

**U. S. Department of Labor**

Mine Safety and Health Administration  
100 Bluestone Road  
Mount Hope, WV 25880-1000



**AUG 30 2011**

Mr. Lewis Sheppard, Jr.  
Safety Director  
Randolph Mine  
Inman Energy  
782 Robinson Creek Road  
Madison, WV 25130

Dear Mr. Sheppard:

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 for the 12-month period ending August 31, 2010 and of accident and employment records for the 12-month period ending June 30, 2010, for the Randolph mine, MSHA ID No. 4609244. 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all subsequent violations designated as Significant and Substantial (S&S) be issued as closure orders with all persons withdrawn from the affected area except those necessary to correct the violation.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 Randolph mine. This notification is based upon the initial screening and pattern criteria review, which were conducted in accordance with 30 C.F.R. §§ 104.2 and 104.3. At the time of the initial review in November 2010, the Justice #1 mine did not meet the injury severity pattern criterion. A subsequent audit, in accordance with 30 CFR Part 50, of the mine's injury and employment records resulted in the identification of unreported injuries. If the mine had reported these injuries, MSHA would have notified you that the mine was exhibiting a potential pattern of violations in November 2010. As a result of this new injury information, MSHA is now providing notice that a potential pattern of violations exists at your mine. A Pattern of Violation Review report is enclosed. This report details the methodology used for the initial screening and pattern criteria review and summarizes your mine's performance relative to the criteria.

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

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

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

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

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

Whether or not you implement a corrective action program, MSHA will conduct a complete inspection of the Randolph mine. 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 Randolph mine has effectively reduced the occurrence of S&S violations during the review period. Therefore, I encourage you to implement a corrective action program as soon as practicable. If, during the review period, the Randolph mine achieves a reduction in the S&S violation frequency rate to a maximum of 4.88<sup>1</sup> S&S violations per 100 inspection hours, the Randolph mine will not be issued a pattern of violations notice during this POV review cycle.<sup>2</sup>

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<sup>1</sup> Randolph mine was issued 11.75 S&S violations per 100 inspection hours during the 12-month review period. If the Randolph mine implements an appropriate corrective action program, the mine must achieve an S&S rate of 4.88 during the evaluation period (i.e., within the top 50th percentile of similar type mines for the 12-month review period). If a corrective action program is not implemented, the mine must achieve an S&S rate of 3.68 during the evaluation period (i.e., within the top 35th percentile of similar type mines). Please see the *Pattern of Violations Procedures Summary* at <http://www.msha.gov/POV/POVProcedures10072010.pdf> for more information.

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

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

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

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

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

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

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

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

You may request an inspection of the entire mine or portions of the mine at any time. No advance notice of the inspection shall be provided and MSHA will

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determine the scope of each inspection. Partial inspections that cumulatively cover the entire operation within the 90-day period will constitute an inspection of the entire operation for the purposes of termination of a Pattern of Violations Notice.

Please contact me at (304) 877-3900 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: 100 Bluestone Road, Mount Hope, WV 25880.

Sincerely,



Charles E. Carpenter  
District Manager  
District 4

Attachments:

Pattern of Violations Screening Criteria - 2010  
Pattern of Violations Procedures Summary  
Screening Criteria Results 46-07273

### **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. A 12-month 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 five years.<sup>1</sup>

**Or**

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

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

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

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

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

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

The Severity Measure for each mine is computed for all lost-workday accidents that occurred during the most recent 12 months for which injury and employee hour data (as reported under 30 CFR Part 50) is available. Each mine's severity measure is compared to the applicable severity measure for the six mine types and classifications over the most recent five years for which closed out data reported under 30 CFR Part 50 is available. The five-year severity measure, rather than a one-year severity measure, is used to compensate for annual fluctuations in the severity measures, and to allow mine operators to have a fixed measure against which to monitor their most recent performance.

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 2005-2009 are:

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Mine Type and Classification	Severity Measure (SM) CY 2005-2009
Facility Coal	171.7
Facility M/NM	194.9
Surface Coal	170.1
Surface M/NM	176.0
Underground Coal	541.4
Underground M/NM	327.3

## 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.

## Screening Criteria Results for Pattern of Violations

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

Overall Results
<b>PPOV</b>

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

Query Run Date
Aug-10-2011

DISTRICT 04    Madison WV Field Office  
 Mine ID:        46-09244  
 Mine Status:    Active (on screening date)  
 Mine Name:      Randolph Mine  
 Mine Type:      Underground Coal  
 Controller:      Alpha Natural Resources, Inc.  
 Operator:        Inman Energy

Four QTR Part 50 Data Range	
1st QTR:	20093
4th QTR:	20102
12 Month Enforcement Range	
Start Date:	Sep-01-2009
End Date:	Aug-31-2010

