



Section I--Violation Data

1. Date Mo Da Yr 12/06/2011	2. Time (24 Hr. Clock) 0800	3. Citation/ Order Number 4900514
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 mine operator has failed to maintain all electrical equipment in the Headgate controller area which is located approximately 119 feet from the longwall face on the Headgate 21 section (MMU 050) in permissible condition. The following conditions were observed during an ongoing investigation of a fatal accident that occurred on April 5, 2010:

- 1) The output shearer cable from the visible disconnect box does not have an inner packing bushing and packing material is protruding into the enclosure.
- 2) The lighting cables entering the Tail Drive disconnect XP enclosure has been shaved to allow them to enter the entrance gland.
- 3) The lighting cables entering the Tail Drive disconnect have not been properly packed to prohibit the packing nuts from having less than 1/8 inch

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 75.1002(a)
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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 The Longwall Headgate Controller, Tail Drive Disconnect, and Shearer Disconnect.

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 Keith McElroy 23. AR Number 24153

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 4900514
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Section II--Justification for Action

Continuation of 8. Condition or Practice

clearance.

- 4) The outgoing lighting cable packing nut does not have a wire seal to prevent it from loosening at the Tail Drive disconnect.
- 5) The Shearer Disconnect Lighting cable has the outer jacket shaved so the cable will enter the packing gland.
- 6) The Shearer Disconnect Lighting cable packing nut does not have over 1/8 inch clearance.
- 7) The Shearer Disconnect Lighting cable does not have a wire seal to prevent it from loosening.
- 8) The DC welding cable XP coupler plugged into the headgate box is not properly installed with a single jacket cable as required.
- 9) A non-permissible plug is being used for the coupler called 46 shield face pump on the outby end of the headgate controller XP box.
- 10) The midface #2 readout entrance hole to the headgate controller XP box is cut on both sides. The operator is using a short portion of cable to plug the unused entrance gland.
- 11) The ganged emergency stop switch that de-energizes the 480 volt supply to the Headgate controller is bypassed. A terminating diode is observed near the entrance gland from pilot to ground.
- 12) The 110 lighting power supply cable that connects to the headgate box has been cut down to allow the cable to enter the B-66 permissible plug.
- 13) The methane monitor warning light at the headgate controller area has two lock washers missing on the lens cover plate and a bolt missing on the bottom step flange.
- 14) The Tail Face No. 1 Readout cable gland nut does not have a wire seal to prevent loosening.
- 15) The Control Startup alarm box beside of the headgate controller has a spliced #14/C SOOW cable and #14/4C DJ cable by the box.
- 16) The ACT control power fuse FU47 is a 15 amp fuse and the approved drawing reflects a 10 amp fuse is to be used.
- 17) The cable exiting the headgate control box and entering the control startup alarm box cable has a taped splice.

All these conditions constitute more than ordinary negligence by the operator. This violation is an unwarrantable failure to comply with a

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 Keith McElroy	AR Number 24153	12. Date Mo Da Yr 12/06/2011	13. Time (24 Hr. Clock) 0800



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Section II--Justification for Action

mandatory standard.

This violation is a flagrant violation.

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

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