

U.S. Department of Labor

NOV 28 2012

Mr. Jimmy Tackett  
President  
#3  
Pike Floyd Mining, Inc.  
76 George Road  
Betsy Layne, KY 41605

Mine Safety and Health Administration  
100 Fae Ramsey Lane  
Pikeville, Kentucky 41501



Dear Mr. Tackett:

In accordance with Section 104(e) of the Federal Mine Safety and Health Act of 1977 (Mine Act) and 30 CFR Part 104, the Mine Safety and Health Administration (MSHA) conducted a pattern of violation (POV) screening of compliance records and of accident and employment records for the 12-month period ending September 30, 2012 for the #3 mine, MSHA ID No. 15-15215. 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all subsequent violations designated as Significant and Substantial (S&S) be issued as closure orders with all persons withdrawn from the affected area except those necessary to correct the violation.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 #3 mine. This notification is based upon the initial screening and pattern criteria review, which were conducted in accordance with 30 C.F.R. §§ 104.2 and 104.3. A Pattern of Violation Review report is enclosed. This report details the methodology used for the initial screening and pattern criteria review and summarizes your mine's performance relative to the criteria.

Prior to MSHA implementing Section 104(e) sanctions at the #3 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 #3 mine. This inspection may start as soon as January 1, 2013. I will analyze the results of this complete inspection and other on-site enforcement activities conducted during the corrective action period to evaluate whether the #3 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 #3 mine achieves a reduction in the S&S violation frequency rate to a maximum of 6.57<sup>1</sup> S&S violations per 100 inspection hours, the #3 mine will not be issued a pattern of violations notice during this POV review cycle.<sup>2</sup>

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

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<sup>1</sup> #3 mine was issued 13.14 S&S violations per 100 inspection hours during the 12-month review period. If the #3 mine implements an appropriate corrective action program, the mine must achieve an S&S rate of 6.57 during the evaluation period (i.e., by 50 percent from the mine's rate during the 12-month review period). If a corrective action program is not implemented, the mine must achieve an S&S rate of 3.94 during the evaluation period (i.e., by 70 percent from the mine's rate during the 12-month review period as this reduction is below the national rate for all mines of similar type and classification during the 12-month review period). Please see the *Pattern of Violations Procedures Summary* at <http://www.msha.gov/POV/POVProcedures012012.pdf> for more information.

<sup>2</sup> However, all mines will be considered for potential pattern of violation notices during the next and subsequent review cycles. To ensure the #3 mine is not exhibiting a potential Pattern of Violations when the next evaluation is conducted, the #3 mine should continue to reduce its S&S violation issuances and rate. MSHA is required to conduct evaluations at least annually but can conduct the evaluations more frequently.

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

Within 30 days of receipt of my report to the Administrator, the Administrator will issue a decision as to whether the #3 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 #3 mine is inspected in its entirety during the following 90-day time frame and each succeeding inspection cycle until the Pattern of Violation order is terminated.

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

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

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

Please contact me at (606) 432-0943 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 Fae Ramsey Lane, Pikeville, KY 41501.

Sincerely,

*William M. Sergent*

William M. Sergent  
Acting District Manager  
District 6

Attachments:

Pattern of Violations Screening Criteria - 2012  
Pattern of Violations Procedures Summary  
Screening Criteria Results 15-15215  
Citations and Orders 12 Month Review Report  
Monthly Detail During Review Report

## PATTERN OF VIOLATIONS (POV) PROCEDURES SUMMARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Or*

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

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

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

*Or*

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

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

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

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

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

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

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

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

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

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

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

#### TERMINATION OF PATTERN OF VIOLATIONS NOTICE

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

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

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

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

## Appendix A - Mitigating Circumstances

### PPOV Determinations

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

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

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

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

### POV Determinations

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

- A bona fide change in ownership;

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

## Appendix B - Guidelines for Corrective Action Programs

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

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

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

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

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

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

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

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

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

## APPENDIX C

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

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

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

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

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

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

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

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

***Or***

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

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

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

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

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

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

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

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

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

## 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**

District Office: Pikeville, KY  
 Field Office: Elkhorn City KY  
 Mine ID: 1515215  
 Mine Status: Active  
 Mine Name: #3  
 Mine Type: U/G Coal  
 Controller: Jimmy D Tackett  
 Operator: Pike Floyd Mining, Inc.

