



Section I--Violation Data

1. Date Mo Da Yr 12/06/2011	2. Time (24 Hr. Clock) 0800	3. Citation/ Order Number 8258557
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 #T339-224) is not being maintained permissible, in that;

(1) three packing glands in the XP enclosure where the circuit breaker is located are not secured to prevent loosening,

(2) two plugs for unused entrances on the XP enclosure for the circuit breaker are not spot-welded or equivalent,

(3) The conduit over the main power conductor is cut near the packing gland where it enters the XP enclosure for the circuit breaker,

(4) the plug in the unused entrance in the housing for the battery indicator is not spot-welded or equivalent,

(5) the battery leads are not properly bushed at the packing glands where they enter the XP enclosure for the circuit breaker. The outer jacket

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 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: 010

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 <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
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15. Area or Equipment Fairchild scoop (serial #T339-224)

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)
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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 8258557
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

(flame-resistant) does not extend through the packing glands.
 (6) one of the bolts in the aluminum lid of the XP enclosure for the circuit breaker is not provided with a flat washer,
 (7) A 3" cut is present in the conduit for the tram motor, near the swivel,
 (8) the power conductor for the solenoid is spliced near the brake solenoid (off-machine component). The brake solenoid is not properly mounted. It is tied to other cables with a nylon rope.
 (9) the packing gland for the front off-side headlight needs additional packing. The outer part of the packing gland can be easily moved in/out of the inner part of the packing gland.
 (10) the plug in the unused entrance of the operator's side headlight has not been spot-welded or equivalent,
 (11) the conduit over the power conductor to the UVR is cut behind the XP enclosure on the off-side of the machine,
 (12) two packing glands on the back of the XP enclosure on the off-side of the machine are not secured from loosening,
 (13) one of the bolts in the aluminum lid for the foot switch is missing a flat washer,
 (14) the DC inverter (128 volts to 12 volts) is not mounted. It is lying inside the XP enclosure in the operator's deck where the foot switch is located,
 (15) one of the bolts in the aluminum lid of the off-side XP enclosure is not provided with a flat washer. Three bolts are provided with over-sized flat washers.
 (16) the battery plug on the Enersys batteries has been modified. It has been changed from a 3 to a 5 pin plug.

This mine is on a 103 (i) spot for methane liberation. The scoop has been allowed to fall into a state of disrepair. A separate citation is also to be issued for failure of a Qualified Electrician to make an adequate examination of the electrical equipment. Some of these defects are obvious to even a casual observer. Some of the cited conditions have been allowed to exist for a significant amount of time. The operator has a recent history of similar violations/Orders. The machine is to be cited for other defects; (1) audible warning device not maintained, (2) adequate overload/short circuit protection not provided, (3) fire suppression not maintained, (4) interlock at off-side

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



Section I—Subsequent Action/Continuation Data

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Section II—Justification for Action

XP enclosure (main) taped in the closed position, (5) Accumulations of combustibles, in the operator's deck (6) the protective canopy on the machine has been altered, and (7) plugs or quick couplings are not provided on the hydraulic PTO hoses. This is an unwarrantable failure to comply with a mandatory standard.

This machine is located at the mouth of HG 22, #3 entry at the second crosscut, 30 feet outby spad #24301. The scoop is located in an area affected by an explosion on 04.05.2010. The machine was in use on this date.

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

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