

U.S. Department of Labor

Mine Safety and Health Administration
Coal Mine Safety and Health, District 12
1301 Airport Road
Beaver, West Virginia 25813-9426



November 28, 2012

Mr. Marty Slone
Safety Director
Deep Mine No. 8
Argus Energy WV LLC
9104 Twelvepole Creek Road
Dunlow, WV 25511

Dear Mr. Slone:

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 Deep Mine No. 8, MSHA ID No. 46-08994. 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all subsequent violations designated as Significant and Substantial (S&S) be issued as closure orders with all persons withdrawn from the affected area except those necessary to correct the violation.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 Deep Mine No. 8. 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 Deep Mine No. 8, 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 Deep Mine No. 8. 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 Deep Mine No. 8 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, Deep Mine No. 8 achieves a reduction in the S&S violation frequency rate to a maximum of 9.70¹ S&S violations per 100 inspection hours, Deep Mine No. 8 will not be issued a pattern of violations notice during this POV review cycle.²

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

¹ Deep Mine No. 8 was issued 19.40 S&S violations per 100 inspection hours during the 12-month review period. If Deep Mine No. 8 implements an appropriate corrective action program, the mine must achieve an S&S rate of 9.70 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 3.20 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/POVProcedures012012.pdf> for more information.

² However, all mines will be considered for potential pattern of violation notices during the next and subsequent review cycles. To ensure Deep Mine No. 8 is not exhibiting a potential Pattern of Violations when the next evaluation is conducted, Deep Mine No. 8 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.

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 Deep Mine No. 8 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 Deep Mine No. 8 is inspected in its entirety during the following 90-day time frame and each succeeding inspection cycle until the Pattern of Violation order is terminated.

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

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

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

Please contact me at (304) 253-5237 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: 1301 Airport Road, Beaver, WV 25813.

Sincerely,



Timothy R. Watkins
District Manager
District 12

Attachments:

Pattern of Violations Screening Criteria - 2012
Pattern of Violations Procedures Summary
Screening Criteria Results 46-08994
Citations and Orders 12 Month Review Report
Monthly Detail During Review Report

Pattern of Violations Screening Criteria - 2012

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

Initial Screening Criteria (30 CFR §104.2)

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

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

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

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.

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

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

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

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

PATTERN OF VIOLATIONS (POV) PROCEDURES SUMMARY

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

¹ 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.²

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.³ The District Manager will analyze the results of this complete inspection and other on-site enforcement

² 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

³ 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.⁴ 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

⁴ 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.⁵

⁵ The preamble to the final rule addresses the concern that an operator may reduce the number of repeated S&S violations by implementing a program, but return to the pattern after a determination is made not to issue a pattern notice. On this issue, the preamble states: "If an operator resumes the practice that gave rise to the issuance of the original notification of a pattern of violations, a new notice could be issued to the operator based on the circumstances that resulted in the original notice, as well as the operator's **most recent** conduct. 55 FR31133.

Appendix A - Mitigating Circumstances

PPOV Determinations

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

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

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

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

POV Determinations

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

- A bona fide change in ownership;

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

Appendix B - Guidelines for Corrective Action Programs

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

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

MSHA expects that most effective programs would address at least the following general subject areas, with the specific implementing details for each general subject determined by particular conditions and practices at the mine⁶:

- 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

⁶ "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 Last date for operator to:	
Day 20	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))
If operator chooses not to implement a program to avoid repeated S&S violations:		
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 Last date for operator or miners' representative to submit written comments to the Administrator	60 days after operator receives PPOV notification (§104.4(b)) 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))
If operator chooses to implement a program to avoid repeated S&S violations:		
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 Last date for operator or miners' representative to submit written comments to the Administrator	120 days after PPOV notification (§104.4(b)) 10 days after receipt of district manager evaluation (§104.4(b))
Day 150	Last date for Administrator's decision to issue a Pattern of Violations Notice	within 30 days of receipt of District Manager's report (§104.4(c))

Screening Criteria Results for Pattern of Violations

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

Overall Results
PPOV

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: Pineville, WV
 Field Office: Logan WV
 Mine ID: 4608994
 Mine Status: Active
 Mine Name: Deep Mine No 8
 Mine Type: U/G Coal
 Controller: James H Booth
 Operator: Argus Energy WV LLC

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	Value	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.	164 YES	YES 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>164 S&S C/O's were issued during 845.25 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>15 of the 164 S&S C/O's issued were either high or reckless disregard.</i>	19.40 YES 9% NO	
	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>13 elevated C/O's were issued during 845.25 inspection hours.</i>	1.54 YES	
	4 The Injury Severity Measure (SM) for the mine is greater than the overall Industry SM for all mines in the same mine type and classification over the most recent 12 months. <i>The mines SM of 1333.37 is more than the industry SM of 482.59.</i>	1,333.37 YES	
Initial Criteria 2	1 At least 100 S&S citations/orders issued in the most recent 12 months. <i>164 S&S C/O's were issued.</i>	164 YES	NO 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>13 elevated C/O's were issued.</i>	13 NO	
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>21 C/O's of standard 75.202(a) became final orders.</i>	21 YES	YES 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>6 unwarrantable failure C/O's became final orders.</i>	6 YES	

This mine has been identified for a PPOV review before.

MSHA Mine ID: 46-08994

Mine: Deep Mine No 8

Operator: Argus Energy WV LLC

Controller: James H Booth

Mine Status: Active

Mine Status Date: 08/20/2003

Month	Inspector Hours Worked	Calendar Days AR(s) at Mine	Citations and Orders Issued During the 12 Month Review Period							Cumulative		
			Non S&S	S&S	Elevated				S&S C/O's	per 100 Inspection Hours		
					104 (b)	104 (d)	104 (g)	107 (a)		Total	S&S C/O's	Elevated C/O's
Nov 2011	132.25	14	34	29	0	1	1	0	2	46.0%	21.93	1.51
Dec 2011	77.75	11	15	13	0	1	0	0	1	46.2%	20.00	1.43
Dec 2011	65.50	9	22	14	0	0	0	0	0	44.1%	20.33	1.09
Jan 2012	100.25	12	8	18	0	0	0	0	0	48.4%	19.69	0.80
Mar 2012	24.50	3	10	2	0	0	0	0	0	46.1%	18.99	0.75
Apr 2012	109.50	6	64	51	0	9	0	0	9	45.4%	24.91	2.35
May 2012	58.50	8	5	3	0	0	0	0	0	45.1%	22.88	2.11
May 2012	98.00	13	10	10	0	0	0	0	0	45.5%	21.01	1.80
Jul 2012	89.50	12	21	14	0	0	0	0	0	44.9%	20.38	1.59
Jul 2012	89.50	12	8	10	1	0	0	0	1	45.4%	19.40	1.54
Aug 2012												
Sep 2012												
Totals	845.25	100	197	164	1	11	1	0	13			

