



Section I--Violation Data

1. Date Mo Da Yr 12/06/2011	2. Time (24 Hr. Clock) 0800	3. Citation/ Order Number 8256984
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 Fairchild scoop (serial #T339-255), is not being maintained permissible, in that;

(1) The conduit over the operator's side battery power conductor is cut near the battery plug,

(2) the conduit cited as item #1 is not clamped to the battery plug,

(3) two packing glands where cables exit the XP enclosure containing the circuit breaker are not secured to prevent loosening,

(4) the battery leads exceed the required 36 inches. The off-side measures 54 inches and the operator's side measures 48 inches.

(5) no flat washers are provided for the bolts in the aluminum lid of the XP enclosure containing the circuit breaker,

(6) the plug in the unused entrance on the pump motor is not spot-welded,

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 75.503
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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 type="checkbox"/> Highly Likely <input checked="" 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 type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: 010	
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 A. Citation <input type="checkbox"/> B. Order <input checked="" type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number 8082692		F. Dated Mo Da Yr 03/17/2009
15. Area or Equipment Fairchild scoop (serial # T339-255)				

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 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.

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 8256984
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

(7) a keeper is not provided to secure the packing gland in the off-side of the tram motor,
 (8) flat washers on 6 of the bolts in the aluminum lid of the XP enclosure containing the foot switch do not match the flat washers used on the bolts in the remainder of the lid,
 (9) 6-1/2" X 3/8" holes are drilled in the lid of the XP enclosure of the off-side main controller,
 (10) a splice has been made in the power conductor for the brake solenoid, outside an XP enclosure,
 (11) the power conductor for the brake solenoid is not properly entered in the XP enclosure in the operator's deck containing the foot switch (direct flame path).
 (12) the Crown Battery Manufacturing Company Batteries (Company #HG22 128 volts D.C.) are not being maintained as per 30 C.F.R. Part 7 in that a splice has been made in the power conductors using welding plugs. Part 7.44(i) requires that all battery power conductors be connected to the cells using burnt on connections except at terminal ends. Part 7.44 (k) requires that all cables in battery boxes have Part 18 approval.
 (13) the Crown Batteries (Company #HG22) are not listed on the approval for this machine.
 (14) inside the XP enclosure for the foot switch two 20 amp fuses are provided. 15 amp fuses are required to provide the correct short circuit protection for this circuit.
 (15) the pump motor is fused with a 140 amp fuse. A 100 amp fuse is required to provide the proper short circuit protection.

The operator has a recent history of similar violations. The mine is on a 103(i) spot for methane liberation. This equipment was readily available for use on 04.05.2010. This scoop is located in the area affected by a mine explosion on 04.05.2010.

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

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

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

Mine Citation/Order
Continuation

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



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Section II--Justification for Action

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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