

**U.S. Department of Labor**

Mine Safety and Health Administration  
3837 S. US Hwy. 25E  
Barbourville, Kentucky 40906-9206



August 25, 2011

Mr. Darrell Wagner  
Superintendent  
Mine No. 1  
Solid Fuel, Inc.  
2115 Cumberland Ave.  
P.O. Box 276  
Middlesboro, KY 40965

Dear Mr. Wagner:

In accordance with the Mine Safety and Health Administration's (MSHA) Pattern of Violations Procedures Summary (POV Procedures Summary), on November 18, 2010 MSHA notified the Solid Fuel, Inc. (formerly Wilcoal Mining, Inc.) that a Potential Pattern of Violations existed at Mine No. 1 (formerly Tri-State One) Mine ID 40-03333. Following this notification, you were provided a reasonable opportunity to respond, including a review of documents, and the opportunity to provide additional information as well as right to submit a written request for a conference with the District Manager. You also submitted a corrective action program to reduce the amount of significant and substantial (S&S) violations issued at your mine.

We reviewed the progress of your program and concluded that Mine No. 1 achieved the target for its rate of S&S violations during the Pattern of Violations (POV) evaluation period set forth pursuant to regulation in MSHA's POV Procedures Summary, and as stated in MSHA's PPOV notification letter to you dated March 18, 2011. By achieving the targeted rate of S&S violations your mine was not considered for a Pattern of Violations notice pursuant to section 104(e)(1) of the Mine Act at that time. However, in accordance with the POV Procedures Summary, MSHA has continued to monitor Mine No. 1 for long term compliance, and has determined that the mine is not making a good faith effort to eliminate violations and has reverted back to PPOV status.

MSHA's Pattern of Violations Procedures Summary addresses this situation: mines that have received PPOV notifications; met the applicable requirements to terminate those notices; then reverted back to the pattern that caused the initial notification. In these cases, according to the POV Procedures Summary, mines shall be considered for further PPOV/POV actions.

This letter is your notification that a potential pattern of violations again exists at the Mine No. 1. This notification is based upon a review of the mine's S&S issuance rates after the evaluation period that ended in March 2011. The S&S issuance rate since that time is 21.94 violations per 100 inspection hour, which is a 111% increase over the S&S

rate goal established in your November 2010 corrective action program. In addition, the mine also exhibits a potential pattern of violations using the most current enforcement and injury data and PPOV criteria.

Prior to MSHA implementing Section 104(e) sanctions at the Mine No. 1, you are once again 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 program to me indicating that you will institute a corrective action program to avoid repeated significant and substantial violations at the operation. Guidance on what constitutes an appropriate corrective action program is contained in the enclosed document entitled *Pattern of Violations Procedures Summary (Appendix B – Guidelines for Corrective Action Programs)*.

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 under the regulations.

As mentioned, your previous corrective action program (CAP) did not result in long-term improvements at your mine; appropriate CAPs must lead to long-term safety improvements at your mine. Under MSHA's Pattern of Violations Procedures Summary, mines with appropriate CAPs must meet certain S&S reduction benchmarks within certain timeframes, while mines without appropriate CAPs must meet other, more stringent, benchmarks.

Consistent with Procedures summary, MSHA will require you to reduce your S&S issuance rate to 3.81, which is the current rate for the top 35% of all underground bituminous coal mines, within 50 days from the date of the PPOV notice. MSHA will work with you to establish an effective CAP with benchmarks and goals and may allow an additional period, not exceed 90 days, to determine whether the program effectively reduces the recurrence of S&S violations at the mine. See 30 C.F.R. § 104.4(a)(4). I encourage you to implement an appropriate corrective action program with long-term goals for reducing violations beyond the goals established by MSHA under the POV Procedures. As stated in the POV Procedures summary, 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.

Whether or not you implement a corrective action program, MSHA will conduct a complete inspection of the Mine No. 1. This inspection may start as soon as October 1,

2011. 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 Mine No. 1 has effectively controlled the occurrence of S&S violations during the review period.

If you implement a corrective action program and are given an additional 90 days, but do not achieve a rate of S&S violations at or below the applicable levels set forth in the paragraph above, in accordance with 30 C.F.R. Section 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.

In both cases, a copy of the report of evaluation will be provided to you and the representative of the miners, if applicable, 10 days before the report is sent to the Administrator. Both you and the miners' representative, 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 my report to the Administrator, the Administrator will issue a decision as to whether the Mine No. 1 is to be issued a Notice of a Pattern of Violations. A copy of the decision will be provided to you and the representative of the miners, if applicable.

If the Administrator decides to issue a Notice of Pattern of Violations, I will issue the Notice of Pattern of Violations to you. A copy of the notice will also be provided to the representative of miners, where applicable.

Following issuance of a Notice of Pattern of Violations, I will initiate appropriate inspection activities to ensure that the Mine No. 1 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.

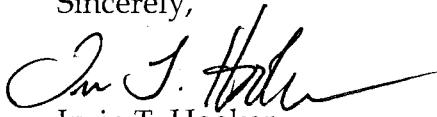
If upon any inspection after the issuance of the Pattern of Violations Notice an authorized representative finds any violation of a mandatory health or safety standard which could significantly and substantially contribute to the cause and effect of a safety or health hazard, the inspector shall issue 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 (606) 546-5123 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: 3837 US HWY 25E, Barbourville, KY 40906.

Sincerely,

A handwritten signature in black ink, appearing to read "Irvin T. Hooker". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Irvin T. Hooker  
District Manager  
District 7  
Attachment

Cc: Representative of Miners (if applicable)

**MSHA Mine ID: 40-03333**  
**Mine: No. 1**  
**Operator: Solid Fuel Inc.**  
**Controller: Wilma Wagner**  
**Mine Status: NonProducing**  
**Mine Status Date: August 11, 2011**

**% S&S: 48.7%**  
**% Elevated: 16.1%**  
**% S&S Neg>Mod: 29.2%**

**Cumulative During Review Period**

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Cumulative During Review Period			
											Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg > Mod Count
1	8403488	09/01/09 - 11:25	75.1103	104(a)	C	N	U	N	1	M	1			
2	8403514	09/01/09 - 11:30	75.800-4	104(a)	C	N	U	N	1	M	1			
3	8403515	09/01/09 - 11:40	77.502-2	104(a)	C	N	U	N	1	M	1			
4	8403516	09/01/09 - 11:50	75.1107-16(c)	104(a)	C	N	U	N	1	M	1			
5	8403517	09/01/09 - 12:00	75.900-3	104(a)	C	N	U	N	1	M	1			
6	8403518	09/01/09 - 12:10	75.342(a)(4)	104(a)	C	N	U	N	1	M	1			
7	8403489	09/01/09 - 13:00	77.505	104(a)	C	N	U	L	1	M	1			
8	8403490	09/01/09 - 13:30	77.513	104(a)	C	N	U	L	1	M	1			
9	8403491	09/01/09 - 13:45	77.900	104(a)	C	N	U	L	1	M	1			
10	8403492	09/01/09 - 14:00	77.513	104(a)	C	N	U	L	1	M	2			
11	8403493	09/02/09 - 11:00	75.503	104(a)	C	N	U	N	2	M	1			
12	8403494	09/02/09 - 11:05	75.1722(a)	104(a)	C	Y	R	L	2	M	1	1		
13	8403519	09/08/09 - 12:15	75.517	104(a)	C	N	U	L	1	M	1			
14	8401808	09/09/09 - 12:30	75.900	104(a)	C	Y	R	F	1	M	1	2		
15	9865940	09/16/09 - 09:20	70.207(a)	104(a)	C	N	U	P	10	M	1			
16	8335391	10/01/09 - 07:10	75.1501(a)	104(a)	C	N	U	L	6	M	1			
17	8335392	10/01/09 - 08:10		107(a)	O								1	
18	8335393	10/01/09 - 08:20	75.1722(a)	104(d)(1)	C	Y	H	P	1	H	2	3	2	1
19	8335394	10/01/09 - 08:40	75.370(a)(1)	104(d)(1)	O	Y	R	P	1	H	1	4	3	2
20	8335395	10/01/09 - 09:05	75.1106-4(g)	104(d)(1)	O	Y	H	F	1	H	1	5	4	3
21	8335396	10/01/09 - 09:15	72.630(b)	104(d)(1)	O	Y	H	P	2	H	1	6	5	4
22	8335397	10/01/09 - 09:30	75.400	104(a)	C	N	U	L	2	M	1			
23	8335398	10/01/09 - 10:10	75.400	104(a)	C	N	U	L	2	M	2			
24	8335399	10/01/09 - 15:45	75.360	104(d)(1)	O	Y	R	P	8	H	1	7	6	5
25	8400463	10/02/09 - 10:00	75.1722(a)	104(a)	C	Y	R	L	1	M	3	8		
26	8400464	10/02/09 - 12:00	75.370(a)(1)	104(a)	C	N	U	N	1	M	2			
27	8335401	10/06/09 - 16:25	75.1200-1(m)	104(a)	C	N	U	N	1	L	1			
28	9865959	10/22/09 - 08:38	70.101	104(a)	C	Y	H	P	10	M	1	9		
29	8357003	10/30/09 - 10:15	75.1722(a)	104(a)	C	Y	R	L	1	M	4	10		
30	8357004	10/30/09 - 10:25	75.1100-2(a)	104(a)	C	N	U	L	8	M	1			
31	8357005	10/30/09 - 11:10	75.904	104(a)	C	N	U	L	1	M	1			
32	8357006	10/30/09 - 11:27	75.701	104(a)	C	N	U	L	1	M	1			
33	8357007	10/30/09 - 11:32	75.512	104(a)	C	N	U	L	1	M	1			
34	8357008	10/30/09 - 12:48	75.360(a)(1)	104(a)	C	N	U	N	1	M	1			
35	8357009	10/30/09 - 13:05	75.362(b)	104(a)	C	N	U	N	1	M	1			
36	8357010	10/30/09 - 13:30	75.1100-2(b)	104(a)	C	N	U	L	8	M	1			
37	8357011	10/31/09 - 10:12	75.1505(b)	104(a)	C	N	U	N	8	M	1			
38	8357012	10/31/09 - 10:40	75.514	104(a)	C	Y	R	L	1	M	1	11		

MSHA Mine ID: 40-03333

Mine: No. 1

Operator: Solid Fuel Inc.