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.	124 <b>YES</b>	<b>YES</b> This mine meets all four Initial Criteria 1
	2    A rate of eight or more S&S citations/orders issued per 100 inspection hours during the most recent 12 months, or <i>124 S&amp;S C/O's were issued during 1055.5 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>19 of the 124 S&amp;S C/O's issued were either high or reckless disregard.</i>	11.75 <b>YES</b>  15.3% <b>NO</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>21 elevated C/O's were issued during 1055.5 inspection hours.</i>	1.99 <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 561.6 is more than the industry SM of 541.4.</i> <i>This SM is not final. It may not reflect days lost from injuries to miners who have not yet returned to work. All operator injury reporting is subject to auditing for accuracy.</i>	561.6 <b>YES</b>  242,866  682	
Initial Criteria 2	1    At least 100 S&S citations/orders issued in the most recent 12 months. <i>124 S&amp;S C/O's were issued.</i>	124 <b>YES</b>	<b>NO</b> This mine does not meet both Initial Criteria 2
	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>21 elevated C/O's were issued.</i>	21 <b>NO</b>	
Final Order Criteria	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>7 C/O's of standard 75.370(a)(1) became final orders.</i>	7 <b>YES</b>	<b>YES</b> This mine meets at least one of the Final Order Criteria
	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>0 unwarrantable failure C/O's became final orders.</i>	0 <b>NO</b>	

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

MSHA Mine ID: 46-09244

Mine: Randolph Mine

Operator: Inman Energy

Controller: Alpha Natural Resources, Inc.

Mine Status: Active

Mine Status Date: 02/22/2008

Month	Inspector Hours Worked	Calendar Days AR(s) at Mine	Citations and Orders Issued During the 12 Month Review Period							Cummulative		
			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
Sep 2009	0.00		0	0	0	0	0	0				
Oct 2009	87.25	12	10	8	0	0	0	0	0	44.4%	9.17	0.00
Nov 2009	88.75	11	15	9	0	3	0	0	3	40.5%	9.66	1.70
Dec 2009	75.25	10	12	5	0	0	0	0	0	37.3%	8.76	1.19
Jan 2010	39.25	6	5	3	0	0	0	0	0	37.3%	8.61	1.03
Feb 2010	107.25	13	18	13	0	0	0	0	0	38.8%	9.55	0.75
Mar 2010	72.75	10	7	3	0	1	0	0	1	38.0%	8.71	0.85
Apr 2010	123.50	13	16	23	0	10	0	0	10	43.5%	10.77	2.36
May 2010	118.50	11	15	13	0	0	0	0	0	44.0%	10.81	1.96
Jun 2010	124.75	13	23	22	2	2	0	0	4	45.0%	11.82	2.15
Jul 2010	83.25	11	15	11	0	3	0	0	3	44.7%	11.95	2.28
Aug 2010	135.00	14	15	14	0	0	0	0	0	45.1%	11.75	1.99
Totals	1,055.50	124	151	124	2	19	0	0	21			

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: 46-09244  
 Mine: Randolph Mine  
 Operator: Inman Energy  
 Controller: Alpha Natural Resources, Inc.  
 Mine Status: Active  
 Mine Status Date: February 22, 2008

% S&S: 45.1%  
 % Elevated: 7.6%  
 % S&S Neg>Mod: 15.3%

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	8093159	10/14/09 - 16:00	75.220(a)(1)	104(a)	C	N	U	L	1	L	1			
2	8093160	10/15/09 - 11:05	75.517	104(a)	C	Y	R	L	1	M	1	1		
3	8093161	10/15/09 - 14:10	75.400	104(a)	C	Y	R	L	2	M	1	2		
4	8093162	10/16/09 - 09:40	75.1403	104(a)	C	Y	R	L	13	M	1	3		
5	8093163	10/16/09 - 10:00	75.1403	104(a)	C	Y	R	L	13	M	2	4		
6	8093164	10/16/09 - 10:55	75.1403	104(a)	C	N	U	L	1	M	3			
7	8093165	10/20/09 - 07:35	75.370(a)(1)	104(a)	C	N	U	L	1	M	1			
8	8093166	10/20/09 - 08:10	75.370(a)(1)	104(a)	C	N	U	L	1	M	2			
9	7271907	10/21/09 - 11:25	75.220(a)(1)	104(a)	C	N	U	L	1	L	2			
10	8093167	10/22/09 - 11:00	75.1107-9(a)(1)	104(a)	C	N	U	L	1	L	1			
11	8093168	10/22/09 - 15:00	75.1731(b)	104(a)	C	Y	R	L	2	M	1	5		
12	8093169	10/23/09 - 13:30	77.205(a)	104(a)	C	Y	R	L	1	M	1	6		
13	8093170	10/27/09 - 12:05	75.400	104(a)	C	N	U	L	2	M	2			
14	8093171	10/27/09 - 13:20	75.380(d)(7)(iv)	104(a)	C	N	U	L	11	M	1			
15	8093173	10/28/09 - 09:45	75.202(a)	104(a)	C	Y	R	L	9	M	1	7		
16	8093174	10/28/09 - 11:00	75.380(f)(5)(ii)	104(a)	C	N	U	L	9	M	1			
17	8093175	10/28/09 - 12:45	75.333(h)	104(a)	C	N	U	L	2	M	1			
18	8093176	10/29/09 - 12:35	75.1403	104(a)	C	Y	R	F	1	M	4	8		
19	8093178	11/04/09 - 08:50	75.512	104(a)	C	N	U	N	1	M	1			
20	8093179	11/04/09 - 11:50	75.220(a)(1)	104(a)	C	N	U	L	1	M	3			
21	8093180	11/04/09 - 12:50	75.380(d)(7)(i)	104(a)	C	N	U	L	10	M	1			
22	8093181	11/04/09 - 13:50	75.400	104(a)	C	Y	R	L	2	M	3	9		
23	8093182	11/05/09 - 10:10	75.1403	104(a)	C	Y	R	F	1	M	5	10		
24	7264880	11/09/09 - 11:30	75.220(a)(1)	104(a)	C	N	U	L	1	M	4			
25	8081529	11/09/09 - 12:17	75.370(a)(1)	104(a)	C	Y	R	P	2	M	3	11		
26	7264879	11/09/09 - 12:30	72.630(b)	104(a)	C	Y	R	L	2	M	1	12		
27	8081530	11/09/09 - 13:08	75.1002(a)	104(a)	C	N	U	L	4	M	1			
28	8093189	11/10/09 - 09:40	75.360(g)	104(a)	C	N	N	N	1	L	1			
29	8093190	11/10/09 - 10:00	77.705	104(a)	C	N	U	F	1	M	1			
30	8093193	11/10/09 - 10:40	75.1731(b)	104(d)(1)	O	Y	R	L	2	H	2	13	1	1
31	8093194	11/10/09 - 10:50	75.362(b)	104(d)(1)	O	Y	R	L	2	H	1	14	2	2
32	8093195	11/10/09 - 10:55	75.400	104(a)	C	Y	R	L	2	M	4	15		
33	8093196	11/10/09 - 11:05	75.400	104(a)	C	Y	R	L	2	M	5	16		
34	8093198	11/10/09 - 11:15	75.380(d)(7)(iii)	104(a)	C	N	U	L	1	M	1			
35	8093199	11/10/09 - 11:30	75.380(d)(7)(iv)	104(a)	C	N	U	L	10	M	2			
36	8093191	11/10/09 - 13:00	75.516-2(b)	104(a)	C	N	U	L	18	M	1			
37	8093192	11/10/09 - 13:15	75.516	104(a)	C	N	U	L	1	M	1			
38	8093200	11/16/09 - 10:10	75.360(g)	104(a)	C	N	U	N	1	M	2			