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: 46-08994
 Mine: Deep Mine No 8
 Operator: Argus Energy WV LLC
 Controller: James H Booth
 Mine Status: Active
 Mine Status Date: August 20, 2003

% S&S: 45.1%
 % Elevated: 3.6%
 % S&S Neg>Mod: 8.3%

Cumulative During 12
 Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count
1	8132202	11/01/11 06:30 AM	75.1702	104(a)	C	N	U	N	10	M	1			
2	8132203	11/01/11 08:40 AM	75.333(c)(2)	104(a)	C	N	U	L	10	M	1			
3	8132204	11/01/11 09:00 AM	75.703-3(c)	104(a)	C	N	U	L	1	M	1			
4	8132205	11/01/11 09:20 AM	75.402	104(a)	C	N	U	L	10	M	1			
5	8132206	11/01/11 09:30 AM	75.400	104(a)	C	N	U	L	2	M	1			
6	8132207	11/01/11 10:45 AM	75.380(d)(7)(vi)	104(a)	C	N	U	L	10	M	1			
7	8132208	11/01/11 11:00 AM	75.1505(b)	104(a)	C	Y	R	P	10	M	1	1		
8	8132209	11/02/11 10:10 AM	75.1731(b)	104(a)	C	Y	R	P	1	M	1	2		
9	8132210	11/02/11 10:50 AM	75.1731(a)	104(a)	C	Y	R	P	1	M	1	3		
10	8132211	11/02/11 11:20 AM	75.202(a)	104(a)	C	Y	R	P	1	M	1	4		
11	8132212	11/02/11 12:15 PM	75.1731(a)	104(a)	C	Y	R	P	1	M	2	5		
12	8132213	11/03/11 10:00 AM	75.380(d)(7)(v)	104(a)	C	N	U	L	10	M	1			
13	8132214	11/03/11 10:50 AM	75.1731(b)	104(a)	C	Y	R	P	1	M	2	6		
14	8132215	11/03/11 11:30 AM	75.1731(a)	104(a)	C	Y	R	P	1	M	3	7		
15	8132216	11/03/11 12:00 PM	75.1731(b)	104(a)	C	Y	R	P	1	M	3	8		
16	8146698	11/04/11 08:45 AM	77.205(a)	104(a)	C	Y	R	L	1	M	1	9		
17	8146699	11/04/11 09:00 AM	77.208(e)	104(a)	C	N	U	L	1	M	1			
18	8146700	11/04/11 09:20 AM	77.904	104(a)	C	N	U	L	1	M	1			
19	8146701	11/04/11 09:45 AM	77.208(d)	104(a)	C	N	U	P	1	M	1			
20	8146702	11/04/11 10:15 AM	77.205(c)	104(a)	C	Y	R	L	1	M	1	10		
21	8146706	11/04/11 11:40 AM	75.310(a)(4)	104(a)	C	N	U	N	1	M	1			
22	8132217	11/08/11 09:15 AM	75.333(c)(2)	104(a)	C	N	U	L	1	M	2			
23	8132218	11/08/11 09:45 AM	75.904	104(a)	C	N	U	L	1	M	1			
24	8132219	11/08/11 11:30 AM	75.1731(b)	104(a)	C	Y	R	P	1	M	4	11		
25	8146707	11/14/11 12:45 PM		104(a)	C	N	U	F	30	M	1			
26	8146708	11/14/11 01:00 PM		104(a)	C	N	U	F	30	M	2			
27	8146709	11/14/11 01:45 PM		104(a)	C	Y	R	F	1	M	3	12		
28	8146710	11/14/11 02:00 PM	75.1702	104(a)	C	N	U	N	1	M	2			
29	8146711	11/14/11 02:30 PM	75.1504(d)(1)	104(a)	C	N	U	N	3	M	1			
30	8146712	11/14/11 03:40 PM	75.360(g)	104(a)	C	Y	R	P	1	M	1	13		
31	8146713	11/14/11 04:00 PM	75.360(g)	104(a)	C	Y	R	P	1	M	2	14		
32	8146714	11/14/11 04:30 PM	75.363(b)	104(a)	C	Y	R	P	1	M	1	15		
33	8132227	11/15/11 09:50 AM	75.1731(b)	104(a)	C	Y	R	P	1	M	5	16		
34	8132228	11/15/11 10:00 AM	75.202(a)	104(a)	C	Y	R	P	1	M	2	17		
35	8132229	11/15/11 10:10 AM	75.1731(a)	104(a)	C	Y	R	P	1	M	4	18		
36	8132230	11/15/11 10:30 AM	75.1731(a)	104(a)	C	Y	R	P	1	M	5	19		
37	8132231	11/15/11 11:15 AM	75.1731(b)	104(a)	C	Y	R	P	1	M	6	20		
38	8146715	11/15/11 03:30 PM	50.40(b)	104(a)	C	N	N	N	0	M	1			
39	8146716	11/15/11 04:00 PM	50.30(a)	104(a)	C	N	U	N	0	M	1			
40	8146717	11/15/11 05:00 PM	50.20(a)	104(a)	C	N	N	N	1	M	1			

