



November 28, 2012

Mr. James A Simpson  
General Manager  
#4 Mine  
Ten-Mile Coal Co., Inc  
1306 Canyon Road  
Morgantown, WV 26508

Dear Mr. Simpson:

In accordance with Section 104(e) of the Federal Mine Safety and Health Act of 1977 (Mine Act) and 30 CFR Part 104, the Mine Safety and Health Administration (MSHA) conducted a pattern of violation (POV) screening of compliance records and of accident and employment records for the 12-month period ending September 30, 2012 for the #4 Mine, MSHA ID No. 46-09060. A POV screening is used to determine if Section 104(e) is applicable to a particular mine. If implemented, Section 104(e) requires all subsequent violations designated as Significant and Substantial (S&S) be issued as closure orders with all persons withdrawn from the affected area except those necessary to correct the violation. An operator can be removed from Section 104(e) sanctions only after an inspection of the entire mine results in no significant and substantial violations.

This letter is your notification that a potential pattern of violations exists at the #4 Mine. This notification is based upon the initial screening and pattern criteria review, which were conducted in accordance with 30 C.F.R. §§ 104.2 and 104.3. A Pattern of Violation Review report is enclosed. This report details the methodology used for the initial screening and pattern criteria review and summarizes your mine's performance relative to the criteria.

Prior to MSHA implementing Section 104(e) sanctions at the #4 Mine, you are provided the opportunity, not to exceed 20 days from the date of this notification, to take any or all of the following steps:

Review all documents upon which the pattern of violations evaluation is based and provide additional mitigating information.

Submit a written request for a conference with me (I shall hold any conference within 10 days of a request).

Provide a written plan to me indicating that you will institute a corrective action program to avoid repeated significant and substantial violations at the operation.

Please note that 30 C.F.R. § 104.4(d) requires that you post a copy of this letter on the mine bulletin board until you are notified of MSHA's final determination with respect to your status pursuant to Section 104(e) of the Mine Act.

Whether or not you implement a corrective action program, MSHA will conduct a complete inspection of the #4 Mine. This inspection may start as soon as January 1, 2013. I will analyze the results of this complete inspection and other on-site enforcement activities conducted during the corrective action period to evaluate whether the #4 Mine has effectively reduced the occurrence of S&S violations during the review period. Therefore, I encourage you to implement a corrective action program as soon as practicable. If, during the review period, the #4 Mine achieves a reduction in the S&S violation frequency rate to a maximum of 5.35<sup>1</sup> S&S violations per 100 inspection hours, the #4 Mine will not be issued a pattern of violations notice during this POV review cycle.<sup>2</sup>

If you implement a corrective action program which does not reduce the rate of S&S violations to the levels set forth in the paragraph above, pursuant to 30 C.F.R. § 104.5(b), I will submit an evaluation report to the Administrator for Coal Mine Safety and Health within 120 days from the date of this notification. If you choose not to implement a program to reduce S&S violations, I will submit the report of the evaluation to the Administrator within 60 days from the date of this notification.

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<sup>1</sup> #4 Mine was issued 10.70 S&S violations per 100 inspection hours during the 12-month review period. If the #4 Mine implements an appropriate corrective action program, the mine must achieve an S&S rate of 5.35 during the evaluation period (i.e., by 50 percent from the mine's rate during the 12-month review period). If a corrective action program is not implemented, the mine must achieve an S&S rate of 3.21 during the evaluation period (i.e., by 70 percent from the mine's rate during the 12-month review period as this reduction is below the national rate for all mines of similar type and classification during the 12-month review period). Please see the *Pattern of Violations Procedures Summary* at <http://www.msha.gov/POV/POVProcedures012012.pdf> for more information.

<sup>2</sup> However, all mines will be considered for potential pattern of violation notices during the next and subsequent review cycles. To ensure the #4 Mine is not exhibiting a potential Pattern of Violations when the next evaluation is conducted, the #4 Mine should continue to reduce its S&S violation issuances and rate. MSHA is required to conduct evaluations at least annually but can conduct the evaluations more frequently.

In both cases, a copy of the report of evaluation will be provided to you 10 days before the report is sent to the Administrator. You will have 10 days from the receipt of the report to submit written comments to the Administrator.

Within 30 days of receipt of my report to the Administrator, the Administrator will issue a decision as to whether the #4 Mine is to be issued a Notice of a Pattern of Violations. A copy of the decision will be provided to you.

If the Administrator decides to issue a Notice of Pattern of Violations, I will issue the Notice of Pattern of Violations to you.

Following issuance of a Notice of Pattern of Violations, I will initiate appropriate inspection activities to ensure that the #4 Mine is inspected in its entirety during the following 90-day time frame and each succeeding inspection cycle until the Pattern of Violation order is terminated.

If upon any inspection after the issuance of the Pattern of Violations Notice an authorized representative finds any violation of a mandatory health or safety standard which could significantly and substantially contribute to the cause and effect of a safety or health hazard, the inspector shall issue an order requiring the withdrawal of all persons in the area affected by the violation except those persons listed in 104(c) of the Mine Act. All persons, except as listed in 104(c) of the Mine Act, shall also be prohibited from entering that area until the inspector determines that such violation has been abated.

Termination of a Pattern of Violations notice shall occur when an inspection of the entire mine results in no significant and substantial violations or no withdrawal order is issued by MSHA in accordance with section 104(e)(1) of the Act within 90 days of the issuance of the pattern letter.

You may request an inspection of the entire mine or portions of the mine at any time. No advance notice of the inspection shall be provided and MSHA will determine the scope of each inspection. Partial inspections that cumulatively cover the entire operation within the 90-day period will constitute an inspection of the entire operation for the purposes of termination of a Pattern of Violations Notice.

Please contact me at (304) 225-6800 if you have any questions regarding this matter. Additional mitigating information, requests for a conference and/or a written plan to institute a corrective action program should be sent to me at:  
604 Cheat Road, Morgantown, WV 26508.

Sincerely,



Bob E. Cornett  
District Manager  
District 3

Attachments:

- Pattern of Violations Screening Criteria – 2012
- Pattern of Violations Procedures Summary
- Screening Criteria Results 46-09060
- Citations and Orders 12 Month Review Report
- Monthly Detail During Review Report

## **Pattern of Violations Screening Criteria - 2012**

A computer-generated report is run that retrieves data for the most recent 12 months in which data are available for every mine under MSHA's jurisdiction. All non-abandoned mines (on the date the report is generated) are reviewed to determine if a potential pattern of violations may exist.

### **Initial Screening Criteria (30 CFR §104.2)**

The following two sets of screening criteria are used to perform the initial screening required under 30 CFR §104.2. Mines must meet the criteria in **either** set to be further considered for exhibiting a potential pattern of violations.

Mines meeting **all** of the following four criteria are further screened to identify those that meet appropriate criteria, as specified in 30 CFR §104.3, for a potential pattern of violations.

1. At least 50 citations/orders for significant and substantial (S&S) violations **issued** in the most recent 12 months.
2. A rate of eight or more S&S citations/orders **issued** per 100 inspection hours during the most recent 12 months **OR** the degree of negligence for at least 25 percent of the S&S citations/orders **issued** during the most recent 12 months is "high" or "reckless disregard."
3. At least 0.5 elevated citations and orders [issued under section 104(b); 104(d); 104(g); or 107(a) of the Mine Act] **issued** per 100 inspection hours during the most recent 12 months.
4. An Injury Severity Measure (SM) for the mine that is greater than the overall Industry SM for all mines in the same mine type and classification over the most recent 12 months.<sup>1</sup>

***Or***

Mines meeting **both** of the following two criteria are further screened to identify those that meet appropriate criteria, as specified in 30 CFR §104.3, for a potential pattern of violations.

1. At least 100 S&S citations/orders **issued** in the most recent 12 months.
2. At least 40 elevated citations and orders [issued under section 104(b); 104(d); 104(g); or 107(a) of the Mine Act] **issued** during the most recent 12 months.

### **Pattern Criteria Screening (30 CFR §104.3)**

30 CFR § 104.3 requires that one of the following pattern criteria be met: (1) a history of repeated S&S violations of a particular standard; (2) a history of repeated S&S violations of standards related to the same hazard; or (3) a history of repeated S&S violations caused by unwarrantable failure to comply. Only citations and orders that are final may be considered in determining if these criteria have been met.

For a pattern of violations review, mines identified during the initial screening must have at least five S&S citations of the same standard that became **final orders** of the commission during the most recent 12 months **OR** at least two S&S unwarrantable failure violations that became **final orders** of the commission during the most recent 12 months.

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<sup>i</sup> Severity Measure is the number of lost workdays per 200,000 employee-hours. The Severity Measure formula is number of lost workdays x 200,000 divided by the number of employee hours. Office worker and contractor hours and lost workdays are excluded. Lost workdays consist of days away from work and days of restricted work activity, or statutory days charged as prescribed from a table of standard charges, e.g., 6,000 days for a fatality or permanent total disability. Only statutory days are used in the fatality and disability cases.

The Severity Measure for each mine is computed for all lost-workday accidents that occurred during the most recent 12 months for which injury and employee hour data (as reported under 30 CFR Part 50) is available. Each mine's severity measure is compared to the applicable severity measure for the six mine types and classifications over the most recent five years for which closed out data reported under 30 CFR Part 50 is available.

