillar stability software (AMSS) would have revealed that supplemental roof support was recommended for areas in which pillars were not sufficiently large enough for the multiple seam mining conditions. The development of undersized pillars, resulted in roof falls beneath Powellton Seam gate entries.

See Continuation Form

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Section II--Justification for Action

10. Beginning on January 2, 2010, the production reports for Headgate 22 had numerous records stating that adverse roof conditions existed on the active section such as the following:

a. On February 11, 2010, spot bolted 1 RT from intersection to cut with 8 feet cable bolts. Cracks at 3 feet, 5 feet, 5 1/2 feet. Cut fell in needs cleaned up after bolting to it. 1 RT fell in. Top working thru entire break had to back up cable bolt to cut.

B. On February 12, 2010, adverse roof conditions across section 1-3.

c. On February 18, 2010, adverse roof conditions 1-3. Bolting ribs, #3 fell in had to back up and clean-up.

Numerous hazardous conditions listed in the production reports were not recorded in the required record book that is kept on the surface for such purpose.

The operator's failure to accurately record all ground failures during the retreat of the 1 North panel denied MSHA and the company the opportunity to recognize and further assess the developing patterns of widespread ground failures. Even a cursory investigation, using all available maps in combination with underground observations and pillar stability analyses, would have revealed that the approved roof control plan was inadequate for the conditions encountered on the 1 North and subsequent panels. Performing even a simple assessment of pillar stability with NIOSH software (AMSS) would have resulted in the generation of a (condition yellow) warning message, which recommends that additional supplemental supports be installed to enhance roof stability where pillars are too small in multiple seam conditions.

This citation is being issued to the following entities as a unitary

See Continuation Form

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Mine Citation/Order
Continuation

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



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Section II--Justification for Action

operator: Performance Coal Company, Massey Coal Services, Inc., A.T. Massey Coal Company, Inc., and Massey Energy Company

See Continuation Form

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