MSHA Mine ID: 46-08994

Mine: Deep Mine No 8

Operator: Argus Energy WV LLC

Controller: James H Booth

Mine Status: Active

Mine Status Date: August 20, 2003

% S&S: 45.1%

% Elevated: 3.6%

% S&S Neg>Mod: 8.3%

Cumulative During 12 Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count
41	8146718	11/15/11 05:05 PM	50.20(a)	104(a)	C	N	N	N	1	M	2			
42	8146719	11/15/11 05:10 PM	50.20(a)	104(a)	C	N	N	N	1	M	3			
43	8146720	11/15/11 05:15 PM	50.20(a)	104(a)	C	N	N	N	1	M	4			
44	8146721	11/15/11 06:00 PM	48.3(g)	104(a)	C	N	U	L	3	M	1			
45	8146722	11/15/11 06:30 PM	48.6(b)	104(g)(1)	O	N	U	L	2	M	1		1	
46	8132232	11/16/11 10:20 AM	75.604(b)	104(a)	C	N	U	L	1	M	1			
47	8132233	11/21/11 10:45 AM	75.202(a)	104(a)	C	Y	R	P	1	M	3	21		
48	8132234	11/21/11 11:00 AM	75.202(a)	104(a)	C	Y	R	P	1	M	4	22		
49	8132235	11/22/11 09:45 AM	75.380(d)(7)(iv)	104(a)	C	N	U	L	10	M	1			
50	8132236	11/22/11 10:20 AM	75.1714-7	104(a)	C	N	U	F	1	M	1			
51	8132237	11/22/11 10:30 AM	75.518	104(a)	C	N	U	L	1	M	1			
52	8132238	11/22/11 10:45 AM	75.515	104(a)	C	N	U	P	1	M	1			
53	8132241	11/22/11 10:50 AM	75.811	104(a)	C	Y	R	F	1	M	1	23		
54	8132239	11/22/11 11:30 AM	75.604(b)	104(a)	C	N	U	F	1	M	2			
55	8132240	11/22/11 12:30 PM	75.1101-2	104(a)	C	Y	R	F	1	M	1	24		
56	8132242	11/22/11 12:40 PM	75.1731(a)	104(a)	C	Y	R	P	1	M	6	25		
57	8132243	11/22/11 12:45 PM	75.1731(b)	104(a)	C	Y	R	P	1	M	7	26		
58	8132244	11/22/11 12:50 PM	75.202(a)	104(a)	C	Y	R	P	1	M	5	27		
59	8132245	11/22/11 01:00 PM	75.1714-7	104(a)	C	N	U	F	1	M	2			
60	8132246	11/23/11 10:45 AM	75.1714-7	104(d)(2)	O	N	U	F	1	H	3		2	1
61	8132247	11/23/11 11:40 AM	75.1731(b)	104(a)	C	Y	R	P	1	M	8	28		
62	8132248	11/23/11 11:55 AM	75.1101-7(b)	104(a)	C	Y	R	F	1	M	1	29		
63	8132249	11/29/11 05:20 PM	75.904	104(a)	C	N	U	F	1	M	2			
64	8132251	12/06/11 09:15 AM	75.380(d)(7)(i)	104(a)	C	Y	R	F	10	M	1	30		
65	8132252	12/06/11 09:50 AM	75.380(d)(7)(vi)	104(a)	C	N	U	F	10	M	2			
66	8132253	12/06/11 10:45 AM	75.380(d)(7)(v)	104(a)	C	N	U	F	10	M	2			
67	8132254	12/06/11 11:30 AM	75.333(c)(2)	104(a)	C	N	U	P	10	M	3			
68	8132255	12/12/11 09:20 AM	75.402	104(a)	C	N	U	P	10	M	2			
69	8132256	12/12/11 10:45 AM	75.400	104(a)	C	N	U	P	2	M	2			
70	8132257	12/12/11 12:15 PM	75.503	104(a)	C	N	U	P	1	M	1			
71	8132258	12/13/11 09:40 AM	75.400	104(a)	C	N	U	P	2	M	3			
72	8132259	12/13/11 10:00 AM	75.506-1(a)	104(a)	C	N	U	P	2	M	1			
73	8132260	12/14/11 03:15 PM	75.512-2	104(a)	C	N	N	N	0	M	1			
74	8132261	12/20/11 09:30 AM	75.518	104(a)	C	Y	R	P	1	M	2	31		
75	8132262	12/20/11 09:50 AM	75.518	104(a)	C	Y	R	P	1	M	3	32		
76	8132263	12/20/11 10:30 AM	75.518	104(a)	C	Y	R	P	1	M	4	33		
77	8132264	12/20/11 10:45 AM	75.518	104(a)	C	Y	R	P	1	M	5	34		
78	8132265	12/20/11 10:55 AM	75.512	104(a)	C	N	U	L	1	M	1			
79	8132266	12/20/11 11:30 AM	75.518	104(a)	C	Y	R	P	1	M	6	35		
80	8132267	12/20/11 11:35 AM	75.518	104(a)	C	Y	R	P	1	M	7	36		

MSHA Mine ID: 46-08994
 Mine: Deep Mine No 8
 Operator: Argus Energy WV LLC
 Controller: James H Booth
 Mine Status: Active
 Mine Status Date: August 20, 2003

% S&S: 45.1%
 % Elevated: 3.6%
 % S&S Neg>Mod: 8.3%

Cumulative During 12
 Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count
81	8132268	12/20/11 11:50 AM	75.518	104(a)	C	Y	R	P	1	M	8	37		
82	8132269	12/20/11 12:15 PM	75.518	104(a)	C	Y	R	P	1	M	9	38		
83	8132270	12/20/11 12:30 PM	75.518	104(a)	C	Y	R	P	1	M	10	39		
84	8132271	12/20/11 12:45 PM	75.518	104(a)	C	Y	R	P	1	M	11	40		
85	8132273	12/20/11 01:00 PM	75.512	104(d)(2)	O	Y	R	F	1	H	2	41	3	2
86	8132272	12/20/11 01:45 PM	75.518	104(a)	C	Y	R	P	1	M	12	42		
87	8132274	12/21/11 09:30 AM	75.512	104(a)	C	N	U	N	0	M	3			
88	8132275	12/21/11 09:35 AM	75.512	104(a)	C	N	N	N	0	M	4			
89	8146823	12/27/11 10:45 AM	50.20(a)	104(a)	C	N	N	N	1	M	5			
90	8146824	12/27/11 10:50 AM	50.20(a)	104(a)	C	N	N	N	1	M	6			
91	8146825	12/27/11 10:55 AM	50.20(a)	104(a)	C	N	N	N	1	M	7			
92	8132278	01/03/12 09:20 AM	75.506-1(a)	104(a)	C	N	U	L	2	M	2			
93	8132279	01/03/12 10:00 AM	75.203(e)	104(a)	C	Y	R	P	1	M	1	43		
94	8132280	01/04/12 10:40 AM	75.220(a)(1)	104(a)	C	Y	R	P	1	M	1	44		
95	8149739	01/04/12 11:00 AM	75.902	104(a)	C	Y	R	P	1	M	1	45		
96	8149740	01/04/12 11:10 AM	75.902	104(a)	C	Y	R	P	1	M	2	46		
97	8149741	01/04/12 11:20 AM	75.902	104(a)	C	Y	R	P	1	M	3	47		
98	8149742	01/04/12 11:30 AM	75.902	104(a)	C	Y	R	P	1	M	4	48		
99	8149743	01/04/12 11:40 AM	75.902	104(a)	C	Y	R	P	1	M	5	49		
100	8149744	01/17/12 11:15 AM	75.380(d)(7)(vii)	104(a)	C	N	U	P	10	M	1			
101	8149745	01/19/12 10:15 AM	75.810	104(a)	C	Y	R	F	1	M	1	50		
102	8149746	01/19/12 10:30 AM	75.518	104(a)	C	Y	R	P	1	M	13	51		
103	8149747	01/19/12 11:00 AM	75.518	104(a)	C	Y	R	P	1	M	14	52		
104	8149748	01/19/12 11:25 AM	75.202(a)	104(a)	C	Y	R	P	1	M	6	53		
105	8149749	01/19/12 11:45 AM	75.518	104(a)	C	Y	R	P	1	M	15	54		
106	8149750	01/19/12 11:55 AM	75.518	104(a)	C	Y	R	P	1	M	16	55		
107	8149751	01/19/12 12:10 PM	75.518	104(a)	C	N	U	L	1	M	17			
108	8149752	01/24/12 09:10 AM	75.333(c)(2)	104(a)	C	N	U	L	1	M	4			
109	8149753	01/26/12 10:00 AM	75.203(e)	104(a)	C	Y	R	P	1	M	2	56		
110	8149754	01/26/12 11:30 AM	75.904	104(a)	C	N	U	P	1	M	3			
111	8149755	01/26/12 12:20 PM	75.380(d)(7)(vii)(B)	104(a)	C	N	U	P	1	M	1			
112	8150700	01/30/12 01:15 PM	50.20(a)	104(a)	C	N	N	N	0	H	8			3
113	8150701	01/30/12 01:45 PM	50.20(a)	104(a)	C	N	N	N	0	H	9			4
114	8150702	01/30/12 01:55 PM	50.20(a)	104(a)	C	N	N	N	0	H	10			5
115	8150710	01/30/12 02:05 PM	50.20(a)	104(a)	C	N	N	N	0	H	11			6
116	8150703	01/30/12 02:10 PM	50.20(a)	104(a)	C	N	N	N	0	H	12			7
117	8150711	01/30/12 02:20 PM	50.11	104(a)	C	N	U	L	0	M	1			
118	8150704	01/30/12 02:20 PM	50.20(a)	104(a)	C	N	N	N	0	H	13			8
119	8150705	01/30/12 02:35 PM	50.20(a)	104(a)	C	N	N	N	0	H	14			9
120	8150706	01/30/12 02:40 PM	50.20(a)	104(a)	C	N	N	N	0	H	15			10