There are six mine types and classifications used to calculate the Severity Measure for pattern of violation screenings: underground coal mines; surface coal mines; surface coal facilities; underground metal and nonmetal mines; surface metal and nonmetal mines; and surface metal and nonmetal facilities. The Severity Measures for CY 2006-2010 are:

Mine Type and Classification	Severity Measure (SM) CY 2006-2010
Facility Coal	188.4
Facility M/NM	190.3
Surface Coal	155.3
Surface M/NM	144.2
Underground Coal	482.6
Underground M/NM	297.9

## PATTERN OF VIOLATIONS (POV) PROCEDURES SUMMARY

At least once each year, in accordance with 30 CFR sections 104.2 and 104.3, the Office of Assessments, Accountability, Special Enforcement and Investigations (OAASEI) will review the violation and injury history of each mine under MSHA's jurisdiction to identify those that are exhibiting a potential Pattern of Violations (PPOV).<sup>1</sup> The OAASEI will document the criteria and data used to conduct the review.

The OAASEI will transmit by memorandum the list of mines identified as exhibiting a PPOV, along with the criteria and data used, to the Administrators for Coal and Metal and Nonmetal (MNM) Mine Safety and Health (Administrators). The Assistant Secretary, the Deputy Assistant Secretaries, the Director of Program Evaluation and Information Resources (PEIR), and the Associate Solicitor for Mine Safety and Health (Associate Solicitor) will be copied on the memorandum.

The memorandum will include: a list of all PPOV candidates; the criteria and data associated with the list; and the number, by standard, of repeated violations that became final orders of the Federal Mine Safety and Health Review Commission (Commission) during the review period. Additional mines may be added to the list after verification of the accuracy and completeness of injury data.

The Administrators will issue a memorandum to each District Manager who has a candidate(s) within the district with instructions for reviewing the designated mines. Each District Manager will respond within seven days, reporting facts about the designated mines relevant to whether there are extraordinary mitigating conditions that meet the criteria in **Appendix A - Mitigating Circumstances** for postponing or not issuing a PPOV notification. The role of the District Manager is to collect and report relevant facts, not to make a decision or recommendation to postpone or not issue a PPOV notification.

The District Manager must provide detailed information about any possible mitigating circumstances relevant to the decision to postpone or not issue a PPOV notification. Additional guidance is contained in Appendix A.

A POV panel consisting of personnel from Coal, MNM, and PEIR will review the information provided by the District Manager. Within 10 days, the panel will review the information, obtain any additional necessary information, and

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<sup>1</sup> Implementation of the POV sanction will provide MSHA with a means to gain remedial action from operators "who have not responded to the Agency's other enforcement efforts." 55 FR 31129

determine whether any of the mines listed as exhibiting a potential Pattern of Violations should be excluded from PPOV Notification or have their PPOV notification postponed due to mitigating circumstances. The panel will provide a report of its findings to the Assistant Secretary and the Administrators. PEIR will be responsible for providing administrative services to the panel and ensuring consistency in the application of the policy and adequate documentation of decisions to postpone or not issue a PPOV notification.

The Administrators will notify the appropriate District Managers of the mines that meet the criteria and have no extraordinary mitigating circumstances. These mines will be issued a PPOV notification.

The District Managers will issue a written PPOV notification to each operator identified to receive the notification. A copy of the notification will also be provided to the Assistant Secretary, the Deputy Assistant Secretaries, the Director of Assessments, Accountability, Special Enforcement and Investigations, the Associate Solicitor, and the representative(s) of the miners at the mine, if applicable. The notification will specify the basis for identifying the mine as having a PPOV and give the operator a reasonable opportunity, not to exceed 20 days from the date of the notification, to take the following steps:

1. Review all documents upon which the pattern of violations evaluation is based and provide additional information;
2. Submit a written request for a conference with the District Manager (the District Manager shall hold any conference within 10 days of a request); and/or
3. Submit a corrective action program to be implemented at the mine to avoid repeated significant and substantial (S&S) violations.

A timeline of the PPOV/POV process is provided at Appendix C.

The mine operator can choose to submit to MSHA a corrective action program with benchmarks for reducing S&S violations. MSHA will establish S&S violation rate goals for each mine as described below. Mines that do not choose to implement a corrective action program will be required to achieve the prescribed goals within 50 days of receiving a PPOV notification. Mines that implement a corrective action program will be required to meet the prescribed goals within a maximum of 110 days of receiving PPOV notification, depending upon when a corrective action program is submitted to MSHA.

Under section 104.4, the District Manager may allow a mine operator that submits a corrective action program an additional period, not to exceed 90 days, for determining whether the program effectively reduces the occurrence of

significant and substantial violations at the mine. In order to receive this additional time, any corrective action program should: contain concrete, meaningful measures that can be reasonably expected to reduce the number of S&S violations at the mine; be tailored to the specific compliance problems at the mine; and contain benchmarks that will be achieved. Corrective action programs that do not appropriately address the root causes of the mine's S&S violation history will not be grounds for receiving additional time under section 104.4. MSHA will monitor the operator's implementation of the corrective action program against the program's benchmarks. Failure to submit an appropriate program or meet the program's benchmarks will require the mine to achieve the goals established for it within 50 days of receiving the PPOV notification.<sup>2</sup>

The PPOV notification sent to each mine operator will include guidance on what constitutes a meaningful and acceptable corrective action program to avoid repeated S&S violations. Additional guidance describing what constitutes an appropriate corrective action program is contained in Appendix B.

The District Manager will evaluate the compliance history of mines identified in the screenings to determine if additional examinations, as described in 30 C.F.R. should be required in order to avoid repeated S&S violations. The District Manager may require examinations for hazardous conditions or violations of mandatory health or safety standards both during and after the PPOV and POV periods where the Mine Act or MSHA standards provide such authority. During the corrective action period, MSHA will conduct a complete inspection of the mine. This complete inspection will commence after the operator's corrective action program has been implemented and be completed within 90 days from the date that the operator submitted the corrective action program to MSHA.

When the mine operator does not implement an appropriate program to reduce S&S violations, MSHA will conduct a complete inspection within 50 days from the date of the issuance of the PPOV notification.<sup>3</sup> The District Manager will analyze the results of this complete inspection and other on-site enforcement

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<sup>2</sup> The preamble states that "the final rule allows the District Manager to set the evaluation period based on the circumstances at each mine, and periods shorter than 90 days can be specified as necessary. Also, the period of evaluation can be terminated at any time by the District Manager if the program is not achieving its purpose." 55 FR 31133

<sup>3</sup> In order to prevent any mine operator from avoiding being issued a Pattern of Violations notice by temporarily closing the mine during the corrective action period, the 50/110 day timeframes may be suspended during periods of inactivity and resume when the mine reverts to an active status.

activities during the corrective action period to evaluate whether the mine operator has reduced the violation frequency rate for S&S violations.

In order to avoid receiving a POV notice, mines that do not implement an appropriate corrective action program must reduce the S&S frequency rate per 100 inspection hours:

- by 70 percent from the mine's rate during the 12-month review period (provided such reduction is below the national rate for all mines of similar type and classification during the 12-month review period).

*Or*

- to a rate within the top 35% for all mines of similar type and classification (as established during the 12-month review period), which MSHA will calculate and provide.

In order to avoid receiving a Pattern of Violations notice, mines that do implement an appropriate corrective action program must reduce the S&S frequency rate per 100 inspection hours:

- by 50 percent from the mine's rate during the 12-month review period

*Or*

- to a rate within the top 50% for all mines of similar type and classification (as established during the 12-month review period), which MSHA will calculate and provide.

For any mines that have implemented a corrective action program, but have failed to achieve the established violation frequency reduction rates, the District Manager will submit an evaluation report to the appropriate Administrator and the Director of Assessments, Accountability, Special Enforcement and Investigations within 120 days from the issuance of the potential pattern notification to the operator. In cases where the operator failed to achieve the established violation frequency reduction rates and no program to reduce S&S violations has been implemented at the mine, the District Manager will submit the evaluation report to the Administrator and the Director of Special Enforcement and Investigations, Accountability, and Assessments no more than 60 days from the issuance of the potential pattern notification to the operator.

In the report, the District Manager should identify any circumstances that affected the operator's implementation of the corrective action program, if applicable, and detail any factors that should be considered in determining whether to issue a POV notice. Additional guidance that describes the types of factors that should be considered is contained in Appendix A. When a District Manager identifies mitigating circumstances that should be considered, the Administrator will submit the District Manager's report to the POV panel for the panel's review and recommendation.

Regardless of whether the operator implemented a corrective action program, a copy of the evaluation report will be provided to the operator and the representative(s) of the miners, where applicable, 10 days before the report is sent to the Administrator. Both the operator and the miners' representative(s), where applicable, will have 10 days from the receipt of the report to submit written comments to the Administrator.

Within 30 days of receipt of a report from the District Manager to the Administrator, and following a recommendation of the POV panel on any mines reviewed for mitigating circumstances, the Administrator will issue a decision as to whether the mine is to be issued a Notice of Pattern of Violations.<sup>4</sup> A copy of the decision will be provided to the Assistant Secretary, the Deputy Assistant Secretaries, the Director of Assessments, Accountability, Special Enforcement and Investigations, the operator, the representative(s) of the miners (where applicable), the District Manager, and the Associate Solicitor for Mine Safety and Health. The Administrator's decision will describe the POV Panel's recommendations, the Administrator's concurrence with or rejection of the Panel's recommendations, and if applicable, the reasons for not concurring with the Panel's recommendations. The District Manager will notify the mine operator and the representative(s) of miners of the decision.

When the Administrator decides that the issuance of a Notice of Pattern of Violations is not justified, the District Manager will notify the mine operator and the representative(s) of miners (where applicable) of the decision.