Controller: Wilma Wagner

Mine Status: NonProducing

Mine Status Date: August 11, 2011

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Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Same Standard Cited Count	Cumulative During Review Period		
												S&S Count	Elevated Count	S&S Neg > Mod Count
39	8357013	10/31/09 - 12:35	75.310(a)(1)	104(a)	C	N	U	N	8	M	1			
40	8357014	11/02/09 - 08:40	75.1200	104(a)	C	N	U	N	8	M	1			
41	8357015	11/02/09 - 09:55	75.904	104(a)	C	N	U	L	1	M	2			
42	8357016	11/02/09 - 10:10	75.503	104(a)	C	N	U	L	1	L	2			
43	8357017	11/02/09 - 10:15	75.1107	104(a)	C	Y	R	L	1	M	1	12		
44	8357018	11/02/09 - 10:22	75.220(a)(1)	104(a)	C	Y	R	L	1	M	1	13		
45	8357019	11/02/09 - 10:43	75.214(a)	104(a)	C	N	U	L	8	M	1			
46	8357021	11/04/09 - 17:10	75.220(a)(1)	104(a)	C	Y	R	L	2	M	2	14		
47	8357022	11/04/09 - 18:10	75.1715	104(a)	C	N	U	N	1	M	1			
48	8357023	11/04/09 - 19:28	75.514	104(a)	C	Y	R	L	1	M	2	15		
49	8357024	11/04/09 - 19:45	75.1725(a)	104(a)	C	Y	R	L	1	M	1	16		
50	8357025	11/04/09 - 19:50	75.503	104(a)	C	N	U	L	1	M	3			
51	8357026	11/04/09 - 20:30	75.1725(a)	104(a)	C	Y	R	L	1	M	2	17		
52	8357027	11/16/09 - 09:30	75.1722(b)	104(a)	C	Y	R	L	1	M	1	18		
53	8357028	11/16/09 - 11:05	75.606	104(a)	C	Y	R	L	1	M	1	19		
54	8357030	11/24/09 - 12:02	77.1104	104(a)	C	N	U	L	1	M	1			
55	8357035	12/01/09 - 08:35	75.312(a)	104(a)	C	N	U	N	1	M	1			
56	8357036	12/01/09 - 10:15	75.604(b)	104(a)	C	Y	R	L	1	M	1	20		
57	8357037	12/01/09 - 10:35	75.512	104(a)	C	N	U	L	1	M	2			
58	8357038	12/01/09 - 10:54	75.400	104(a)	C	Y	R	L	2	M	3	21		
59	8357039	12/01/09 - 10:58	72.630(b)	104(a)	C	Y	R	L	2	M	2	22		
60	8357040	12/01/09 - 11:05	75.220(a)(1)	104(a)	C	Y	R	L	2	M	3	23		
61	8357041	12/01/09 - 11:57	75.220(a)(1)	104(a)	C	Y	R	L	1	M	4	24		
62	8357042	12/01/09 - 12:10	75.1100-2(b)	104(a)	C	N	U	L	6	M	2			
63	8357043	12/07/09 - 08:30	75.220(a)(1)	104(a)	C	Y	R	L	2	M	5	25		
64	8357044	12/07/09 - 08:50	72.630(b)	104(a)	C	N	U	L	2	M	3			
65	8401459	12/07/09 - 10:15	75.900-4	104(a)	C	N	N	N	1	M	1			
66	8401460	12/07/09 - 10:20	75.342(a)(4)	104(a)	C	N	N	N	1	M	2			
67	8357045	12/07/09 - 10:50	75.1505(b)	104(a)	C	N	U	L	8	M	2			
68	8357046	12/07/09 - 14:15	75.807	104(a)	C	N	U	L	1	M	1			
69	8342901	12/10/09 - 08:55	75.402	104(a)	C	N	U	L	2	L	1			
70	8342902	12/10/09 - 09:35	75.333(b)(1)	104(a)	C	N	U	N	0	M	1			
71	8342903	12/10/09 - 10:10	75.1720-1	104(a)	C	N	U	P	1	M	1			
72	8342904	12/10/09 - 10:15		107(a)	O								7	
73	8342905	12/10/09 - 10:16	75.202(a)	104(a)	C	Y	H	F	2	M	1	26		
74	8342906	12/10/09 - 10:30	75.360(b)(1)	104(a)	C	Y	H	F	2	H	1	27		6
75	8342907	12/10/09 - 10:45	72.630(b)	104(a)	C	Y	R	P	2	M	4	28		
76	8342908	12/10/09 - 10:50	75.370(a)(1)	104(a)	C	Y	R	P	3	M	3	29		

MSHA Mine ID: 40-03333

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Cumulative During Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg > Mod Count
77	8342909	12/10/09 - 10:50	75.362(a)(2)	104(a)	C	Y	R	P	9	M	1	30		
78	8401468	01/05/10 - 10:00	75.1103-4(a)	104(a)	C	N	U	N	28	L	1			
79	8401469	01/05/10 - 11:30	75.220	104(a)	C	Y	R	L	2	L	1	31		
80	8401470	01/05/10 - 14:05	75.902	104(a)	C	Y	R	L	1	M	1	32		
81	8343012	01/25/10 - 10:00	75.503	104(a)	C	N	U	L	9	M	4			
82	8343013	01/26/10 - 12:00		104(a)	C	Y	R	L	12	M	3	33		
83	8335428	02/09/10 - 06:45	75.1715	104(a)	C	N	U	N	4	M	2			
84	8335429	02/09/10 - 08:45	75.202(b)	104(d)(1)	C	Y	H	F	1	H	1	34	8	7
85	8335432	02/09/10 - 09:00	75.360(f)	104(a)	C	N	U	N	1	M	1			
86	8335430	02/09/10 - 09:15	72.630(b)	104(a)	C	Y	H	P	2	M	5	35		
87	8335431	02/09/10 - 09:35	75.514	104(a)	C	Y	R	L	1	M	3	36		
88	8335433	02/09/10 - 10:45	75.220(a)(1)	104(a)	C	Y	R	L	1	M	6	37		
89	8343040	02/18/10 - 12:45	50.10	104(a)	C	N	U	N	1	M	1			
90	8343041	02/18/10 - 13:10	75.220(a)(1)	104(a)	C	Y	O	L	1	M	7	38		
91	8343042	02/22/10 - 05:30	77.207	104(a)	C	N	U	L	1	M	1			
92	8343043	02/22/10 - 07:30	77.1605(k)	104(a)	C	N	U	L	1	M	1			
93	8343044	02/22/10 - 09:00	75.220(a)(1)	104(a)	C	Y	R	L	1	M	8	39		
94	8343045	02/23/10 - 10:30	75.360(g)	104(a)	C	N	U	L	1	M	1			
95	8343046	02/23/10 - 10:35	77.202	104(a)	C	N	U	L	1	M	1			
96	8343047	02/23/10 - 10:36	77.400(d)	104(a)	C	Y	R	L	1	M	1	40		
97	8343048	02/23/10 - 10:37	77.400(b)	104(a)	C	N	U	L	1	M	1			
98	8343049	02/23/10 - 10:40	75.311(f)	104(a)	C	N	U	L	10	M	1			
99	8343050	02/23/10 - 11:00	75.1100-2(b)	104(a)	C	N	U	L	10	M	3			
100	8343051	02/23/10 - 11:15	75.380(d)	104(a)	C	Y	R	L	10	M	1	41		
101	8343053	02/23/10 - 11:45	75.1100-1(a)	104(a)	C	Y	R	L	10	M	1	42		
102	8343054	02/23/10 - 12:00	75.400	104(a)	C	N	U	L	10	M	4			
103	8343055	02/23/10 - 12:15	75.1100-2(b)	104(a)	C	N	U	L	10	M	4			
104	8343056	02/23/10 - 12:17	75.402	104(a)	C	N	U	L	10	M	2			
105	8343057	02/23/10 - 12:20	75.400	104(a)	C	N	U	L	10	M	5			
106	8343058	02/23/10 - 12:25	75.606	104(a)	C	N	U	L	1	M	2			
107	8343059	02/23/10 - 12:30	75.512	104(a)	C	N	U	L	1	M	3			
108	8343060	02/23/10 - 13:00	75.503	104(a)	C	N	U	L	1	M	5			
109	8343061	02/23/10 - 13:20	75.380(d)(7)(iv)	104(a)	C	N	U	L	10	M	1			
110	8343062	02/23/10 - 13:30	75.362(b)	104(a)	C	Y	R	L	10	M	2	43		
111	8343063	02/24/10 - 09:00	75.333(c)(2)	104(a)	C	N	U	L	10	M	1			
112	8343064	02/24/10 - 09:05	75.333(h)	104(a)	C	N	U	L	10	M	1			
113	8343065	02/24/10 - 10:25	75.402	104(a)	C	N	U	L	10	M	3			
114	8343066	02/24/10 - 10:30	75.333(h)	104(a)	C	N	U	L	10	M	2			