MSHA Mine ID: 46-08994

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121	8150707	01/30/12 02:45 PM	50.20(a)	104(a)	C	N	N	N	0	H	16			11
122	8150712	01/30/12 02:45 PM	50.11	104(a)	C	N	U	L	0	M	2			
123	8150713	01/30/12 02:50 PM	50.11	104(a)	C	N	U	L	0	M	3			
124	8150708	01/30/12 02:55 PM	50.20(a)	104(a)	C	N	N	N	0	H	17			12
125	8150709	01/30/12 03:00 PM	50.20(a)	104(a)	C	N	N	N	0	H	18			13
126	8150714	01/30/12 04:10 PM	50.30(a)	104(a)	C	N	N	N	0	M	2			
127	8150715	01/30/12 04:30 PM	50.40(a)	104(a)	C	N	N	N	0	M	1			
128	8149756	02/03/12 12:30 PM	75.202(a)	104(a)	C	Y	R	P	1	M	7	57		
129	8149757	02/07/12 09:10 AM	75.400	104(a)	C	Y	R	P	1	M	4	58		
130	8149758	02/07/12 09:15 AM	75.1731(a)	104(a)	C	Y	R	P	1	M	7	59		
131	8149759	02/07/12 10:30 AM	75.1731(b)	104(a)	C	Y	R	P	1	M	9	60		
132	8149760	02/07/12 11:05 AM	75.1731(a)	104(a)	C	Y	R	P	1	M	8	61		
133	8149779	02/07/12 12:00 PM	75.1731(b)	104(a)	C	Y	R	P	1	M	10	62		
134	8149780	02/08/12 09:10 AM	75.1722(a)	104(a)	C	Y	R	P	1	M	1	63		
135	8149781	02/08/12 10:15 AM	75.1731(a)	104(a)	C	Y	R	P	1	M	9	64		
136	8149782	02/08/12 11:00 AM	75.1731(a)	104(a)	C	Y	R	P	1	M	10	65		
137	8149783	02/08/12 12:15 PM	75.333(c)(1)	104(a)	C	N	U	L	10	M	1			
138	8149784	02/13/12 09:45 AM	75.1722(a)	104(a)	C	Y	R	P	1	M	2	66		
139	8149785	02/13/12 10:45 AM	75.515	104(a)	C	N	U	L	1	M	2			
140	8149786	02/13/12 11:45 AM	75.1731(a)	104(a)	C	Y	R	P	1	M	11	67		
141	8149787	02/13/12 12:25 PM	75.1731(a)	104(a)	C	Y	R	P	1	M	12	68		
142	8149788	02/13/12 01:00 PM	75.1731(b)	104(a)	C	Y	R	P	1	M	11	69		
143	8149789	02/14/12 09:50 AM	75.1731(a)	104(a)	C	Y	R	P	1	M	13	70		
144	8149790	02/14/12 10:20 AM	75.1731(a)	104(a)	C	Y	R	P	1	M	14	71		
145	8149791	02/14/12 11:00 AM	75.1731(a)	104(a)	C	Y	R	P	1	M	15	72		
146	8149792	02/14/12 11:30 AM	75.1731(b)	104(a)	C	Y	R	P	1	M	12	73		
147	8135953	02/16/12 08:10 AM	75.370(a)(1)	104(a)	C	Y	R	P	1	M	1	74		
148	8149795	02/21/12 08:20 AM	75.512-2	104(a)	C	N	N	N	1	M	2			
149	8149796	02/21/12 08:30 AM	75.512-2	104(a)	C	N	N	N	1	M	3			
150	8149797	02/21/12 08:40 AM	75.512-2	104(a)	C	N	N	N	1	M	4			
151	8149798	02/21/12 08:50 AM	75.364(h)	104(a)	C	N	N	N	1	M	1			
152	8149800	02/27/12 11:00 AM	75.333(b)(1)	104(a)	C	N	U	L	9	M	1			
153	8149819	02/27/12 11:45 AM	75.400	104(a)	C	N	U	L	2	M	5			
154	8149828	03/01/12 01:30 AM	75.400	104(a)	C	N	U	L	1	M	6			
155	8149829	03/01/12 01:45 AM	75.400	104(a)	C	N	U	L	1	M	7			
156	8149830	03/01/12 02:00 AM	75.400	104(a)	C	N	U	L	1	M	8			
157	8149831	03/01/12 02:15 AM	75.503	104(a)	C	Y	R	P	1	M	2	75		
158	8149832	03/01/12 02:45 AM	75.503	104(a)	C	Y	R	P	1	M	3	76		
159	8149833	03/01/12 05:00 AM	75.604(b)	104(a)	C	N	U	L	1	M	3			
160	8149834	03/08/12 08:15 AM	75.512	104(a)	C	N	U	L	1	M	5			