When the Administrator decides to issue a Notice of Pattern of Violations, the District Manager will send, by certified mail or hand delivery, the Notice of Pattern of Violations to the operator. A copy of the notice will also be provided

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<sup>4</sup> The legislative history of the Mine Act indicates Congress intended the Pattern of Violations process to be reserved for repeat violators that have not responded to other enforcement measures. "The committee reports and floor debates . . . make it clear that congress directed the POV enforcement provisions at the few mine operators who repeatedly violate the law. In particular, Congress focused its attention on mines where citations or orders are issued for S&S violations which are abated but continue to recur without mine management taking effective preventive measures." 55 FR 31130.

to the representative(s) of miners (where applicable), the Assistant Secretary, the Deputy Assistant Secretaries, the Director of Assessments, Accountability, Special Enforcement and Investigations, Accountability, and Assessments, the Administrator, and the Associate Solicitor for Mine Safety and Health.

Following notification to the operator of the issuance of a Notice of Pattern of Violations, the District Manager shall initiate appropriate inspection activities to ensure that the mine is inspected in its entirety during the following 90-day period and each succeeding inspection cycle until the POV notice is terminated.

If an authorized representative of the Secretary finds any violation of a mandatory health or safety standard which could significantly and substantially contribute to the cause and effect of a safety or health hazard during an inspection conducted while a mine is subject to a POV notice, the inspector will issue an order requiring the operator to withdraw all persons in the area affected by the violation except those persons listed in section 104(c) of the Mine Act. All persons except as listed in section 104(c) of the Mine Act shall also be prohibited from entering that area until the inspector determines that such violation has been abated.

#### TERMINATION OF PATTERN OF VIOLATIONS NOTICE

A Notice of Pattern of Violations shall be terminated when an inspection of the entire mine finds no S&S violation of a mandatory health or safety standard.

The operator may request an inspection of the entire mine or portions of the mine. No advance notice of the inspection shall be provided, and the scope of each inspection will be determined by MSHA. Partial inspections that in combination cover the entire mine within the 90-day period will constitute an inspection of the entire mine for the purposes of termination of a POV notice.

Mines that have received PPOV notifications or POV notices and met the applicable requirements to terminate those notices shall be considered for further PPOV/POV actions and may be subject to enhanced inspections.<sup>5</sup>

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<sup>5</sup> The preamble to the final rule addresses the concern that an operator may reduce the number of repeated S&S violations by implementing a program, but return to the pattern after a determination is made not to issue a pattern notice. On this issue, the preamble states: "If an operator resumes the practice that gave rise to the issuance of the original notification of a pattern of violations, a new notice could be issued to the operator based on the circumstances that resulted in the original notice, as well as the operator's most recent conduct. 55 FR 31133.

## Appendix A - Mitigating Circumstances

### PPOV Determinations

There may be extraordinary occasions when a mine meets the screening criteria by which mines are identified as exhibiting a potential pattern of violations but there are mitigating circumstances that make a potential pattern notification inappropriate. Examples of situations that would be necessary to justify not issuing a PPOV notification are:

- Recent bona fide changes in mine ownership or management; or
- Reductions in S&S citations/orders during the final quarter of the screening review
  - to at or near the 70% reduction goal for mines receiving a PPOV notification, or
  - to at or near the 50% reduction goal for PPOV mines that implement a corrective action programs if mine management has made identifiable health and safety program improvements that achieve the objectives of **Appendix B - Guidelines for Corrective Action Programs**.

Postponement of a PPOV notice would be appropriate where there has been a verified change in the status of the mine to an inactive state.

District Managers should provide the POV panel with detailed information relevant to making these determinations, including verification of any information provided by mine operators that is used in deciding whether mitigating circumstances exist. Successful reduction of S&S violations while under a previous PPOV notification shall not be considered a mitigating factor in subsequent PPOV screenings.

### POV Determinations

In general, a recommendation to not issue a mine operator a POV notice when the mine has not met the established quantitative goals under the PPOV notice will be based on qualitative information. The types of situations that would be necessary to justify a recommendation that a mine not receive a Pattern of Violations notice or have the notice delayed to reevaluate the conditions in the mine include:

- A bona fide change in ownership;

- A bona fide change in mine management that brought significant improvements in compliance;
- The operator does not meet S&S reduction benchmarks due to conditions outside of the operator's control and despite significant improvements in compliance due to implementation of an effective corrective action program; or
- Upon review of facts and evidence, generally occurring after the violations are contested, there are S&S violations that are modified to non-S&S, after which the operator meets the established S&S rate goals.

## Appendix B - Guidelines for Corrective Action Programs

The identification of a mine as exhibiting a potential pattern of violations is evidence of a failure in the mine's health and safety program. Changes are needed in the mine's health and safety management program to improve compliance and protect miners. Under section 104.4, if a mine operator submits a corrective action program, a District Manager has the discretion to allow an additional period, not to exceed 90 days, for determining whether the program effectively reduces the occurrence of significant and substantial (S&S) violations at the mine.

The decision to allow this additional time should be based on whether it appears that the corrective action program is likely to be effective in reducing S&S violations. For this reason, it is important that the program contain concrete, meaningful measures that can reasonably be expected to reduce the number of S&S violations at the mine; the measures should be specifically tailored to the compliance problems at the mine; and the measures should contain achievable benchmarks and milestones for implementation.

MSHA expects that most effective programs would address at least the following general subject areas, with the specific implementing details for each general subject determined by particular conditions and practices at the mine<sup>6</sup>:

- Corrective actions the operator intends to take, including benchmarks and milestones, to reduce the frequency of S&S violations.
- Specific changes the operator will make to improve the quality and/or increase the frequency of examinations conducted by qualified and competent personnel, including examinations for violations of health and safety standards, and the methods by which hazardous conditions will be timely abated.
- The specific actions the mine management (superintendent/ mine manager and mine foreman) will take to provide greater attention in the

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<sup>6</sup> "The Committee views the 105(d)(1) [now 104(e)] notice as indicating to both the mine operator and the Secretary that **there exists at that mine a serious safety and health management problem**. The existence of such a pattern should signal to both the operator and the Secretary that there is a need to restore the mine to effective safe and healthful conditions and that the mere abatement of violations as they are cited is insufficient." Leg. Hist. (Committee Report, p. 620).

review of the examination books and records and discuss the examination results with examiners each day.

- The frequency with which mine management (mine superintendent / mine manager and mine foreman) will conduct unannounced examinations of the mine to audit mine examinations and compliance with health and safety standards.
- The additional health and safety staff that will be added to the mine to assist in the daily auditing of compliance performance and a description of the authority they will be delegated to halt production / work when violations are identified.
- Specific training which miners will receive on miners' rights to report hazards and unsafe conditions and on protection against retaliation.
- Training the mine operator will conduct for mine officials, mine examiners, competent persons and miners to address each of the conditions that caused the unacceptable levels of citations and orders issued during the screening period.
- Planned modifications or additions to engineering and/or administrative controls to address specific conditions or practices.
- Identification of the personnel who will be responsible for implementing and monitoring the corrective action program.
- Milestones and benchmarks for implementation of each component of the program, including dates by which they will be achieved.
- How the operator intends to ensure the corrective action program's milestones are achieved and the method by which the operator will update the District Manager on the program's progress. These updates should occur as often as possible, ideally, on a weekly or bi-weekly basis.

The broad purpose of corrective action programs is to improve mine operators' compliance with existing regulatory requirements under the Mine Act. It is MSHA's intent that mine operators not abandon these corrective action programs after their short-term goals are met. Mine operators' corrective action programs should establish long-term goals for reducing violations beyond the goals established for them by MSHA under the POV enforcement measures. MSHA will monitor the results of the corrective action programs during the corrective action period established under the POV regulations, but will also monitor each mine's violation history after the corrective action period to determine if the mine operator is making a good faith effort to eliminate violations. Abandonment of corrective action programs after meeting the short-

term POV goals will be a qualitative factor considered in later POV screenings and enhanced enforcement activity.

## APPENDIX C

### Timeline for Potential Pattern of Violations (PPOV)

PPOV Actions		Regulation Timeframes
Day 0	Notification letter sent to mine operator exhibiting Potential Pattern of Violations	
Day 20	Last date for operator to: Review documents upon which PPOV designation based Provide additional information Submit written request for conference with district manager Institute a program to avoid repeated S&S violations	20 days from notification letter (§104.4(a))
Day 30	Last date to hold operator/district manager conference	within 10 days of request for conference (§104.4(a)(3))
<b>If operator chooses not to implement a program to avoid repeated S&amp;S violations:</b>		
Day 50	District Manager evaluation report due to mine operator	10 days before evaluation report due to Administrator (§104.4(b))
Day 60	District Manager evaluation report due to Administrator	60 days after operator receives PPOV notification (§104.4(b))
	Last date for operator or miners' representative to submit written comments to the Administrator	10 days after receipt of district manager evaluation (§104.4(b))
Day 90	Last date for Administrator's decision to issue a Pattern of Violations Notice	within 30 days of receipt of District Manager report (§104.4(c))
<b>If operator chooses to implement a program to avoid repeated S&amp;S violations:</b>		
Day 110	District Manager evaluation report due to mine operator	up to 90 days after S&S reduction program implemented (§104.4(a)(4))
Day 120	District Manager evaluation report due to Administrator	120 days after PPOV notification (§104.4(b))
	Last date for operator or miners' representative to submit written comments to the Administrator	10 days after receipt of district manager evaluation (§104.4(b))
Day 150	Last date for Administrator's decision to issue a Pattern of Violations Notice	within 30 days of receipt of District Manager's report (§104.4(c))

## Screening Criteria Results for Pattern of Violations

The following criteria are used to perform the initial screening required under 30 CFR §104.2 and 30 CFR §104.3. If the mine meets either Initial Criteria 1 or Initial Criteria 2, the mine will be considered for a PPOV if the Final Order Criteria is also met.

