

U.S. Department of Labor

Mine Safety and Health Administration  
3837 S. US Hwy. 25E  
Barbourville, Kentucky 40906-7602



November 28, 2012

Mr. G. Harrison Hill  
President  
D&C Mining Corporation  
4719 Callahan Ave.  
Appalachia, VA 24216

Dear Mr. Hill:

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 D&C Mining Corporation, MSHA ID No. 15-18182. 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all subsequent violations designated as Significant and Substantial (S&S) be issued as closure orders with all persons withdrawn from the affected area except those necessary to correct the violation.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 D&C Mining Corporation. 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.

Because the D & C Mining Corporation is in non-producing status, MSHA will postpone action on this matter until further notice.

Please contact me at (606) 546-5123 if you have any questions regarding this matter.

Sincerely,

*Denmi Carter*  
FOR Irvin T. Hooker  
District Manager  
District 7

Attachments:

Pattern of Violations Screening Criteria - 2012  
Pattern of Violations Procedures Summary  
Screening Criteria Results 15-18182  
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>1</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 FR31133.

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

<b>Query Run Date</b>
Nov-01-2012

District Office: Barbourville, KY  
 Field Office: Harlan KY  
 Mine ID: 1518182  
 Mine Status: NonProdActive  
 Mine Name: D & C Mining Corporation  
 Mine Type: U/G Coal  
 Controller: Horace Garrison Hill  
 Operator: D & C Mining Corporation

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?
<b>Initial Criteria 1</b>	1	At least 50 citations/orders for significant and substantial (S&S) violations issued in the most recent 12 months.	104 <b>YES</b>
	2	A rate of eight or more S&S citations/orders issued per 100 inspection hours during the most recent 12 months, or <i>104 S&amp;S C/O's were issued during 841.5 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>29 of the 104 S&amp;S C/O's issued were either high or reckless disregard.</i>	12.36 <b>YES</b>  28% <b>YES</b>
	3	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>43 elevated C/O's were issued during 841.5 inspection hours.</i>	5.11 <b>YES</b>
	4	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 0 is less than the industry SM of 482.59.</i>	<b>NO</b>
<b>Initial Criteria 2</b>	1	At least 100 S&S citations/orders issued in the most recent 12 months. <i>104 S&amp;S C/O's were issued.</i>	104 <b>YES</b>
	2	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>43 elevated C/O's were issued.</i>	43 <b>YES</b>
<b>Final Order Criteria</b>	1	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>5 C/O's of standard 75.370(a)(1) became final orders.</i>	5 <b>YES</b>
	2	At least 2 S&S unwarrantable failure citations/orders [104(d)] became final orders of the commission during the most recent 12 months. <i>19 unwarrantable failure C/O's became final orders.</i>	19 <b>YES</b>

This mine has been identified for a PPOV review before.

11/27/2012

MSHA Mine ID: 15-18182

Mine: D & C Mining Corporation

Operator: D & C Mining Corporation

Controller: Horace Garrison Hill

Mine Status: NonProducing

Mine Status Date: 10/19/2012

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	109.50	12	31	4	0	0	0	0	0	11.4%	3.65	0.00
Nov 2011	59.00	5	16	25	0	14	0	1	15	38.2%	17.21	8.90
Dec 2011	75.50	11	13	3	0	0	0	0	0	34.8%	13.11	6.15
Jan 2012	139.75	13	54	25	5	3	0	0	8	33.3%	14.85	5.99
Feb 2012	61.25	9	19	7	1	1	0	0	2	32.5%	14.38	5.62
Mar 2012	36.25	4	6	2	1	0	0	0	1	32.2%	13.71	5.40
Apr 2012	21.00	6	1	4	0	3	0	0	3	33.3%	13.94	5.77
May 2012	38.75	8	17	3	1	2	0	0	3	31.7%	13.49	5.91
Jun 2012	101.75	12	27	9	0	1	0	0	1	30.8%	12.76	5.13
Jul 2012	72.00	9	13	6	0	3	0	0	3	30.9%	12.31	5.04
Aug 2012	116.25	11	24	16	1	6	0	0	7	32.0%	12.52	5.17
Sep 2012	10.50	2	3	0	0	0	0	0	0	31.7%	12.36	5.11
Totals	841.50	102	224	104	9	33	0	1	43			