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115	8343067	02/24/10 - 11:15	75.380(d)(7)(iv)	104(a)	C	N	U	L	10	M	2			
116	8343068	02/24/10 - 12:05	75.364(h)	104(a)	C	N	U	L	10	M	1			
117	8343069	02/24/10 - 12:10	75.1504(d)	104(a)	C	Y	R	L	27	M	1	44		
118	8343070	02/24/10 - 12:50	75.512	104(a)	C	N	U	L	1	M	4			
119	8343071	02/24/10 - 12:55	75.342(a)(4)(ii)	104(a)	C	N	U	L	10	M	1			
120	8335434	02/24/10 - 14:45	75.1712-3(c)(2)(ii)	104(a)	C	N	U	N	2	M	1			
121	8400494	03/01/10 - 08:45	75.1714(a)	104(a)	C	Y	R	L	10	M	1	45		
122	8400495	03/01/10 - 09:10	75.400	104(a)	C	N	U	N	2	M	6			
123	8400496	03/01/10 - 09:35	75.220(a)(1)	104(a)	C	N	U	N	1	M	9			
124	8400497	03/01/10 - 12:10	75.202(a)	104(a)	C	Y	R	L	1	M	2	46		
125	8400498	03/02/10 - 17:25	75.333(e)(1)(ii)	104(a)	C	N	U	N	1	M	1			
126	8400499	03/02/10 - 17:50	75.403	104(a)	C	N	U	N	1	M	1			
127	8400500	03/02/10 - 19:00	75.370(a)(1)	104(a)	C	N	U	N	1	M	4			
128	8401503	03/03/10 - 15:15	75.900-4	104(a)	C	N	N	N	1	M	2			
129	8343082	03/11/10 - 09:15	75.1731(b)	104(a)	C	Y	R	L	12	M	1	47		
130	8343083	03/11/10 - 09:30	75.400	104(a)	C	Y	R	L	12	M	7	48		
131	8343084	03/11/10 - 10:00	75.220(a)(1)	104(a)	C	Y	R	L	2	M	10	49		
132	8343085	03/11/10 - 10:30	75.1910(j)	104(a)	C	Y	R	L	1	M	1	50		
133	8342042	03/12/10 - 10:20	75.370(a)(1)	104(a)	C	Y	R	P	2	M	5	51		
134	8401506	03/15/10 - 11:00	75.602	104(a)	C	N	U	L	1	M	1			
135	8401507	03/15/10 - 11:45	75.900	104(a)	C	Y	R	L	1	M	2	52		
136	8401508	03/15/10 - 14:00	75.342(a)(4)	104(a)	C	N	U	L	1	M	3			
137	8400513	03/22/10 - 10:00	75.1722(a)	104(a)	C	Y	R	L	1	M	5	53		
138	8400514	03/22/10 - 11:05	75.220(a)(1)	104(a)	C	N	U	N	1	M	11			
139	8400515	03/22/10 - 12:30	75.400	104(a)	C	N	U	N	1	M	8			
140	8400519	03/29/10 - 06:05		104(a)	C	Y	R	L	5	M	4	54		
141	8400520	03/29/10 - 08:00	75.380(d)(1)	104(a)	C	Y	R	L	1	M	1	55		
142	8400521	03/29/10 - 08:30	75.400	104(b)	O								9	
143	8343261	04/19/10 - 09:10	75.364(b)(5)	104(a)	C	Y	R	L	10	M	1	56		
144	8343262	04/19/10 - 09:15	75.364(b)(5)	104(a)	C	Y	R	L	10	M	2	57		
145	8343107	04/19/10 - 09:30	75.1713-7(b)	104(a)	C	N	U	L	1	M	1			
146	8343263	04/19/10 - 09:45	75.1702-1	104(a)	C	Y	R	L	3	M	1	58		
147	8343264	04/19/10 - 10:10	75.342(a)(4)	104(a)	C	Y	R	L	10	M	4	59		
148	8343265	04/19/10 - 11:20	75.1504(b)(3)(i)	104(a)	C	Y	R	L	10	M	1	60		
149	8343108	04/19/10 - 11:30	75.1101-7(b)	104(a)	C	Y	R	L	4	H	1	61		8
150	8343266	04/19/10 - 11:30	75.1504(b)(3)(i)	104(a)	C	Y	R	L	10	M	2	62		
151	8343109	04/19/10 - 11:35	75.1100-2(b)	104(a)	C	Y	R	L	13	H	5	63		9
152	8343110	04/19/10 - 11:49	75.517	104(a)	C	Y	R	L	1	H	2	64		10



MSHA Mine ID: 40-03333

Mine: No. 1

Operator: Solid Fuel Inc.

Controller: Wilma Wagner

Mine Status: NonProducing

Mine Status Date: August 11, 2011

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Cumulative During Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Same Standard Cited Count	Cumulative During Review Period		
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153	8343267	04/19/10 - 12:05	75.360(a)(1)	104(a)	C	Y	R	L	2	M	2	65		
154	8343111	04/19/10 - 12:30	75.400	104(d)(1)	O	Y	R	L	4	H	10	66	10	11
155	8343268	04/19/10 - 12:30	75.1504(d)	104(a)	C	Y	R	L	28	M	2	67		
156	8343269	04/19/10 - 13:05	71.403(d)	104(a)	C	N	U	N	1	M	1			
157	8343112	04/19/10 - 13:30	75.400	104(a)	C	N	U	L	11	M	11			
158	8343270	04/19/10 - 13:30	75.1502	104(a)	C	Y	R	L	10	M	1	68		
159	8343113	04/19/10 - 13:45	75.362(g)(1)	104(a)	C	N	U	L	13	H	1			
160	8343271	04/19/10 - 14:12	75.159	104(a)	C	N	U	N	1	M	1			
161	8343272	04/19/10 - 15:30	75.1713-3	104(a)	C	N	U	L	1	M	1			
162	8343114	04/20/10 - 11:45	75.202(a)	104(d)(1)	O	Y	R	L	1	H	3	69	11	12
163	8343115	04/20/10 - 12:00	75.400	104(d)(1)	O	Y	R	L	4	H	12	70	12	13
164	8343116	04/20/10 - 12:35	75.370(a)(1)	104(d)(1)	O	N	U	L	4	H	6		13	
165	8343117	04/20/10 - 12:40	75.400	104(a)	C	Y	R	L	10	H	13	71		14
166	8343118	04/20/10 - 13:00	75.1100-2(d)	104(a)	C	Y	R	L	8	M	1	72		
167	8343119	04/20/10 - 13:35	75.1100-2(e)	104(a)	C	N	U	L	10	M	1			
168	8343120	04/20/10 - 13:50	75.1731(b)	104(a)	C	Y	R	L	8	H	2	73		15
169	8343121	04/20/10 - 14:00	75.400	104(d)(1)	O	Y	R	L	4	H	14	74	14	16
170	8343122	04/20/10 - 14:30	48.6(a)	104(g)(1)	O	Y	R	L	26	H	1	75	15	17
171	8343123	04/20/10 - 14:35	48.7(a)	104(g)(1)	O	Y	R	L	26	H	1	76	16	18
172	8343124	04/20/10 - 15:15	75.362(g)	104(a)	C	Y	R	L	10	M	1	77		
173	8401517	04/21/10 - 07:31	75.902	104(a)	C	Y	R	L	1	M	2	78		
174	8343278	04/21/10 - 13:55	77.1104	104(a)	C	N	U	L	1	M	2			
175	8343279	04/21/10 - 14:10	77.1110	104(a)	C	N	U	L	1	M	1			
176	8401520	04/27/10 - 12:20	75.515	104(a)	C	N	U	L	1	M	1			
177	8335439	04/30/10 - 09:00	72.630	104(d)(1)	O	Y	H	P	4	H	1	79	17	19
178	8335440	04/30/10 - 09:05	75.503	104(a)	C	N	U	L	1	M	6			
179	8335441	04/30/10 - 09:15	75.400	104(a)	C	N	U	L	6	M	15			
180	8401523	05/04/10 - 10:05	75.220	104(a)	C	Y	R	L	2	M	2	80		
181	8401524	05/04/10 - 14:59	75.503	104(a)	C	N	U	L	1	M	7			
182	8335442	05/05/10 - 13:15	75.202(a)	104(a)	C	Y	R	P	1	M	4	81		
183	8320000	05/25/10 - 10:40	70.204(a)	104(a)	C	N	U	P	1	M	1			
184	8405200	05/25/10 - 10:50	70.204(c)	104(a)	C	N	U	P	1	L	1			
185	8343155	05/29/10 - 16:00	75.360(g)	104(a)	C	N	U	L	9	M	2			
186	8401531	06/02/10 - 10:45	75.342(a)(4)	104(a)	C	N	U	N	1	H	5			
187	8401542	06/07/10 - 17:30	75.342(a)(4)	104(a)	C	N	U	L	1	M	6			
188	8401543	06/07/10 - 18:29	75.208	104(a)	C	Y	R	L	2	M	1	82		
189	8401544	06/07/10 - 20:55	75.202	104(a)	C	Y	R	L	2	M	1	83		
190	8335469	06/08/10 - 09:00	75.310(a)(4)	104(a)	C	N	U	N	1	M	1			

**MSHA Mine ID: 40-03333**  
**Mine: No. 1**  
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**Mine Status: NonProducing**  
**Mine Status Date: August 11, 2011**