MSHA Mine ID: 46-09244  
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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
39	8093201	11/16/09 - 10:40	75.360(g)	104(a)	C	N	N	N	1	M	3			
40	8093202	11/18/09 - 13:15	75.515	104(a)	C	N	U	L	1	M	1			
41	8093203	11/19/09 - 11:00	75.380(d)(1)	104(d)(1)	O	Y	R	L	12	H	1	17	3	3
42	8093204	11/20/09 - 11:50	75.1100-2(e)	104(a)	C	N	U	L	9	M	1			
43	8093205	12/02/09 - 10:30	75.370(a)(1)	104(a)	C	N	U	L	10	M	4			
44	8093206	12/02/09 - 10:40	75.370(a)(1)	104(a)	C	N	U	L	10	M	5			
45	8093207	12/02/09 - 11:10	75.333(e)(1)(ii)	104(a)	C	N	U	L	10	M	1			
46	8093208	12/02/09 - 11:30	75.380(d)(7)(vii)(B)	104(a)	C	N	U	L	10	M	1			
47	8093209	12/02/09 - 11:35	75.380(d)(7)(vii)(B)	104(a)	C	N	U	L	10	M	2			
48	8093210	12/02/09 - 11:50	75.1600-3(a)(1)	104(a)	C	N	U	L	10	M	1			
49	8093211	12/02/09 - 11:55	75.360(d)	104(a)	O	N	U	L	10	H	1			
50	8093212	12/03/09 - 11:00	75.512	104(a)	C	Y	R	F	1	M	2	18		
51	8093213	12/03/09 - 14:20	75.1722(b)	104(a)	C	Y	R	P	1	M	1	19		
52	8100304	12/05/09 - 11:31	75.364(b)(1)	104(a)	C	N	U	L	1	M	1			
53	8100305	12/05/09 - 13:00	75.360(f)	104(a)	C	N	U	L	1	M	1			
54	8093214	12/07/09 - 10:10	75.370(a)(1)	104(a)	C	N	U	L	1	M	6			
55	8093215	12/07/09 - 10:55	75.370(a)(1)	104(a)	C	N	U	L	1	M	7			
56	8093216	12/08/09 - 12:00	75.220(a)(1)	104(a)	C	Y	R	L	1	M	5	20		
57	8093217	12/08/09 - 13:00	75.512	104(a)	C	Y	R	F	1	M	3	21		
58	8093219	12/11/09 - 13:40	75.604(d)	104(a)	C	Y	R	F	1	M	1	22		
59	8093220	12/11/09 - 14:35	75.220(a)(1)	104(a)	C	N	U	L	1	M	6			
60	8093221	01/19/10 - 16:40	72.630(b)	104(a)	C	Y	R	P	2	M	2	23		
61	8093222	01/20/10 - 12:00	75.380(d)(7)(vi)	104(a)	C	N	U	L	10	M	1			
62	8093223	01/20/10 - 12:45	75.1403	104(a)	C	Y	R	L	10	M	6	24		
63	8093224	01/21/10 - 11:55	75.1107-1(a)(3)(ii)	104(a)	C	N	U	L	1	M	1			
64	8093225	01/25/10 - 10:50	75.400	104(a)	C	N	U	L	2	L	6			
65	8093226	01/27/10 - 09:40	75.333(h)	104(a)	C	N	U	L	30	M	2			
66	8093228	01/27/10 - 13:00	75.1722(a)	104(a)	C	Y	R	P	1	M	1	25		
67	8093230	01/28/10 - 11:30		103(k)	O									
68	8093229	01/28/10 - 12:30	75.380(f)(5)(ii)	104(a)	C	N	U	L	10	M	2			
69	8093231	02/01/10 - 11:30	75.220(a)(1)	104(a)	C	Y	R	L	3	M	7	26		
70	8093232	02/01/10 - 13:10	75.601-1	104(a)	C	N	U	L	4	M	1			
71	8093233	02/01/10 - 13:40	75.1506(h)(1)	104(a)	C	N	U	L	10	L	1			
72	8093234	02/02/10 - 09:50	75.360(g)	104(a)	C	N	N	N	1	L	4			
73	8081558	02/02/10 - 10:04	75.1200(c)	104(a)	C	N	U	N	1	M	1			
74	8081559	02/02/10 - 11:13	75.1722(a)	104(a)	C	Y	R	L	1	M	2	27		
75	8093235	02/04/10 - 09:45	75.400	104(a)	C	Y	R	L	2	M	7	28		
76	8093236	02/04/10 - 10:10	75.1731(b)	104(a)	C	Y	R	L	2	M	3	29		