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

MSHA Mine ID: 15-18182

Mine: D & C Mining Corporation

Operator: D & C Mining Corporation

Controller: Horace Garrison Hill

Mine Status: NonProducing

Mine Status Date: October 19, 2012

% S&S: 30.6%

% Elevated: 12.6%

% S&S Neg>Mod: 15.3%

Cumulative During 12  
Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Likelihood			Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count	
					Type	S&S	Injury/Illness							
1	8348648	10/03/11 11:40 AM	75.1505(a)(1)	104(a)	C	N	U	L	8	M	1			
2	8348649	10/03/11 11:50 AM	75.220(a)(1)	104(a)	C	N	U	L	8	M	1			
3	8348650	10/04/11 06:40 AM	75.1600-3(a)(1)	104(a)	C	N	U	N	8	M	1			
4	8348651	10/04/11 07:00 AM	75.220(a)(1)	104(a)	C	Y	R	P	8	M	2	1		
5	8348652	10/04/11 07:10 AM	75.220(a)(1)	104(a)	C	Y	R	P	8	M	3	2		
6	8348653	10/04/11 08:00 AM	75.1715	104(a)	C	N	U	N	1	M	1			
7	8348654	10/04/11 09:35 AM	75.512	104(a)	C	N	U	N	8	L	1			
8	8348655	10/04/11 12:20 PM	75.400	104(a)	C	N	U	N	8	M	1			
9	8348656	10/05/11 09:45 AM	75.503	104(a)	C	N	R	N	8	M	1			
10	8348657	10/05/11 10:05 AM	75.1107-4(a)(2)	104(a)	C	N	U	N	8	M	1			
11	8348658	10/05/11 11:45 AM	75.1100-3	104(a)	C	N	U	N	8	M	1			
12	8348659	10/06/11 12:30 PM	75.333(c)	104(a)	C	N	U	N	3	L	1			
13	8348660	10/11/11 09:30 AM	75.1100-3	104(a)	C	N	U	N	2	M	2			
14	8348661	10/11/11 10:00 AM	75.400	104(a)	C	N	U	L	8	M	2			
15	8348662	10/11/11 10:45 AM	75.1103-5(a)(1)	104(a)	C	N	U	L	8	M	1			
16	8348663	10/12/11 08:25 AM	75.360(g)	104(a)	C	N	U	N	11	M	1			
17	8348664	10/12/11 08:30 AM		104(a)	C	N	U	N	11	M	1			
18	8348665	10/12/11 08:45 AM		104(a)	C	N	U	N	8	M	2			
19	8348666	10/12/11 10:15 AM		104(a)	C	N	U	N	11	M	3			
20	8348667	10/12/11 11:15 AM	75.900	104(a)	C	Y	R	F	1	M	1	3		
21	8348668	10/13/11 09:00 AM	75.1715	104(a)	C	N	U	N	2	L	2			
22	8348669	10/13/11 10:45 AM	75.1100-3	104(a)	C	N	U	L	11	M	3			
23	8348670	10/13/11 11:00 AM	75.508-2	104(a)	C	N	U	N	19	M	1			
24	8348671	10/13/11 11:30 AM	75.1505(a)(1)	104(a)	C	N	U	N	19	M	2			
25	8348672	10/18/11 08:45 AM	75.360(g)	104(a)	C	N	U	N	19	H	2			
26	8348673	10/18/11 10:00 AM	75.333(d)(3)	104(a)	C	N	U	N	8	M	1		1	
27	8348674	10/18/11 12:00 PM	75.380(d)(7)(i)	104(a)	C	N	U	N	8	M	1			
28	8348675	10/19/11 09:10 AM	75.503	104(a)	C	N	U	L	8	M	2			
29	8401665	10/19/11 12:30 PM	75.370(a)(1)	104(a)	C	N	U	P	1	L	1			
30	8348676	10/20/11 09:10 AM	75.320(a)	104(a)	C	N	U	L	8	M	1			
31	8348677	10/20/11 12:00 PM	77.1605(a)	104(a)	C	N	U	N	1	M	1			
32	8348678	10/25/11 04:30 PM	75.1715	104(a)	C	N	U	N	1	M	3			
33	8348679	10/25/11 06:00 PM	75.333(c)(2)	104(a)	C	N	U	L	8	M	1			
34	8348681	10/26/11 11:30 AM	75.1504(c)	104(a)	C	Y	R	F	17	M	1	4		
35	8348680	10/26/11 11:45 AM	75.1914(h)(1)	104(a)	C	N	U	L	8	M	1			
36	8368850	11/04/11 05:45 PM	75.360(g)	104(a)	C	Y	R	L	8	M	3	5		
37	8404614	11/04/11 06:10 PM	75.333(c)(3)	104(a)	C	N	U	L	8	M	1			
38	8404615	11/04/11 06:12 PM	75.202(a)	104(a)	C	Y	R	P	1	M	1	6		
39	8348336	11/04/11 06:15 PM	75.380(d)(7)(vii)(A)	104(a)	C	Y	R	F	8	M	1	7		
40	8369068	11/04/11 06:20 PM	75.400	104(d)(2)	O	Y	H	P	2	H	3	8	1	2