**% S&S: 48.7%**  
**% Elevated: 16.1%**  
**% S&S Neg>Mod: 29.2%**

**Cumulative During  
Review Period**

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Same Standard Cited Count	Cumulative During Review Period		
												S&S Count	Elevated Count	S&S Neg > Mod Count
191	8401545	06/08/10 - 09:00	75.503	104(a)	C	N	U	L	2	M	8			
192	8335459	06/08/10 - 09:30	75.202(a)	104(d)(1)	O	Y	H	P	2	H	5	84	18	20
193	8335460	06/08/10 - 09:35	75.402	104(a)	C	Y	R	P	6	M	4	85		
194	8335461	06/08/10 - 09:40	75.370(a)(1)	104(a)	C	Y	R	P	1	M	7	86		
195	8335462	06/08/10 - 09:50	75.1722(a)	104(a)	C	Y	R	P	1	M	6	87		
196	8335463	06/08/10 - 10:00	75.1702	104(a)	C	Y	R	L	8	M	1	88		
197	8401546	06/08/10 - 10:32	75.500(d)	104(a)	C	N	U	L	1	M	1			
198	8335464	06/08/10 - 11:10	75.400	104(d)(1)	O	Y	R	P	6	H	16	89	19	21
199	8335465	06/08/10 - 11:30	75.515	104(a)	C	Y	R	L	1	M	2	90		
200	8335466	06/08/10 - 11:45	75.1722(a)	104(d)(1)	O	Y	H	P	1	H	7	91	20	22
201	8335467	06/08/10 - 12:00	75.362(d)	104(d)(1)	O	Y	H	P	8	H	1	92	21	23
202	8335468	06/08/10 - 12:05	75.333(h)	104(a)	C	N	U	N	1	M	3			
203	8343451	06/22/10 - 17:10	75.220(a)(1)	104(d)(1)	O	Y	R	L	2	H	12	93	22	24
204	8343452	06/23/10 - 15:05	75.208	104(a)	C	N	U	L	1	M	2			
205	8401557	06/28/10 - 10:30	75.503	104(a)	C	N	U	L	1	M	9			
206	8343456	06/29/10 - 15:20	75.403	104(a)	C	N	U	F	10	M	2			
207	8343197	06/30/10 - 09:45	75.220(a)(1)	104(a)	C	Y	R	L	8	M	13	94		
208	8343198	06/30/10 - 10:00	75.220(a)(1)	104(d)(2)	O	Y	R	F	8	H	14	95	23	25
209	8343199	06/30/10 - 10:30	75.220(a)(1)	104(d)(2)	O	Y	R	F	8	H	15	96	24	26
210	8405056	06/30/10 - 10:45	75.807	104(a)	C	N	U	L	1	M	2			
211	7469203	06/30/10 - 11:00	75.220(a)(1)	104(d)(2)	O	Y	R	F	8	H	16	97	25	27
212	8405057	06/30/10 - 11:00	75.701	104(a)	C	N	U	L	1	M	2			
213	7469204	06/30/10 - 11:10	75.333(b)(3)	104(a)	C	Y	R	L	8	M	1	98		
214	7469205	06/30/10 - 11:15	75.333(b)(3)	104(a)	C	Y	R	L	8	M	2	99		
215	8405058	06/30/10 - 11:15	75.1725(a)	104(a)	C	Y	R	P	2	M	3	100		
216	7469206	06/30/10 - 11:30	75.333(b)(3)	104(a)	C	Y	R	L	8	M	3	101		
217	8405059	06/30/10 - 11:30	75.400	104(a)	C	Y	R	L	2	M	17	102		
218	8405060	06/30/10 - 11:40	75.604(b)	104(a)	C	Y	R	L	1	M	2	103		
219	7469207	06/30/10 - 11:45	75.333(b)(2)	104(a)	C	Y	R	L	8	M	1	104		
220	7469208	06/30/10 - 11:48	75.333(c)(3)	104(a)	C	Y	R	L	8	M	1	105		
221	7469209	06/30/10 - 11:50	75.333(b)(2)	104(a)	C	Y	R	L	8	M	2	106		
222	7469210	06/30/10 - 12:00	75.333(b)(2)	104(a)	C	Y	R	L	8	M	3	107		
223	8405061	06/30/10 - 12:00	75.604(b)	104(a)	C	Y	R	L	1	M	3	108		
224	7469211	06/30/10 - 12:10	75.333(c)(3)	104(a)	C	Y	R	L	8	M	2	109		
225	8405062	06/30/10 - 12:10	75.503	104(a)	C	N	U	L	1	M	10			
226	8405063	06/30/10 - 12:15	75.400	104(a)	C	N	U	L	1	M	18			
227	8405064	06/30/10 - 12:40	75.512	104(a)	C	N	U	L	1	M	5			
228	8405065	06/30/10 - 12:50	75.1101-7(a)	104(a)	C	N	U	L	1	M	1			

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Cumulative During Review Period

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229	8405066	06/30/10 - 13:05	75.1731(b)	104(a)	C	N	U	L	1	H	3			
230	8405067	06/30/10 - 13:45	75.1103-8(b)	104(a)	C	N	U	L	1	M	1			
231	7469212	06/30/10 - 16:15	75.360(g)	104(d)(2)	O	Y	R	F	8	H	3	110	26	28
232	8405068	07/01/10 - 10:30	75.503	104(a)	C	N	U	L	2	M	11			
233	8401567	07/01/10 - 12:15	75.900	104(a)	C	Y	R	L	1	M	3	111		
234	8362444	07/06/10 - 22:10	75.517	104(a)	C	Y	R	L	1	M	3	112		
235	8364434	07/06/10 - 22:20	75.381(c)(1)	104(a)	C	Y	R	L	6	M	1	113		
236	8364435	07/06/10 - 23:00	75.333(b)(3)	104(a)	C	N	U	L	1	M	4			
237	8362445	07/06/10 - 23:05	75.811	104(a)	C	Y	R	L	1	M	1	114		
238	8362446	07/07/10 - 00:30	75.904	104(a)	C	Y	R	L	1	M	3	115		
239	8343462	07/14/10 - 11:50	75.333(b)(2)	104(b)	O								27	
240	8343463	07/14/10 - 12:15	75.1731(b)	104(b)	O								28	
241	8343464	07/14/10 - 12:25	75.380(d)(1)	104(d)(2)	O	Y	R	F	10	H	2	116	29	29
242	8343465	07/14/10 - 12:45	75.360(b)(1)	104(a)	C	Y	R	F	2	M	2	117		
243	8401569	07/20/10 - 19:50	77.207	104(a)	C	N	U	N	1	L	2			
244	8401570	07/20/10 - 20:20	75.202	104(a)	C	Y	R	L	1	M	2	118		
245	8401571	07/20/10 - 22:30	75.503	104(a)	C	N	U	L	2	M	12			
246	8401575	07/25/10 - 13:30	75.512	104(a)	C	Y	R	L	1	M	6	119		
247	8401576	07/25/10 - 14:15	77.505	104(a)	C	N	U	L	1	M	2			
248	8405077	07/30/10 - 18:30	75.512	104(a)	C	N	U	L	10	H	7			
249	8343484	07/30/10 - 18:40	75.1731(b)	104(a)	C	N	U	L	4	H	5			
250	8365429	07/30/10 - 18:40	75.370(a)(1)	104(d)(2)	O	Y	R	P	3	H	8	120	30	30
251	8405078	07/30/10 - 18:40	75.807	104(a)	C	N	U	N	1	H	3			
252	8405079	07/30/10 - 18:50	75.701	104(a)	C	N	U	L	1	H	3			
253	8365430	07/30/10 - 18:55	75.202(a)	104(d)(2)	O	Y	H	F	1	H	6	121	31	31
254	8343485	07/30/10 - 19:00	75.202(a)	104(d)(2)	O	Y	R	F	1	H	7	122	32	32
255	8365431	07/30/10 - 19:05	75.203(d)	104(d)(2)	O	Y	H	P	2	H	1	123	33	33
256	8405080	07/30/10 - 19:05	75.512	104(a)	C	N	U	L	1	M	8			
257	8343486	07/30/10 - 19:08	75.380(d)(7)(iv)	104(a)	C	N	U	F	10	M	3			
258	8405081	07/30/10 - 19:08	75.601	104(a)	C	N	U	L	1	M	1			
259	8365432	07/30/10 - 19:20	75.400	104(d)(2)	O	Y	R	L	8	H	19	124	34	34
260	8343487	07/30/10 - 19:25	75.1722(b)	104(d)(2)	O	Y	R	P	1	H	2	125	35	35
261	8343488	07/30/10 - 19:30	75.1731(a)	104(a)	C	N	U	L	1	M	1			
262	8365433	07/30/10 - 19:30	75.360(b)(3)	104(d)(2)	O	Y	H	F	8	H	1	126	36	36
263	8405082	07/30/10 - 19:30	75.604(b)	104(a)	C	Y	R	F	1	H	4	127		37
264	8365434	07/30/10 - 19:45	75.1106-3(a)	104(a)	C	Y	R	L	1	M	1	128		
265	8405083	07/30/10 - 19:45	75.606	104(a)	C	Y	R	F	1	H	3	129		38
266	8343489	07/30/10 - 19:50	75.1731(b)	104(a)	C	N	U	L	4	H	6			