Overall Results
<b>PPOV</b>

Does the mine meet Initial Criteria 1 (30 CFR §104.2) ? - **YES**  
 Does the mine meet Initial Criteria 2 (30 CFR §104.2) ? - **NO**  
 Does the mine meet Final Order Criteria (30 CFR §104.3) ? - **YES**

Query Run Date
Nov-01-2012

District Office: Morgantown, WV  
 Field Office: Bridgeport WV  
 Mine ID: 4609060  
 Mine Status: Active  
 Mine Name: #4 Mine  
 Mine Type: U/G Coal  
 Controller: David M Maynard  
 Operator: Ten-Mile Coal Co., Inc.

Four QTR Part 50 Data Range	
1st QTR:	20114
4th QTR:	20123
12 Month Enforcement Range	
Start Date:	Oct-01-2011
End Date:	Sep-30-2012

Criteria	Criteria Description	Does the Mine Meet the Criteria?	
Initial Criteria 1	<b>1</b> At least 50 citations/orders for significant and substantial (S&S) violations issued in the most recent 12 months.	122 <b>YES</b>	<b>YES</b> This mine meets all four Initial Criteria 1
	<b>2</b> A rate of eight or more S&S citations/orders issued per 100 inspection hours during the most recent 12 months, or <i>122 S&amp;S C/O's were issued during 1140 inspection hours.</i> The degree of negligence for at least 25 percent of the S&S citations/orders issued during the most recent 12 months is "high" or "reckless disregard." <i>27 of the 122 S&amp;S C/O's issued were either high or reckless disregard.</i>	10.70 <b>YES</b>  22% <b>NO</b>	
	<b>3</b> At least 0.5 elevated citations and orders [under section 104(b); 104(d); 104(g); or 107(a) of the Mine Act] issued per 100 inspection hours during the most recent 12 months. <i>6 elevated C/O's were issued during 1140 inspection hours.</i>	0.53  <b>YES</b>	
	<b>4</b> The Injury Severity Measure (SM) for the mine is greater than the overall Industry SM for all mines in the same mine type and classification over the most recent 12 months. <i>The mines SM of 643.88 is more than the industry SM of 482.59.</i>	643.88  <b>YES</b>	
Initial Criteria 2	<b>1</b> At least 100 S&S citations/orders issued in the most recent 12 months. <i>122 S&amp;S C/O's were issued.</i>	122 <b>YES</b>	<b>NO</b> This mine does not meet both Initial Criteria 2
	<b>2</b> At least 40 elevated citations and orders [under section 104(b); 104(d); 104(g); or 107(a) of the Mine Act] issued during the most recent 12 months. <i>6 elevated C/O's were issued.</i>	6 <b>NO</b>	
Final Order Criteria	<b>1</b> At least 5 S&S citations/orders of the same standard that became final orders of the commission during the most recent 12 months, or <i>13 C/O's of standard 75.202(a) became final orders.</i>	13 <b>YES</b>	<b>YES</b> This mine meets at least one of the Final Order Criteria
	<b>2</b> At least 2 S&S unwarrantable failure citations/orders [104(d)] became final orders of the commission during the most recent 12 months. <i>0 unwarrantable failure C/O's became final orders.</i>	<b>NO</b>	

This mine has not been identified for a PPOV review before.

MSHA Mine ID: 46-09060

Mine: #4 Mine

Operator: Ten-Mile Coal Co., Inc.

Controller: David M Maynard

Mine Status: Active

Mine Status Date: January 11, 2010

% S&S: 36.2%

% Elevated: 1.8%

% S&S Neg>Mod: 11.0%

Cumulative During 12 Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count
1	8037139	10/11/11 07:25 AM	75.1714-3(a)	104(a)	C	N	U	F	1	M	1			
2	8037136	10/11/11 10:00 AM	75.400	104(a)	C	Y	R	L	2	H	1	1		1
3	8037137	10/11/11 10:05 AM	75.1107-9(a)(1)	104(a)	C	Y	R	L	2	M	1	2		
4	8037138	10/11/11 10:10 AM	75.1107-16(b)	104(a)	C	Y	R	L	2	M	1	3		
5	8037140	10/11/11 11:55 AM	75.807	104(a)	C	N	U	F	1	M	1			
6	8041846	10/19/11 09:15 AM	75.403	104(a)	C	N	U	L	1	M	1			
7	8041847	10/19/11 10:30 AM	75.1403	104(a)	C	Y	R	L	1	M	1	4		
8	8041848	10/20/11 06:55 AM	77.207	104(a)	C	N	U	L	1	M	1			
9	8041849	10/20/11 07:35 AM	75.220(a)(1)	104(a)	C	N	U	F	1	M	1			
10	8041850	10/20/11 08:35 AM	75.370(a)(1)	104(a)	C	N	U	P	3	M	1			
11	8041853	10/26/11 04:05 PM	75.1403	104(a)	C	Y	R	F	1	L	2	5		
12	8041854	10/26/11 04:20 PM	75.400	104(a)	C	Y	R	L	1	H	2	6		2
13	8041855	10/26/11 04:30 PM	75.370(a)(1)	104(a)	C	Y	R	P	1	M	2	7		
14	8041856	10/26/11 04:45 PM	75.360(b)(3)	104(a)	C	Y	R	L	1	H	1	8		3
15	8041857	10/26/11 05:05 PM	75.1718	104(a)	C	N	U	L	18	M	1			
16	8041858	10/26/11 07:05 PM	75.1403	104(a)	C	Y	R	L	1	M	3	9		
17	7112777	10/28/11 08:25 AM	75.515	104(a)	C	N	U	F	1	M	1			
18	7112778	10/28/11 09:20 AM	75.400	104(a)	C	Y	R	L	1	H	3	10		4
19	7112779	10/28/11 09:25 AM	75.360(b)(3)	104(a)	C	Y	R	L	1	H	2	11		5
20	7112780	10/28/11 10:30 AM	75.1106-3	104(a)	C	N	U	L	1	L	1			
21	7112821	10/28/11 11:00 AM	75.1731(a)	104(a)	C	Y	R	L	1	M	1	12		
22	7112822	11/01/11 08:45 AM	75.1725(a)	104(a)	C	Y	R	F	1	M	1	13		
23	7112823	11/01/11 08:50 AM	75.503	104(a)	C	Y	R	L	1	M	1	14		
24	7112824	11/01/11 09:20 AM	75.360(f)	104(a)	C	N	U	L	1	M	1			
25	7112825	11/01/11 09:35 AM	72.630(b)	104(a)	C	N	U	P	2	M	1			
26	7112826	11/01/11 09:40 AM	75.1725(a)	104(a)	C	Y	R	F	1	M	2	15		
27	7112827	11/01/11 10:15 AM	75.1722(b)	104(a)	C	Y	R	L	1	M	1	16		
28	7112828	11/01/11 11:20 AM	75.1101-8(b)	104(a)	C	N	U	L	1	M	1			
29	7112829	11/01/11 11:30 AM	75.517	104(a)	C	N	U	F	1	M	1			
30	7112830	11/01/11 11:35 AM	75.1101-8(a)	104(a)	C	N	U	L	1	M	1			
31	8041866	11/03/11 12:40 PM	75.1725(a)	104(a)	C	Y	R	L	1	M	3	17		
32	8041869	11/07/11 01:15 PM	75.403	104(a)	C	N	U	F	14	L	2			
33	8041870	11/07/11 03:45 PM	77.400(a)	104(a)	C	Y	R	L	1	M	1	18		
34	8041872	11/07/11 04:30 PM	75.202(a)	104(a)	C	Y	R	F	1	M	1	19		
35	8041871	11/07/11 04:55 PM	75.202(a)	104(a)	C	Y	R	F	1	M	2	20		
36	8041873	11/07/11 05:10 PM	75.202(a)	104(a)	C	Y	R	F	1	M	3	21		
37	8041874	11/07/11 06:20 PM	75.206(b)(1)	104(a)	C	N	U	F	1	L	1			
38	8041875	11/07/11 07:30 PM	75.904	104(a)	C	N	U	F	1	M	1			
39	8041876	11/08/11 05:05 PM	75.1403	104(a)	C	Y	R	L	1	M	4	22		
40	8041877	11/08/11 06:15 PM	75.400	104(a)	C	N	U	L	1	M	4			

MSHA Mine ID: 46-09060

Mine: #4 Mine

Operator: Ten-Mile Coal Co., Inc.

