



Section I--Violation Data

1. Date Mo Da Yr 12/06/2011	2. Time (24 Hr. Clock) 0800	3. Citation/ Order Number 8258611
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 agent of the operator (Qualified Electrician) has failed to make an adequate weekly electrical examination of the Bucyrus shield hauler (serial #630-1027R1) for weeks prior to 04.05.2010. The machine has been allowed to fall into a complete state of disrepair. Six citations are issued affecting the safe operation of the electrical equipment. These are;

(1) Citation #8258605 is issued citing 30 C.F.R. Part 75.523-2(b) for not being able to reset the circuit breaker from the operator's deck,

(2) Citation #8258606 is issued citing 30 C.F.R. Part 75.503 for failure to maintain the equipment in permissible condition,

(3) Citation #8258608 is issued citing 30 C.F.R. Part 75.1403 for failure to maintain the audible warning device,

(4) Citation #8258609 is issued citing 30 C.F.R. Part 75.1710-1 for failure

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 Bucyrus shield hauler (serial # 630-1027R1) until all the cited defects are corrected, an Agent of the operator (Qualified Electrician) makes an adequate examination of the electrical equipment,

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



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 8258611
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

to properly install the protective canopy over the operator's deck, (5) Citation #8258610 is issued citing 30 C.F.R. Part 75.1107-9(b) for failure to maintain the dry chemical fire suppression system installed on the machine.

The shield hauler is located near spad #22552. This area is affected by an explosion on 04.05.2010. The equipment was not in use on this date; however, it was readily available for use on this date. The batteries are connected to a 480 volt charger which has the disconnect located in by a distribution box adjacent to #7 North Drive.

Some of the cited conditions are obvious to even the most casual examiner and have existed for a significant amount of time. The mine is currently on a 103(i) spot for methane liberation, increasing the necessity of maintaining electrical equipment in a safe and approved condition. Poor quality examinations equal poor quality condition of equipment, as evident by the number of citations issued on this electrical equipment. The operator has a recent history of similar citations/Orders.

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.

Continuation of 15. Area or Equipment

and the record is entered in the Electrical Record Book

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