MSHA Mine ID: 15-18182

Mine: D & C Mining Corporation

Operator: D & C Mining Corporation

Controller: Horace Garrison Hill

Mine Status: NonProducing

Mine Status Date: October 19, 2012

% S&S: 30.6%

% Elevated: 12.6%

% S&S Neg>Mod: 15.3%

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	8404616	11/04/11 06:20 PM		104(a)	C	N	U	L	8	M	4			
42	8404617	11/04/11 06:30 PM	75.333(h)	104(a)	C	N	U	L	8	M	1			
43	8369070	11/04/11 06:30 PM	75.1731(a)	104(d)(2)	O	Y	H	P	2	H	1	9	2	3
44	8404618	11/04/11 06:35 PM		104(a)	C	N	U	L	8	M	5			
45	8404619	11/04/11 06:40 PM	75.220(a)(1)	104(a)	C	Y	R	P	1	M	4	10		
46	8404620	11/04/11 06:45 PM	75.380(d)(7)(vii)(B)	104(a)	C	Y	R	P	8	M	1	11		
47	8353982	11/04/11 06:50 PM	77.1103(a)	104(a)	C	N	U	L	1	M	1			
48	8404621	11/04/11 06:55 PM	75.370(a)(1)	104(a)	C	N	U	L	8	M	2			
49	8369071	11/04/11 07:00 PM	75.1731(b)	104(d)(2)	O	Y	H	P	2	H	1	12	3	4
50	8369072	11/04/11 07:10 PM	75.202(a)	104(d)(2)	O	Y	H	P	1	H	2	13	4	5
51	8348337	11/04/11 07:37 PM	75.220(a)(1)	104(a)	C	Y	R	L	8	M	5	14		
52	8369073	11/04/11 07:45 PM	75.400	104(d)(2)	O	Y	H	P	2	H	4	15	5	6
53	8353983	11/04/11 07:50 PM	75.360(g)	104(a)	C	N	U	L	1	M	4			
54	8348338	11/04/11 07:50 PM	75.360(f)	104(a)	C	N	U	L	1	L	1			
55	8369074	11/04/11 08:00 PM	75.362(b)	104(d)(2)	O	Y	H	P	2	H	1	16	6	7
56	8406353	11/04/11 08:00 PM	75.503	104(a)	C	Y	R	L	1	H	3	17		8
57	8353984	11/04/11 08:05 PM	75.312(a)	104(a)	C	N	U	L	8	M	1			
58	8406354	11/04/11 08:15 PM	75.1107-16(b)	104(a)	C	Y	R	L	1	M	1	18		
59	8348339	11/04/11 08:17 PM	75.400	104(d)(2)	O	Y	R	F	8	H	5	19	7	9
60	8368851	11/04/11 08:30 PM	75.1101-7(b)	104(d)(2)	O	Y	H	P	8	H	1	20	8	10
61	8368852	11/04/11 08:32 PM	75.1101-8(c)	104(d)(2)	O	Y	H	P	8	H	1	21	9	11
62	8406355	11/04/11 08:35 PM	75.1725(a)	104(a)	C	Y	R	P	1	M	1	22		
63	8353985	11/04/11 08:35 PM	75.312(g)(1)	104(a)	C	N	U	L	8	M	1			
64	8368853	11/04/11 08:35 PM	75.1100-3	104(d)(2)	O	Y	R	L	8	H	4	23	10	12
65	8368854	11/04/11 08:40 PM	75.1722(b)	104(d)(2)	O	Y	R	P	1	H	1	24	11	13
66	8368855	11/04/11 08:45 PM	75.1722(a)	104(d)(2)	O	Y	H	P	1	H	1	25	12	14
67	8406356	11/04/11 09:00 PM	75.503	104(a)	C	N	U	L	1	H	4			15
68	8406357	11/04/11 09:10 PM	75.1103-4(a)(1)(i)	104(a)	C	Y	R	L	7	M	1	26		
69	8406358	11/04/11 09:20 PM	75.810	104(a)	C	N	U	L	7	M	1			
70	8368856	11/04/11 09:20 PM	75.380(d)(7)(vi)	104(a)	C	N	U	L	8	M	1			
71	8406359	11/04/11 10:00 PM	77.505	104(a)	C	N	U	L	1	M	1			
72	8348340	11/04/11 10:01 PM	75.403	104(a)	C	N	U	L	8	M	1			
73	8406360	11/04/11 10:10 PM	75.512	104(d)(2)	O	Y	R	L	7	H	2	27	13	16
74	8368857	11/04/11 10:15 PM		107(a)	O								14	
75	8348341	11/04/11 10:29 PM	75.363(a)	104(d)(2)	O	Y	R	F	8	H	1	28	15	17
76	8404622	11/04/11 10:40 PM	75.1202-1	104(a)	C	N	U	N	1	M	1			
77	8353986	11/04/11 11:00 PM	75.220(a)(1)	104(a)	C	Y	R	L	2	M	6	29		
78	8348688	12/01/11 08:00 AM	75.1403	314(b)	S									
79	8348687	12/02/11 07:45 AM	75.312(a)	104(a)	C	N	U	N	10	M	2			
80	8348693	12/02/11 09:15 AM	77.505	104(a)	C	N	U	N	1	M	2			

MSHA Mine ID: 15-18182

Mine: D & C Mining Corporation

Operator: D & C Mining Corporation

Controller: Horace Garrison Hill

Mine Status: NonProducing

Mine Status Date: October 19, 2012

% S&S: 30.6%

% Elevated: 12.6%

% S&S Neg>Mod: 15.3%

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	8348694	12/02/11 10:00 AM	75.1100-3	104(a)	C	N	U	N	10	M	5			
82	8348695	12/05/11 04:00 PM	50.10(d)	104(a)	C	N	N	N	0	M	1			
83	8348696	12/06/11 08:00 AM	75.403	104(a)	C	N	U	N	18	M	2			
84	8348697	12/06/11 08:15 AM	77.207	104(a)	C	N	U	L	21	M	1			
85	8348698	12/07/11 10:00 AM	75.1725(c)	104(a)	C	Y	R	F	1	H	1	30		18
86	8348699	12/07/11 10:20 AM		104(a)	C	N	U	N	1	H	7			19
87	8348700	12/07/11 11:00 AM	75.1714-2	104(a)	C	N	U	N	1	H	1			20
88	8348709	12/20/11 09:10 AM	75.400	104(a)	C	N	U	L	8	M	6			
89	8399107	12/20/11 09:10 AM	75.1911(c)	104(a)	C	N	U	L	9	M	1			
90	8348710	12/20/11 12:00 PM	75.360(a)(1)	104(a)	C	N	U	F	8	H	1			21
91	8399108	12/20/11 12:00 PM	75.517	104(a)	C	Y	R	F	1	M	1	31		
92	8399109	12/20/11 12:10 PM	75.904	104(a)	C	Y	R	F	1	M	1	32		
93	8348711	12/20/11 12:15 PM	75.512	104(a)	C	N	U	L	1	M	3			
94	8348712	12/20/11 01:15 PM	75.360(g)	104(a)	C	N	U	N	8	H	5			22
95	8399112	01/04/12 06:52 AM	75.1200	104(a)	C	N	U	L	8	M	1			
96	8399113	01/04/12 07:28 AM	75.508	104(a)	C	N	U	N	1	M	1			
97	8399114	01/04/12 11:35 AM	75.601-1	104(a)	C	N	U	F	1	M	1			
98	8399115	01/04/12 11:45 AM	75.400	104(a)	C	N	U	L	1	M	7			
99	8399116	01/04/12 12:08 PM	75.512	104(d)(2)	O	Y	R	F	1	H	4	33	16	23
100	8399117	01/04/12 01:52 PM	75.1103-4(a)(1)(iv)	104(a)	C	N	U	L	8	M	1			
101	8399118	01/04/12 02:38 PM	75.512	104(a)	C	N	U	L	1	M	5			
102	8399119	01/05/12 08:01 AM	75.1714-3(b)	104(a)	C	N	U	F	1	M	1			
103	8399120	01/05/12 08:54 AM	75.220(a)(1)	104(a)	C	Y	R	L	1	M	7	34		
104	8399121	01/05/12 09:25 AM	75.517	104(a)	C	Y	R	F	1	M	2	35		
105	8399122	01/05/12 09:30 AM	75.512	104(a)	C	N	U	L	1	M	6			
106	8399123	01/05/12 10:14 AM	75.503	104(a)	C	N	U	L	1	M	5			
107	8399124	01/09/12 08:31 AM	75.503	104(b)	O								17	
108	8399125	01/09/12 10:16 AM	75.400	104(a)	C	N	U	L	1	M	8			
109	8399126	01/09/12 11:52 AM	75.1725(a)	104(a)	C	Y	R	L	2	M	2	36		
110	8399127	01/09/12 12:18 PM	75.503	104(a)	C	N	U	L	2	H	7			24
111	8399128	01/09/12 12:43 PM	75.400	104(a)	C	N	U	L	2	M	9			
112	8399129	01/09/12 02:05 PM	75.512	104(d)(2)	O	Y	R	L	2	H	7	37	18	25
113	8399130	01/10/12 10:49 AM	75.1107-16(b)	104(a)	C	Y	R	L	1	M	2	38		
114	8399131	01/10/12 11:05 AM	75.400	104(a)	C	Y	R	L	1	M	10	39		
115	8399132	01/10/12 11:48 AM	75.503	104(a)	C	N	U	L	1	M	8			
116	8399133	01/10/12 12:14 PM	75.342(a)(4)	104(a)	C	N	U	L	1	M	1			
117	8399134	01/10/12 03:50 PM	75.342(a)(4)	104(b)	O								19	
118	8407129	01/11/12 08:12 AM	75.508	104(a)	C	N	U	N	1	M	2			
119	8407130	01/11/12 08:50 AM	75.1107-16(c)	104(a)	C	N	U	N	1	M	1			
120	8399135	01/11/12 08:55 AM	75.1914(f)	104(a)	C	N	U	L	1	M	1			