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267	8365435	07/30/10 - 19:50	75.1106-5(a)	104(a)	C	Y	R	L	1	M	1	130		
268	8343490	07/30/10 - 20:05	75.1722(c)	104(a)	C	Y	R	P	1	M	1	131		
269	8405084	07/30/10 - 20:05	75.1725(a)	104(d)(2)	O	Y	R	F	2	H	4	132	37	39
270	8405085	07/30/10 - 20:10	75.605	104(a)	C	Y	R	P	1	M	1	133		
271	8343491	07/30/10 - 20:15	75.1101-10	104(a)	C	N	U	L	10	M	1			
272	8405086	07/30/10 - 20:15	75.906	104(a)	C	Y	R	F	1	H	1	134		40
273	8343492	07/30/10 - 20:20	75.380(d)(7)(vi)	104(a)	C	N	U	F	10	M	1			
274	8405087	07/30/10 - 20:20	75.400	104(a)	C	Y	R	P	1	H	20	135		41
275	8343493	07/30/10 - 20:30	47.41(a)	104(a)	C	N	U	L	1	M	1			
276	8365436	07/30/10 - 20:35	75.400	104(a)	C	Y	R	L	2	H	21	136		42
277	8405088	07/30/10 - 20:45	75.1107-16(b)	104(a)	C	Y	R	L	8	M	1	137		
278	8405089	07/30/10 - 20:50	75.503	104(a)	C	N	U	L	1	H	13			
279	8343494	07/30/10 - 21:05	75.360(b)(1)	104(d)(2)	O	Y	H	F	10	H	3	138	38	43
280	8365437	07/30/10 - 21:05	75.380(d)(7)(iv)	104(a)	C	Y	R	L	8	M	4	139		
281	8405090	07/30/10 - 21:10	75.906	104(a)	C	Y	R	P	1	H	2	140		44
282	8365438	07/30/10 - 21:15	75.380(d)(1)	104(a)	C	Y	R	L	8	M	3	141		
283	8365439	07/30/10 - 21:20	75.202(a)	104(d)(2)	O	Y	H	F	2	H	8	142	39	45
284	8343495	07/30/10 - 21:25		107(a)	O								40	
285	8405091	07/30/10 - 22:40	75.512	104(d)(2)	O	Y	H	F	1	H	9	143	41	46
286	8343500	08/09/10 - 14:40	75.364(a)	104(d)(2)	O	Y	R	L	8	H	1	144	42	47
287	8402671	08/16/10 - 11:30	75.310(a)(3)	104(a)	C	N	U	L	1	M	1			
288	8402672	08/16/10 - 11:35	75.372(b)(6)	104(a)	C	N	N	N	0	M	1			
289	8402673	08/16/10 - 11:50	75.310(a)(4)	104(a)	C	N	N	N	0	M	2			
290	8402674	08/16/10 - 11:52	75.312(a)	104(a)	C	N	N	N	0	M	2			
291	8402675	08/16/10 - 12:40	75.1725(a)	104(a)	C	N	U	L	1	M	5			
292	8402676	08/16/10 - 13:50	75.1107-3(d)	104(a)	C	N	U	L	1	M	1			
293	8343503	08/16/10 - 14:15	75.503	104(b)	O								43	
294	8402677	08/16/10 - 15:20	75.517	104(a)	C	N	U	L	1	M	4			
295	8402678	08/16/10 - 15:25	75.902	104(a)	C	N	U	L	1	M	3			
296	8402679	08/16/10 - 15:50	75.400	104(a)	C	Y	R	L	1	M	22	145		
297	8402680	08/16/10 - 15:55	75.1107-3(d)	104(a)	C	Y	R	L	1	M	2	146		
298	8343504	08/16/10 - 16:05	75.512	104(a)	C	Y	R	L	1	M	10	147		
299	8402681	08/16/10 - 16:10	75.512	104(a)	C	Y	R	L	1	M	11	148		
300	8343507	08/18/10 - 10:30	75.1713-7(b)	104(a)	C	N	U	L	1	M	2			
301	8343508	08/18/10 - 11:30	75.1507	104(a)	C	N	U	L	10	M	1			
302	8343509	08/18/10 - 12:00	75.1712-6(a)	104(a)	C	N	U	L	4	M	1			
303	8343510	08/18/10 - 12:45	75.204(g)	104(a)	C	Y	R	P	2	M	1	149		
304	8343511	08/18/10 - 13:15	75.220(a)(1)	104(a)	C	Y	R	L	1	M	17	150		

**MSHA Mine ID: 40-03333**  
**Mine: No. 1**  
**Operator: Solid Fuel Inc.**  
**Controller: Wilma Wagner**  
**Mine Status: NonProducing**  
**Mine Status Date: August 11, 2011**

**% S&S: 48.7%**  
**% Elevated: 16.1%**  
**% S&S Neg>Mod: 29.2%**

**Cumulative During Review Period**

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Same Standard Cited Count	Cumulative During Review Period		
												S&S Count	Elevated Count	S&S Neg > Mod Count
305	8403115	08/18/10 - 14:05	75.400	104(d)(2)	O	Y	H	L	2	H	23	151	44	48
306	8403116	08/18/10 - 14:20	75.1725(a)	104(d)(2)	O	Y	H	P	2	H	6	152	45	49
307	8403117	08/18/10 - 14:40	75.503	104(d)(2)	O	Y	R	L	2	H	15	153	46	50
308	8403118	08/18/10 - 14:45	75.1107-9(a)(1)	104(a)	C	Y	R	L	2	M	1	154		
309	8403119	08/18/10 - 15:15	75.1722(a)	104(a)	C	Y	R	P	1	M	8	155		
310	8403120	08/18/10 - 16:25	75.1725(a)	104(d)(2)	O	Y	R	L	1	H	7	156	47	51
311	8403121	08/18/10 - 16:40	75.1107-9(a)(1)	104(a)	C	Y	R	L	1	M	2	157		
312	8403122	08/18/10 - 16:45	75.400	104(a)	C	Y	R	L	1	M	24	158		
313	8403123	08/18/10 - 17:07	75.523	104(a)	C	Y	R	L	1	M	1	159		
314	8403124	08/18/10 - 17:15	75.503	104(a)	C	N	U	L	1	M	16			
315	8403125	08/18/10 - 18:00	77.205(a)	104(a)	C	Y	R	L	1	M	1	160		
316	8343512	08/23/10 - 13:10	75.364(b)(1)	104(a)	C	N	U	L	2	M	1			
317	8343513	08/23/10 - 14:30	75.380(f)(5)(ii)	104(a)	C	N	U	L	10	M	1			
318	8343514	08/23/10 - 14:55	75.1100-2(b)	104(a)	C	N	U	L	2	M	6			
319	8343515	08/23/10 - 16:05	75.1731(b)	104(b)	O								48	
320	8343516	08/23/10 - 16:35	75.1202-1(b)(3)	104(a)	C	N	U	L	2	M	1			
321	8401590	08/23/10 - 19:00	75.503	104(a)	C	N	U	L	1	M	17			
322	8405132	08/30/10 - 11:20	75.517	104(a)	C	Y	R	L	1	M	5	161		
323	7469246	08/30/10 - 11:30	75.400	104(a)	C	Y	R	L	2	H	25	162		52
324	8401595	08/30/10 - 12:15	75.701	104(a)	C	Y	R	L	1	M	4	163		
325	8343647	08/30/10 - 12:45	75.364(b)(1)	104(a)	C	Y	R	L	14	M	2	164		
326	8343648	08/30/10 - 12:50	75.364(b)(2)	104(a)	C	Y	R	L	14	M	1	165		
327	8343649	08/30/10 - 13:30	75.364(b)(3)	104(a)	C	Y	R	L	14	M	1	166		
328	8343650	08/30/10 - 13:45	75.364(b)(3)	104(a)	C	Y	R	L	14	M	2	167		
329	8343651	08/30/10 - 14:30	75.1504(b)(3)(i)	104(a)	C	Y	R	P	17	M	3	168		
330	8343646	08/30/10 - 17:10	48.8	104(g)(1)	O	Y	R	P	18	M	1	169	49	
331	8343535	09/09/10 - 10:45	75.370(a)(1)	104(a)	C	N	U	L	2	M	9			
332	8343536	09/09/10 - 10:55	75.400	104(a)	C	N	U	L	12	M	26			
333	6699923	09/09/10 - 11:30	75.517	104(a)	C	N	U	F	1	M	6			
334	8343537	09/09/10 - 11:35	72.630(b)	104(a)	C	Y	R	P	2	M	6	170		
335	6699924	09/09/10 - 11:45	75.512	104(a)	C	N	U	L	2	M	12			
336	6699921	09/09/10 - 12:00	75.512	104(a)	C	Y	R	L	2	M	13	171		
337	6699922	09/09/10 - 12:30	75.342(a)(4)	104(a)	C	Y	R	L	2	M	7	172		
338	8343538	09/09/10 - 12:30	75.320(a)	104(a)	C	N	U	L	2	L	1			
339	8343539	09/09/10 - 12:35	75.333(h)	104(a)	C	N	U	L	2	M	4			
340	8343540	09/09/10 - 12:40	75.1106-3(a)(2)	104(a)	C	N	U	F	1	M	1			
341	8343541	09/09/10 - 13:05	75.1718	104(a)	C	N	U	L	12	M	1			
342	8343542	09/09/10 - 13:15	75.400	104(a)	C	N	U	L	2	M	27			