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											Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg > Mod Count
77	8093237	02/04/10 - 11:45	75.370(a)(1)	104(a)	C	N	U	L	1	M	8			
78	8093238	02/08/10 - 09:40	75.904	104(a)	C	Y	R	F	1	M	1	30		
79	8093239	02/08/10 - 09:50	75.380(d)(7)(i)	104(a)	C	N	U	L	10	M	2			
80	8093240	02/08/10 - 10:15	75.370(a)(1)	104(a)	C	N	U	L	5	M	9			
81	8104601	02/08/10 - 10:46	75.380(d)(7)(vii)(B)	104(a)	C	N	U	L	10	M	3			
82	8104602	02/08/10 - 12:25	75.604(b)	104(a)	C	Y	R	F	1	M	1	31		
83	8104603	02/11/10 - 11:40	75.333(d)(1)	104(a)	C	N	U	L	1	M	1			
84	8104604	02/11/10 - 12:15	75.370(a)(1)	104(a)	C	Y	R	P	3	M	10	32		
85	8104605	02/16/10 - 09:45	75.380(d)(7)(vii)(B)	104(a)	C	N	U	L	8	M	4			
86	8104606	02/16/10 - 11:35	75.512	104(a)	C	Y	R	L	1	M	4	33		
87	8104607	02/16/10 - 15:00	75.400	104(a)	C	Y	R	L	2	M	8	34		
88	8104608	02/16/10 - 15:40	75.1107	104(a)	C	Y	R	L	2	M	1	35		
89	8104609	02/16/10 - 16:00	75.380(d)	104(a)	C	Y	R	L	8	M	1	36		
90	8104610	02/17/10 - 10:00	75.360(g)	104(a)	C	N	N	N	1	M	5			
91	8104611	02/17/10 - 11:00	75.701	104(a)	C	N	U	L	1	M	1			
92	8104612	02/17/10 - 11:40	75.1101-10	104(a)	C	N	U	L	2	M	1			
93	8104613	02/17/10 - 11:55	75.1731(b)	104(a)	C	Y	R	L	2	M	4	37		
94	8104614	02/18/10 - 08:15	75.380(d)(7)(vii)(B)	104(a)	C	N	U	L	8	M	5			
95	8104615	02/18/10 - 09:45	75.370(a)(1)	104(a)	C	Y	R	P	3	M	11	38		
96	8104616	02/18/10 - 11:15	75.400	104(a)	C	N	U	L	1	M	9			
97	8104617	02/23/10 - 12:27	75.333(d)(3)	104(a)	C	N	U	L	1	M	1			
98	8104619	02/25/10 - 11:20	75.400	104(a)	C	N	U	L	2	M	10			
99	8104620	02/25/10 - 13:50	75.1107-4(d)	104(a)	C	N	U	L	2	M	1			
100	8104621	03/01/10 - 10:20	75.380(d)(7)(vii)	104(a)	C	N	U	L	10	M	1			
101	8104622	03/01/10 - 12:05	75.370(a)(1)	104(d)(2)	O	Y	R	P	5	H	12	39	4	4
102	8104623	03/08/10 - 11:55	72.630(b)	104(a)	C	Y	H	P	2	M	3	40		
103	8104624	03/08/10 - 12:45	75.333(h)	104(a)	C	N	U	L	2	M	3			
104	8104625	03/08/10 - 13:00	75.400	104(a)	C	Y	R	L	2	M	11	41		
105	8104626	03/09/10 - 14:30	75.370(a)(1)	104(a)	C	N	U	N	1	M	13			
106	8104627	03/10/10 - 09:15	75.370(a)(1)	104(a)	C	N	U	P	2	M	14			
107	8104628	03/10/10 - 09:55	75.601-1	104(a)	C	N	U	L	1	M	2			
108	8104629	03/15/10 - 09:00	75.370(a)(1)	104(a)	C	N	N	N	1	M	15			
109	8104630	03/15/10 - 09:00	75.370(a)(1)	104(a)	C	N	N	N	1	M	16			
110	8104640	04/01/10 - 16:20	75.333(d)(3)	104(a)	C	N	U	N	3	M	2			
111	8104641	04/01/10 - 17:00	75.400	104(a)	C	N	U	L	3	M	12			
112	8104642	04/01/10 - 17:10	75.330(b)(2)	104(a)	C	N	U	N	3	M	1			
113	8108609	04/01/10 - 17:20	75.208	104(a)	C	Y	R	L	1	M	1	42		
114	8108614	04/01/10 - 17:21	75.370(a)(1)	104(d)(2)	O	Y	R	L	3	H	17	43	5	5

