



NOV 19 2010

Mr. Steven Rocky Justice
Superintendent
Apache Mine
The New West Virginia Mining Company
WV Rt. 10
Rockview, WV 24880

Dear Mr. Justice:

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) has conducted a pattern of violation (POV) screening of compliance records for the 12 months ending August 31, 2010 and of accident and employment records for the 12 months ending June 30, 2010, for the Apache Mine, MSHA ID No. 46-09180. 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all subsequent violations designated as Significant and Substantial (S&S) be issued as closure orders with all persons withdrawn from the affected area except those necessary to correct the violation.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 Apache 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 *Screening Criteria Results* 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 Apache 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. Guidance on what constitutes an appropriate corrective action program is contained in the enclosed document entitled *Pattern of Violations Procedures Summary*.

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.

Apache Mine was issued 21.02 S&S violations per 100 inspection hours during the 12-month review period. If the Apache Mine implements an appropriate corrective action program, the mine must maintain an S&S rate of 10.51 or lower during the evaluation period (i.e., a 50 percent reduction from the 12-month review period). If a corrective action program is not implemented, the mine must maintain an S&S rate of 3.68 or lower during the evaluation period (i.e., within the top 35th percentile of similar type mines). Therefore, I encourage you to implement a corrective action program as soon as practicable. An explanation of these rates, as well as guidelines for an appropriate corrective action program, are contained in the enclosed document entitled *Pattern of Violations Procedures Summary*. Absent mitigating circumstances, the Apache Mine must meet one of these goals to avoid being issued a pattern of violations notice during this POV review cycle.¹

Whether or not you implement a corrective action program, MSHA will conduct a complete inspection of the Apache Mine. This inspection may start as soon as December 9, 2010. 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 Apache Mine has effectively controlled the occurrence of S&S violations during the review period.

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

¹ However, all mines will be considered for potential pattern of violation notices during the next and subsequent review cycles. 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 Apache 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 Apache 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.

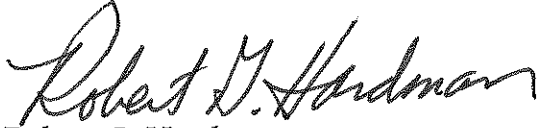
If upon any inspection after the issuance of the Pattern of Violations Notice an authorized representative finds any violation of a mandatory health or safety standard which could significantly and substantially contribute to the cause and effect of a safety or health hazard, the inspector shall issue 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 (304) 877-3900 if you have any questions regarding this matter. Additional mitigating information, requests for a conference and/or a written plan to institute a corrective action program should be sent to me at: 100 Bluestone Road, Mt. Hope, WV 25880.

Sincerely,

A handwritten signature in black ink that reads "Robert G. Hardman". The signature is written in a cursive style with a large initial 'R'.

Robert G. Hardman

District Manager

Coal Mine Safety and Health, District 4

Enclosures

Screening Criteria Results for Pattern of Violations

The following screening 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 <div style="font-size: 1.5em; font-weight: bold; color: red; text-align: center;">PPOV</div>
--

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 04 Princeton WV Field Office
Mine ID: 46-09180
Mine Status: Active (on screening date)
Mine Name: Apache Mine
Mine Type: Underground Coal
Controller: Brandy M Horvath
Operator: The New West Virginia Mining Company

Query Run Date
Oct-18-2010

12 Month Date Ranges Used
Part 50 Data
Four quarters ending June 30, 2010
Enforcement Data
Start Date: Sep-01-2009
End Date: Aug-31-2010

Criteria	Criteria Description		Does the Mine Meet the Criteria?
Initial Criteria 1	1 At least 50 citations/orders for significant and substantial (S&S) violations issued in the most recent 12 months.	62 YES	YES This mine meets all four Initial Criteria 1
	A rate of eight or more S&S citations/orders issued per 100 inspection hours during the most recent 12 months, or <i>62 S&S C/O's were issued during 295 inspection hours.</i>	21.02 YES	
	2 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 62 S&S C/O's issued were either high or reckless disregard.</i>	24.2% 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>30 elevated C/O's were issued during 295 inspection hours.</i>	10.17 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 1529 is more than the industry SM of 541.4.</i>	1529.0 YES		
Initial Criteria 2	1 At least 100 S&S citations/orders issued in the most recent 12 months. <i>62 S&S C/O's were issued.</i>	62 NO	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>30 elevated C/O's were issued.</i>	30 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>6 C/O's of standard 75.202(a) became final orders.</i>	6 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>4 unwarrantable failure C/O's became final orders.</i>	4 YES	

