



Section I--Violation Data

1. Date Mo Da Yr 12/06/2011	2. Time (24 Hr. Clock) 0800	3. Citation/ Order Number 8258606
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 Bucyrus shield hauler (serial #630-1027R1) is not being maintained permissible, in that;

(1) the power disconnect button, located in the operator's deck fails to open the switch in the off-side XP enclosure (corrected at the time of the inspection),

(2) three bolts in the aluminum lid of the XP enclosure containing the circuit breaker are not provided with flat washers,

(3) a bolt is broken in the lid of the operator's side front headlight (direct flame path),

(4) the packing gland for the conductor entering the front operator's side head light is not secured from loosening,

(5) two packing glands in the off-side of the XP enclosure for the circuit

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: 007

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 Bucyrus shield hauler (serial # 630-1027R1)

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)

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 8258606
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

breaker are not secured, lead seal wire broken,  
(6) the plug in the unused entrance of the pump motor is not spot-welded or equivalent,  
(7) Adequate short circuit protection is not provided for the UVR (under voltage release) circuit for the circuit breaker. A 30 amp fuse is in use to provide protection for the circuit. A 15 amp fuse is required to provide the proper short circuit protection for the circuit.

The Bucyrus shield hauler is located near spad 22552. The machine is located in an area affected by an explosion on 04.05.2010. The machine was not in use on this date; however, it is readily available for use. The batteries are connected to a charger which has the disconnect located just inby the Distribution box adjacent to #7 North Drive.

Following the explosion on 04.05.2010, inspection of electrical equipment revealed a high number of similar citations/Orders. This reflects a failure of management to assure that electrical equipment is maintained in a safe and Approved condition. This mine has a history of methane liberation. A methane explosion occurred in 1997. The mine experienced methane outbursts in 2003 and 2004. This mine is on a 103(i) spot for methane liberation, increasing the need to maintain electrical equipment used within 150 feet of the longwall face and returns in permissible condition. Item #3 allows for a direct flame path for components inside the explosion-proof enclosure to ignite outside surrounding flammable/explosive atmospheres. The area where the shield hauler is located is also cited for accumulations which could allow an ignition to become an explosion, resulting in fatal injuries.

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