MSHA Mine ID: 15-18182  
 Mine: D & C Mining Corporation  
 Operator: D & C Mining Corporation  
 Controller: Horace Garrison Hill  
 Mine Status: NonProducing  
 Mine Status Date: October 19, 2012

% S&S: 30.6%  
 % Elevated: 12.6%  
 % S&S Neg>Mod: 15.3%

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	8407131	01/11/12 09:02 AM	75.342(a)(4)	104(a)	C	N	U	L	1	M	3			
122	8407132	01/11/12 09:27 AM	75.810	104(a)	C	Y	R	F	1	M	2	40		
123	8399136	01/11/12 10:00 AM	75.503	104(a)	C	N	U	L	1	M	9			
124	8407133	01/11/12 10:43 AM	75.512	104(a)	C	Y	R	L	1	M	8	41		
125	8407134	01/11/12 10:55 AM	75.902	104(a)	C	N	U	L	1	M	1			
126	8407135	01/11/12 11:20 AM	75.601	104(a)	C	N	U	L	1	M	1			
127	8399137	01/11/12 12:30 PM	75.503	104(a)	C	N	U	L	1	H	10			26
128	8399138	01/11/12 12:44 PM	75.400	104(a)	C	Y	R	L	1	M	11	42		
129	8407136	01/11/12 01:02 PM	75.503	104(a)	C	N	U	L	1	M	11			
130	8407137	01/11/12 01:25 PM	75.1725(a)	104(a)	C	Y	R	L	1	M	3	43		
131	8407138	01/11/12 02:51 PM	75.1107-1(b)	104(a)	C	N	U	L	1	M	1			
132	8399139	01/12/12 09:15 AM	75.1101-8(a)	104(a)	C	N	U	L	1	M	1			
133	8399140	01/12/12 09:34 AM	75.1107-16(b)	104(a)	C	N	U	L	1	M	3			
134	8399141	01/12/12 09:39 AM	75.1101-7(b)	104(a)	C	Y	R	F	9	M	2	44		
135	8399142	01/12/12 10:11 AM	75.362(b)	104(a)	C	Y	R	L	9	M	2	45		
136	8399143	01/13/12 11:08 AM		104(a)	C	Y	R	L	1	M	8	46		
137	8399144	01/13/12 11:56 AM	75.360(g)	104(a)	C	N	U	L	1	M	6			
138	8399145	01/13/12 12:10 PM	72.630(b)	104(a)	C	N	U	P	1	M	1			
139	8399146	01/13/12 12:45 PM	75.400	104(b)	O								20	
140	8399147	01/13/12 01:46 PM	75.1702	104(a)	C	N	U	N	7	H	1			27
141	8399148	01/17/12 08:50 AM	75.1107-16(c)	104(b)	O								21	
142	8399149	01/17/12 09:15 AM	75.512	104(a)	C	N	U	L	1	H	9			28
143	8399150	01/17/12 10:33 AM	75.512	104(b)	O								22	
144	8399151	01/17/12 11:00 AM	75.370(a)(1)	104(d)(2)	O	N	U	P	2	H	3		23	29
145	8399152	01/17/12 01:00 PM	75.1714-7(c)	104(a)	C	N	U	L	1	M	1			
146	8399153	01/17/12 01:57 PM	75.1731(b)	104(a)	C	N	U	L	7	M	2			
147	8399154	01/17/12 02:05 PM	75.380(d)(7)(iv)	104(a)	C	N	U	L	7	M	1			
148	8399155	01/18/12 09:11 AM	75.1702	104(a)	C	N	U	N	1	M	2			
149	8399156	01/18/12 11:58 AM	75.503	104(a)	C	N	U	L	1	M	12			
150	8399157	01/18/12 12:15 PM	75.1107-16(b)	104(a)	C	N	U	L	1	M	4			
151	8399158	01/18/12 12:31 PM	75.517	104(a)	C	Y	R	F	1	M	3	47		
152	8399159	01/19/12 07:48 AM	75.364(h)	104(a)	C	N	U	L	7	M	1			
153	8399160	01/19/12 10:58 AM	75.1714-6	104(a)	C	N	U	F	7	M	1			
154	8399161	01/19/12 11:09 AM	75.512	104(a)	C	N	U	L	1	M	11			
155	8399162	01/19/12 11:38 AM	75.512	104(a)	C	N	U	L	1	M	12			
156	8399163	01/19/12 11:46 AM	75.1725(a)	104(a)	C	Y	R	F	1	M	4	48		
157	8407151	01/20/12 10:32 AM	75.807	104(a)	C	Y	R	L	1	M	1	49		
158	8408145	01/20/12 10:40 AM	75.402	104(a)	C	N	U	L	1	M	1			
159	8408070	01/20/12 11:01 AM	75.1100-3	104(a)	C	N	U	L	1	M	6			
160	8348366	01/20/12 11:04 AM	75.370(a)(1)	104(a)	C	N	U	L	7	M	4			