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											Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg > Mod Count
115	8108608	04/01/10 - 17:55	75.333(d)(3)	104(a)	C	N	U	L	1	M	3			
116	8092845	04/01/10 - 18:20	75.370(a)(1)	104(d)(2)	O	Y	H	P	3	H	18	44	6	6
117	8092846	04/01/10 - 18:30	75.370(a)(1)	104(d)(2)	O	Y	H	P	3	H	19	45	7	7
118	8108610	04/01/10 - 18:35	75.400	104(d)(2)	O	Y	R	L	8	H	13	46	8	8
119	8108611	04/01/10 - 18:40	75.402	104(d)(2)	O	Y	R	L	8	H	1	47	9	9
120	8092847	04/01/10 - 18:45	75.362(a)(1)	104(d)(2)	O	Y	H	P	5	H	1	48	10	10
121	8108615	04/01/10 - 18:50	75.370(a)(1)	104(a)	C	N	U	L	1	M	20			
122	8108612	04/01/10 - 19:00	75.362(d)(1)(ii)	104(d)(2)	O	Y	R	L	2	H	1	49	11	11
123	8088108	04/01/10 - 19:15	75.370(a)(1)	104(d)(2)	O	Y	R	L	3	H	21	50	12	12
124	8088109	04/01/10 - 19:20	75.370(a)(1)	104(d)(2)	O	Y	R	L	3	H	22	51	13	13
125	8108613	04/01/10 - 19:58	75.362(a)(2)	104(d)(2)	O	Y	R	L	3	H	1	52	14	14
126	9968873	04/02/10 - 08:00	70.101	104(a)	C	Y	R	P	5	M	1	53		
127	8088110	04/06/10 - 03:50	75.1715	104(a)	C	N	U	L	1	M	1			
128	8108616	04/06/10 - 04:45	75.380(d)(7)(i)	104(a)	C	N	U	L	1	M	3			
129	8092848	04/06/10 - 04:50	75.380(d)(7)(vii)	104(a)	C	Y	R	L	10	M	2	54		
130	8108617	04/06/10 - 05:45	75.807	104(a)	C	N	U	L	1	M	1			
131	8092849	04/06/10 - 06:10	75.1107-13(g)	104(a)	C	Y	R	L	10	M	1	55		
132	8108618	04/07/10 - 17:55	75.400	104(a)	C	N	U	L	1	M	14			
133	8108619	04/08/10 - 09:10	75.1504(a)	104(a)	C	Y	R	L	15	M	1	56		
134	8108620	04/08/10 - 09:15	75.1504(b)(3)	104(a)	C	Y	R	L	72	M	1	57		
135	8108621	04/08/10 - 14:30	48.7	104(a)	C	N	U	N	15	H	1			
136	8108623	04/14/10 - 10:20	75.360(a)(1)	104(a)	C	Y	R	L	7	M	1	58		
137	8108624	04/14/10 - 10:52	75.1106	104(a)	C	Y	R	L	1	M	1	59		
138	8108625	04/14/10 - 10:53	75.400	104(a)	C	Y	R	L	1	M	15	60		
139	8108626	04/23/10 - 10:10	75.1100-2(e)	104(a)	C	N	U	L	1	M	2			
140	8108627	04/23/10 - 11:40	75.904	104(a)	C	Y	R	L	1	M	2	61		
141	8108628	04/23/10 - 12:01	77.1107	104(a)	C	N	U	L	1	M	1			
142	8108629	04/26/10 - 10:43	75.503	104(a)	C	Y	R	L	1	M	1	62		
143	8108630	04/26/10 - 11:32	75.400	104(a)	C	N	U	L	1	M	16			
144	8108631	04/27/10 - 10:01	75.1502	104(a)	C	N	U	L	10	M	1			
145	8108632	04/27/10 - 10:05	75.1505(c)	104(a)	C	N	U	N	10	M	1			
146	8108633	04/27/10 - 10:30	75.370(a)(1)	104(a)	C	Y	R	L	2	M	23	63		
147	8108634	04/27/10 - 10:45	75.370(a)(1)	104(a)	C	Y	R	L	3	M	24	64		
148	8108635	04/27/10 - 16:25		103(k)	O									
149	8108636	04/27/10 - 18:30	75.364(b)(2)	104(a)	C	N	U	N	1	L	1			
150	8108637	05/03/10 - 09:43	75.360(a)(1)	104(a)	C	N	U	N	0	M	2			
151	8108638	05/03/10 - 11:02	75.380(d)(7)(vii)	104(a)	C	Y	R	L	3	M	3	65		
152	8108640	05/03/10 - 11:25	75.380(d)(7)(vii)(B)	104(a)	C	Y	R	L	3	M	6	66		



