



Section I--Violation Data

1. Date Mo Da Yr 12/06/2011	2. Time (24 Hr. Clock) 0735	3. Citation/ Order Number 8405506
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 Long Airdox Shield Hauler (s/n 636-1012) is not being maintained in permissible condition.

- 1.) The breaker panel box lid has 2 bolts missing.
- 2.) The main and breaker control panels do not have the same length bolts.
- 3.) The battery end off-side headlight has 2 lock washers missing from the lid and the other side light has a bolt missing.
- 4.) One of the flat washers is missing from the deck-mounted control station panel lid.
- 5.) The battery lead cables are too long; one is 43 inches and the other is 52 inches long.
- 6.) The battery leads have a welding plug spliced into the leads and there is a splice in the lead that is not adequately insulated.

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: 006

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 The Long Airdox Shield Hauler (s/n 636-1012).

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 Randall Lewis		23. AR Number 24262

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 8405506
4. Served To Berman Cornett-Safety Director	5. Operator PERFORMANCE COAL COMPANY, et al	
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Section II--Justification for Action

Continuation of 8. Condition or Practice

- 7.) The deck-mounted speed indicator has the wrong bolt in the cover. The bolt is not the correct bolt for the lenses.
- 8.) There is a cut conduit and the cable is lying on the drive shaft. The conduit has been taped.
- 9.) The pump motor cable has been pulled from the gland exposing the insulated power leads. The cable being pulled from the gland results in a flame path to the internal arc sources of the DC motor.
- 10.) The gland nut for the master controller in the operator deck is not secure.
- 11.) The battery does not have an approval tag.
- 12.) The Stahl barrier relay does not have an IA number on the tag.

This mine has a history of methane liberations and methane ignitions. The conditions would be obvious when conducting proper examination. Order 8405514 is issued in conjunction for failure to conduct adequate examination. Citations 8405511, 8405512, and 8405513 are also issued in conjunction. The lack of corrective action shows the operator has engaged in aggravated conduct constituting more than ordinary negligence by ignoring hazards and failing to correct obvious hazards that proved to be detrimental to the health and safety of the miners. 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, 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 Randall Lewis	AR Number 24262	12. Date Mo Da Yr 12/06/2011	13. Time (24 Hr. Clock) 0735