



Section I--Violation Data

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| 1. Date Mo Da Yr 12/06/2011 | 2. Time (24 Hr. Clock) 0800 | 3. Citation/ Order Number 4900584 |
| 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 Joy continuous miner (serial #JM4918B), located on the HG 22 (#1) section was not being maintained in a safe and permissible condition. The following defects affecting the permissibility of the machine are:
 (1) the X/P enclosure for the fire suppression battery back-up is not securely attached to the machine,
 (2) the X/P enclosure for the methane monitor power supply is not securely attached to the machine,
 (3) the trailing cable junction box (X/P enclosure) has plugs in two of the unused entrances that are not spot-welded,
 (4) the off-side cutter motor junction box (X/P enclosure) is not securely attached to the machine,
 (5) the master control station (X/P enclosure) has the interlock switch

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 |
|--------------|--|-------------------|---|

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(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 Joy continuous miner (serial #JM4918B)

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 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 4900584 |
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Section II--Justification for Action

Continuation of 8. Condition or Practice

taped in the closed position (this switch is designed to de-energize all components inside the enclosure in event someone removes the cover while the machine is energized-SAFETY SWITCH DEFEATED),
 (6) the lid switch on the methane monitor power supply is broken,
 (7) two packing nuts on the entrance glands in the trailing cable junction box are not secured from loosening,
 (8) the left rear MCI area light has a packing gland damaged to the degree that conductors may be damaged,
 (9) the guard is missing over the rear area light,
 (10) the left rear area light has a plug in an unused entrance that is not spot-welded, and
 (11) the off-side cutter motor junction box has two packing glands that are not secured from loosening,
 (12) the methane monitor sensor did not have a set screw at the cable entrance gland, and
 (13) the XP enclosure for the methane sensor has a lock washer missing from one of the bolts in the lid.

This mine is on a 103 (i) spot for methane liberation. This mine has a history of methane liberation: explosion/ignitions/outbursts. These factors increase the need to maintain electrical equipment permissible condition. This continuous miner was inspected following a mine explosion on 04.05.2010. Numerous citations/Orders are issued following investigation of the accident for failure to maintain electrical equipment permissible and failure of qualified electrician to make an adequate weekly electrical examination of electrical equipment to assure it is being maintained in a safe and permissible condition.

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 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 |
|----------------|------------------|------------------------|-------------------------------------|--|--------------------------------------|

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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