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153	8108641	05/03/10 - 11:25	75.380(d)(7)(vii)	104(a)	C	Y	R	L	3	M	4	67		
154	8108642	05/05/10 - 17:35	75.370(a)(1)	104(a)	C	Y	R	L	1	M	25	68		
155	8108639	05/06/10 - 10:00	75.380(d)(7)(vii)	104(a)	C	N	U	L	1	M	5			
156	8108644	05/06/10 - 10:50	75.333(b)(2)	104(a)	C	N	U	L	1	M	1			
157	8108647	05/11/10 - 11:35	75.333(d)(3)	104(a)	C	N	U	L	1	M	4			
158	8108648	05/12/10 - 11:00	75.334(a)(1)	104(a)	C	Y	R	L	1	M	1	69		
159	8108649	05/12/10 - 11:43	75.203(e)(1)	104(a)	C	Y	R	L	1	M	1	70		
160	8108650	05/12/10 - 12:30	75.202(a)	104(a)	C	Y	R	P	1	L	2	71		
161	8108652	05/12/10 - 13:05	75.380(d)(7)(iii)	104(a)	C	Y	R	L	10	M	2	72		
162	8108651	05/12/10 - 14:20	75.364(h)	104(a)	C	N	U	N	1	M	1			
163	8109414	05/19/10 - 06:07	75.360(g)	104(a)	C	N	U	N	1	M	6			
164	8108654	05/19/10 - 06:15	75.364(h)	104(a)	C	N	N	N	1	M	2			
165	8111180	05/19/10 - 07:40	75.333(e)(1)(ii)	104(a)	C	N	U	L	8	M	2			
166	8109415	05/19/10 - 10:10	75.364(h)	104(a)	C	N	N	N	1	M	3			
167	8108655	05/20/10 - 06:20	75.370(a)(1)	104(a)	C	Y	R	L	10	M	26	73		
168	8109416	05/20/10 - 07:18	75.333(h)	104(a)	C	N	U	L	10	M	4			
169	8109417	05/20/10 - 07:53	75.380(d)(7)(i)	104(a)	C	N	U	F	6	M	4			
170	8104661	05/20/10 - 08:00	75.370(a)(1)	104(a)	C	N	U	L	5	M	27			
171	8104662	05/20/10 - 08:25	75.370(a)(1)	104(a)	C	N	U	L	5	M	28			
172	8104663	05/20/10 - 09:25	75.1107-1(a)(3)	104(a)	C	N	U	L	2	M	1			
173	8104664	05/20/10 - 09:55	75.220(a)(1)	104(a)	C	Y	R	P	1	M	8	74		
174	8109418	05/20/10 - 10:33	75.370(a)(1)	104(a)	C	Y	R	P	3	M	29	75		
175	8109419	05/20/10 - 11:27	75.333(b)(3)	104(a)	C	Y	R	F	13	M	1	76		
176	8109420	05/20/10 - 11:35	75.1100-2(b)	104(a)	C	Y	R	F	13	M	1	77		
177	8111181	05/20/10 - 13:00	75.402	104(a)	C	N	U	L	12	M	2			
178	8108657	06/01/10 - 06:10		103(k)	O									
179	8086957	06/01/10 - 10:00	70.101	104(b)	O								15	
180	8108658	06/02/10 - 16:45	75.333(d)(3)	104(a)	C	N	U	L	1	H	5			
181	8108659	06/02/10 - 17:25	75.203(e)(2)	104(a)	C	Y	R	L	1	M	1	78		
182	8108660	06/02/10 - 17:38	75.370(a)(1)	104(a)	C	Y	R	L	1	M	30	79		
183	8108661	06/02/10 - 17:46	75.370(a)(1)	104(a)	C	Y	R	L	1	M	31	80		
184	8108662	06/02/10 - 18:15	75.1505(b)	104(a)	C	N	U	L	1	M	1			
185	8108663	06/02/10 - 18:30	75.1403	104(a)	C	Y	R	L	13	M	7	81		
186	8108664	06/02/10 - 19:50	75.203(e)(2)	104(d)(2)	O	Y	R	L	1	H	2	82	16	15
187	8108665	06/02/10 - 20:05	75.220(a)(1)	104(d)(2)	O	Y	R	L	1	H	9	83	17	16
188	8108666	06/02/10 - 20:10	75.360(a)(1)	104(a)	C	Y	R	L	7	H	3	84		17
189	8105468	06/08/10 - 10:00	75.360(g)	104(a)	C	N	U	N	1	M	7			
190	8098643	06/08/10 - 10:50		104(a)	C	N	N	N	10	H	4			