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

MSHA Mine ID: 46-09180

Mine: Apache Mine

Operator: The New West Virginia Mining Company

Controller: Brandy M Horvath

Mine Status: Active

Mine Status Date: 07/27/2010

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
Sep 2009	23.00	6	1	1	0	0	0	0	0	50.0%	4.35	0.00
Oct 2009	10.25	2	6	8	0	2	0	0	2	56.3%	27.07	6.02
Nov 2009	57.50	9	10	41	8	15	0	0	23	74.6%	55.10	27.55
Dec 2009	10.75	3	0	0	0	0	0	0	0	74.6%	49.26	24.63
Jan 2010	80.50	9	20	5	0	4	0	0	4	59.8%	30.22	15.93
Feb 2010	18.50	2	0	0	0	0	0	0	0	59.8%	27.43	14.46
Mar 2010	17.50	3	0	1	0	0	0	0	0	60.2%	25.69	13.30
Apr 2010	72.00	9	7	6	0	1	0	0	1	58.5%	21.38	10.34
May 2010	3.00	2	1	0	0	0	0	0	0	57.9%	21.16	10.24
Jun 2010	2.00	1	3	0	0	0	0	0	0	56.4%	21.02	10.17
Jul 2010												
Aug 2010												
Totals	295.00	46	48	62	8	22	0	0	30			