MSHA Mine ID: 15-18182

Mine: D & C Mining Corporation

Operator: D & C Mining Corporation

Controller: Horace Garrison Hill

Mine Status: NonProducing

Mine Status Date: October 19, 2012

% S&S: 30.6%

% Elevated: 12.6%

% S&S Neg>Mod: 15.3%

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	8407152	01/20/12 11:33 AM	75.604(b)	104(a)	C	N	U	L	1	M	1			
162	8408071	01/20/12 11:40 AM	75.1107-9(a)(2)	104(a)	C	Y	R	L	1	M	1	50		
163	8407153	01/20/12 11:47 AM	75.517	104(a)	C	N	U	L	1	M	4			
164	8399164	01/20/12 12:37 PM	75.1714(a)	104(a)	C	N	U	F	1	M	1			
165	8399165	01/20/12 12:43 PM	75.1100-3	104(a)	C	Y	R	F	7	M	7	51		
166	8399166	01/20/12 12:50 PM	75.202(a)	104(a)	C	Y	R	L	1	M	3	52		
167	8399167	01/20/12 12:55 PM	75.515	104(a)	C	N	U	L	1	M	1			
168	8399168	01/20/12 01:00 PM	75.333(c)	104(a)	C	N	U	L	1	M	2			
169	8399169	01/20/12 01:16 PM	75.518	104(a)	C	N	U	L	1	M	1			
170	8399170	01/20/12 01:20 PM	75.512	104(a)	C	N	U	L	1	H	13			30
171	8407154	01/20/12 01:40 PM	75.512	104(a)	C	Y	R	L	1	M	14	53		
172	8407155	01/20/12 02:08 PM	75.512	104(a)	C	Y	R	L	1	M	15	54		
173	8348367	01/20/12 02:17 PM	75.364(h)	104(a)	C	N	U	L	7	M	2			
174	8399171	01/20/12 02:48 PM	75.1722(a)	104(a)	C	Y	R	P	1	M	2	55		
175	8399172	01/23/12 10:59 AM	75.202(a)	104(a)	C	Y	R	L	1	L	4	56		
176	8407156	01/25/12 12:15 PM	75.512	104(a)	C	Y	R	P	1	M	16	57		
177	8407157	01/25/12 12:18 PM	75.511	104(a)	C	N	U	L	1	M	1			
178	8407158	01/25/12 12:44 PM	75.1107-3(d)	104(a)	C	N	U	L	1	M	1			
179	8399173	02/06/12 09:03 AM	75.360(g)	104(a)	C	N	U	L	1	M	7			
180	8399174	02/06/12 09:12 AM	75.342(a)(4)	104(a)	C	N	U	L	1	M	4			
181	8399175	02/06/12 09:21 AM	75.1914(f)	104(a)	C	N	U	L	1	H	2			31
182	8399176	02/06/12 10:01 AM	75.517	104(a)	C	N	U	F	1	M	5			
183	8399177	02/06/12 10:37 AM	77.1606(c)	104(a)	C	N	U	L	1	M	1			
184	8399178	02/07/12 01:06 PM	75.512	104(b)	O								24	
185	8399179	02/07/12 01:35 PM	77.513	104(a)	C	Y	R	F	1	M	1	58		
186	8399180	02/07/12 01:44 PM	77.502	104(a)	C	Y	R	F	1	M	1	59		
187	8399181	02/08/12 11:06 AM	75.1505(b)	104(a)	C	N	U	L	8	H	1			32
188	8399183	02/09/12 07:50 AM	75.1103-8(a)	104(a)	C	N	U	L	11	H	1			33
189	8399182	02/09/12 07:50 AM		104(a)	C	N	U	L	0	M	9			
190	8399184	02/09/12 08:30 AM		104(a)	C	N	U	L	11	H	10			34
191	8399185	02/09/12 08:54 AM		104(d)(2)	O	Y	R	F	11	R	11	60	25	35
192	8399186	02/14/12 07:40 AM	75.220(a)(1)	104(a)	C	Y	R	L	1	M	8	61		
193	8399187	02/14/12 10:11 AM	72.630(b)	104(a)	C	N	U	P	2	M	2			
194	8399188	02/14/12 12:22 PM	75.1725(a)	104(a)	C	Y	R	L	2	M	5	62		
195	8399189	02/14/12 01:50 PM	77.1605(k)	104(a)	C	Y	R	F	1	M	1	63		
196	8399190	02/14/12 03:24 PM	62.130(a)	104(a)	C	N	U	P	1	M	1			
197	8399191	02/15/12 09:45 AM	75.1103-5(a)(1)	104(a)	C	N	U	F	8	M	2			
198	8399192	02/15/12 12:43 PM	75.1600-3(a)(1)	104(a)	C	N	U	L	1	M	2			
199	8399193	02/16/12 08:02 AM		103(k)	O									
200	8399194	02/16/12 10:00 AM	48.9(a)	104(a)	C	N	U	N	0	M	1			

