



Section I--Violation Data

1. Date Mo Da Yr 12/06/2011	2. Time (24 Hr. Clock) 0930	3. Citation/ Order Number 8405565
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 failed to provide task training as required. A representative of MSHA's Educational Field Services conducted a thorough review of Performance Coal Company training documents and miner testimony and determined that many of the miners were not given task training as required. Employees did not receive task training included:

- 1) [REDACTED] did not receive the required task training as a [REDACTED] before performing the new work task.
- 2) [REDACTED] did not receive the required task training as a [REDACTED] before performing the new work task.
- 3) [REDACTED] did not receive the required task training on the [REDACTED] before performing the new work task.
- 7) [REDACTED] did not receive the required task training

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 48.7
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Section II--Inspector's Evaluation

10. Gravity:					
A. Injury or Illness (has) (is):	No Likelihood <input type="checkbox"/>	Unlikely <input type="checkbox"/>	Reasonably Likely <input type="checkbox"/>	Highly Likely <input checked="" type="checkbox"/>	Occurred <input type="checkbox"/>
B. Injury or illness could reasonably be expected to be:	No Lost Workdays <input type="checkbox"/>	Lost Workdays Or Restricted Duty <input type="checkbox"/>	Permanently Disabling <input type="checkbox"/>	Fatal <input checked="" type="checkbox"/>	
C. Significant and Substantial:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	D. Number of Persons Affected: 001		
11. Negligence (check one)					
A. None <input type="checkbox"/>	B. Low <input type="checkbox"/>	C. Moderate <input type="checkbox"/>	D. High <input checked="" type="checkbox"/>	E. Reckless Disregard <input type="checkbox"/>	
12. Type of Action 104(d)(2)		13. Type of Issuance (check one)			
		Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>			
14. Initial Action			E. Citation/ Order Number	F. Dated	Mo Da Yr
A. Citation <input type="checkbox"/> B. Order <input checked="" type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>			8082692		03/17/2009

15. Area or Equipment All employees listed in the condition and practice.

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)

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 8405565
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

before beginning new work tasks on 12/12/2008.

- 8) [REDACTED] began work on 11/11/2008. He did not receive the required task training until 1/12/2009, 9/24/2009, and 12/12/2009.
- 9) [REDACTED] began work on 12/16/2009. He did not receive the required task training before beginning new work tasks.
- 10) [REDACTED] did not receive the required task training before beginning new work tasks on or after 5/13/2009.
- 11) [REDACTED] did not have any records to show that he had received the required task training before beginning new work tasks.
- 12) [REDACTED] did not receive the required task training before beginning the job task.
- 13) [REDACTED] did not receive the required task training before beginning the job task.
- 14) [REDACTED] not receive the required task training before beginning the job task.
- 15) [REDACTED] did not receive the required task training before beginning the job task.
- 16) [REDACTED] did not receive the required task training before beginning the job task. He began work on 1/29/2010 and did not receive training until 2/18/2010.
- [REDACTED] did not receive the required task training before beginning the job task.
- 18) [REDACTED] did not receive the required task training before beginning the job task.
- 19) [REDACTED] did not receive the required task training before beginning the job task.
- 20) [REDACTED] did not receive the required task training before beginning a new work task.

The Federal Mine Safety and Health Act of 1977 states that an untrained miner is a hazard to himself and others. The violation 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

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) 0930

Mine Citation/Order
Continuation

U.S. Department of Labor
Mine Safety and Health Administration



Section I--Subsequent Action/Continuation Data

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Section II--Justification for Action

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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