



Section I--Violation Data

1. Date Mo Da Yr 12/06/2011	2. Time (24 Hr. Clock) 0800	3. Citation/ Order Number 8250008
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"/>

During the inspection of the mine's electrical equipment and circuits it was determined that the practice of inadequate examinations, record keeping, frequency of examinations and poorly maintained equipment existed. Over 500 electrical citations were issued for thousands of safety defects. There was over 50 pieces of electrical equipment that were cited for permissibility defects following the April 5, 2010 mine explosion. The operator frequently skipped electrical examinations allowing hazardous conditions to continue to exist putting the operator and miners in the area at high risk of injury. The operator failed to perform the last required weekly exam on approximately 25 pieces of electrical equipment in the explosion area. Numerous hazards were found with many of these pieces of equipment. There were 22 individual pieces of equipment in the explosion

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 75.512
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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(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 Entire Mine.

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 Keith McElroy		23. AR Number 24153

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 8250008
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Section II--Justification for Action

Continuation of 8. Condition or Practice

area that the operator missed prior electrical examinations on. Section 75.512-2 explains that examinations shall be made at least weekly. The following is a list of electrical equipment that the operator skipped electrical examinations in the explosion area for the weeks preceding the last required weekly examination:

1. The TG#22 Fletcher roof bolter (S#2007060) had missing electrical examinations from 12/17/2009 through 1/14/2010. This bolt machine was observed with permissibility defects and accumulations of combustible material during this inspection.
2. The TG#22 Joy shuttle car (S#ET17650) had missing electrical examinations for the weeks of 12/17/2009 through 1/7/2010 and 1/10/2010 through 1/16/2010. This equipment was also observed with permissibility defects.
3. The TG#22 Joy shuttle car (S#ET17649) had missing examinations from 12/17/2009 through 1/7/2010.
4. The TG#22 Joy shuttle car (S#ET17651) had missing electrical examinations from 12/17/2009 through 1/7/2010 and the week of 1/10/2010 through 1/16/2010. This equipment was observed with permissibility defects and accumulations of combustible material.
5. The HG#22 Brookeville mantrip (S#8121) had missing electrical examinations for the week of 1/17/2010 through 1/23/2010, the week of 1/31/2010 through 2/6/2010, the week of 2/14/2010 through 2/20/2010, and the week of 2/14/2010 through 2/20/2010. This equipment was observed with overcurrent protection hazards and cable fitting hazards.
6. The TG#22, #1 head drive, had missing electrical examinations from 2/18/2010 through 3/19/2010. Production reports indicate that this belt was used during most of this time period.
7. The TG#22, #2 head drive, had missing electrical examinations from 2/18/2010 through 3/19/2010. Production reports indicate that this belt was used during most of this time period.
8. The Headgate #21 longwall section scoop charger was not examined the weeks of 2/11/2010, 3/14/2010, and 3/21/2010. This scoop charger was located in an area that was not being properly monitored with carbon monoxide sensors while located in primary intake air course.
9. The Headgate #21 longwall section welder had missing electrical

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



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Section II--Justification for Action

examinations for the weeks of 2/21/2010, 2/28/2010, 3/7/2010, 3/14/2010, and 3/21/2010. This equipment was observed in unsafe operating condition.

10. The Headgate #21 longwall section shield hauler charger had a missing exam for the week of 3/14/2010. This charger was located in an area that was not properly monitored with carbon monoxide sensors while located in the primary intake air course.

11. The 480 volt, break #84, de-watering pump located in the North Glory had a missing exam for the week of 3/13/10. This pump was observed with a flame path permissibility hazard.

12. The HG#22 AEEI power center (S#27011-2500-208) had missing electrical exams for four separate weeks between 1/15/2010 and 4/3/2010.

13. The TG#22, 480 volt booster pump, was not examined on 2/13/2010.

14. The HG#22, Ingersoll Rand scoop (S#488-1253), had a missing electrical exam for the week of 2/21/2010 through 2/28/2010. The equipment was observed with permissibility defects and overcurrent protection defects.

15. The Headgate #21 longwall section forklift charger had missing electrical examinations for the weeks of 1/24/2010, 1/31/2010, 2/21/2010, 2/28/2010, and 3/7/2010. This charger was located in an area that was not properly monitored with carbon monoxide sensors while located in the primary intake air course.

16. The Joy shuttle car (S#ET17017) had numerous missing electrical examinations and was available for use. It had numerous electrical defects that were not recorded and corrected.

17. The 480 volt, 58 H.P., pump located at the 128 cross-cut at the Glory Hole area had a missing electrical exam during the week of 3/13/2010. A permissibility hazard was observed for this pump.

18. The 480 volt, 5 H.P., pump located at the 106 cross-cut of the North Glory Mains had a missing electrical exam during the week of 3/13/2010.

19. The HG#22 section belt drive had missing electrical exams for the weeks of 2/27/2010, 3/6/2010, 3/13/2010, and 3/20/2010.

20. The Tailgate 22 Fletcher double head roof bolter s/n 2007046 had a missing exam from 1/10/10 thru 1/19/10.

21. The Brookville mantrip s/n 8121 was not examined from 1-31-10 thru 2-6-10, 1-17-10 thru 1-23-10, 2-14-10 thru 2-20-10 and 2-21-10 thru 2-27-10.

22. The Joy miner s/n JM6044 was not examined for the weeks of 2/13/2010, 3/6/2010 and 3/13/2010 three conditions were found during inspection.

See Continuation Form

Section III--Subsequent Action Taken

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Section II--Justification for Action

23. The shield hauler on the Headgate 21 Longwall was not being examined weekly and the charger for the week ending 3/14/2010.

The operator has failed to provide an adequate program to ensure the safe operation, maintenance and examination of the electrical equipment at this mine. It is evident the operator has a practice through the excessive number of citations that the program is not effective in assuring the safe operating condition of electrical equipment. Included with the over 500 electrical violations observed, the operator had additional violations for 75.400, 75.1710, and 75.1725(a) on several pieces of equipment.

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

This mine is on a 103(i) spot for methane liberation, increasing the necessity of maintaining electrical equipment in safe operating condition. On 4/5/2010 an underground explosion occurred. To reduce hazards associated with unsafe electrical equipment, the operator must provide an electrical program that assures all equipment is being frequently examined, tested, and maintained by qualified person's. It is evident that the operator's program prior to April 5, 2010 was deficient in frequently examining electrical equipment, identifying electrical equipment hazards, and ensuring that electrical equipment hazards are corrected. The frequency of required electrical equipment examinations is described in section 75.512-2 to be at least weekly. The operator failed to comply with this requirement and as a term of abatement for this violation, the operator must establish a program that ensures that electrical equipment is maintained in safe operating condition. Also the training plan must address any petitions for modification and field modification on electrical equipment, so electrical examiners will have knowledge of those changes. With the mine's accident history, this program must at least provide electrical equipment examinations twice within the period required in equal intervals. This program must be addressed in the operator's training plan. Electrical examiners need to be task trained on this new requirement and also trained in performing proper electrical examinations. Only individuals that have been trained as

See Continuation Form

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Mine Citation/Order
Continuation

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



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electrical examiners can be allowed to conduct the required examinations.

This violation is a flagrant violation.

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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