MSHA Mine ID: 46-08994
 Mine: Deep Mine No 8
 Operator: Argus Energy WV LLC
 Controller: James H Booth
 Mine Status: Active
 Mine Status Date: August 20, 2003

% S&S: 45.1%
 % Elevated: 3.6%
 % S&S Neg>Mod: 8.3%

Cumulative During 12
 Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count
161	8149835	03/08/12 08:20 AM	75.512	104(a)	C	N	U	L	1	M	6			
162	8149836	03/08/12 08:25 AM	75.512	104(a)	C	N	U	L	1	M	7			
163	8149837	03/08/12 08:55 AM	75.380(d)(7)(iv)	104(a)	C	N	U	L	10	M	2			
164	8149838	03/08/12 09:45 AM	75.360(f)	104(a)	C	N	U	L	1	M	1			
165	9970469	03/20/12 08:00 AM	70.208(a)	104(a)	C	N	U	N	1	M	1			
166	8137855	04/11/12 08:35 AM	70.208(a)	104(a)	C	N	U	L	1	M	2			
167	8151384	04/12/12 08:20 AM	75.1102	104(a)	C	Y	R	L	10	H	1	77		14
168	8151385	04/12/12 08:55 AM	75.1722(a)	104(a)	C	Y	R	L	1	M	3	78		
169	8151386	04/12/12 09:07 AM	75.211(c)	104(a)	C	Y	R	L	1	M	1	79		
170	8151389	04/12/12 09:40 AM	75.380(d)(7)(vi)	104(a)	C	N	U	L	10	M	3			
171	8151387	04/12/12 09:42 AM	75.515	104(a)	C	N	U	L	1	M	3			
172	8151388	04/12/12 09:45 AM	75.1107-4(a)(1)	104(a)	C	N	U	L	1	M	1			
173	8151390	04/12/12 10:10 AM	75.512	104(a)	C	N	U	L	2	M	8			
174	8151391	04/12/12 10:12 AM	72.630(b)	104(a)	C	N	U	L	2	M	1			
175	8151392	04/12/12 11:00 AM	75.503	104(a)	C	N	U	L	1	M	4			
176	8151393	04/12/12 11:20 AM	75.1600-2(e)	104(a)	C	N	U	N	1	M	1			
177	8151395	04/12/12 11:40 AM	75.400	104(a)	C	Y	R	L	1	M	9	80		
178	8151396	04/13/12 12:45 PM	75.380(d)(7)(vii)(B)	104(a)	C	N	U	L	10	M	2			
179	8151394	04/13/12 12:50 PM	75.220(a)(1)	104(a)	C	N	U	L	1	M	2			
180	8151397	04/13/12 12:55 PM	75.1600-3(a)(1)	104(a)	C	N	U	L	10	M	1			
181	8142647	04/16/12 09:40 AM		103(k)	O									
182	8142648	04/16/12 01:40 PM	75.333(h)	104(a)	C	N	U	N	10	L	1			
183	8151400	04/20/12 06:45 PM	75.333(e)(1)(ii)	104(a)	C	N	U	L	10	H	1			15
184	8118285	04/24/12 08:45 AM	77.208(d)	104(a)	C	N	U	L	1	M	2			
185	8151401	04/24/12 08:45 AM	75.516-2(a)	104(a)	C	N	U	L	1	M	1			
186	8143298	04/24/12 08:50 AM	75.364(f)(2)	104(a)	C	N	U	L	1	M	1			
187	8151402	04/24/12 08:50 AM	75.1403	104(a)	C	N	U	L	1	M	1			
188	8148757	04/24/12 08:50 AM	77.205(b)	104(a)	C	Y	R	L	1	M	1	81		
189	8151403	04/24/12 09:00 AM	75.1714-6	104(a)	C	N	U	L	10	M	1			
190	8151404	04/24/12 09:07 AM	75.517	104(a)	C	N	U	N	1	M	1			
191	8142673	04/24/12 09:15 AM	75.900-3	104(a)	C	N	U	L	1	M	1			
192	8142317	04/24/12 09:15 AM	77.400(d)	104(a)	C	Y	R	L	1	M	1	82		
193	8150112	04/24/12 09:20 AM	75.1100-2(e)	104(a)	C	N	U	L	1	M	1			
194	8142655	04/24/12 09:20 AM	75.512	104(a)	C	N	U	L	1	M	9			
195	8151405	04/24/12 09:22 AM	75.1714-4(b)	104(a)	C	Y	R	L	6	M	1	83		
196	8142658	04/24/12 09:30 AM	75.800-3(b)(1)	104(a)	C	N	U	L	1	M	1			
197	8142657	04/24/12 09:30 AM	75.800-3(b)(1)	104(a)	C	N	U	L	1	M	2			
198	8142656	04/24/12 09:30 AM	75.800-3(b)(1)	104(a)	C	N	U	L	1	M	3			
199	8143299	04/24/12 09:30 AM	75.380(d)(7)(iii)	104(a)	C	N	U	L	1	M	1			
200	8142659	04/24/12 09:35 AM	75.508	104(a)	C	N	U	N	0	L	1			

