



Section I--Violation Data

1. Date Mo Da Yr 12/06/2011	2. Time (24 Hr. Clock) 0800	3. Citation/ Order Number 8258543
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 Shuttle Car (serial #ET17017) is not being maintained permissible, in that;

(1) the rear off-side Joy headlight has a gap in the XP enclosure that exceeds the required 0.006" for a step flange joint, (direct flame path),

(2) the bolt to secure the lens of the rear off-side Joy headlight is missing,

(3) the unused entrance of the conveyor motor is not spot-welded, or equivalent,

(4) the packing gland for the power cable at the off-side rear headlight is not secured to prevent loosening,

(5) the unused entrance in the off-side tram motor is not spot-welded, or equivalent,

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: 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 Joy shuttle car (serial #ET17017)

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 8258543
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Section II--Justification for Action

Continuation of 8. Condition or Practice

- (6) the unused entrance in the operator's side tram motor is not spot-welded, or equivalent,
- (7) 6 cables entering the Main Controller (XP enclosure) are not properly entered. The outer jacket of the cable is cut off and only insulated wires extend through the packing glands.
- (8) the conduit protecting the power conductors at the junction box for the cable reel is cut,
- (9) one of the packing glands in the cable reel junction box is damaged to the degree that conductors inside the packing gland may be damaged,
- (10) the conduit is not clamped to the packing gland at the cable reel junction box, and
- (11) the packing gland in the cable reel junction box is damaged to degree that conductors inside can be expected to be damaged.
- (12) the main circuit breaker has the instantaneous set on high-900 amps. A #2 AWG trailing cable supplies 480 volts to the car. The instantaneous is required to be set on 800 amps to provide the proper short circuit protection.
- (13) the instantaneous for the tram breaker is set on high-1500 amps. The instantaneous is required to be set on 1175 amps to provide the proper protection.

The operator has a recent history of similar citations.

The car is located near the Mother Drive Construction Area on the North Mains, adjacent to spad #20406. This area was affected by an explosion on 04.05.2010. The car was not in use on 04.0-5.2010; however, it was readily available for use.

The mine has a history of methane liberation and is on a 103(i) spot for methane liberation.

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
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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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