MSHA Mine ID: 40-03333

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Cumulative During Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg > Mod Count
343	8343543	09/09/10 - 13:25	75.1731(b)	104(a)	C	N	U	L	2	M	8			
344	8343544	09/09/10 - 13:35	75.220(a)(1)	104(d)(2)	O	Y	R	F	1	H	18	173	50	53
345	8343545	09/09/10 - 13:45	75.400	104(a)	C	N	U	L	2	M	28			
346	6699925	09/09/10 - 14:00	75.1107-16(b)	104(a)	C	Y	R	L	2	M	2	174		
347	8343546	09/09/10 - 15:30	75.1715	104(a)	C	N	U	N	3	M	3			
348	7469253	09/10/10 - 10:30	75.1400	104(a)	C	N	U	L	1	H	1			
349	7469254	09/10/10 - 11:00	75.1722(a)	104(a)	C	N	U	L	1	M	9			
350	8343569	10/14/10 - 07:25	75.333(b)(3)	104(a)	C	N	U	L	1	M	5			
351	8343570	10/14/10 - 07:35	75.333(b)(3)	104(a)	C	N	U	L	1	M	6			
352	8343571	10/14/10 - 07:45	75.362(d)(2)	104(a)	C	N	U	L	2	M	1			
353	8343572	10/14/10 - 09:50	75.516	104(a)	C	Y	R	L	1	M	1	175		
354	8343573	10/14/10 - 10:00	75.512	104(a)	C	Y	R	L	1	M	14	176		
355	8343574	10/14/10 - 10:55	75.400-2	104(a)	C	N	U	L	2	M	1			
356	8343575	10/14/10 - 11:05	75.402	104(a)	C	N	U	L	12	M	5			
357	8343576	10/14/10 - 11:15	75.400	104(a)	C	N	U	L	2	M	29			
358	8343577	10/14/10 - 13:20	75.1507	104(a)	C	N	U	F	12	M	2			
359	8401598	10/18/10 - 10:30	75.503	104(a)	C	Y	R	L	1	M	18	177		
360	8350802	10/18/10 - 11:30	75.364	104(d)(2)	O	Y	R	P	1	H	1	178	51	54
361	8401599	10/18/10 - 13:30	75.400-2	104(b)	O								52	
362	8401404	10/18/10 - 14:00	75.402	104(b)	O								53	
363	8401451	10/18/10 - 14:30	75.400	104(b)	O								54	
364	7523204	10/19/10 - 15:02	70.101	104(d)(2)	O	Y	H	P	5	H	2	179	55	55
365	7523205	10/28/10 - 09:15	75.220(a)(1)	104(a)	C	Y	R	P	2	M	19	180		
366	7523206	10/28/10 - 14:10	72.630(b)	104(a)	C	Y	R	P	2	M	7	181		
367	7523207	11/01/10 - 10:10	75.360(g)	104(a)	C	N	U	N	1	M	4			
368	7523208	11/01/10 - 11:20	75.208	104(a)	C	Y	R	P	1	M	3	182		
369	7523209	11/01/10 - 14:20	75.400	104(a)	C	Y	R	L	7	M	31	183		
370	7523210	11/01/10 - 14:23	75.370(a)(1)	104(a)	C	Y	R	L	7	M	10	184		
371	7523211	11/01/10 - 14:40	75.400	104(a)	C	N	U	L	1	R	32			
372	7523212	11/01/10 - 14:50	75.362(g)(2)	104(a)	C	N	U	N	1	M	1			
373	7523213	11/04/10 - 09:30	75.220(a)(1)	104(b)	O								56	
374	8365641	11/17/10 - 09:15	75.350(a)	104(a)	C	N	U	L	4	M	1			
375	8365642	11/17/10 - 12:30		107(a)	O								57	
376	8365643	11/17/10 - 12:35	75.1702	104(d)(2)	O	Y	H	F	8	H	2	185	58	56
377	8405806	12/02/10 - 11:00	75.503	104(a)	C	N	U	L	2	M	19			
378	8405807	12/02/10 - 11:15	75.400	104(a)	C	Y	R	L	2	M	33	186		
379	8343694	12/02/10 - 13:45	48.9(c)	104(a)	C	N	U	L	2	M	1			
380	8343695	12/02/10 - 14:40	77.1104	104(a)	C	N	U	L	1	M	3			

**MSHA Mine ID: 40-03333**  
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**Cumulative During Review Period**

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Same Standard Cited Count	Cumulative During Review Period		
												S&S Count	Elevated Count	S&S Neg > Mod Count
381	8343696	12/02/10 - 14:45	77.1605(a)	104(a)	C	N	U	L	1	M	1			
382	8343697	12/02/10 - 14:55	77.1110	104(a)	C	N	U	L	1	M	2			
383	8364153	12/03/10 - 10:00	77.1102	104(a)	C	Y	R	P	9	M	1	187		
384	8400799	12/03/10 - 10:05	75.402	104(a)	C	N	U	L	1	M	7			
385	8351001	12/03/10 - 10:20	75.1715	104(a)	C	N	N	N	1	M	4			
386	8351002	12/03/10 - 10:31	75.320(c)	104(a)	C	N	U	L	2	M	1			
387	8406211	12/03/10 - 10:40	75.342(a)(4)	104(a)	C	Y	R	P	2	M	8	188		
388	8351003	12/03/10 - 10:43	75.202(a)	104(a)	C	Y	R	P	1	M	9	189		
389	8364154	12/03/10 - 11:00	75.400	104(d)(2)	O	Y	H	F	13	H	34	190	59	57
390	8351004	12/03/10 - 11:15	75.333(e)(1)(ii)	104(a)	C	N	U	L	1	M	2			
391	8364155	12/03/10 - 11:15	75.400	104(d)(2)	O	Y	H	F	13	H	35	191	60	58
392	8364156	12/03/10 - 11:30	75.400	104(d)(2)	O	Y	H	F	13	H	36	192	61	59
393	8364157	12/03/10 - 11:45	75.1403	104(a)	C	Y	R	P	13	M	1	193		
394	8364158	12/03/10 - 12:00	75.202(a)	104(a)	C	Y	R	P	3	M	10	194		
395	8406212	12/03/10 - 12:00	75.517	104(a)	C	Y	R	F	1	M	7	195		
396	8364159	12/03/10 - 12:10	75.380(d)(7)(i)	104(d)(2)	O	Y	H	F	13	H	1	196	62	60
397	8364160	12/03/10 - 12:10	75.1722(a)	104(a)	C	Y	R	P	1	M	10	197		
398	8364161	12/03/10 - 12:20	75.1722(c)	104(a)	C	Y	R	P	1	M	2	198		
399	8351005	12/03/10 - 12:45	75.202(a)	104(a)	C	Y	R	P	1	M	11	199		
400	8364162	12/03/10 - 12:45	75.363(c)	104(a)	C	N	N	N	1	L	1			
401	8351006	12/03/10 - 12:55	75.400	104(a)	C	Y	R	L	1	M	37	200		
402	8406213	12/03/10 - 13:30	75.517	104(a)	C	Y	R	F	1	M	8	201		
403	8350943	12/22/10 - 12:10	75.1731(b)	104(a)	C	N	U	L	2	M	9			
404	9866131	01/11/11 - 07:45	70.207(a)	104(a)	C	N	U	P	5	M	2			
405	8351021	01/11/11 - 10:35	75.320(a)	104(a)	C	N	U	L	1	M	2			
406	8351022	01/11/11 - 12:00	75.1103-4(a)(1)(iv)	104(a)	C	N	N	N	7	M	1			
407	8351023	01/11/11 - 12:05	75.1505(a)	104(a)	C	N	U	L	7	M	1			
408	8351024	01/13/11 - 11:05	75.360(e)	104(a)	C	N	U	L	1	M	1			
409	8351025	01/13/11 - 11:40	75.503	104(a)	C	N	U	L	1	M	20			
410	8351026	01/13/11 - 11:55	75.400	104(a)	C	N	U	L	1	M	38			
411	8351027	01/13/11 - 13:00	75.501	104(a)	C	N	U	L	1	L	1			
412	8351028	01/13/11 - 13:15	75.1100-2(d)	104(a)	C	N	U	L	2	M	2			
413	8351029	01/13/11 - 13:25	75.1725(a)	104(a)	C	Y	R	L	1	M	8	202		
414	8351030	01/19/11 - 11:05	75.220(a)(1)	104(a)	C	Y	R	P	1	M	21	203		
415	8351031	01/19/11 - 11:51	75.400	104(b)	O								63	
416	8351032	01/19/11 - 13:20	75.400	104(b)	O								64	
417	8351033	01/19/11 - 13:45	75.202(a)	104(b)	O								65	
418	8351034	01/19/11 - 14:15	75.1400	104(b)	O								66	

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											Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg > Mod Count		
419	8351035	01/20/11 - 15:30	75.400	104(b)	O											
420	8351039	01/25/11 - 10:00	75.512	104(a)	C	Y	R	F	1	M	15	204				
421	8351044	01/27/11 - 16:05	75.1202-1(b)(3)	104(a)	C	N	N	N	1	M	2					
422	8351045	01/31/11 - 11:10	75.1103-4(a)(1)(iii)	104(a)	C	N	U	L	2	M	1					
423	8351046	01/31/11 - 11:30	75.1103-4(a)	104(a)	C	N	U	F	12	L	2					
424	8351047	01/31/11 - 14:15		104(a)	C	N	N	N	10	M	7					
425	8351048	01/31/11 - 15:05	75.220(a)(1)	104(a)	C	Y	R	P	1	M	22	205				
426	8402969	02/01/11 - 11:15	75.800-4	104(a)	C	N	N	N	1	M	2					
427	8402970	02/01/11 - 11:45	77.516	104(a)	C	N	U	L	1	M	1					
428	8351049	02/01/11 - 12:05	75.1722(a)	104(d)(2)	O	Y	R	P	1	H	11	206	68	61		
429	8351050	02/01/11 - 12:15	75.515	104(a)	C	N	U	L	1	M	3					
430	8402971	02/01/11 - 12:20	77.502	104(a)	C	N	U	L	1	M	1					
431	8351051	02/01/11 - 12:50	75.517	104(d)(2)	O	Y	R	F	1	H	9	207	69	62		
432	8402972	02/01/11 - 13:15	77.506	104(a)	C	N	U	L	1	M	1					
433	8351052	02/01/11 - 14:50	75.503	104(a)	C	N	U	L	1	M	21					
434	8351054	02/01/11 - 15:50	75.605	104(a)	C	N	U	L	1	M	2					
435	8351057	02/08/11 - 09:35	77.505	104(a)	C	N	U	L	1	M	3					
436	8351058	02/08/11 - 11:00	75.503	104(a)	C	N	U	L	1	M	22					
437	8351059	02/08/11 - 11:35	75.512	104(a)	C	N	U	L	1	M	16					
438	8351060	02/08/11 - 12:13	75.1403	104(a)	C	Y	R	L	1	M	2	208				
439	8351061	02/08/11 - 12:37	75.503	104(a)	C	N	U	L	1	M	23					
440	8351062	02/08/11 - 13:13	75.512	104(a)	C	N	U	L	2	M	17					
441	8351063	02/08/11 - 13:40	75.400	104(a)	C	N	U	L	2	M	42					
442	8351064	02/14/11 - 12:25	75.1731(b)	104(a)	C	N	U	L	1	M	10					
443	8351065	02/14/11 - 13:50	75.1102	104(a)	C	N	U	L	1	L	1					
444	8351066	02/14/11 - 14:10	75.1100-3	104(a)	C	N	U	L	1	M	1					
445	8351067	02/14/11 - 15:10	75.1731(b)	104(a)	C	N	U	L	1	M	11					
446	8351068	02/14/11 - 15:40	75.507-1(a)	104(a)	C	N	U	L	1	M	1					
447	8404143	02/15/11 - 08:15	75.312(a)	104(a)	C	N	U	N	3	M	3					
448	8404144	02/15/11 - 08:30	75.364(a)	104(a)	C	N	U	L	2	M	2					
449	8404145	02/15/11 - 11:00	75.333(h)	104(a)	C	N	U	L	1	M	5					
450	8404146	02/15/11 - 11:10	75.333(c)(2)	104(a)	C	N	U	N	1	M	2					
451	8404147	02/15/11 - 12:30	75.1200	104(a)	C	N	U	L	1	M	2					
452	8351069	02/15/11 - 12:40	75.1725(a)	104(a)	C	Y	R	L	1	M	9	209				
453	8351072	02/16/11 - 13:20	77.410(a)(1)	104(a)	C	N	U	L	1	M	1					
454	8351073	02/22/11 - 12:32	75.380(f)(5)(ii)	104(a)	C	N	U	L	1	M	2					
455	8351080	03/02/11 - 14:30	75.1504(b)	104(a)	C	N	U	F	12	M	1					
456	8351209	04/14/11 - 09:20	75.370(a)(1)	104(a)	C	Y	R	P	1	M	11	210				