MSHA Mine ID: 46-08994

Mine: Deep Mine No 8

Operator: Argus Energy WV LLC

Controller: James H Booth

Mine Status: Active

Mine Status Date: August 20, 2003

% S&S: 45.1%

% Elevated: 3.6%

% S&S Neg>Mod: 8.3%

Cumulative During 12 Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count
201	8143300	04/24/12 09:40 AM	75.333(d)(3)	104(a)	C	N	U	L	1	M	1			
202	8150113	04/24/12 09:40 AM	75.204(c)(1)	104(a)	C	N	U	L	1	M	1			
203	8151406	04/24/12 09:40 AM	75.380(d)(7)(iii)	104(a)	C	N	U	L	10	M	2			
204	8142661	04/24/12 09:45 AM	75.512	104(a)	C	N	U	F	1	M	10			
205	8142660	04/24/12 09:45 AM	75.512	104(a)	C	N	U	F	1	M	11			
206	8148758	04/24/12 09:45 AM	75.512	104(a)	C	N	U	L	1	L	12			
207	8148759	04/24/12 09:50 AM	75.517	104(a)	C	Y	R	L	1	M	2	84		
208	8151407	04/24/12 09:50 AM	75.807	104(a)	C	N	U	L	1	M	1			
209	8143301	04/24/12 09:50 AM	75.204(c)(1)	104(a)	C	N	U	L	1	M	2			
210	8151408	04/24/12 09:52 AM	75.1106-2	104(a)	C	N	U	L	1	M	1			
211	8150114	04/24/12 09:55 AM	75.211(c)	104(a)	C	Y	R	L	1	M	2	85		
212	8151409	04/24/12 09:55 AM	75.211(c)	104(a)	C	Y	R	F	1	H	3	86		16
213	8142318	04/24/12 10:05 AM	75.211(c)	104(a)	C	Y	R	P	1	M	4	87		
214	8144915	04/24/12 10:09 AM	75.400	104(a)	C	N	U	L	2	M	10			
215	8142668	04/24/12 10:10 AM	75.810	104(a)	C	N	U	L	1	M	2			
216	8151410	04/24/12 10:10 AM	75.701	104(a)	C	Y	R	L	1	M	1	88		
217	8142667	04/24/12 10:10 AM	75.810	104(a)	C	N	U	L	1	M	3			
218	8151412	04/24/12 10:10 AM	75.706	104(a)	C	N	U	L	1	M	1			
219	8148760	04/24/12 10:10 AM	75.1714-4(b)	104(a)	C	N	U	L	4	M	2			
220	8142319	04/24/12 10:15 AM	75.1722(c)	104(a)	C	Y	R	L	1	M	1	89		
221	8151413	04/24/12 10:15 AM	75.362(d)(1)(iii)	104(a)	C	N	U	L	1	M	1			
222	8072104	04/24/12 10:20 AM	75.211(c)	104(a)	C	Y	R	F	1	M	5	90		
223	8151411	04/24/12 10:30 AM	75.1714-4(b)	104(a)	C	N	U	L	10	M	3			
224	8144916	04/24/12 10:34 AM	75.1100-2(b)	104(a)	C	N	U	L	2	M	1			
225	8142672	04/24/12 10:35 AM	75.513	104(a)	C	N	U	L	1	M	1			
226	8096617	04/24/12 10:40 AM	75.211(c)	104(a)	C	Y	R	F	1	M	6	91		
227	8096628	04/24/12 10:45 AM	75.211(c)	104(a)	C	Y	R	L	1	M	7	92		
228	8118283	04/24/12 10:50 AM	75.1722(b)	104(a)	C	Y	R	L	1	M	1	93		
229	8142669	04/24/12 10:55 AM	75.810	104(a)	C	N	U	L	1	M	4			
230	8148756	04/24/12 10:55 AM	75.400	104(d)(1)	C	Y	R	L	1	H	11	94	4	17
231	8151414	04/24/12 11:00 AM	75.503	104(a)	C	N	U	L	1	M	5			
232	8118288	04/24/12 11:00 AM	75.400	104(d)(1)	O	N	U	L	1	H	12		5	18
233	8143302	04/24/12 11:00 AM	75.400	104(a)	C	N	U	L	1	M	13			
234	8151415	04/24/12 11:05 AM	75.400	104(a)	C	Y	R	L	1	M	14	95		
235	8138023	04/24/12 11:10 AM	75.204(c)(1)	104(a)	C	N	U	L	1	M	3			
236	6613792	04/24/12 11:15 AM	75.333(h)	104(a)	C	N	U	L	1	M	2			
237	6613793	04/24/12 11:20 AM	75.211(c)	104(a)	C	Y	R	F	1	M	8	96		
238	8151416	04/24/12 11:22 AM	75.220(a)(1)	104(a)	C	Y	R	P	1	M	3	97		
239	8151418	04/24/12 11:25 AM	75.360(g)	104(d)(1)	O	Y	R	L	10	H	3	98	6	19
240	8144917	04/24/12 11:25 AM	75.400	104(a)	C	N	U	L	2	M	15			

MSHA Mine ID: 46-08994

Mine: Deep Mine No 8

Operator: Argus Energy WV LLC

Controller: James H Booth

Mine Status: Active

Mine Status Date: August 20, 2003

% S&S: 45.1%

% Elevated: 3.6%

% S&S Neg>Mod: 8.3%

Cumulative During 12 Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count
241	8151419	04/24/12 11:25 AM	75.211(d)	104(a)	C	Y	R	L	2	M	1	99		
242	8151963	04/24/12 11:25 AM	75.400	104(a)	C	Y	R	L	1	M	16	100		
243	8151964	04/24/12 11:30 AM	75.1100-3	104(a)	C	Y	R	L	1	M	1	101		
244	8151417	04/24/12 11:30 AM	75.400	104(a)	C	Y	R	L	10	M	17	102		
245	8142320	04/24/12 11:30 AM	75.1722(a)	104(a)	C	Y	R	L	1	M	4	103		
246	8151965	04/24/12 11:35 AM	75.204(c)(1)	104(d)(1)	O	Y	R	F	1	H	4	104	7	20
247	8143310	04/24/12 11:40 AM	75.400	104(d)(1)	O	Y	R	L	2	H	18	105	8	21
248	8144918	04/24/12 11:40 AM	75.400	104(a)	C	Y	R	L	12	H	19	106		22
249	8151966	04/24/12 11:45 AM	75.203(e)	104(a)	C	N	U	L	1	M	3			
250	8142671	04/24/12 11:45 AM	75.810	104(a)	C	N	U	L	1	M	5			
251	8143303	04/24/12 11:45 AM	75.351(c)(4)	104(a)	C	Y	R	L	2	M	1	107		
252	8151967	04/24/12 11:48 AM	75.211(c)	104(a)	C	Y	R	P	1	M	9	108		
253	8143304	04/24/12 11:50 AM	75.351(d)(2)	104(a)	C	N	U	L	2	M	1			
254	8142662	04/24/12 11:50 AM	75.512	104(a)	C	Y	R	F	1	M	13	109		
255	8143305	04/24/12 11:55 AM	75.1731(b)	104(a)	C	Y	R	L	2	M	13	110		
256	8142670	04/24/12 11:55 AM	75.810	104(a)	C	N	U	L	1	M	6			
257	8143306	04/24/12 12:00 PM	75.333(b)	104(a)	C	N	U	L	1	M	1			
258	8142663	04/24/12 12:05 PM	75.512	104(a)	C	N	U	F	1	M	14			
259	8143307	04/24/12 12:05 PM	75.333(b)(3)	104(a)	C	N	U	L	1	M	1			
260	8150115	04/24/12 12:10 PM	75.211(c)	104(a)	C	N	U	L	1	M	10			
261	8142321	04/24/12 12:10 PM	75.211(c)	104(a)	C	Y	R	P	1	M	11	111		
262	8143308	04/24/12 12:15 PM	75.1722(b)	104(a)	C	Y	R	P	1	M	2	112		
263	8142322	04/24/12 12:20 PM	75.400	104(a)	C	Y	R	L	2	M	20	113		
264	8143309	04/24/12 12:20 PM	75.1722(a)	104(a)	C	Y	R	L	1	M	5	114		
265	8151968	04/24/12 12:25 PM	75.380(d)(7)(i)	104(a)	C	Y	R	F	12	M	2	115		
266	8142665	04/24/12 12:30 PM	75.809	104(a)	C	Y	R	F	1	M	1	116		
267	8142323	04/24/12 12:30 PM	75.400	104(d)(1)	O	Y	R	L	12	H	21	117	9	23
268	8142664	04/24/12 12:35 PM	75.362	104(a)	C	N	U	L	1	M	1			
269	8144919	04/24/12 12:35 PM	75.1101-8(c)	104(a)	C	Y	R	L	12	M	1	118		
270	8151969	04/24/12 12:40 PM	75.202(a)	104(a)	C	Y	R	P	1	M	8	119		
271	8151970	04/24/12 12:45 PM	75.202(a)	104(a)	C	Y	R	P	1	M	9	120		
272	8150116	04/24/12 12:45 PM	75.204(c)(1)	104(a)	C	Y	R	L	1	M	5	121		
273	6613795	04/24/12 12:50 PM	75.380(d)(7)(iv)	104(a)	C	Y	R	L	1	M	3	122		
274	8144920	04/24/12 12:50 PM	75.1101-7(b)	104(a)	C	Y	R	L	12	M	2	123		
275	8151962	04/24/12 01:00 PM	75.362(b)	104(d)(1)	O	Y	R	L	15	H	1	124	10	24
276	8151961	04/24/12 01:25 PM	75.380(d)(1)	104(a)	C	Y	R	L	12	M	1	125		
277	8142666	04/24/12 01:30 PM	75.400	104(a)	C	N	U	L	1	M	22			
278	6613794	04/24/12 03:00 PM	75.362(b)	104(d)(1)	O	Y	R	F	1	H	2	126	11	25
279	8142674	04/24/12 04:30 PM	75.512	104(d)(1)	O	Y	R	F	1	H	15	127	12	26
280	8151420	04/27/12 06:15 PM	75.1403	104(a)	C	N	U	L	1	M	2			