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191	8105469	06/08/10 - 11:05	75.202(a)	104(a)	C	Y	R	L	1	M	3	85		
192	8105470	06/08/10 - 11:15	75.516	104(a)	C	N	U	P	1	M	2			
193	8105471	06/08/10 - 12:00	75.1107-4(a)(1)	104(a)	C	N	N	P	1	M	1			
194	8105472	06/08/10 - 12:10	75.515	104(a)	C	N	U	P	1	M	2			
195	8098644	06/08/10 - 12:25	75.601-1	104(a)	C	Y	R	F	1	M	3	86		
196	8098645	06/08/10 - 12:35	75.601-1	104(a)	C	Y	R	F	1	M	4	87		
197	8105473	06/08/10 - 12:35	75.340(a)(1)(iii)	104(a)	C	N	U	P	1	M	1			
198	8105474	06/08/10 - 12:48	75.1713-7(c)	104(a)	C	N	U	L	1	M	1			
199	8105475	06/08/10 - 13:30	75.1107-9(a)(1)	104(a)	C	N	U	L	1	M	2			
200	8098646	06/08/10 - 14:15	75.523-3(b)(1)	104(a)	C	Y	R	L	1	M	1	88		
201	8098647	06/08/10 - 14:35	75.1731(b)	104(a)	C	N	U	L	8	M	5			
202	8105476	06/08/10 - 14:35	75.604(b)	104(a)	C	Y	R	P	2	M	2	89		
203	8105477	06/08/10 - 14:45	75.370(a)(1)	104(a)	C	N	U	P	13	M	32			
204	8105478	06/09/10 - 09:10	75.508	104(a)	C	N	U	N	1	M	1			
205	8105479	06/09/10 - 09:30	75.220(a)(1)	104(a)	C	N	U	N	13	M	10			
206	8098648	06/09/10 - 10:55	75.360(d)	104(a)	C	Y	R	F	11	M	2	90		
207	8098649	06/09/10 - 11:00	75.1505(b)	104(a)	C	N	U	L	11	M	2			
208	8098650	06/09/10 - 11:15	75.1100-2(a)(1)	104(a)	C	Y	R	L	11	M	1	91		
209	8105480	06/09/10 - 12:02	75.503	104(a)	C	Y	R	P	2	M	2	92		
210	8105481	06/09/10 - 13:05	75.400	104(a)	C	Y	R	P	5	M	17	93		
211	8098651	06/10/10 - 10:30	75.512	104(a)	C	N	U	F	1	M	5			
212	8105482	06/14/10 - 10:35	75.512	104(a)	C	N	U	N	3	M	6			
213	8105483	06/14/10 - 11:35	75.333(a)	104(a)	C	N	U	N	1	M	1			
214	8098652	06/14/10 - 12:25	75.400	104(a)	C	Y	R	L	1	M	18	94		
215	8105484	06/14/10 - 12:55	75.807	104(a)	C	Y	R	L	11	M	2	95		
216	8105489	06/14/10 - 13:00	75.512	104(a)	C	N	U	N	1	M	7			
217	8105485	06/14/10 - 13:20	75.400	104(a)	C	Y	R	P	1	M	19	96		
218	8105486	06/14/10 - 13:37	75.1710-1(e)	104(a)	C	N	U	N	1	M	1			
219	8098653	06/14/10 - 14:10	75.400	104(a)	C	Y	R	L	11	M	20	97		
220	8098654	06/14/10 - 14:15	75.1731(b)	104(a)	C	Y	R	L	11	M	6	98		
221	8105487	06/14/10 - 14:15	75.1107	104(a)	C	N	U	P	5	M	2			
222	8105488	06/14/10 - 15:00	75.1107-16(c)	104(a)	C	N	U	N	1	M	1			
223	8098655	06/14/10 - 15:05	75.202(a)	104(a)	C	Y	R	P	1	M	4	99		
224	8098656	06/15/10 - 12:50	75.202(a)	104(b)	O								18	
225	8105490	06/16/10 - 11:00	75.220(a)(1)	104(a)	C	N	U	N	2	M	11			
226	8108667	07/06/10 - 10:45		103(k)	O									
227	8105605	07/12/10 - 12:38	75.220(a)(1)	104(a)	C	N	U	L	3	M	12			
228	7264888	07/12/10 - 13:07	75.220(a)(1)	104(a)	C	N	U	L	4	M	13			

