



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 8258558 |
| 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 audible warning device for the Fairchild scoop (serial #T339-224) is not being properly maintained, in that;

- (1) the device is not securely mounted to the machine,
- (2) it is located where it is not easily accessible to the operator, and
- (3) the automatic reset is broken, and it must be manually reset every time it is struck.

The device must be maintained to provide warnings when the mobile equipment is traveling through ventilation controls. The Fairchild scoop is located 30' outby spad #24301, #3 entry near the mouth of HG22. This area was affected by an explosion on 04.05.2010. The machine was in use on this date.

Standard 75.1403 was cited 43 times in two years at mine 4608436 (43 to

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 75.1403 |
|--------------|--|-------------------|--|

Section II--Inspector's Evaluation

| | | | |
|---|--|---|------------------------------------|
| 10. Gravity: | | | |
| A. Injury or Illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input checked="" type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input 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 checked="" type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/> | | | |
| C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | | | D. Number of Persons Affected: 001 |
| 11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/> | | | |
| 12. Type of Action 104(a) | | 13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/> | |
| 14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input checked="" type="checkbox"/> D. Written Notice <input type="checkbox"/> | | E. Citation/ Order Number 7233310 | F. Dated Mo Da Yr 08/17/2004 |

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

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|---|-----------------------------|------------------------|
| 19. Type of Inspection (activity code) E16 | 20. Event Number 4440348 | 21. Primary or Mill |
| 22. Signature Patrick Alan Stanfield | | 23. AR Number 23908 |

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 8258558 |
| 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) | |

Section II—Justification for Action

Continuation of 8. Condition or Practice

the operator, 0 to a contractor).

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 |