Query Run Date
Nov-01-2012

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

Criteria	Criteria Description	Does the Mine Meet the Criteria?	
<b>Initial Criteria 1</b>	<b>1</b> At least 50 citations/orders for significant and substantial (S&S) violations issued in the most recent 12 months.	58 <b>YES</b>	<b>YES</b> This mine meets all four Initial Criteria 1
	<b>2</b> A rate of eight or more S&S citations/orders issued per 100 inspection hours during the most recent 12 months, or <i>58 S&amp;S C/O's were issued during 441.5 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>5 of the 58 S&amp;S C/O's issued were either high or reckless disregard.</i>	13.14 <b>YES</b>  9% <b>NO</b>	
	<b>3</b> At least 0.5 elevated citations and orders [under section 104(b); 104(d); 104(g); or 107(a) of the Mine Act] issued per 100 inspection hours during the most recent 12 months. <i>8 elevated C/O's were issued during 441.5 inspection hours.</i>	1.81 <b>YES</b>	
	<b>4</b> The Injury Severity Measure (SM) for the mine is greater than the overall Industry SM for all mines in the same mine type and classification over the most recent 12 months. <i>The mines SM of 658.89 is more than the industry SM of 482.59.</i>	658.89 <b>YES</b>	
<b>Initial Criteria 2</b>	<b>1</b> At least 100 S&S citations/orders issued in the most recent 12 months. <i>58 S&amp;S C/O's were issued.</i>	58 <b>NO</b>	<b>NO</b> This mine does not meet both Initial Criteria 2
	<b>2</b> At least 40 elevated citations and orders [under section 104(b); 104(d); 104(g); or 107(a) of the Mine Act] issued during the most recent 12 months. <i>8 elevated C/O's were issued.</i>	8 <b>NO</b>	
<b>Final Order Criteria</b>	<b>1</b> At least 5 S&S citations/orders of the same standard that became final orders of the commission during the most recent 12 months, or <i>5 C/O's of standard 75.512 became final orders.</i>	5 <b>YES</b>	<b>YES</b> This mine meets at least one of the Final Order Criteria
	<b>2</b> At least 2 S&S unwarrantable failure citations/orders [104(d)] became final orders of the commission during the most recent 12 months. <i>1 unwarrantable failure C/O's became final orders.</i>	1 <b>NO</b>	

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

MSHA Mine ID: 15-15215

Mine: #3

Operator: Pike Floyd Mining, Inc.

Controller: Jimmy D Tackett

Mine Status: Active

Mine Status Date: 02/10/2012

Month	Inspector Hours Worked	Calendar Days AR(s) at Mine	Citations and Orders Issued During the 12 Month Review Period							Cumulative		
			Non S&S	S&S	Elevated				Total	S&S C/O's	per 100 Inspection Hours	
					104 (b)	104 (d)	104 (g)	107 (a)			S&S C/O's	Elevated C/O's
Dec 2011	10.00	2	1	0	1	0	0	0	1	0.0%	0.00	10.00
Jan 2012	38.00	6	12	0	0	0	0	0	0	0.0%	0.00	2.08
Feb 2012	58.75	7	12	6	0	1	0	0	1	19.4%	5.62	1.87
Mar 2012	1.25	1	0	0	0	0	0	0	0	19.4%	5.56	1.85
Apr 2012	18.50	3	7	1	0	0	0	0	0	17.9%	5.53	1.58
May 2012	60.25	10	10	10	0	2	0	0	2	28.8%	9.10	2.14
Jun 2012	96.75	12	11	15	0	0	0	0	0	37.6%	11.29	1.41
Jul 2012	33.25	7	5	4	1	0	0	0	1	38.3%	11.37	1.58
Aug 2012	75.00	7	31	14	0	1	0	0	1	36.0%	12.76	1.53
Sep 2012	49.75	7	3	8	2	0	0	0	2	38.7%	13.14	1.81
Totals	441.50	62	92	58	4	4	0	0	8			

Inspection hours are from the inspectors Weekly Activity in IPAL.