MSHA Mine ID: 15-18182

Mine: D & C Mining Corporation

Operator: D & C Mining Corporation

Controller: Horace Garrison Hill

Mine Status: NonProducing

Mine Status Date: October 19, 2012

% S&S: 30.6%

% Elevated: 12.6%

% S&S Neg>Mod: 15.3%

Cumulative During 12 Month Review Period

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201	8399195	02/16/12 12:24 PM	75.364(h)	104(a)	C	N	U	N	1	H	3			36
202	8399196	02/21/12 08:18 AM	75.362(d)(2)	104(a)	C	N	U	L	2	M	1			
203	8399197	02/21/12 10:12 AM	75.370(a)(1)	104(a)	C	N	U	P	1	M	5			
204	8399198	02/21/12 01:00 PM	72.630(b)	104(a)	C	N	U	P	2	M	3			
205	8399199	02/22/12 10:25 AM	75.1714-3(e)	104(a)	C	N	U	L	11	M	1			
206	8374800	02/22/12 10:50 AM	75.209(f)	104(a)	C	Y	R	L	2	M	1	64		
207	8374810	03/05/12 08:12 AM	75.512	104(a)	C	N	U	L	2	H	18			37
208	8374834	03/12/12 10:58 AM	75.403	104(a)	C	N	U	L	8	M	3			
209	8374835	03/12/12 11:30 AM	75.403	104(a)	C	N	U	L	8	M	4			
210	8374838	03/14/12 10:11 AM	75.512	104(b)	O								26	
211	8404644	03/22/12 11:30 AM	75.370(a)(1)	104(a)	C	N	U	L	8	M	6			
212	8404645	03/22/12 12:30 PM	75.370(a)(1)	104(a)	C	Y	R	P	2	M	7	65		
213	8404646	03/22/12 02:10 PM		104(a)	C	N	U	L	8	M	13			
214	8404647	03/22/12 02:20 PM	75.360(f)	104(a)	C	N	U	L	1	M	2			
215	8348459	03/28/12 02:37 PM	75.202(a)	104(a)	C	Y	R	L	1	M	5	66		
216	8348766	04/02/12 10:30 AM	75.220(a)(1)	104(a)	C	Y	R	P	1	M	9	67		
217	8348461	04/06/12 10:45 AM	75.1716	104(d)(2)	O	N	U	L	10	H	1		27	38
218	8374853	04/24/12 09:07 AM	75.203(b)	104(a)	C	Y	R	L	4	M	1	68		
219	8374854	04/24/12 11:18 AM	75.512	104(d)(2)	O	Y	R	L	4	H	20	69	28	39
220	8374855	04/24/12 11:24 AM	75.1107-16(a)	104(d)(2)	O	Y	R	L	4	H	1	70	29	40
221	8374872	05/15/12 09:10 AM		104(a)	C	N	U	L	3	M	14			
222	8374870	05/15/12 10:19 AM	75.370(a)(1)	104(d)(2)	O	N	U	L	3	H	8		30	41
223	8374871	05/15/12 11:44 AM	75.202(a)	104(b)	O								31	
224	8374874	05/17/12 10:31 AM	75.503	104(a)	C	N	U	L	1	M	13			
225	8374875	05/17/12 10:44 AM	75.523-3(b)(1)	104(a)	C	N	U	L	1	M	1			
226	8374876	05/17/12 10:55 AM	75.512	104(a)	C	N	U	L	1	M	21			
227	8374877	05/17/12 11:10 AM	75.1107-16(b)	104(a)	C	Y	R	L	1	M	5	71		
228	9867576	05/21/12 01:40 PM	70.207(a)	104(a)	C	N	U	P	5	M	1			
229	8374878	05/22/12 01:14 PM		104(a)	C	Y	R	L	1	M	15	72		
230	8374879	05/22/12 02:18 PM	75.512	104(a)	C	N	U	L	1	M	22			
231	8374880	05/22/12 03:00 PM	75.512	104(a)	C	N	U	F	1	M	23			
232	8374881	05/22/12 03:37 PM	75.512	104(d)(2)	O	N	U	F	1	R	24		32	42
233	8374882	05/22/12 04:14 PM	75.1107-16(b)	104(a)	C	N	U	L	1	M	6			
234	8374883	05/23/12 09:36 AM	75.503	104(a)	C	N	U	L	1	M	14			
235	8374884	05/23/12 10:00 AM	75.1107-16(b)	104(a)	C	Y	R	L	1	M	7	73		
236	8374885	05/23/12 12:05 PM	75.512	104(a)	C	N	U	L	1	M	25			
237	8374886	05/23/12 12:31 PM	75.310(a)(3)	104(a)	C	N	U	L	1	M	1			
238	8374887	05/23/12 12:45 PM	77.502	104(a)	C	N	U	F	1	M	2			
239	8374888	05/25/12 08:56 AM	75.333(e)(1)(ii)	104(a)	C	N	U	L	2	M	1			
240	8374889	05/25/12 11:49 AM	75.311(f)	104(a)	C	N	U	L	1	M	1			

MSHA Mine ID: 15-18182

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Controller: Horace Garrison Hill

Mine Status: NonProducing

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Cumulative During 12  
Month Review Period

