



Section I--Violation Data

1. Date Mo Da Yr 12/06/2011	2. Time (24 Hr. Clock) 0800	3. Citation/ Order Number 4900517
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)

The shearer is not maintained in permissible condition on the Headgate 21 section (050 MMU). The following conditions were observed during an ongoing investigation of a fatal accident that occurred on April 5, 2010:

- 1) One bolt is missing from the shearer XP enclosures retaining bar on the first compartment.
- 2) Lock washers are not being used for any of the bays of the shearer control panel XP.
- 3) There is a terminating diode in the shearer cable junction box that is partially terminated inside the box.
- 4) The incoming 4160 volt shearer cables gland nut is not supplied with a securing wire tie.
- 5) The shearer cable junction box has 10.9 bolts installed, while 12.9

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 75.1002(a)
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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: 008

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 Keith McElroy

23. AR Number 24153



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 4900517
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Section II--Justification for Action

Continuation of 8. Condition or Practice

bolts are the approved type.
 6) A piece of flatbar (not attached) is keeping the shearer termination box in place. The mounting bolts are removed.
 7) The left shearer cutter motor RTD is not connected as shown in the approval. The wiring from the RU1 (RTD unit) was connected to the two white wires of the motor and reads 0.6 ohms.
 8) The gland nut for the left cutter motor does not have a retaining screw to hold the gland nut in place.
 9) The methane monitor lens retaining strap has one bolt missing and the strap is bent.
 10) The haulage motor's ground fault protection circuitry was disabled on the JNA0 controller.

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 Keith McElroy	AR Number 24153	12. Date Mo Da Yr 12/06/2011	13. Time (24 Hr. Clock) 0800