



Section I--Violation Data

1. Date Mo Da Yr 12/06/2011	2. Time (24 Hr. Clock) 0800	3. Citation/ Order Number 4900279
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 Ingersol Rand "Maintenance scoop (serial #488-1253, located on HG22 section) is not being maintained permissible, in that;

(1) the packing glands (2) are not secured where the leads enter the XP enclosure containing the circuit breaker,

(2) the plug used to seal the unused entrance in the tram motor is not spot welded,

(3) the packing gland where the tram motor power conductor exits the XP enclosure containing the circuit breaker is not secured,

(4) the plugs used to seal the unused entrances in the XP enclosure containing the circuit breaker are not spot-welded,

(5) both battery leads exceed the required 36 inches. The operator's side is 39 inches and the off-side is 43 inches long.

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 Ingersol Rand "Maintenance" scoop (serial # 488-1253)

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

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 4900279
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

- (6) two of the bolts in the lid on the XP enclosure containing the circuit breaker are used to mount the bracket for the reset cable to the circuit breaker.
- (7) the packing glands for three of the cables exiting the front of the XP enclosure for the circuit breaker are not secured from loosening,
- (8) the plug used to seal the unused entrance in the off-side main XP enclosures is not spot-welded,
- (9) seven of the packing glands at the back of the off-side main XP enclosure are not secured to prevent loosening,
- (10) the bolts (fasteners) used in the lid of the off-side main XP enclosure are not uniform.
- (11) the main circuit breaker is set on I-2110 amps. The correct setting to provide the proper short circuit protection is 1500 amps.
- (12) a 10 amp fuse is provided for the shunt trip to the circuit breaker instead of the required 5 amp.

The operator has a recent history of similar violations/Orders. This machine is Approved as Permissible. It is operated inby the last open crosscut and returns. This mine is on a 103(i) spot for methane liberation.

The cited conditions are obvious, extensive, and some have existed for a significant amount of time. The cited conditions pose a high degree of danger to the scoop operator and HG 22 miners.

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