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241	8374891	05/30/12 01:26 PM	75.336(e)	104(a)	C	N	U	L	1	M	1			
242	8374892	06/04/12 06:54 AM		104(a)	C	N	U	F	12	M	16			
243	8374893	06/04/12 10:09 AM	75.512	104(a)	C	N	U	L	1	M	26			
244	8374894	06/04/12 11:24 AM	75.503	104(a)	C	N	U	L	1	M	15			
245	8374895	06/04/12 02:07 PM	75.1200	104(a)	C	N	U	L	1	M	2			
246	8374896	06/05/12 08:31 AM		104(a)	C	Y	R	L	4	M	17	74		
247	8374897	06/05/12 09:10 AM	75.333(b)(3)	104(a)	C	N	U	L	1	M	1			
248	8374898	06/05/12 09:31 AM	75.517	104(a)	C	Y	R	F	1	M	6	75		
249	8374899	06/05/12 10:00 AM	75.517	104(a)	C	N	U	F	1	M	7			
250	8374900	06/06/12 09:57 AM	75.400	104(a)	C	N	U	L	1	M	13			
251	8374901	06/06/12 10:18 AM	75.604(b)	104(a)	C	N	U	L	1	M	2			
252	8374902	06/06/12 10:40 AM	75.1731(b)	104(a)	C	Y	R	L	8	M	3	76		
253	8374903	06/06/12 11:06 AM	75.400	104(a)	C	Y	R	L	8	M	14	77		
254	8374904	06/06/12 12:31 PM	75.512	104(a)	C	N	U	L	1	M	27			
255	8374905	06/06/12 12:52 PM	75.1910(a)	104(a)	C	N	U	L	1	M	1			
256	8374906	06/06/12 03:25 PM	75.512	104(d)(2)	O	Y	H	F	1	R	28	78	33	43
257	8374907	06/12/12 10:59 AM	75.400	104(a)	C	N	U	L	1	M	15			
258	8374908	06/12/12 11:04 AM	75.333(b)(2)	104(a)	C	N	U	L	1	M	1			
259	8374909	06/12/12 12:05 PM	77.1103(d)	104(a)	C	N	U	L	1	M	1			
260	8374910	06/12/12 12:46 PM	77.502	104(a)	C	Y	R	L	1	M	3	79		
261	8374911	06/13/12 09:00 AM	75.1103-11	104(a)	C	N	U	L	1	L	1			
262	8374912	06/13/12 09:58 AM	75.342(a)(4)(ii)	104(a)	C	N	U	L	1	M	1			
263	8374913	06/15/12 03:15 PM		104(a)	C	N	U	F	1	M	18			
264	8374914	06/18/12 08:14 AM	72.630(b)	104(a)	C	Y	R	P	1	M	4	80		
265	9867581	06/18/12 08:40 AM	70.208(a)	104(a)	C	N	U	P	1	M	1			
266	8374915	06/18/12 04:01 PM	62.120	104(a)	C	N	U	P	1	M	1			
267	8374919	06/25/12 02:47 PM	75.320(c)	104(a)	C	N	U	L	1	L	1			
268	8404667	06/26/12 10:30 AM	75.360(g)	104(a)	C	N	U	L	2	M	8			
269	8407228	06/26/12 10:48 AM	75.810	104(a)	C	Y	R	L	1	M	3	81		
270	8374920	06/26/12 11:13 AM	75.333(e)(1)(ii)	104(a)	C	N	U	L	1	M	2			
271	8404668	06/26/12 11:45 AM	75.370(a)(1)	104(a)	C	N	U	L	8	M	9			
272	8399409	06/26/12 12:01 PM	75.370(a)(1)	104(a)	C	N	U	L	1	M	10			
273	8374921	06/26/12 12:03 PM	75.604(b)	104(a)	C	N	U	L	1	M	3			
274	8374922	06/26/12 12:43 PM	75.400	104(a)	C	N	U	L	1	M	16			
275	8407229	06/26/12 12:52 PM	75.209(e)(1)	104(a)	C	Y	R	P	1	M	1	82		
276	8374923	06/27/12 09:19 AM	75.1103-8(b)	104(a)	C	N	U	L	1	M	1			
277	8374924	06/27/12 11:07 AM	75.1103-8(c)	104(a)	C	N	U	L	2	M	1			
278	8399410	07/10/12 07:20 AM	75.380(e)	104(a)	C	Y	R	F	11	M	1	83		
279	8399411	07/10/12 09:30 AM	75.1714-3(a)	104(a)	C	N	U	F	5	M	1			
280	8399412	07/11/12 11:23 AM	75.400	104(a)	C	N	U	L	1	M	17			

MSHA Mine ID: 15-18182

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Controller: Horace Garrison Hill