Controller: David M Maynard

Mine Status: Active

Mine Status Date: January 11, 2010

% S&amp;S: 36.2%

% Elevated: 1.8%

% S&amp;S Neg&gt;Mod: 11.0%

Cumulative During 12  
Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count
41	8041878	11/08/11 06:30 PM	75.1731(b)	104(a)	C	Y	R	L	1	M	1	23		
42	8041879	11/10/11 07:25 AM	75.202(a)	104(a)	C	N	U	F	1	M	4			
43	8041880	11/10/11 08:55 AM	75.220(a)(1)	104(a)	C	Y	R	F	1	M	2	24		
44	7112848	11/14/11 09:10 AM	75.1107-4(c)	104(a)	C	N	U	L	1	M	1			
45	7112849	11/15/11 07:50 AM	75.1712-6(b)	104(a)	C	N	U	N	1	M	1			
46	7112850	11/15/11 08:05 AM	75.400	104(a)	C	N	U	L	1	M	5			
47	7112851	11/15/11 08:20 AM	75.220(a)(1)	104(a)	C	N	U	F	2	M	3			
48	7112852	11/15/11 09:00 AM	75.403	104(a)	C	N	U	L	1	M	3			
49	8038734	11/22/11 09:58 AM	75.517	104(a)	C	Y	R	F	1	M	2	25		
50	7112911	11/28/11 04:10 PM	75.1403	314(b)	S									
51	7112910	11/28/11 04:15 PM	75.1403	314(b)	S									
52	7112905	11/28/11 05:10 PM	75.403	104(a)	C	Y	R	L	1	M	4	26		
53	7112906	11/28/11 05:25 PM	75.400	104(a)	C	Y	R	L	1	H	6	27		6
54	7112907	11/28/11 05:30 PM	75.360(b)(3)	104(a)	C	Y	R	L	1	H	3	28		7
55	7112908	11/28/11 10:40 PM	75.1718	104(a)	C	N	U	L	18	M	2			
56	7112909	11/28/11 11:35 PM	71.501	104(a)	C	N	U	L	1	M	1			
57	7112912	11/30/11 04:15 PM	75.202(a)	104(a)	C	Y	R	F	1	M	5	29		
58	7112913	11/30/11 04:40 PM	75.400	104(a)	C	N	U	L	1	M	7			
59	7112914	11/30/11 07:00 PM	75.1725(a)	104(a)	C	Y	R	L	1	M	4	30		
60	7112916	12/05/11 11:55 AM	75.1107-4(c)	104(a)	C	N	U	L	1	M	2			
61	7112917	12/05/11 01:26 PM	75.517	104(a)	C	Y	R	F	1	M	3	31		
62	7112918	12/06/11 05:30 AM	75.403	104(a)	C	N	U	F	1	M	5			
63	7112919	12/07/11 06:50 AM	75.1714-3(b)	104(a)	C	N	U	F	1	M	1			
64	7112920	12/07/11 06:50 AM	75.1714-3(b)	104(a)	C	N	U	F	1	M	2			
65	7112921	12/07/11 08:25 AM	75.1714-4(e)	104(a)	C	N	U	F	10	M	1			
66	7112922	12/07/11 08:35 AM	75.1725(a)	104(a)	C	Y	R	L	1	M	5	32		
67	7112923	12/07/11 09:50 AM	75.512	104(a)	C	N	U	L	1	M	1			
68	7112924	12/07/11 10:05 AM	75.1725(a)	104(a)	C	Y	R	L	1	M	6	33		
69	7112927	12/09/11 04:00 AM	75.403	104(a)	C	N	U	F	1	M	6			
70	7112928	12/09/11 06:45 AM	77.1104	104(a)	C	N	U	L	1	M	1			
71	7112929	12/12/11 07:05 AM	77.1104	104(b)	O								1	
72	7112930	12/12/11 07:35 AM	75.360(d)	104(a)	C	N	U	F	14	L	1			
73	7112931	12/12/11 07:50 AM	75.360(b)(3)	104(a)	C	Y	R	L	1	H	4	34		8
74	7112932	12/12/11 09:30 AM	75.220(a)(1)	104(a)	C	N	U	L	1	M	4			
75	7112933	12/12/11 05:05 PM	75.508-2	104(a)	C	N	U	N	0	L	1			
76	8041450	12/13/11 06:00 AM	50.30(a)	104(a)	C	N	N	N	0	M	1			
77	8041451	12/13/11 06:05 AM	50.30(a)	104(a)	C	N	N	N	0	M	2			
78	8041452	12/13/11 06:10 AM	50.30(a)	104(a)	C	N	N	N	0	M	3			
79	8041453	12/13/11 06:15 AM	50.30(a)	104(a)	C	N	N	N	0	M	4			
80	8041454	12/13/11 06:20 AM	50.11(b)	104(a)	C	N	N	N	0	M	1			

MSHA Mine ID: 46-09060

Mine: #4 Mine

Operator: Ten-Mile Coal Co., Inc.

Controller: David M Maynard

Mine Status: Active

Mine Status Date: January 11, 2010

% S&S: 36.2%

% Elevated: 1.8%

% S&S Neg>Mod: 11.0%

Cumulative During 12 Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count
81	8041455	12/13/11 06:25 AM	50.11(b)	104(a)	C	N	N	N	0	M	2			
82	8041456	12/13/11 06:30 AM	50.11(b)	104(a)	C	N	N	N	0	M	3			
83	8041457	12/13/11 06:35 AM	50.11(b)	104(a)	C	N	N	N	0	M	4			
84	8041458	12/13/11 06:40 AM	50.11(b)	104(a)	C	N	N	N	0	M	5			
85	8041459	12/13/11 06:45 AM	50.11(b)	104(a)	C	N	N	N	0	M	6			
86	8041460	12/13/11 06:50 AM	50.11(b)	104(a)	C	N	N	N	0	M	7			
87	8041461	12/13/11 06:55 AM	50.11(b)	104(a)	C	N	N	N	0	M	8			
88	8041462	12/13/11 07:00 AM	50.20(a)	104(a)	C	N	N	N	0	M	1			
89	8041463	12/13/11 07:05 AM	50.11(b)	104(a)	C	N	N	N	0	M	9			
90	8041464	12/13/11 07:10 AM	50.20(a)	104(a)	C	N	N	N	0	M	2			
91	8041465	12/13/11 07:15 AM	50.11(b)	104(a)	C	N	N	N	0	M	10			
92	8041466	12/13/11 07:20 AM	50.20(a)	104(a)	C	N	N	N	0	M	3			
93	8041467	12/13/11 07:25 AM	50.11(b)	104(a)	C	N	N	N	0	M	11			
94	8041468	12/13/11 07:30 AM	50.20(a)	104(a)	C	N	N	N	0	M	4			
95	8041469	12/13/11 07:35 AM	50.11(b)	104(a)	C	N	N	N	0	M	12			
96	8041470	12/13/11 07:40 AM	50.20(a)	104(a)	C	N	N	N	0	M	5			
97	8041471	12/13/11 07:45 AM	50.11(b)	104(a)	C	N	N	N	0	M	13			
98	8041472	12/13/11 07:50 AM	50.20(a)	104(a)	C	N	N	N	0	M	6			
99	8041473	12/13/11 07:55 AM	50.11(b)	104(a)	C	N	N	N	0	M	14			
100	8041474	12/13/11 08:00 AM	50.20(a)	104(a)	C	N	N	N	0	M	7			
101	8041475	12/13/11 08:05 AM	50.20(a)	104(a)	C	N	N	N	0	M	8			
102	7096948	12/14/11 06:25 PM	75.517	104(a)	C	Y	R	L	1	L	4	35		
103	7112981	12/20/11 04:15 PM	75.1101-2	104(a)	C	N	U	L	1	M	1			
104	7112982	12/20/11 04:45 PM	75.1403	104(a)	C	Y	R	L	1	M	7	36		
105	7112983	12/20/11 07:10 PM	75.202(a)	104(a)	C	N	U	F	1	L	6			
106	7112984	12/22/11 08:50 AM	75.523-3(b)(2)	104(a)	C	Y	R	L	1	M	1	37		
107	7112985	12/22/11 09:55 AM	75.400	104(a)	C	N	U	L	1	M	8			
108	7112986	12/28/11 07:15 AM	75.363(b)	104(a)	C	N	U	F	1	M	1			
109	7112987	12/28/11 11:30 AM	75.512	104(a)	C	N	U	F	1	M	2			
110	8038788	01/04/12 08:31 AM	75.350(a)(2)	104(a)	C	N	U	L	10	M	1			
111	8038789	01/04/12 08:50 AM	75.400	104(a)	C	N	U	L	10	M	9			
112	8038790	01/04/12 08:58 AM	75.1731(b)	104(a)	C	N	U	L	10	M	2			
113	8038792	01/09/12 08:20 AM	75.1403	104(a)	C	N	U	L	1	M	8			
114	8038791	01/09/12 09:30 AM	75.370(a)(1)	104(a)	C	N	U	L	5	M	3			
115	8038793	01/09/12 12:30 PM	75.400	104(a)	C	N	U	L	1	M	10			
116	8038794	01/10/12 08:45 AM	75.400	104(a)	C	N	U	L	10	M	11			
117	8038796	01/10/12 09:17 AM	75.400	104(a)	C	N	U	L	10	M	12			
118	8038795	01/10/12 09:50 AM	75.400	104(a)	C	N	U	L	10	M	13			
119	8038797	01/10/12 10:00 AM	75.1720(a)	104(a)	C	Y	R	P	1	H	1	38		9
120	8038798	01/17/12 09:43 AM	75.380(d)(7)(iv)	104(a)	C	N	U	L	10	M	1			

MSHA Mine ID: 46-09060

Mine: #4 Mine

Operator: Ten-Mile Coal Co., Inc.