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

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

MSHA Mine ID: 15-15215

Mine: #3

Operator: Pike Floyd Mining, Inc.

Controller: Jimmy D Tackett

Mine Status: Active

Mine Status Date: February 10, 2012

% S&S: 36.9%

% Elevated: 5.1%

% S&S Neg>Mod: 4.5%

Cumulative During 12 Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count
1	8248772	12/13/11 08:25 AM	75.1403	104(a)	C	N	U	L	1	M	1			
2	8248773	12/13/11 08:38 AM	75.1403	104(b)	O								1	
3	8252104	01/18/12 08:50 AM	75.336(e)(1)	104(a)	C	N	N	N	1	L	1			
4	8252105	01/18/12 09:10 AM	75.338(a)	104(a)	C	N	U	L	1	L	1			
5	8252106	01/18/12 09:15 AM	75.1202-1(b)(1)	104(a)	C	N	U	L	4	M	1			
6	8252107	01/18/12 09:30 AM	75.364(c)(1)	104(a)	C	N	U	L	4	L	1			
7	8252108	01/18/12 11:55 AM	75.337(a)	104(a)	C	N	U	L	4	M	1			
8	8265263	01/25/12 10:45 AM	75.807	104(a)	C	N	U	L	1	M	1			
9	8265264	01/25/12 10:50 AM	75.380(d)(7)(iii)	104(a)	C	N	U	L	1	M	1			
10	8265265	01/25/12 11:20 AM	75.333(h)	104(a)	C	N	U	L	1	M	1			
11	8265267	01/27/12 06:10 AM	75.516	104(a)	C	N	U	L	1	M	1			
12	8265270	01/31/12 09:25 AM	75.503	104(a)	C	N	U	L	1	L	1			
13	8265272	01/31/12 09:35 AM	75.1714	104(a)	C	N	U	L	1	M	1			
14	8265271	01/31/12 01:00 PM	75.516	104(a)	C	N	U	L	1	M	2			
15	8265276	02/02/12 07:40 AM	75.507-1	104(a)	C	N	U	L	1	M	1			
16	8265277	02/02/12 08:10 AM	75.507-1	104(a)	C	N	U	L	1	M	2			
17	8265278	02/02/12 11:00 AM	75.507-1	104(a)	C	N	U	L	1	M	3			
18	8265279	02/07/12 08:20 AM	75.523-3	104(a)	C	Y	R	L	1	M	1	1		
19	8265280	02/07/12 08:30 AM	75.503	104(a)	C	N	U	L	1	M	2			
20	8265281	02/07/12 09:50 AM	75.1403	104(a)	C	Y	R	L	1	H	3	2		1
21	8265282	02/09/12 07:10 AM	75.1714-3(a)	104(a)	C	N	U	L	1	L	1			
22	8265283	02/09/12 07:45 AM	75.513	104(a)	C	N	U	L	1	M	1			
23	8265284	02/10/12 10:15 AM	75.208	104(a)	C	N	U	L	1	M	1			
24	8265285	02/10/12 10:20 AM	75.220(a)(1)	104(a)	C	Y	R	L	1	M	1	3		
25	8265287	02/10/12 11:20 AM	75.1714-4(f)	104(a)	C	N	U	L	8	M	1			
26	8265286	02/10/12 01:15 PM	75.1505(b)	104(a)	C	N	U	L	1	M	1			
27	8265288	02/14/12 07:00 AM	75.333(d)(3)	104(a)	C	N	U	L	1	M	1			
28	8265289	02/14/12 09:45 AM	75.1100-1(a)	104(a)	C	N	U	L	1	M	1			
29	8265290	02/14/12 11:15 AM	75.1102	104(a)	C	Y	R	L	1	M	1	4		
30	8265291	02/14/12 11:16 AM	75.1101-1	104(a)	C	Y	R	L	1	M	1	5		
31	8265292	02/14/12 12:20 PM	75.1403	314(b)	S									
32	8268802	02/23/12 08:50 AM	75.1313(b)(1)	104(a)	C	N	U	L	1	M	1			
33	8268811	02/29/12 09:40 AM	75.370(a)(1)	104(d)(1)	C	Y	R	P	2	H	1	6	2	2
34	8253165	04/10/12 04:15 AM	75.403	104(a)	C	N	U	L	7	M	1			
35	8253173	04/25/12 06:50 PM	75.1505(b)	104(a)	C	N	U	L	5	M	2			
36	8253174	04/25/12 07:00 PM	75.1106-3(c)	104(a)	C	N	U	L	1	M	1			
37	8253175	04/25/12 07:03 PM	75.1715	104(a)	C	N	U	L	4	M	1			
38	8253176	04/25/12 07:05 PM	77.701	104(a)	C	N	U	L	1	M	1			
39	8253177	04/26/12 12:15 AM	75.503	104(a)	C	N	U	L	1	M	3			
40	8253178	04/26/12 12:21 AM	75.400	104(a)	C	N	U	L	1	M	1			