**MSHA Mine ID: 40-03333**  
**Mine: No. 1**  
**Operator: Solid Fuel Inc.**  
**Controller: Wilma Wagner**  
**Mine Status: NonProducing**  
**Mine Status Date: August 11, 2011**

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**% Elevated: 16.1%**  
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Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Cumulative During Review Period			
											Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg>Mod Count
457	8363098	04/14/11 - 09:30	75.1731(a)	104(a)	C	N	U	L	2	M	2			
458	8363099	04/14/11 - 09:40	75.1714-7(a)	104(a)	C	Y	R	L	1	M	1	211		
459	8406234	04/14/11 - 09:50	75.512	104(a)	C	N	U	F	1	M	18			
460	8406235	04/14/11 - 09:55	75.400	104(a)	C	Y	R	L	6	M	43	212		
461	8363600	04/14/11 - 10:05	75.400	104(d)(2)	O	N	U	L	2	H	44		70	
462	8363601	04/14/11 - 10:10	75.1403	104(d)(2)	O	Y	R	L	1	H	3	213	71	63
463	8406236	04/14/11 - 10:15	75.503	104(a)	C	N	U	L	1	M	24			
464	8363602	04/14/11 - 10:35	75.400	104(d)(2)	O	N	U	L	2	H	45		72	
465	8363603	04/14/11 - 10:40	75.1403	104(d)(2)	O	Y	R	L	1	H	4	214	73	64
466	8351210	04/14/11 - 10:45	72.630(b)	104(a)	C	N	U	P	2	M	8			
467	8406237	04/14/11 - 10:55	75.606	104(a)	C	Y	R	L	1	M	4	215		
468	8363604	04/14/11 - 11:00	75.360(a)(1)	104(d)(2)	O	Y	R	L	2	H	3	216	74	65
469	8406238	04/14/11 - 11:00	75.1710-1(e)	104(a)	C	N	U	L	1	M	1			
470	8351211	04/14/11 - 11:02	75.400	104(a)	C	N	U	L	2	H	46			
471	8406239	04/14/11 - 11:05	75.1106-5(a)	104(a)	C	Y	R	L	1	M	2	217		
472	8406240	04/14/11 - 11:10	75.523-3(b)(1)	104(a)	C	Y	R	L	1	M	1	218		
473	8406241	04/14/11 - 12:00	75.512	104(a)	C	Y	R	L	2	M	19	219		
474	8406242	04/14/11 - 12:10	75.1725(a)	104(a)	C	Y	R	L	1	M	10	220		
475	8351212	04/14/11 - 13:05	75.202(a)	104(a)	C	Y	R	L	1	M	13	221		
476	8351134	04/27/11 - 13:05	75.1505(a)	104(a)	C	N	U	F	10	M	2			
477	8351135	04/28/11 - 17:50	77.205(b)	104(a)	C	Y	R	L	1	M	1	222		
478	8351136	04/28/11 - 18:15	75.380(d)(4)(ii)	104(a)	C	N	U	F	1	M	1			
479	8351229	05/02/11 - 12:10	75.360(f)	104(a)	C	N	N	N	1	H	2			
480	8351230	05/02/11 - 12:40	75.202(a)	104(a)	C	Y	R	P	1	M	14	223		
481	8351231	05/02/11 - 13:15	75.1403	104(a)	C	Y	R	L	1	H	5	224		66
482	8351232	05/02/11 - 13:45	75.202(a)	104(a)	C	Y	R	P	1	M	15	225		
483	8351233	05/02/11 - 14:40	75.1403	104(a)	C	N	U	L	1	H	6			
484	8351137	05/06/11 - 05:20	75.1715	104(a)	C	N	U	N	1	M	5			
485	8351138	05/06/11 - 08:05	75.1714-3(a)	104(a)	C	N	U	F	1	M	1			
486	8351139	05/06/11 - 08:20	75.1725(a)	104(a)	C	N	U	L	2	H	11			
487	8351140	05/06/11 - 08:45	75.1100-2(f)	104(a)	C	N	U	L	10	M	1			
488	8351141	05/06/11 - 10:55	75.159	104(a)	C	N	U	N	2	M	2			
489	8351142	05/10/11 - 11:35	75.1731(b)	104(a)	C	N	U	L	2	M	12			
490	8351143	05/10/11 - 12:00	75.333(h)	104(a)	C	N	U	L	2	M	6			
491	8351144	05/10/11 - 14:10	75.1101-15(e)	104(a)	C	N	U	L	10	M	1			
492	8351145	05/10/11 - 14:15	77.513	104(a)	C	Y	R	L	1	M	3	226		
493	8351149	05/11/11 - 16:20	75.1202-1(b)(3)	104(a)	C	N	U	N	4	M	3			
494	8351150	05/11/11 - 16:55	50.30(a)	104(a)	C	N	N	N	0	M	1			

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495	8351151	05/13/11 - 09:00	75.503	104(a)	C	N	U	F	1	H	25			
496	8351152	05/13/11 - 09:55	75.1725(a)	104(a)	C	Y	R	L	1	M	12	227		
497	8351153	05/13/11 - 11:50	75.606	104(a)	C	Y	R	F	1	M	5	228		
498	8351154	05/13/11 - 12:05	75.605	104(a)	C	Y	R	L	1	L	3	229		
499	8351155	05/13/11 - 12:30	75.1725(a)	104(a)	C	Y	R	L	1	M	13	230		
500	8350833	05/16/11 - 09:30	75.1713-2(a)	104(d)(2)	O	Y	R	L	1	H	1	231	75	67
501	9866183	05/20/11 - 08:50	70.201(c)	104(a)	C	N	U	P	1	M	1			
502	8405853	06/09/11 - 09:55	75.202	104(a)	C	Y	R	L	1	M	3	232		
503	8405854	06/09/11 - 10:40	75.208	104(a)	C	Y	R	L	1	M	4	233		
504	9867501	07/08/11 - 10:05	70.207(a)	104(a)	C	N	U	P	5	M	3			
505	8368039	07/22/11 - 09:50	75.1731(b)	104(a)	C	N	U	L	1	M	13			
506	8406295	07/22/11 - 10:00	75.517	104(a)	C	N	U	L	1	M	10			
507	8406296	07/22/11 - 10:05	75.902	104(d)(2)	O	Y	R	L	1	H	4	234	76	68
508	8407067	07/22/11 - 10:14	75.601-1	104(a)	C	N	U	L	1	M	1			
509	8406297	07/22/11 - 10:25	75.333(h)	104(d)(2)	O	Y	R	L	10	H	7	235	77	69
510	8407068	07/22/11 - 10:28	75.601	104(a)	C	N	U	L	1	M	2			
511	8368040	07/22/11 - 10:35	75.1722(a)	104(a)	C	Y	R	P	1	M	12	236		
512	8406299	07/22/11 - 10:35	75.380(d)(1)	104(d)(2)	O	Y	R	L	10	H	4	237	78	70
513	8406298	07/22/11 - 10:40	75.1600-3	104(d)(2)	O	Y	R	L	10	H	1	238	79	71
514	8368041	07/22/11 - 10:45	75.400	104(a)	C	N	U	L	1	M	47			
515	8368042	07/22/11 - 10:50	75.1731(a)	104(a)	C	Y	R	L	1	M	3	239		
516	8406300	07/22/11 - 11:00	75.202(a)	104(d)(2)	O	Y	H	L	1	H	16	240	80	72
517	8407069	07/22/11 - 11:33	75.900	104(a)	C	Y	R	F	1	M	4	241		
518	3200412	07/22/11 - 11:45	75.400	104(a)	C	N	U	L	0	M	48			
519	8368044	07/22/11 - 11:45	75.1731(a)	104(a)	C	Y	R	L	3	M	4	242		
520	8368043	07/22/11 - 11:50	75.333(c)(3)	104(a)	C	Y	R	L	3	M	3	243		
521	8368045	07/22/11 - 11:51	75.202(a)	104(a)	C	Y	R	F	1	M	17	244		
522	8406303	07/22/11 - 11:55	75.503	104(a)	C	N	U	L	1	M	26			
523	8407070	07/22/11 - 11:58	75.701	104(a)	C	Y	R	L	1	M	5	245		
524	8406304	07/22/11 - 12:00	75.400	104(a)	C	Y	R	L	1	M	49	246		
525	8406305	07/22/11 - 12:05	75.1725(a)	104(a)	C	Y	R	L	1	M	14	247		
526	8407071	07/22/11 - 12:05	75.515	104(a)	C	N	U	L	1	M	4			
527	3200413	07/22/11 - 12:15	75.220(a)(1)	104(a)	C	Y	R	L	1	M	23	248		
528	8407072	07/22/11 - 12:18	75.517	104(a)	C	Y	R	F	1	M	11	249		
529	8407073	07/22/11 - 12:30	75.503	104(a)	C	N	U	L	1	M	27			
530	3200414	07/22/11 - 12:45	75.1714-4(a)(1)	104(d)(2)	O	Y	R	L	9	H	1	250	81	73
531	8407074	07/22/11 - 13:19	75.604(c)	104(a)	C	Y	R	P	1	M	1	251		
532	8407075	07/22/11 - 13:35	75.1106-5(a)	104(a)	C	Y	R	L	1	M	3	252		