Controller: David M Maynard

Mine Status: Active

Mine Status Date: January 11, 2010

% S&S: 36.2%

% Elevated: 1.8%

% S&S Neg>Mod: 11.0%

Cumulative During 12 Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count
121	8038799	01/17/12 10:39 AM	75.370(a)(1)	104(a)	C	N	U	L	2	M	4			
122	8038800	01/19/12 07:00 AM	75.202(a)	104(a)	C	Y	R	L	4	M	7	39		
123	8038801	01/19/12 09:30 AM	75.512	104(a)	C	N	U	L	1	M	3			
124	8038803	01/23/12 10:20 AM	75.370(a)(1)	104(a)	C	N	U	L	2	M	5			
125	8038804	01/25/12 09:15 AM	75.400	104(a)	C	N	U	L	1	M	14			
126	8038805	01/25/12 09:50 AM	75.370(a)(1)	104(a)	C	N	U	L	2	M	6			
127	8038809	01/30/12 10:20 AM	75.370(a)(1)	104(a)	C	N	U	L	2	M	7			
128	7113160	02/01/12 04:00 PM		103(k)	O									
129	8038812	02/03/12 07:24 AM	75.360(g)	104(a)	C	N	U	L	35	M	1			
130	8038811	02/03/12 07:50 AM	75.370(a)(1)	104(a)	C	N	U	L	5	M	8			
131	8038813	02/03/12 02:06 PM	75.400	104(a)	C	N	U	L	1	M	15			
132	7113161	02/06/12 08:00 AM	75.1403	314(b)	S									
133	8038814	02/06/12 11:30 AM	75.1200	104(a)	C	N	U	L	1	M	1			
134	8038816	02/07/12 08:16 AM	75.362(b)	104(a)	C	Y	R	L	1	M	1	40		
135	8038815	02/07/12 08:33 AM	75.340(a)(2)(i)	104(a)	C	N	U	L	2	M	1			
136	8038817	02/08/12 08:38 AM	75.403	104(a)	C	N	U	L	5	L	7			
137	8038818	02/13/12 09:13 AM	75.370(a)(1)	104(a)	C	N	U	L	2	M	9			
138	8038901	02/27/12 08:27 AM	75.400	104(a)	C	N	U	L	10	M	16			
139	8038902	03/05/12 03:00 PM	75.403	104(a)	C	N	U	L	5	L	8			
140	8038903	03/05/12 04:20 PM	75.400	104(a)	C	N	U	L	10	H	17			10
141	8038904	03/06/12 09:50 AM	75.400	104(a)	C	N	U	L	2	M	18			
142	8038919	03/16/12 01:00 AM	75.220(a)(1)	104(a)	C	N	U	L	1	M	5			
143	8038920	03/20/12 09:41 AM	75.400	104(a)	C	N	U	L	5	M	19			
144	8038921	03/20/12 12:30 PM	77.1607(cc)	104(a)	C	Y	R	L	1	M	1	41		
145	7113464	04/05/12 04:30 PM	75.606	104(a)	C	N	U	F	1	L	1			
146	7113465	04/05/12 04:40 PM	75.1725(a)	104(a)	C	Y	R	L	1	M	7	42		
147	7113466	04/09/12 04:15 PM	75.1403	104(a)	C	Y	R	F	1	M	10	43		
148	7113467	04/09/12 04:45 PM	75.517	104(a)	C	Y	R	F	1	L	5	44		
149	7113468	04/09/12 04:55 PM	75.400	104(a)	C	N	U	L	1	M	20			
150	7113469	04/09/12 05:05 PM	75.203(e)(2)	104(a)	C	N	U	F	2	M	1			
151	7113470	04/09/12 05:20 PM	75.202(a)	104(a)	C	N	U	F	1	M	8			
152	7113471	04/09/12 06:25 PM	75.1403	104(a)	C	Y	R	L	1	M	11	45		
153	7113472	04/09/12 07:50 PM	75.1718	104(a)	C	N	U	L	4	M	3			
154	7113473	04/09/12 08:50 PM	75.1107-4(a)(1)	104(a)	C	N	U	L	1	M	1			
155	7113474	04/10/12 05:45 PM	75.370(a)(1)	104(a)	C	N	U	P	2	M	10			
156	7113475	04/11/12 04:15 PM	75.351(d)(2)	104(a)	C	N	U	L	1	M	1			
157	7113476	04/11/12 04:30 PM	75.1731(b)	104(a)	C	N	U	L	1	M	3			
158	7113477	04/11/12 05:05 PM	75.400	104(a)	C	N	U	F	15	M	21			
159	7113478	04/11/12 05:10 PM	75.362(b)	104(a)	C	N	U	F	15	M	2			
160	7113479	04/11/12 05:15 PM	75.403	104(a)	C	N	U	F	15	M	9			

MSHA Mine ID: 46-09060

Mine: #4 Mine

Operator: Ten-Mile Coal Co., Inc.

Controller: David M Maynard

Mine Status: Active

Mine Status Date: January 11, 2010

% S&amp;S: 36.2%

% Elevated: 1.8%

% S&amp;S Neg&gt;Mod: 11.0%

Cumulative During 12  
Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count
161	7113480	04/11/12 05:50 PM	75.360(b)(1)	104(a)	C	N	U	L	1	M	1			
162	7113481	04/12/12 02:55 PM	75.220(a)(1)	104(a)	C	N	U	L	1	M	6			
163	7113482	04/12/12 03:30 PM	75.202(a)	104(a)	C	Y	R	F	1	M	9	46		
164	7113483	04/13/12 09:00 AM	75.1403	104(a)	C	Y	R	L	1	M	12	47		
165	7113484	04/15/12 10:47 PM	75.1714-3(b)	104(a)	C	N	U	F	1	L	3			
166	7113485	04/15/12 11:22 PM	75.1403	104(a)	C	Y	R	L	3	M	13	48		
167	7113486	04/15/12 11:31 PM	75.1725(a)	104(a)	C	Y	R	L	1	M	8	49		
168	7113487	04/15/12 11:45 PM	75.1714-7(a)	104(a)	C	N	U	L	1	M	1			
169	7113488	04/16/12 12:05 AM	75.400	104(a)	C	N	U	L	1	M	22			
170	7113489	04/16/12 12:40 AM	75.400	104(a)	C	N	U	L	1	M	23			
171	7113490	04/16/12 12:50 AM	75.1107-16(b)	104(a)	C	N	U	L	1	L	2			
172	7113491	04/16/12 01:55 AM	75.400	104(a)	C	N	U	L	1	M	24			
173	7113492	04/16/12 02:50 AM	75.220(a)(1)	104(a)	C	N	U	L	1	M	7			
174	7113493	04/17/12 12:50 AM	75.605	104(a)	C	N	U	F	1	M	1			
175	7113494	04/17/12 01:10 AM	75.1714-4(e)	104(a)	C	N	U	F	15	M	2			
176	7113495	04/17/12 01:25 AM	75.605	104(a)	C	N	U	F	1	M	2			
177	7113496	04/17/12 02:30 AM	75.1107-4(a)(1)	104(a)	C	N	U	L	1	M	2			
178	7113497	04/17/12 03:15 AM	75.512	104(a)	C	N	U	F	1	M	4			
179	7113498	04/18/12 08:40 AM	75.517	104(a)	C	Y	R	F	1	M	6	50		
180	7113499	04/18/12 09:50 AM	75.523-3(b)(5)	104(a)	C	N	U	L	1	L	1			
181	7113500	04/18/12 10:40 AM	75.523-3(b)(2)	104(a)	C	Y	R	L	1	M	2	51		
182	7116422	04/20/12 10:45 AM	75.370(a)(1)	104(a)	C	Y	R	F	1	M	11	52		
183	7116421	04/20/12 11:00 AM	75.400	104(a)	C	N	U	F	15	M	25			
184	7116423	04/20/12 11:45 AM	75.363(d)	104(a)	C	N	U	F	1	M	1			
185	7116426	04/23/12 04:25 PM	75.220(a)(1)	104(a)	C	Y	R	L	1	M	8	53		
186	7116427	04/23/12 04:25 PM	75.202(a)	104(a)	C	Y	R	L	1	M	10	54		
187	7116428	04/23/12 05:05 PM	75.606	104(a)	C	N	U	F	1	M	2			
188	7116429	04/23/12 05:15 PM	75.220(a)(1)	104(a)	C	N	U	L	1	M	9			
189	7116430	04/23/12 05:20 PM	75.400	104(a)	C	N	U	L	1	M	26			
190	7116431	04/23/12 07:10 PM	75.523-3(b)(2)	104(a)	C	Y	R	L	1	M	3	55		
191	7116432	04/24/12 11:30 PM	75.380(d)(7)(iv)	104(a)	C	N	U	F	15	M	2			
192	7116433	04/24/12 11:55 PM	75.370(a)(1)	104(a)	C	N	U	L	1	L	12			
193	6610383	04/25/12 01:00 PM	75.202(a)	104(a)	C	Y	R	P	1	M	11	56		
194	6610384	04/26/12 09:15 AM	75.333(h)	104(a)	C	N	U	L	1	M	1			
195	7116434	04/27/12 06:00 AM	75.403	104(a)	C	N	U	F	8	M	10			
196	7147580	05/09/12 08:47 AM	75.807	104(a)	C	N	U	L	1	M	2			
197	6610389	05/09/12 12:00 PM	75.350(a)(2)	104(a)	C	N	U	L	1	M	2			
198	7116444	05/10/12 08:45 AM	75.1725(a)	104(a)	C	Y	R	L	1	M	9	57		
199	8039062	05/18/12 02:44 PM	75.403	104(a)	C	N	U	L	5	M	11			
200	7116447	05/22/12 07:55 AM	75.517	104(a)	C	Y	R	F	1	M	7	58		

MSHA Mine ID: 46-09060  
 Mine: #4 Mine  
 Operator: Ten-Mile Coal Co., Inc.  
 Controller: David M Maynard  
 Mine Status: Active  
 Mine Status Date: January 11, 2010