MSHA Mine ID: 15-15215

Mine: #3

Operator: Pike Floyd Mining, Inc.

Controller: Jimmy D Tackett

Mine Status: Active

Mine Status Date: February 10, 2012

% S&S: 36.9%

% Elevated: 5.1%

% S&S Neg>Mod: 4.5%

Cumulative During 12 Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count
41	8253179	04/26/12 12:34 AM	75.517	104(a)	C	Y	R	P	1	M	1	7		
42	8253180	05/01/12 12:30 PM	75.503	104(a)	C	N	U	L	1	M	4			
43	8253362	05/04/12 11:10 AM	75.208	104(a)	C	Y	R	L	1	M	2	8		
44	8273826	05/07/12 10:06 AM	75.1712-1	104(a)	C	N	N	N	15	M	1			
45	8273827	05/07/12 10:10 AM	77.401	104(a)	C	N	U	L	1	M	1			
46	8273828	05/09/12 07:50 AM	70.207(a)	104(a)	C	N	N	N	1	M	1			
47	8253363	05/09/12 10:10 AM	77.1103(d)	104(a)	C	N	U	L	1	M	1			
48	8253364	05/09/12 10:15 AM	77.205(b)	104(a)	C	Y	R	L	1	M	1	9		
49	8269239	05/24/12 09:45 AM	75.333(b)	104(a)	C	N	U	L	1	M	1			
50	8269238	05/24/12 10:00 AM	75.1714(b)	104(a)	C	N	U	L	5	M	1			
51	8269240	05/24/12 01:00 PM	75.400	104(a)	C	Y	R	L	1	M	2	10		
52	8269241	05/24/12 01:30 PM	75.1403	104(a)	C	Y	R	L	1	M	5	11		
53	8269242	05/24/12 01:40 PM	75.370(a)(1)	104(a)	C	N	U	L	1	M	2			
54	8269243	05/24/12 03:05 PM	75.1714-3	104(a)	C	N	U	L	1	M	1			
55	8269244	05/30/12 09:15 AM	75.512	104(a)	C	Y	R	L	1	M	1	12		
56	8269245	05/30/12 09:50 AM	75.380(d)(7)	104(a)	C	N	U	L	1	M	1			
57	8269246	05/30/12 10:00 AM	75.208	104(a)	C	Y	R	L	1	M	3	13		
58	8269247	05/30/12 10:20 AM	75.1326	104(a)	C	Y	R	L	1	H	1	14		3
59	8269248	05/30/12 10:25 AM	75.370(a)(1)	104(d)(1)	C	Y	R	P	1	H	3	15	3	4
60	8269249	05/30/12 10:50 AM	75.370(a)(1)	104(d)(1)	O	Y	R	P	1	H	4	16	4	5
61	8269250	05/30/12 12:20 PM	75.400	104(a)	C	Y	R	L	1	M	3	17		
62	8268926	06/04/12 10:00 AM	75.512	104(a)	C	Y	R	P	1	M	2	18		
63	8268927	06/04/12 10:15 AM	75.512	104(a)	C	Y	R	P	1	M	3	19		
64	8268928	06/04/12 11:00 AM	75.808	104(a)	C	N	U	P	1	M	1			
65	8269255	06/05/12 11:20 AM	75.340(a)	104(a)	C	N	U	L	1	M	1			
66	8269256	06/05/12 11:30 AM	75.512	104(a)	C	Y	R	L	1	M	4	20		
67	8269257	06/05/12 11:31 AM	75.512	104(a)	C	Y	R	L	1	M	5	21		
68	8269258	06/05/12 11:35 AM	75.701	104(a)	C	Y	R	L	1	M	1	22		
69	8269259	06/05/12 11:36 AM	75.701	104(a)	C	N	U	L	1	M	2			
70	8269260	06/05/12 11:40 AM	75.701	104(a)	C	Y	R	L	1	M	3	23		
71	8269261	06/05/12 11:55 AM	75.904	104(a)	C	Y	R	L	1	M	1	24		
72	8269262	06/05/12 12:00 PM	75.400	104(a)	C	Y	R	L	1	M	4	25		
73	8269263	06/05/12 01:30 PM	75.1731(b)	104(a)	C	Y	R	L	1	M	1	26		
74	8269264	06/05/12 01:40 PM	75.1731(a)	104(a)	C	Y	R	L	1	M	1	27		
75	8269265	06/06/12 02:00 PM	75.333(d)(3)	104(a)	C	N	U	L	1	M	2			
76	8269266	06/11/12 08:25 AM	75.360(g)	104(a)	C	N	U	L	1	M	1			
77	8269267	06/11/12 12:20 PM	75.512	104(a)	C	N	U	L	1	M	6			
78	8269268	06/11/12 01:20 PM	75.1103-8	104(a)	C	N	U	L	1	M	1			
79	8269271	06/13/12 08:50 AM	75.220(a)(1)	104(a)	C	N	U	L	1	M	2			
80	8269272	06/13/12 09:00 AM	75.1327(a)	104(a)	C	Y	R	F	1	M	1	28		