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												S&S Count	Elevated Count	S&S Neg > Mod Count
533	8368046	07/22/11 - 13:55	75.400	104(a)	C	N	U	L	1	M	50			
534	8406301	07/22/11 - 14:45	75.360(b)(1)	104(d)(2)	O	Y	R	L	10	H	4	253	82	74
535	8406302	07/22/11 - 14:50	75.512	104(d)(2)	O	Y	R	L	1	H	20	254	83	75
536	8406306	07/22/11 - 15:00		104(a)	C	Y	R	L	10	H	8	255		76
537	8351291	08/02/11 - 09:06	75.202(a)	104(a)	C	Y	R	F	1	M	18	256		
538	8351292	08/02/11 - 09:22	75.220(a)(1)	104(a)	C	Y	R	L	1	M	24	257		
539	8351293	08/02/11 - 12:00	75.363(a)	104(a)	C	N	U	L	1	M	1			
540	8406307	08/03/11 - 09:50	75.508	104(a)	C	N	U	N	1	M	1			
541	8406308	08/03/11 - 10:10	75.900-4	104(a)	C	N	U	L	1	M	3			
542	8406309	08/03/11 - 10:25	75.502	104(a)	C	N	U	L	1	M	1			
543	8351294	08/08/11 - 12:30	75.807	104(a)	C	N	U	F	1	M	4			
544	8351295	08/08/11 - 13:10	75.208	104(a)	C	Y	R	P	1	M	5	258		
545	8351296	08/08/11 - 13:20	75.203(d)	104(a)	C	N	U	F	1	M	2			
546	8351297	08/08/11 - 14:06	75.501	104(a)	C	N	U	L	1	M	2			
547	8351298	08/08/11 - 14:19	75.400	104(b)	O								84	
548	8351299	08/08/11 - 14:30	75.605	104(a)	C	N	U	L	1	M	4			
549	8351300	08/08/11 - 14:50	75.606	104(a)	C	Y	R	L	1	M	6	259		
550	8351501	08/08/11 - 15:17	75.202(a)	104(a)	C	Y	R	F	1	M	19	260		
551	8351197	08/09/11 - 01:01		103(k)	O									
552	8351199	08/09/11 - 04:00	77.207	104(a)	C	N	U	L	1	M	3			
553	8351198	08/09/11 - 05:45	75.360(f)	104(d)(2)	O	N	U	L	5	H	3		85	
554	8351403	08/15/11 - 12:30	50.10(a)	104(a)	C	N	N	N	0	M	1			
555	8406321	08/23/11 - 12:55	75.606	104(b)	O								86	

## *Pattern of Violations Screening Criteria - 2010*

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<sup>1</sup> (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>2</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

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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  $SM = (\text{Number of lost workdays} \times 200,000) \div \text{Number of employee-hours}$ .

<sup>2</sup> There are six mine types and classifications: 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.

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.

## **PPOV CORRECTIVE ACTION PROGRAM CHECKLIST**

**This checklist is intended to assist operators in developing and implementing a PPOV corrective action program under 30 C.F.R. § 104.4(a)(4) and lists elements that generally would be appropriate to address in many situations. Operators should tailor their programs to address the mine-specific circumstances that allowed the mine's S&S violations to occur.**

### Details Regarding the Operator and PPOV Mine

- Operator Name
- Mine Name
- Mine Legal Identity No.

### Responsible Parties for the Mine's PPOV Corrective Action Program

- Primary owner of the mine's PPOV corrective action program and contact information
- Name(s) and title(s) of person(s) responsible for the implementation of each component of the corrective action program
- Name(s) and title(s) of person(s) responsible for monitoring each component of the corrective action program
- Name(s), title(s) and authority of additional staff who will assist in the auditing of compliance performance and a description of their authority to halt production / work when violations are identified
- Name(s) of miners' representatives, if applicable
- Names(s) of consultants/contractors assisting with the mine's action program, if applicable

### Key Milestones for Implementation

- Date of action program submission to the District Manager
- Start and end dates for action program implementation
- Key milestones for the accomplishment of the specific corrective actions, by whom and by what date

### Elements of a Corrective Action Program

- Overview of program purpose, goals and objectives

*Note: The broad purpose of corrective action program is to improve the mine operator's compliance with existing regulatory requirements under the Federal Mine Safety and Health Act (Mine Act). At a minimum, the program goals and objectives should address corrective actions to reduce the S&S frequency rate per 100 inspection hours by 50 percent from the mine's rate or to a rate within the top 50% for all mines of similar type and classification (as established during the 12-month review period).*

- Methods to communicate and engage employees, management and contractors if applicable, in addressing the PPOV situation
- Methods to “find and fix” potential hazards or citable conditions at the mine
  - For example, to “find” may include root cause analysis, audit team(s), use of consultants and contractors, and mechanisms to report and document the violative conditions/practices for abatement
  - For example, to “fix” may include details on how the mine operator plans to ensure timely abatement: after violative conditions/practices have been reported to the person responsible to make any corrections and document corrective actions.
- Specific changes 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 review of the examination books and records and discuss the examination results with examiners each day and the names of these reviewers
- 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 and the names of these examiners
- Training on miners' rights, reporting hazards/violations and protection against discriminatory actions
- Training the mine operator will conduct for mine officials, mine examiners, competent persons and miners to address each of the conditions / practices that

caused the unacceptable levels of citations and orders issued during the screening period.

- Details should include information on the training topics, how the training will be delivered, who will be conducting the training, who will receive the training. The mine operator training should address hazard recognition, root causes of violative conditions/practices, identifying reasons for unabated violative conditions/practices and the milestones associated with these corrective actions and dates by which they will be achieved
- Planned modifications or additions to engineering and/or administrative controls to address specific conditions or practices
- Operational strategies and improvements, for example, action plans that include upgrades to production and construction equipment, mine planning, improvements to maintenance, housekeeping, underground/surface procedures / practices
- Organizational changes, for example, additional health and safety and operational staff who will be added or changes to the organizational or management structure
- Methods to monitor and report on compliance and improvement program progress, responsible person(s) and the frequency of these reports to management

#### Providing MSHA Updates

- Method of updating the District Manger on the implementation of the corrective action program, the frequency of these updates and details on the status of corrective actions and milestones for each component of the program

*Note: MSHA will calculate and provide progress reports on the reduction of the S&S frequency rate per 100 inspection hours and rate within the top 50% for all mines of similar type and classification*



## 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 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 Office of Assessments will document the criteria and data used to conduct the review.

The Office of Assessments 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, 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 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 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, 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, 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))

**Monthly Monitoring Tool 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. This on-line tool provides an evaluation of a mine's potential of being considered for a PPOV. This data is refreshed monthly. When MSHA runs a PPOV screening, and 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.

These results are preliminary and do not necessarily reflect complete injury data. Accidents without return to work information will be calculated as lost or restricted work days from the time of the injury to the report run date. This calculation assumes a five day work week and excludes Federal holidays.

Overall Results  
**YES**

Does the mine meet either Initial Criteria 1 or 2 (30 CFR §104.2)? - **Yes**  
Does the mine meet either Final Order Criteria (30 CFR §104.3)? - **Yes**

Data Last Refreshed  
16-Aug-2011

Mine ID: 4003333  
Mine Status: Active (As of Last Data Refresh Date)  
Mine Name: Tri-State One  
Mine Type: Underground  
Controller: Wilma Wagner  
Operator: Wilcoal Mining, Inc.

Four QTR Part 50 Data Range	
1st QTR:	01-Jul-2010
4th QTR:	30-Jun-2011
12 Month Enforcement Range	
Start Date:	01-Aug-2010
End Date:	31-Jul-2011

Criteria	Criteria Description	Does the Mine Meet the Criteria?
Initial Criteria 1	1 At least 50 citations/orders for significant and substantial (S&S) violations issued in the most recent 12 months.	112 Yes
	A rate of eight or more S&S citations/orders issued per 100 inspection hours during the most recent 12 months <i>112 S&amp;S C/O's were issued during 730.5 inspection hours.</i>	15.3 Yes
	2 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." <i>30 of the 112 S&amp;S C/O's issued were either high or reckless disregard.</i>	26.8% Yes
	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>42 elevated C/O's were issued during 730.5 inspection hours.</i>	5.75 Yes
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 mine's SM of 0.0 is less than the 5 year industry SM of 576.6.</i> <i>Note: This SM is not final. Accidents without return to work information assume that the worker has lost or restricted work days from the time of the injury and these days are included in the SM calculation.</i>	0.0 NO	
1	At least 100 S&S citations/orders issued in the most recent 12 months. <i>112 S&amp;S C/O's were issued.</i>	112 Yes <b>YES</b> This mine meets both Initial Criteria 2

Initial Criteria 2	<p>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.</p> <p style="text-align: center;"><i>42 elevated C/O's were issued.</i></p>	<p>42 Yes</p>	
Final Order Criteria	<p>1 At least 5 S&amp;S citations/orders of the same standard that became final orders of the commission during the most recent 12 months</p> <p style="text-align: center;"><i>11 C/O's of standard 75.400 became final orders.</i></p> <p style="text-align: center;">OR</p> <p>2 At least 2 S&amp;S unwarrantable failure citations/orders [104(d)] that became final orders of the commission during the most recent 12 months.</p> <p style="text-align: center;"><i>16 unwarrantable failure C/O's became final order.</i></p>	<p>11 Yes</p> <p>16 Yes</p>	<p><b>YES</b></p> <p>This mine meets at least one of the Final Order Criteria</p>

Any questions or comments please contact MSHA using [this link](#).