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281	8399413	07/11/12 01:26 PM	75.1910(j)	104(a)	C	N	U	L	1	M	1			
282	8399414	07/12/12 11:53 AM	75.523-3(c)(2)	104(a)	C	N	U	N	1	M	1			
283	8399415	07/12/12 12:07 PM	75.400	104(a)	C	N	U	L	1	M	18			
284	8399416	07/17/12 09:08 AM	77.509(c)	104(a)	C	N	U	L	1	M	1			
285	8399417	07/17/12 11:02 AM	75.400	104(a)	C	N	U	L	1	M	19			
286	8399418	07/17/12 12:42 PM	75.514	104(a)	C	N	U	L	1	M	1			
287	8399419	07/17/12 01:06 PM	75.515	104(a)	C	N	U	L	1	M	2			
288	8399420	07/20/12 11:02 AM	75.388(b)(3)	104(a)	C	Y	R	F	10	M	1	84		
289	8399421	07/23/12 11:36 AM	75.311(a)	104(d)(2)	O	Y	R	F	1	H	1	85	34	44
290	8399422	07/23/12 01:12 PM	75.311(b)(3)	104(d)(2)	O	Y	R	F	1	H	1	86	35	45
291	8399423	07/24/12 10:56 AM	75.1106-5(a)	104(a)	C	Y	R	L	1	M	1	87		
292	8399424	07/24/12 11:36 AM	75.517	104(a)	C	N	U	L	1	M	8			
293	8399425	07/24/12 12:38 PM	75.601-1	104(a)	C	N	U	L	1	M	2			
294	8399426	07/24/12 01:51 PM	75.310(a)(3)	104(a)	C	N	U	N	12	M	2			
295	8399428	07/30/12 08:52 AM	75.220(a)(1)	104(d)(2)	O	N	U	N	10	H	10		36	46
296	8399429	07/31/12 07:41 AM	75.400	104(a)	C	Y	R	L	1	M	20	88		
297	8397840	08/06/12 09:00 AM	77.904	104(a)	C	N	U	L	1	M	1			
298	8397841	08/06/12 09:25 AM	77.904	104(a)	C	N	U	L	1	M	2			
299	8397842	08/06/12 09:40 AM	77.207	104(a)	C	N	U	L	1	M	2			
300	8397843	08/06/12 10:00 AM	75.1715	104(a)	C	N	U	L	6	M	4			
301	8397844	08/06/12 10:25 AM	77.809	104(a)	C	N	U	L	1	M	1			
302	8399430	08/06/12 11:03 AM	75.605	104(a)	C	N	U	L	1	M	1			
303	8399431	08/06/12 11:54 AM	75.503	104(a)	C	N	U	L	1	M	16			
304	8397845	08/06/12 01:00 PM	77.502	104(a)	C	N	U	L	1	M	4			
305	8399432	08/06/12 01:06 PM	75.1722(a)	104(a)	C	Y	R	L	1	M	3	89		
306	8397846	08/06/12 01:30 PM	77.502	104(a)	C	Y	R	L	1	M	5	90		
307	8397847	08/06/12 01:50 PM	77.502	104(a)	C	N	U	L	1	M	6			
308	8399433	08/07/12 12:16 PM	75.1714-4(f)	104(a)	C	N	U	N	10	M	1			
309	8399434	08/07/12 12:39 PM	75.1505(a)(3)	104(a)	C	N	U	N	10	M	1			
310	8374093	08/08/12 09:30 AM	75.360(g)	104(a)	C	N	U	N	8	M	9			
311	8398032	08/08/12 10:20 AM	75.517	104(a)	C	Y	R	L	1	M	9	91		
312	8374094	08/08/12 10:25 AM	75.1714-2	104(d)(2)	O	Y	R	L	2	H	2	92	37	47
313	8374095	08/08/12 10:40 AM	75.400	104(a)	C	Y	R	L	2	M	21	93		
314	8398033	08/08/12 11:05 AM	75.342(a)(4)	104(a)	C	N	U	L	3	M	5			
315	8399435	08/08/12 11:16 AM	75.220(a)(1)	104(a)	C	Y	R	L	1	M	11	94		
316	8374096	08/08/12 11:20 AM	75.400	104(d)(2)	O	Y	R	L	8	H	22	95	38	48
317	8398034	08/08/12 11:40 AM	75.1722(a)	104(a)	C	N	U	P	1	M	4			
318	8374097	08/08/12 12:20 PM	75.1714-7(a)	104(d)(2)	O	Y	R	L	8	H	1	96	39	49
319	8374098	08/08/12 12:30 PM	75.360(a)(1)	104(d)(2)	O	Y	R	L	8	H	2	97	40	50
320	8399436	08/08/12 12:32 PM	75.503	104(a)	C	N	U	L	1	M	17			

MSHA Mine ID: 15-18182

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321	8374099	08/08/12 12:40 PM	75.1731(b)	104(a)	C	Y	R	L	3	M	4	98		
322	8374100	08/08/12 12:50 PM	75.1731(b)	104(a)	C	Y	R	L	3	M	5	99		
323	8374101	08/08/12 01:00 PM	75.1731(b)	104(a)	C	Y	R	L	3	M	6	100		
324	8374102	08/08/12 03:30 PM	75.1504(b)(3)(i)	104(d)(2)	O	Y	R	L	8	H	1	101	41	51
325	8399437	08/09/12 11:41 AM	75.1714-2(b)	104(a)	C	Y	R	L	1	M	1	102		
326	8399439	08/15/12 08:52 AM	75.400	104(b)	O								42	
327	8407246	08/15/12 10:02 AM	75.517	104(a)	C	Y	R	L	1	M	10	103		
328	8399440	08/15/12 10:29 AM	75.1403	104(a)	C	N	U	L	1	M	2			
329	8399441	08/15/12 11:11 AM	75.1505(a)(3)	104(a)	C	N	U	N	8	M	2			
330	8407247	08/15/12 11:18 AM	75.810	104(a)	C	N	U	L	1	M	4			
331	8399442	08/15/12 11:52 AM	75.900	104(a)	C	N	U	L	1	M	2			
332	8399443	08/16/12 09:47 AM	75.310(a)(4)	104(a)	C	N	N	N	0	M	1			
333	8399444	08/22/12 09:47 AM	75.400	104(d)(2)	O	N	U	L	7	H	24		43	52
334	8399445	08/28/12 12:01 PM	75.1504(d)(1)	104(a)	C	N	U	N	1	M	1			
335	8399446	08/28/12 12:58 PM	75.1911(j)	104(a)	C	N	U	N	1	M	1			
336	8399447	08/28/12 01:03 PM	75.1914(f)	104(a)	C	N	U	L	8	M	3			
337	8399448	08/29/12 10:47 AM	75.370(a)(1)	104(a)	C	Y	R	L	1	M	11	104		
338	9867602	09/06/12 03:05 PM	70.207(a)	104(a)	C	N	U	N	1	M	2			
339	8399453	09/17/12 11:47 AM	75.370(a)(1)	104(a)	C	N	U	L	1	M	12			
340	8399455	09/20/12 08:42 AM	75.360(h)	104(a)	C	N	N	N	0	L	1			