MSHA Mine ID: 15-15215

Mine: #3

Operator: Pike Floyd Mining, Inc.

Controller: Jimmy D Tackett

Mine Status: Active

Mine Status Date: February 10, 2012

% S&S: 36.9%

% Elevated: 5.1%

% S&S Neg>Mod: 4.5%

Cumulative During 12 Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count
81	8268932	06/13/12 10:00 AM	75.400	104(a)	C	Y	R	L	1	M	5	29		
82	8268933	06/13/12 10:30 AM	75.342(a)(4)	104(a)	C	N	U	L	1	M	1			
83	8269270	06/13/12 12:00 PM	75.1722(a)	104(a)	C	Y	R	P	1	M	1	30		
84	8269394	06/14/12 10:00 AM	75.342(a)(4)(ii)	104(a)	C	N	U	L	1	M	1			
85	8268934	06/14/12 11:15 AM	75.523-3(b)(1)	104(a)	C	Y	R	P	1	M	1	31		
86	8269276	06/22/12 01:35 AM	75.1403	314(b)	S									
87	8269277	06/22/12 01:36 AM	75.1403	314(b)	S									
88	8269279	06/22/12 02:00 AM	75.220(a)(1)	104(a)	C	N	U	L	1	M	3			
89	8276441	06/29/12 09:00 AM	77.1104	104(a)	C	Y	R	L	2	M	1	32		
90	8253431	07/16/12 05:50 AM	75.1202-1(b)(3)	104(a)	C	N	U	L	6	M	1			
91	8253432	07/16/12 07:20 AM	75.403	104(a)	C	Y	R	L	25	M	2	33		
92	8253439	07/19/12 09:15 AM	75.333(h)	104(a)	C	N	U	L	6	M	2			
93	8253445	07/25/12 07:50 AM	75.333(h)	104(a)	C	N	U	L	6	H	3			6
94	8253446	07/25/12 08:10 AM	77.502	104(a)	C	Y	R	L	2	M	1	34		
95	8253447	07/25/12 08:35 AM	77.400	104(a)	C	Y	R	L	2	M	1	35		
96	8253448	07/25/12 09:30 AM	75.403	104(b)	O								5	
97	8253449	07/25/12 09:50 AM	75.333(h)	104(a)	C	N	U	N	6	M	4			
98	8253450	07/25/12 10:45 AM	75.380(d)(7)(iv)	104(a)	C	Y	R	L	10	M	1	36		
99	8253451	07/25/12 11:40 AM	75.1714-4(b)	104(a)	C	N	U	L	3	M	1			