% S&S: 36.2%  
 % Elevated: 1.8%  
 % S&S Neg>Mod: 11.0%

Cumulative During 12  
 Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count
201	7116448	05/23/12 01:30 AM	75.351(e)(1)(iii)	104(a)	C	N	U	L	1	M	1			
202	7116449	05/23/12 02:35 AM	75.807	104(a)	C	N	U	F	1	H	3			11
203	7116450	05/23/12 04:05 AM	77.207	104(a)	C	N	U	L	1	L	2			
204	7116451	05/23/12 11:25 PM	75.1403	104(a)	C	Y	R	L	3	M	14	59		
205	7116452	05/23/12 11:40 PM	75.351(n)(3)	104(a)	C	N	U	L	1	L	1			
206	7116453	05/23/12 11:55 PM	75.512	104(a)	C	N	U	L	1	M	5			
207	7116454	05/24/12 12:35 AM	75.360(a)(1)	104(a)	C	N	U	L	1	M	1			
208	7116455	05/24/12 12:40 AM	75.904	104(a)	C	N	U	F	1	M	2			
209	7116456	05/24/12 01:30 AM	75.1403	104(a)	C	Y	R	L	2	M	15	60		
210	7116457	05/24/12 11:55 PM	75.360(a)(1)	104(a)	C	N	U	L	1	H	2			12
211	7116458	05/25/12 03:45 AM	75.508-2	104(a)	C	N	U	N	1	M	2			
212	7116459	05/29/12 04:55 PM	75.517	104(a)	C	Y	R	F	1	M	8	61		
213	7116460	05/29/12 06:20 PM	75.1403	104(a)	C	Y	R	L	1	M	16	62		
214	7116621	05/29/12 06:25 PM	75.370(a)(1)	104(a)	C	N	U	L	1	M	13			
215	7116622	05/30/12 01:40 PM	75.606	104(a)	C	N	U	F	1	M	3			
216	7116623	05/30/12 04:30 PM	75.1731(a)	104(a)	C	Y	R	L	1	M	2	63		
217	7116624	05/31/12 05:30 PM	75.333(c)(3)	104(a)	C	N	U	L	1	M	1			
218	7116625	05/31/12 06:05 PM	75.403	104(a)	C	N	U	F	15	M	12			
219	7116626	05/31/12 06:30 PM	75.1505(b)	104(a)	C	N	U	F	8	H	1			13
220	7116627	06/04/12 09:05 AM	75.370(a)(1)	104(a)	C	N	U	P	1	M	14			
221	7116629	06/06/12 01:33 PM	75.370(a)(1)	104(a)	C	N	U	F	1	H	15			14
222	7116630	06/06/12 03:07 PM	75.214(a)	104(a)	C	N	U	L	1	M	1			
223	7116631	06/06/12 03:36 PM	75.1403	104(a)	C	Y	R	L	1	M	17	64		
224	7116632	06/06/12 03:43 PM	75.1725(a)	104(a)	C	Y	R	L	1	M	10	65		
225	7116634	06/10/12 11:35 PM	75.370(a)(1)	104(a)	C	N	U	L	1	L	16			
226	7116635	06/11/12 12:25 AM	75.202(a)	104(a)	C	Y	R	F	1	M	12	66		
227	7116636	06/11/12 12:35 AM	75.220(a)(1)	104(a)	C	N	U	F	1	M	10			
228	7116637	06/11/12 12:37 AM	75.400	104(a)	C	N	U	L	1	M	27			
229	7116638	06/11/12 12:40 AM	75.220(a)(1)	104(a)	C	N	U	F	1	M	11			
230	7116639	06/11/12 02:15 AM	75.211(d)	104(a)	C	N	U	L	1	M	1			
231	7116640	06/11/12 02:40 AM	75.1725(c)	104(a)	C	Y	R	F	1	M	1	67		
232	7116641	06/12/12 10:40 AM	75.400	104(a)	C	N	U	L	1	M	28			
233	7116642	06/12/12 02:15 PM	75.1725(a)	104(a)	C	Y	R	L	1	L	11	68		
234	7102196	06/12/12 05:01 PM	75.400	104(a)	C	N	U	L	1	M	29			
235	7102197	06/12/12 06:25 PM	75.342(a)(4)	104(a)	C	N	U	L	2	M	1			
236	7116644	06/13/12 06:00 AM	62.130(a)	104(a)	C	Y	R	P	1	M	1	69		
237	7116645	06/13/12 12:00 PM	75.403	104(a)	C	N	U	F	8	M	13			
238	7102198	06/13/12 04:52 PM	75.220(a)(1)	104(a)	C	Y	R	L	1	M	12	70		
239	7102199	06/13/12 05:45 PM	75.211(d)	104(a)	C	N	U	L	1	M	2			
240	7116646	06/15/12 05:00 AM	75.403	104(a)	C	N	U	F	8	M	14			

MSHA Mine ID: 46-09060

Mine: #4 Mine

Operator: Ten-Mile Coal Co., Inc.

Controller: David M Maynard

Mine Status: Active

Mine Status Date: January 11, 2010

% S&S: 36.2%

% Elevated: 1.8%

% S&S Neg>Mod: 11.0%

Cumulative During 12 Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count
241	7116647	06/19/12 07:40 AM	75.351(e)(1)(iii)	104(a)	C	N	U	L	1	M	2			
242	7116648	06/19/12 08:35 AM	75.220(a)(1)	104(a)	C	N	U	F	1	M	13			
243	7116649	06/19/12 10:30 AM	75.1714-7(a)	104(a)	C	N	U	L	1	M	2			
244	7116650	06/19/12 10:40 AM	75.512	104(a)	C	N	U	L	1	M	6			
245	7096846	06/19/12 05:20 PM	75.1720(a)	104(a)	C	Y	R	P	1	M	2	71		
246	7116651	06/20/12 06:30 AM	75.403	104(a)	C	N	U	F	8	M	15			
247	7116655	06/25/12 09:50 AM	77.502	104(a)	C	N	U	F	1	M	1			
248	7116660	06/25/12 12:00 PM	45.4(b)	104(a)	C	N	U	N	1	M	1			
249	7116789	07/03/12 09:55 AM	75.360(a)(1)	104(a)	C	N	U	L	1	H	3			15
250	7116790	07/03/12 10:10 AM	75.380(d)(7)(vii)(B)	104(a)	C	N	U	F	2	M	1			
251	7116791	07/03/12 10:15 AM	75.333(h)	104(a)	C	N	U	L	1	M	2			
252	7116792	07/03/12 10:55 AM	75.402	104(a)	C	Y	R	L	2	M	1	72		
253	7116793	07/11/12 01:30 PM	75.403	104(a)	C	N	U	F	8	M	16			
254	7116672	07/16/12 08:30 AM	75.400	104(a)	C	N	U	L	1	M	30			
255	7116673	07/16/12 09:20 AM	75.370(a)(1)	104(a)	C	N	U	L	1	M	17			
256	7116674	07/16/12 10:05 AM	75.400	104(a)	C	N	U	L	1	M	31			
257	7116677	07/16/12 10:06 AM	75.220(a)(1)	104(a)	C	Y	R	F	1	M	14	73		
258	7116675	07/16/12 11:35 AM	75.342(a)(4)	104(a)	C	N	U	L	2	L	2			
259	7116678	07/16/12 11:36 AM	75.202(a)	104(a)	C	Y	R	F	1	M	13	74		
260	7116676	07/16/12 12:12 PM	75.400	104(a)	C	Y	R	L	1	M	32	75		
261	7116795	07/17/12 02:00 PM	75.403	104(a)	C	N	U	F	8	M	17			
262	7116679	07/18/12 09:25 AM	75.400	104(a)	C	N	U	L	1	M	33			
263	7116680	07/18/12 10:30 AM	75.402	104(a)	C	N	U	F	9	M	2			
264	7116681	07/23/12 09:40 AM	75.1101-8(c)	104(a)	C	Y	R	L	1	M	1	76		
265	7116682	07/24/12 09:25 AM	75.364(h)	104(a)	C	N	U	N	1	M	1			
266	7116683	07/24/12 09:35 AM	75.363(c)	104(a)	C	N	U	N	9	M	1			
267	7116684	07/24/12 11:35 AM	75.202(a)	104(a)	C	Y	R	F	1	M	14	77		
268	7116685	07/24/12 12:15 PM	75.1731(a)	104(a)	C	Y	R	F	1	M	3	78		
269	7116686	07/24/12 12:20 PM	75.400	104(a)	C	Y	R	F	1	M	34	79		
270	7116687	07/25/12 12:10 PM	77.202	104(a)	C	Y	R	L	1	M	1	80		
271	7116688	07/26/12 08:30 AM	75.503	104(a)	C	N	U	L	1	M	2			
272	7116689	07/26/12 08:47 AM	75.523-3(b)(2)	104(a)	C	Y	R	L	1	M	4	81		
273	7116690	07/26/12 09:34 AM	75.400	104(a)	C	Y	R	L	1	H	35	82		16
274	7116691	07/26/12 09:35 AM	75.400	104(a)	C	Y	R	L	1	M	36	83		
275	7116692	07/26/12 09:50 AM	75.400	104(a)	C	Y	R	L	1	H	37	84		17
276	7116693	07/26/12 10:18 AM	75.400	104(a)	C	N	U	L	1	M	38			
277	7116694	07/26/12 10:45 AM	75.380(d)(4)	104(a)	C	N	U	L	1	M	1			
278	7116695	07/26/12 02:31 PM	75.362(b)	104(a)	C	Y	R	L	1	H	3	85		18
279	7116696	07/30/12 09:50 AM	75.350(a)(2)	104(a)	C	Y	R	L	9	M	3	86		
280	7116697	07/30/12 02:00 PM	50.20(a)	104(a)	C	N	N	N	1	M	9			

MSHA Mine ID: 46-09060

Mine: #4 Mine

Operator: Ten-Mile Coal Co., Inc.

