



Section I--Violation Data

1. Date Mo Da Yr 12/06/2011	2. Time (24 Hr. Clock) 0955	3. Citation/ Order Number 8405571
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"/>

There are inadequate training records and missing training records at the Upper Big Branch Mine. Many records were improperly filled out. Many records were not being maintained for the required two year period. A thorough review of training records and employee testimony was conducted by MSHA's Educational and Field Services Representative and the following missing records have been identified:

- 1) [REDACTED] Inadequate experienced miner training records were observed. A task training record with the experienced miner training block checked was observed and the person providing the training was [REDACTED] (an employee not shown on an instructor listing).
- 2) [REDACTED]. A record could not be found that annual refresher training was received for March 2010.

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 48.9(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: 001

11. Negligence (check one) A. None  B. Low  C. Moderate  D. High  E. Reckless Disregard

12. Type of Action 104(a) 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 F. Dated Mo Da Yr

15. Area or Equipment

16. Termination Due	A. Date Mo Da Yr 01/05/2012	B. Time (24 Hr. Clock) 0800
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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 8405571
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

- 3) [REDACTED] No record could be found that he had received task training as a [REDACTED]
- 4) [REDACTED]. A record could not be found that he had received annual refresher training in March 2010.
- 5) [REDACTED]. A task training record could not be found for an assigned task for 11/6/2008.
- 6) [REDACTED]. A task training record could not be found for his assigned duties as a [REDACTED]
- 7) [REDACTED]. A record was not provided for receiving experienced miner training on 7/6/2009.
- 8) [REDACTED]. An experience miner training record was not completed. A task training record was not filled out correctly and mentions that experienced miner training, mine map, and task training for three pieces of equipment was given on 7/6/2009. Another record indicates that [REDACTED] received newly employed experienced miner training at another ID 4607273 at the training center.
- 9) [REDACTED]. An incomplete training record is observed and shows task training, experienced miner training, and mine map filled out by [REDACTED] on 7/6/2009.
- 10) [REDACTED]. An incomplete training record is observed and shows task training, experienced miner training, and mine map filled out by [REDACTED] on 7/17/2009.

The operator has not provided proper training to individuals filling out training records. The operator does not have a proper program in place to remedy missing or incomplete training records. The operator should have caught this during a safety audit of the records.

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) 0955