



Section I—Violation Data

1. Date Mo Da Yr 12/06/2011	2. Time (24 Hr. Clock) 0800	3. Citation/ Order Number 8258586
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"/>

An Qualified Electrician has failed to conduct an adequate weekly examination of the Joy continuous miner (serial #JM4657D). The Operator's record of weekly electrical examinations fails to reflect that a Qualified Electrician had conducted an examination of this continuous miner during the week 04.03.2010. Five citations are issued affecting the safe operation of the machine. These are;

- (1) Citation #8258579 is issued citing 30 C.F.R. Part 75.503 for failure to maintain the machine in permissible condition,
- (2) Citation #8258580 is issued citing 30 C.F.R. Part 75.1719-1 for failure to comply with the Approved STE (lighting system),
- (3) Citation #8258583 is issued citing 30 C.F.R. Part 75.515 for the 3/0 trailing cable not being properly bushed where it enters the junction box

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health 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: 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  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 # JM4657D) until all defects are corrected, an adequate Electrical Examination is conducted and recorded in an Electrical Examination Record Book

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



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 8258586
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

on the machine,  
(4) Citation #8258584 is issued citing 30 C.F.R. Part 75.907 for the shielding of the medium voltage cable (995 volts) not effectively connected to a ground, and  
(5) citation #8258585 is issued citing 30 C.F.R. Part 75.902 for the fail safe ground check circuit short-circuit inside the junction box on the machine.

The following electrical components on the Joy Continuous Miner (serial #JM4657D) are not being properly maintained:

- (1) the wires from the safe-pak to the low oil warning light are disconnected. This allows the low oil light to burn at all times. The machine is only designed to give warning in the event of low oil. This condition can allow the hydraulic pump to overheat, presenting a fire hazard.
- (2) the safe-pak is not mounted inside the XP enclosure of the main controller.

The operator has a recent history of similar citations/Orders. The Joy miner is located inby spad #24107 on the North Mains. This area was affected by an explosion on 04.05.2010. The machine was not in use on this date; however, it was readily available for use (turn-key condition). It is a practice at this mine to conduct an inadequate electrical examination of electrical equipment. The complete state of disrepair of this continuous miner makes it evident. This mine liberates methane and is currently on a 103 (i) spot for methane liberation. This machine was used prior to 04.05.2010 to assist in constructing overcasts near the mouth of HG22 (Mother Drive Construction Area).

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