Controller: David M Maynard

Mine Status: Active

Mine Status Date: January 11, 2010

% S&S: 36.2%

% Elevated: 1.8%

% S&S Neg>Mod: 11.0%

Cumulative During 12 Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count
281	7116698	07/30/12 02:16 PM	50.20(a)	104(a)	C	N	N	N	1	M	10			
282	7116700	07/31/12 04:45 PM	75.350(a)(2)	104(a)	C	Y	R	L	9	H	4	87		19
283	7116699	07/31/12 04:55 PM	75.400	104(a)	C	Y	R	L	1	M	39	88		
284	7116901	07/31/12 05:00 PM	75.380(d)(1)	104(a)	C	N	U	L	1	M	1			
285	7116902	07/31/12 05:10 PM	75.370(a)(1)	104(a)	C	Y	R	P	8	H	18	89		20
286	7116903	07/31/12 05:20 PM	75.400	104(d)(1)	C	Y	R	F	8	H	40	90	2	21
287	7116904	07/31/12 05:35 PM	75.403	104(d)(1)	O	Y	R	F	8	H	18	91	3	22
288	7116905	07/31/12 06:20 PM	75.503	104(a)	C	Y	R	F	8	M	3	92		
289	7116906	07/31/12 06:25 PM	75.400	104(a)	C	Y	R	F	8	M	41	93		
290	7116907	07/31/12 09:25 PM	75.360(b)	104(d)(1)	O	Y	R	F	8	H	1	94	4	23
291	7116908	08/01/12 12:15 AM	75.350(a)(2)	104(b)	O								5	
292	7116909	08/14/12 10:00 AM	75.503	104(a)	C	N	U	L	1	M	4			
293	7116910	08/14/12 11:50 AM	75.503	104(a)	C	N	U	L	1	M	5			
294	7116911	08/14/12 12:37 PM	75.400	104(a)	C	N	U	L	1	M	42			
295	7116913	08/14/12 12:40 PM	75.1103-8(a)	104(a)	C	Y	R	L	1	M	1	95		
296	7116912	08/14/12 12:55 PM	75.503	104(a)	C	N	U	L	1	M	6			
297	7116914	08/21/12 08:40 AM	75.400	104(a)	C	Y	R	L	8	H	43	96		24
298	7116915	08/21/12 08:45 AM	75.400	104(a)	C	Y	R	L	1	M	44	97		
299	7116916	08/21/12 10:40 AM	75.1725(a)	104(a)	C	Y	R	L	1	M	12	98		
300	7116917	08/22/12 09:18 AM	75.1731(b)	104(a)	C	N	U	L	1	M	4			
301	7116918	08/22/12 09:50 AM	75.350(a)(2)	104(a)	C	N	U	L	1	M	6			
302	7116919	08/22/12 10:18 AM	75.202(a)	104(a)	C	Y	R	F	1	M	15	99		
303	7116920	08/22/12 10:30 AM	75.1714-7(a)	104(a)	C	N	U	L	1	M	3			
304	7116921	08/23/12 09:30 AM	75.1731(b)	104(a)	C	N	U	L	1	M	5			
305	7116922	08/27/12 08:55 AM	75.1101-1(b)	104(a)	C	Y	R	F	1	H	1	100		25
306	7116923	08/27/12 09:05 AM	75.400	104(a)	C	Y	R	F	1	H	45	101		26
307	7116924	08/27/12 09:30 AM	75.517	104(a)	C	Y	R	F	1	H	9	102		27
308	7116925	08/27/12 09:31 AM	75.520	104(a)	C	Y	R	F	1	H	1	103		28
309	7116926	08/27/12 10:15 AM	75.1101-1(b)	104(a)	C	Y	R	F	1	H	2	104		29
310	7116927	08/27/12 10:40 AM	75.1101-8(b)	104(a)	C	Y	R	F	1	H	2	105		30
311	7116928	08/27/12 10:45 AM	75.1101-10	104(a)	C	Y	R	F	1	M	1	106		
312	7116929	08/27/12 02:00 PM	75.512	104(a)	C	Y	R	F	1	H	7	107		31
313	7116930	08/27/12 02:15 PM	75.360(g)	104(a)	C	Y	R	L	2	H	2	108		32
314	7116931	08/28/12 09:30 AM	75.1731(b)	104(a)	C	Y	R	L	1	M	6	109		
315	7116932	08/28/12 11:00 AM	75.202(a)	104(a)	C	Y	R	F	1	M	16	110		
316	7116938	09/04/12 11:20 AM	75.350(a)(2)	104(a)	C	Y	R	L	1	M	7	111		
317	7116939	09/04/12 11:25 AM	75.360(f)	104(a)	C	N	U	L	1	M	2			
318	7116940	09/05/12 02:40 PM	75.333(h)	104(a)	C	N	U	N	1	M	3			
319	7117101	09/05/12 03:25 PM	75.202(a)	104(a)	C	Y	R	F	1	M	17	112		
320	7117102	09/06/12 05:30 PM	75.202(a)	104(a)	C	Y	R	F	1	M	18	113		

MSHA Mine ID: 46-09060

Mine: #4 Mine

Operator: Ten-Mile Coal Co., Inc.

Controller: David M Maynard

Mine Status: Active

Mine Status Date: January 11, 2010

% S&amp;S: 36.2%

% Elevated: 1.8%

% S&amp;S Neg&gt;Mod: 11.0%

Cumulative During 12  
Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count
321	7117103	09/06/12 05:45 PM	75.1403	104(a)	C	Y	R	L	1	M	18	114		
322	7117104	09/06/12 06:20 PM	75.1100-2(i)	104(a)	C	N	U	F	20	H	1			33
323	7117105	09/06/12 07:55 PM	75.1100-2(d)	104(a)	C	N	U	L	9	H	1			34
324	7117106	09/06/12 08:12 PM	75.400	104(a)	C	N	U	L	9	H	46			35
325	7117107	09/06/12 09:45 PM	77.705	104(a)	C	Y	R	F	1	M	1	115		
326	7117113	09/11/12 01:20 AM	75.350(a)(2)	104(a)	C	N	U	L	1	H	8			36
327	7117114	09/11/12 02:00 AM	75.403	104(d)(1)	O	Y	R	F	8	H	19	116	6	37
328	7117115	09/11/12 02:01 AM	75.400	104(a)	C	Y	R	F	8	M	47	117		
329	7117116	09/11/12 10:45 AM	75.220(a)(1)	104(a)	C	Y	R	F	1	M	15	118		
330	8017469	09/12/12 10:40 AM	75.512	104(a)	C	N	U	L	1	M	8			
331	7117119	09/17/12 10:50 AM	75.202(a)	104(a)	C	Y	R	F	1	L	19	119		
332	7117120	09/17/12 12:45 PM	77.404(a)	104(a)	C	Y	R	L			1	120		
333	7117118	09/17/12 01:19 PM	75.1403	314(b)	S									
334	7117121	09/19/12 09:40 AM	75.1725(a)	104(a)	C	Y	R	L	8	M	13	121		
335	7117122	09/19/12 11:10 AM	75.380(d)(7)(vii)	104(a)	C	N	U	F	1	M	1			
336	7117124	09/25/12 10:40 AM	75.202(a)	104(a)	C	Y	R	F	1	M	20	122		
337	7117125	09/26/12 08:10 AM	75.342(a)(4)(ii)	104(a)	C	N	N	N	0	M	1			

MSHA Mine ID: 46-09060

Mine: #4 Mine

Operator: Ten-Mile Coal Co., Inc.

Controller: David M Maynard

Mine Status: Active

Mine Status Date: 01/11/2010

Month	Inspector Hours Worked	Calendar Days AR(s) at Mine	Citations and Orders Issued During the 12 Month Review Period							Cumulative		
			Non S&S	S&S	Elevated					S&S C/O's	per 100 Inspection Hours	
					104 (b)	104 (d)	104 (g)	107 (a)	Total		S&S C/O's	Elevated C/O's
Oct 2011	52.75	6	9	12	0	0	0	0	0	57.1%	22.75	0.00
Nov 2011	94.50	11	18	18	0	0	0	0	0	52.6%	20.37	0.00
Dec 2011	112.50	11	42	7	1	0	0	0	1	34.9%	14.24	0.38
Jan 2012	85.50	10	16	2	0	0	0	0	0	31.5%	11.30	0.29
Feb 2012	93.00	11	8	1	0	0	0	0	0	30.1%	9.13	0.23
Mar 2012	50.50	7	5	1	0	0	0	0	0	29.5%	8.39	0.20
Apr 2012	133.25	16	36	15	0	0	0	0	0	29.5%	9.00	0.16
May 2012	104.75	12	17	7	0	0	0	0	0	29.4%	8.67	0.14
Jun 2012	120.75	10	21	8	0	0	0	0	0	29.2%	8.38	0.12
Jul 2012	75.25	9	19	23	0	3	0	0	3	33.0%	10.19	0.43
Aug 2012	100.25	10	8	16	1	0	0	0	1	35.6%	10.75	0.49
Sep 2012	117.00	15	9	12	0	1	0	0	1	37.0%	10.70	0.53
Totals	1,140.00	128	208	122	2	4	0	0	6			

Inspection hours are from the inspectors Weekly Activity in IPAL.

- (1) The inspection time is the sum of the Site Inspection Time.
- (2) Supervisor and Trainee times are not included.
- (4) The following event hours are included in the analysis:

E01	E02	E03	E04
E05	E06	E07	E08
E15	E16	E17	E18
E19	E20	E21	E22
E23	E24	E25	E27
E28	E33		