MSHA Mine ID: 46-08994

Mine: Deep Mine No 8

Operator: Argus Energy WV LLC

Controller: James H Booth

Mine Status: Active

Mine Status Date: August 20, 2003

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Cumulative During 12 Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count
281	8151421	04/27/12 06:25 PM	75.1403	104(a)	C	N	U	L	1	M	3			
282	8137867	05/16/12 10:30 AM	70.207(a)	104(a)	C	N	U	L	5	M	1			
283	8151448	05/22/12 11:30 AM	75.333(b)	104(a)	C	Y	R	L	1	M	2	128		
284	8151449	05/29/12 09:40 AM	75.364(a)(1)	104(a)	C	N	U	N	1	L	1			
285	8151450	05/29/12 10:10 AM	77.208(e)	104(a)	C	N	U	L	1	M	2			
286	8151451	05/29/12 10:40 AM	75.211(c)	104(a)	C	Y	R	P	1	M	12	129		
287	8151452	05/29/12 12:15 PM	75.1722(a)	104(a)	C	Y	R	L	1	M	6	130		
288	8151453	05/29/12 01:00 PM	75.1107-9(b)	104(a)	C	N	U	L	1	M	1			
289	8151454	05/29/12 01:20 PM	75.1712-6(a)	104(a)	C	N	U	N	1	L	1			
290	8151455	06/04/12 11:30 AM	75.380(d)(7)(vii)	104(a)	C	N	U	L	10	M	2			
291	8151456	06/04/12 12:00 PM	75.211(c)	104(a)	C	Y	R	L	1	M	13	131		
292	8151457	06/04/12 01:30 PM	75.1725(a)	104(a)	C	Y	R	L	1	M	1	132		
293	8151459	06/06/12 11:10 AM	75.364(b)	104(a)	C	N	U	L	1	M	1			
294	8151458	06/06/12 11:20 AM	75.333(e)(1)(ii)	104(a)	C	N	U	L	1	M	2			
295	8151460	06/12/12 12:00 PM	75.360(f)	104(a)	C	N	U	L	1	M	2			
296	8151461	06/13/12 11:00 AM	75.400	104(a)	C	N	U	L	1	M	23			
297	8151467	06/18/12 09:35 AM	75.351(n)(3)(i)	104(a)	C	N	U	L	1	L	1			
298	8151468	06/18/12 11:25 AM	75.352(g)	104(a)	C	Y	R	L	10	M	1	133		
299	8151469	06/18/12 11:45 AM	75.512	104(a)	C	Y	R	L	1	M	16	134		
300	8151470	06/18/12 01:00 PM	75.333(d)(3)	104(a)	C	N	U	L	1	M	2			
301	8151473	06/22/12 09:05 AM	75.1725(a)	104(a)	C	Y	R	L	1	M	2	135		
302	8151472	06/22/12 09:10 AM	75.400	104(a)	C	Y	R	L	1	M	24	136		
303	8151474	06/22/12 10:40 AM	75.604(b)	104(a)	C	N	U	L	1	M	4			
304	8151475	06/22/12 11:25 AM	75.512	104(a)	C	Y	R	L	1	H	17	137		27
305	8151476	06/22/12 11:30 AM	75.400	104(a)	C	Y	R	L	1	M	25	138		
306	8151477	06/24/12 10:25 PM	75.220(a)(1)	104(a)	C	Y	R	P	10	M	4	139		
307	8151478	06/25/12 12:30 AM	75.503	104(a)	C	N	U	L	1	M	6			
308	8151479	06/25/12 12:35 AM	75.1107-16(b)	104(a)	C	Y	R	L	1	M	1	140		
309	8151480	06/25/12 02:45 AM	75.400	104(a)	C	N	U	L	2	M	26			
310	8151447	07/11/12 12:30 PM	75.403	104(a)	C	Y	R	L	1	M	1	141		
311	8230012	07/11/12 06:30 PM	75.204(f)(7)	104(a)	C	N	U	L	1	M	1			
312	8260922	07/11/12 07:40 PM	75.1106-3(a)(3)	104(a)	C	Y	R	L	10	M	1	142		
313	8260913	07/11/12 08:00 PM	75.1506(b)	104(a)	C	N	U	L	10	M	1			
314	8260934	07/11/12 08:25 PM	75.1713-7(b)	104(a)	C	N	U	L	1	M	1			
315	8268780	07/12/12 06:35 PM	75.904	104(a)	C	Y	R	L	1	M	4	143		
316	8268781	07/12/12 06:45 PM	75.1722(a)	104(a)	C	Y	R	L	1	M	7	144		
317	8268782	07/12/12 06:55 PM	75.400	104(a)	C	N	U	L	1	M	27			
318	8268783	07/12/12 08:30 PM	75.333(b)	104(a)	C	N	U	L	1	M	3			
319	8268784	07/17/12 09:30 AM	75.1403	314(b)	S									
320	8268786	07/17/12 11:05 AM	75.1506(j)	104(a)	C	N	U	L	10	M	1			