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229	8104676	07/15/10 - 10:40	75.1725(a)	104(a)	C	Y	R	L	1	M	1	100		
230	8104677	07/15/10 - 11:05	75.516	104(a)	C	N	U	L	1	M	3			
231	8104678	07/15/10 - 11:20	75.512	104(a)	C	Y	R	F	1	M	8	101		
232	8104679	07/15/10 - 11:40	75.1107-1(a)(3)	104(a)	C	N	U	L	1	M	2			
233	8104680	07/15/10 - 12:00	75.380(d)(1)	104(a)	C	Y	R	L	8	M	2	102		
234	8104681	07/15/10 - 13:05	75.1002(a)	104(d)(2)	O	N	U	F	4	H	2		19	
235	8104682	07/15/10 - 13:30		104(a)	C	N	N	N	4	H	6			
236	8104683	07/15/10 - 13:40	75.220(a)(1)	104(d)(2)	O	Y	R	L	1	H	14	103	20	18
237	8104684	07/15/10 - 14:00	75.360(b)(3)	104(d)(2)	O	Y	R	P	4	H	1	104	21	19
238	8104685	07/15/10 - 14:10	75.1725(a)	104(a)	C	Y	R	F	1	M	2	105		
239	8104686	07/15/10 - 15:15	75.1404-1	104(a)	C	Y	R	L	1	M	1	106		
240	8086773	07/20/10 - 23:58	75.370(a)(1)	104(a)	C	N	U	P	1	M	33			
241	8111192	07/21/10 - 07:45	75.1714-7(a)	104(a)	C	N	U	F	3	L	1			
242	8111193	07/21/10 - 08:30	75.402	104(a)	C	N	U	L	10	M	3			
243	8111194	07/21/10 - 09:40	75.342(a)(4)	104(a)	C	Y	R	L	2	M	1	107		
244	8111195	07/21/10 - 11:15	75.1505(c)	104(a)	C	N	U	L	10	M	2			
245	8086772	07/21/10 - 19:00	75.203(e)(1)	104(a)	C	N	U	P	1	M	2			
246	8111197	07/22/10 - 09:10	75.1100-2(a)	104(a)	C	N	U	L	10	M	1			
247	8111198	07/22/10 - 10:10	75.503	104(a)	C	N	U	L	1	M	3			
248	8111199	07/22/10 - 11:00	75.380(d)(7)(vi)	104(a)	C	N	U	L	10	M	2			
249	8111200	07/27/10 - 09:45	75.1405	104(a)	C	N	U	L	1	M	1			
250	8111201	07/27/10 - 10:30	75.1103-4(a)(1)(iii)	104(a)	C	Y	R	L	4	M	1	108		
251	8111202	07/27/10 - 12:00	75.400	104(a)	C	Y	R	L	10	M	21	109		
252	8111203	07/28/10 - 09:50	75.380(d)(7)(iv)	104(a)	C	Y	R	L	1	M	3	110		
253	8104697	08/02/10 - 06:20		103(k)	O									
254	8104699	08/06/10 - 13:05	75.1505(b)	104(a)	C	N	U	L	8	M	3			
255	8111204	08/11/10 - 09:50	75.1725(a)	104(a)	C	Y	R	L	1	M	3	111		
256	8111205	08/11/10 - 10:00	75.380(d)(7)(vii)(B)	104(a)	C	N	U	L	1	M	7			
257	8111206	08/11/10 - 10:00	75.380(d)(7)(vi)	104(a)	C	N	U	L	1	M	3			
258	8111207	08/11/10 - 11:05	75.1731(a)	104(a)	C	Y	R	L	5	M	1	112		
259	8111208	08/11/10 - 11:05	75.1731(b)	104(a)	C	Y	R	L	5	M	7	113		
260	8111209	08/11/10 - 12:10	75.1731(b)	104(a)	C	Y	R	L	3	M	8	114		
261	8115357	08/12/10 - 08:10	75.370(a)(1)	104(a)	C	Y	R	P	2	M	34	115		
262	4637183	08/12/10 - 09:00	75.330(b)(1)	104(a)	C	N	U	L	4	M	1			
263	8112284	08/12/10 - 09:15	75.370(a)(1)	104(a)	C	N	U	N	1	M	35			
264	4637184	08/12/10 - 09:48	75.370(a)(1)	104(a)	C	N	U	P	1	M	36			
265	8111210	08/12/10 - 10:00	75.202(a)	104(a)	C	Y	R	L	1	M	6	116		
266	8111211	08/12/10 - 10:30	75.1725(a)	104(a)	C	Y	R	L	1	M	4	117		

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267	8111212	08/12/10 - 12:50	75.220(a)(1)	104(a)	C	Y	R	L	1	M	15	118		
268	8115358	08/12/10 - 13:13	75.400	104(a)	C	Y	R	P	2	M	22	119		
269	4637185	08/12/10 - 13:17	75.1731(a)	104(a)	C	Y	R	P	12	M	2	120		
270	8115359	08/12/10 - 13:55	75.807	104(a)	C	N	U	F	1	M	3			
271	8111213	08/16/10 - 08:20	75.1731(a)	104(a)	C	N	U	L	1	M	3			
272	8111214	08/16/10 - 08:30	75.1731(b)	104(a)	C	Y	R	L	1	M	9	121		
273	8111215	08/16/10 - 09:40	75.1100-2(e)	104(a)	C	N	U	L	1	M	3			
274	8111216	08/17/10 - 12:00	75.1103-9(e)	104(a)	C	N	U	L	1	M	1			
275	8111217	08/17/10 - 12:15	75.1202-1(b)(3)	104(a)	C	N	U	L	1	M	1			
276	8111218	08/18/10 - 10:00	75.400	104(a)	C	Y	R	L	3	M	23	122		
277	8111219	08/18/10 - 11:00	75.342(a)(4)	104(a)	C	Y	R	L	2	M	2	123		
278	8111221	08/20/10 - 09:45	75.380(d)(7)(vi)	104(a)	C	N	U	L	1	M	4			
279	8111220	08/20/10 - 09:50	75.402	104(a)	C	N	U	L	11	M	4			
280	8111222	08/20/10 - 11:30	75.1714-6	104(a)	C	N	U	L	11	M	1			
281	8086218	08/23/10 - 07:30	75.372(a)(1)	104(a)	C	N	N	N	1	M	1			
282	8111223	08/24/10 - 12:00	75.364(b)(2)	104(a)	C	Y	R	L	1	M	2	124		
283	8111225	08/25/10 - 11:00		103(k)	O									