100	8253458	08/01/12 08:50 AM	75.904	104(a)	C	N	U	L	1	M	2			
101	8253459	08/01/12 10:30 AM	75.1403	104(a)	C	Y	R	L	1	M	8	37		
102	8253460	08/01/12 11:35 AM	75.400	104(a)	C	N	U	L	1	M	6			
103	8276531	08/08/12 07:05 AM	77.1301(c)(5)	104(a)	C	N	U	L	1	M	1			
104	8276530	08/08/12 07:20 AM	75.311(f)	104(a)	C	N	U	L	1	M	1			
105	8276532	08/08/12 07:30 AM	77.1301(c)(7)	104(a)	C	N	U	L	1	M	1			
106	8276533	08/08/12 10:00 AM	75.333(h)	104(a)	C	N	U	N	1	M	5			
107	8276541	08/21/12 07:45 AM	45.4(b)	104(a)	C	N	N	N	1	M	1			
108	8276542	08/21/12 09:55 AM	75.220(a)(1)	104(a)	C	N	U	L	2	M	4			
109	8276543	08/21/12 10:00 AM	75.380(d)(7)	104(a)	C	N	U	L	3	M	2			
110	8276544	08/21/12 10:15 AM	75.202(a)	104(a)	C	Y	R	P	1	M	1	38		
111	8276545	08/21/12 10:25 AM	75.1722(a)	104(a)	C	Y	R	L	1	M	2	39		
112	8276546	08/21/12 10:40 AM	75.515	104(a)	C	Y	R	L	1	M	1	40		
113	8276547	08/21/12 11:00 AM	75.380(d)(7)	104(a)	C	N	U	L	2	M	3			
114	8276548	08/21/12 11:30 AM	75.380(d)(1)	104(a)	C	Y	R	L	2	M	1	41		
115	8276549	08/22/12 08:45 AM	75.1725(a)	104(a)	C	Y	R	L	1	M	1	42		
116	8276408	08/27/12 08:34 AM	75.1202	104(a)	C	N	U	L	1	L	1			
117	8276492	08/27/12 08:44 AM	77.1103(d)	104(a)	C	N	U	L	1	M	2			
118	8276601	08/27/12 09:05 AM	77.505	104(a)	C	N	U	L	1	M	1			
119	8273845	08/27/12 09:13 AM	75.380(d)(7)(i)	104(a)	C	N	U	F	9	L	1			
120	8276409	08/27/12 09:35 AM	75.311(f)	104(a)	C	N	U	L	10	M	2			

MSHA Mine ID: 15-15215

Mine: #3

Operator: Pike Floyd Mining, Inc.