MSHA Mine ID: 46-08994

Mine: Deep Mine No 8

Operator: Argus Energy WV LLC

Controller: James H Booth

Mine Status: Active

Mine Status Date: August 20, 2003

% S&S: 45.1%

% Elevated: 3.6%

% S&S Neg>Mod: 8.3%

Cumulative During 12
Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count
321	8268785	07/17/12 11:05 AM	75.360(f)	104(a)	C	N	U	L	1	M	3			
322	8268787	07/17/12 11:35 AM	75.380(d)(7)(vii)	104(a)	C	N	U	L	10	M	3			
323	8268788	07/18/12 09:45 AM	75.1403	104(a)	C	N	U	L	1	M	5			
324	8268789	07/18/12 10:10 AM	75.1403	104(a)	C	Y	R	L	1	M	6	145		
325	8268790	07/18/12 11:00 AM	75.202(a)	104(a)	C	Y	R	P	1	M	10	146		
326	8268791	07/18/12 11:30 AM	75.1731(c)	104(a)	C	Y	R	L	1	M	1	147		
327	8268792	07/19/12 11:55 AM	75.211(c)	104(a)	C	Y	R	P	1	M	14	148		
328	8268793	07/23/12 08:30 AM	75.360(a)(1)	104(a)	C	N	U	L	10	M	1			
329	8268794	07/23/12 09:15 AM	75.1403	104(a)	C	Y	R	L	1	M	7	149		
330	8268795	07/23/12 11:00 AM	75.1403	104(a)	C	N	U	L	1	L	8			
331	8268796	07/23/12 11:10 AM	75.400	104(a)	C	N	U	L	1	M	28			
332	8268797	07/23/12 12:10 PM	75.1107-1(a)(2)	104(a)	C	N	U	L	1	M	1			
333	8268798	07/25/12 08:30 AM	75.364(b)(2)	104(a)	C	N	U	L	1	M	1			
334	8268799	07/25/12 02:30 PM	75.202(a)	104(a)	C	Y	R	F	1	M	11	150		
335	8269611	07/26/12 08:15 AM	75.360(g)	104(a)	C	N	U	L	8	M	4			
336	8269612	07/26/12 10:50 AM	75.517	104(a)	C	Y	R	L	1	M	3	151		
337	8269613	07/26/12 11:00 AM	75.503	104(a)	C	N	U	L	1	M	7			
338	8269614	07/26/12 12:15 PM	75.211(a)	104(a)	C	Y	R	L	9	M	1	152		
339	8269615	07/28/12 04:30 PM	75.360(g)	104(a)	C	N	U	L	8	M	5			
340	8269616	07/30/12 10:20 AM	75.1100-2(e)	104(a)	C	N	U	L	1	H	2			28
341	8269617	07/30/12 11:00 AM	75.512	104(a)	C	N	U	L	1	M	18			
342	8269618	07/30/12 12:30 PM	75.360(f)	104(a)	C	Y	R	L	10	M	4	153		
343	8269619	07/31/12 11:30 AM	75.400	104(a)	C	N	U	L	1	M	29			
344	8269621	07/31/12 12:00 PM	75.400	104(a)	C	N	U	L	9	M	30			
345	8269620	07/31/12 12:45 PM	75.503	104(a)	C	Y	R	P	1	M	8	154		
346	8269622	08/01/12 05:25 PM	72.630(b)	104(a)	C	Y	R	P	9	M	2	155		
347	8269630	08/07/12 08:30 AM	75.364(b)(2)	104(b)	O								13	
348	8269625	08/07/12 09:45 AM	77.1104	104(a)	C	N	U	L	1	M	1			
349	8269624	08/07/12 10:10 AM	77.400(a)	104(a)	C	Y	R	L	1	H	1	156		29
350	8269626	08/07/12 10:20 AM	75.516	104(a)	C	N	U	N	1	M	1			
351	8269627	08/07/12 10:45 AM	75.1403	104(a)	C	Y	R	L	1	M	9	157		
352	8269628	08/07/12 11:20 AM	75.1714-4	104(a)	C	N	U	L	2	M	1			
353	8269629	08/07/12 11:25 AM	75.1725(a)	104(a)	C	Y	R	L	1	M	3	158		
354	8269631	08/08/12 12:30 PM	75.202(a)	104(a)	C	Y	R	P	1	M	12	159		
355	8269632	08/09/12 10:30 AM	75.333(b)	104(a)	C	N	U	L	9	M	4			
356	8269633	08/09/12 01:00 PM	75.220(a)(1)	104(a)	C	N	U	L	1	M	5			
357	8269634	08/15/12 11:35 AM	75.220(a)(1)	104(a)	C	Y	R	L	9	M	6	160		
358	8269637	08/19/12 10:30 PM	75.220(a)(1)	104(a)	C	Y	R	P	9	H	7	161		30
359	8269638	08/19/12 11:45 PM	75.503	104(a)	C	N	U	L	1	M	9			
360	8269639	08/20/12 01:45 AM	75.604(b)	104(a)	C	Y	R	L	1	M	5	162		

MSHA Mine ID: 46-08994
 Mine: Deep Mine No 8
 Operator: Argus Energy WV LLC
 Controller: James H Booth
 Mine Status: Active
 Mine Status Date: August 20, 2003

% S&S: 45.1%
 % Elevated: 3.6%
 % S&S Neg>Mod: 8.3%

Cumulative During 12
 Month Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Times this Standard Cited	S&S Count	Elevated Action Count	Elevated Negligence Count
361	8269640	08/20/12 02:15 AM	75.605	104(a)	C	N	U	L	1	M	1			
362	8269641	08/21/12 11:30 AM	75.604(b)	104(a)	C	Y	R	L	2	M	6	163		
363	8269642	08/21/12 12:30 PM	75.503	104(a)	C	N	U	L	1	M	10			
364	8269643	08/21/12 02:20 PM	75.220(a)(1)	104(a)	C	Y	R	L	1	M	8	164		