Controller: Jimmy D Tackett

Mine Status: Active

Mine Status Date: February 10, 2012

% S&S: 36.9%

% Elevated: 5.1%

% S&S Neg>Mod: 4.5%

Cumulative During 12 Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count
121	8273846	08/27/12 09:49 AM	75.321(a)(1)	104(a)	C	N	U	L	1	M	1			
122	8276493	08/27/12 10:00 AM	75.400	104(a)	C	N	U	L	6	M	7			
123	8276603	08/27/12 10:05 AM	75.523-3(a)	104(a)	C	Y	R	L	3	M	1	43		
124	8276604	08/27/12 10:10 AM	75.400	104(a)	C	N	U	L	3	M	8			
125	8276605	08/27/12 10:15 AM	75.503	104(a)	C	N	U	L	3	M	5			
126	8276558	08/27/12 10:20 AM	75.400	104(a)	C	N	U	L	1	M	9			
127	8276557	08/27/12 10:25 AM	75.1725(a)	104(a)	C	Y	R	P	1	M	2	44		
128	8276494	08/27/12 10:45 AM	75.400	104(a)	C	N	U	L	6	M	10			
129	8276495	08/27/12 10:50 AM	75.512	104(a)	C	Y	R	P	1	M	7	45		
130	8276602	08/27/12 11:00 AM	75.1100-2(b)	104(a)	C	N	U	L	1	M	1			
131	8276559	08/27/12 11:00 AM	75.400	104(a)	C	N	U	L	1	M	11			
132	8276640	08/27/12 11:10 AM	75.604(b)	104(a)	C	N	U	P	1	M	1			
133	8273847	08/27/12 11:22 AM	72.630(b)	104(a)	C	Y	R	P	1	M	1	46		
134	8276411	08/27/12 11:23 AM	75.1714-7(c)	104(a)	C	N	U	L	1	M	1			
135	8276606	08/27/12 11:25 AM	75.1731(a)	104(a)	C	N	U	L	10	M	2			
136	8273848	08/27/12 11:36 AM	72.630(b)	104(a)	C	Y	R	P	1	M	2	47		
137	8273849	08/27/12 12:12 PM	75.370(a)(1)	104(a)	C	N	U	P	1	M	5			
138	8273850	08/27/12 12:19 PM	75.380(d)(7)(vii)(A)	104(a)	C	N	U	F	9	M	1			
139	8276410	08/27/12 12:30 PM	75.370(a)(1)	104(d)(2)	O	N	U	L	10	H	6		6	7
140	8276641	08/27/12 12:30 PM	75.380(d)(1)	104(a)	C	Y	R	L	9	L	2	48		
141	8276412	08/27/12 12:31 PM	75.350(b)	104(a)	C	Y	R	L	10	M	1	49		
142	8276642	08/27/12 02:30 PM	77.1710(a)	104(a)	C	Y	R	P	1	M	1	50		
143	8276413	08/27/12 03:30 PM	75.336(a)	104(a)	C	N	U	N	1	M	1			
144	8276414	08/27/12 03:40 PM	75.338(b)	104(a)	C	N	U	L	1	M	1			
145	8276649	09/04/12 07:45 AM	75.202(a)	104(a)	C	Y	R	L	1	L	2	51		
146	8276648	09/04/12 12:35 PM	75.503	104(b)	O								7	
147	8276659	09/19/12 08:55 AM	75.604(b)	104(a)	C	Y	R	L	1	M	2	52		
148	8276660	09/19/12 09:15 AM	75.208	104(a)	C	Y	R	F	1	M	4	53		
149	8276661	09/19/12 10:05 AM	75.400	104(a)	C	N	U	L	1	M	12			
150	8276662	09/19/12 10:55 AM	75.503	104(a)	C	N	U	L	1	M	7			
151	8276663	09/19/12 11:00 AM	75.503	104(a)	C	N	U	L	1	M	8			
152	8276664	09/19/12 12:30 PM	75.400	104(a)	C	Y	R	L	2	M	13	54		
153	8276665	09/19/12 01:05 PM	75.1731(a)	104(a)	C	Y	R	L	2	M	3	55		
154	8276666	09/19/12 02:10 PM	75.362(b)	104(a)	C	Y	R	P	2	M	1	56		
155	8276667	09/20/12 12:01 PM	75.400	104(b)	O								8	
156	8276668	09/20/12 01:15 PM	75.517	104(a)	C	Y	R	L	1	M	2	57		
157	8276669	09/20/12 02:20 PM	75.364(b)(4)	104(a)	C	Y	R	L	1	L	1	58		