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: 46-09180

Mine: Apache Mine

Operator: The New West Virginia Mining Company

Controller: Brandy M Horvath

Mine Status: Active

Mine Status Date: July 27, 2010

Percent S&S: 56.4%

Percent Elevated: 27.3%

Percent Neg>Mod: 13.6%

Cumulative During Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Cumulative During Review Period			
											Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg >Mod Count
1	8083311	09/11/09 - 12:09	75.503	104(a)	C	Y	R	L	1	M	1	1		
2	9968745	09/17/09 - 08:00	70.208(a)	104(a)	C	N	U	N	2	H	1			
3	9968755	10/13/09 - 08:00	70.208(a)	104(a)	C	N	U	N	1	H	2			
4	9968756	10/13/09 - 08:00	70.208(a)	104(a)	C	N	U	N	1	H	3			
5	8096049	10/27/09 - 07:25	75.360(f)	104(a)	C	Y	R	F	1	M	1	2		
6	8096048	10/27/09 - 07:30	75.312(a)	104(a)	C	Y	R	F	1	M	1	3		
7	8096051	10/27/09 - 08:20	75.370(a)(1)	104(d)(2)	O	Y	H	P	5	H	1	4	1	1
8	8096050	10/27/09 - 08:22	75.325(a)(1)	104(d)(2)	O	Y	H	P	5	H	1	5	2	2
9	8096052	10/27/09 - 08:29	75.604(b)	104(a)	C	Y	R	F	1	M	1	6		
10	8096053	10/29/09 - 10:15	75.333(b)(2)	104(a)	C	Y	R	F	7	M	1	7		
11	8096054	10/29/09 - 10:55	75.370(a)(1)	104(a)	C	Y	R	F	7	M	2	8		
12	8096055	10/29/09 - 11:00	75.333(b)(5)	104(a)	C	Y	R	F	7	M	1	9		
13	8096056	10/29/09 - 12:00	75.508	104(a)	C	N	U	F	7	M	1			
14	8096057	10/29/09 - 12:12	75.508-2	104(a)	C	N	U	N	7	M	1			
15	8096058	10/29/09 - 12:30	75.364(a)(1)	104(a)	C	N	U	F	5	M	1			
16	8096059	10/29/09 - 12:35	75.364(f)(2)	104(a)	C	N	U	F	5	M	1			
17	8096060	11/02/09 - 10:50	75.1702	104(a)	C	Y	R	F	1	M	1	10		
18	8096061	11/02/09 - 11:00	75.1202-1(b)(3)	104(a)	C	N	U	F	8	M	1			
19	8096062	11/02/09 - 11:05	75.1200-1(i)	104(a)	C	Y	R	F	1	M	1	11		
20	8096063	11/02/09 - 11:25	75.1103	104(a)	C	Y	R	F	8	M	1	12		
21	8096064	11/02/09 - 11:27	75.1103-8(a)	104(a)	C	Y	R	F	8	M	1	13		
22	8096065	11/02/09 - 11:30	75.1502	104(a)	C	Y	R	F	8	M	1	14		
23	8096066	11/02/09 - 11:40	77.505	104(a)	C	Y	R	F	1	M	1	15		
24	8096070	11/02/09 - 11:40	77.1110	104(a)	C	N	U	L	1	M	1			
25	8096067	11/02/09 - 11:55	77.516	104(a)	C	Y	R	L	1	M	1	16		
26	8096068	11/02/09 - 12:20	77.512	104(a)	C	Y	R	F	1	M	1	17		
27	8096069	11/02/09 - 12:30	77.205(e)	104(a)	C	Y	R	L	1	M	1	18		
28	8096071	11/02/09 - 13:00	77.511	104(a)	C	Y	R	F	1	M	1	19		
29	8096072	11/02/09 - 13:10	77.810	104(a)	C	Y	R	F	1	M	1	20		
30	8096077	11/03/09 - 06:30	75.370(a)(1)	104(d)(2)	O	Y	R	P	12	H	3	21	3	3
31	8096078	11/03/09 - 06:35	75.507-1(a)	104(d)(2)	O	Y	R	F	12	H	1	22	4	4
32	8096079	11/03/09 - 06:40	75.507	104(d)(2)	O	Y	R	F	12	R	1	23	5	5
33	8096080	11/03/09 - 07:00	75.514	104(d)(2)	O	Y	R	F	1	R	1	24	6	6
34	8096073	11/03/09 - 07:05	75.370(a)(1)	104(b)	O								7	
35	8096076	11/03/09 - 07:10	75.364(a)(1)	104(b)	O								8	
36	8096074	11/03/09 - 08:40	75.1200-1(i)	104(b)	O								9	
37	8096075	11/03/09 - 08:41	75.1202-1(b)(3)	104(b)	O								10	
38	8096081	11/03/09 - 09:50	75.512	104(d)(2)	O	Y	R	F	12	R	1	25	11	7

MSHA Mine ID: 46-09180

Mine: Apache Mine

Operator: The New West Virginia Mining Company

Controller: Brandy M Horvath

Mine Status: Active

Mine Status Date: July 27, 2010

Percent S&S: 56.4%

Percent Elevated: 27.3%

Percent Neg>Mod: 13.6%

Cumulative During Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg >Mod Count
39	8096082	11/03/09 - 09:56	75.362(a)(2)	104(d)(2)	O	Y	R	P	12	R	1	26	12	8
40	8096083	11/03/09 - 10:07	75.364(b)(7)	104(d)(2)	O	Y	R	F	12	H	1	27	13	9
41	8096084	11/04/09 - 12:00	75.333(b)(2)	104(d)(2)	O	Y	R	F	10	R	2	28	14	10
42	8096085	11/04/09 - 12:00	75.370(a)(1)	104(d)(2)	O	Y	R	F	10	R	5	29	15	11
43	8096086	11/05/09 - 10:09	77.516	104(b)	O								16	
44	8096087	11/05/09 - 10:13	75.364(f)(2)	104(b)	O								17	
45	8096088	11/10/09 - 07:40	75.360(a)(1)	104(d)(2)	O	Y	R	F	12	H	1	30	18	12
46	8096090	11/10/09 - 07:45	75.360(b)(10)	104(d)(2)	O	Y	R	F	12	H	1	31	19	13
47	8096091	11/10/09 - 07:55	75.1103-4(b)	104(a)	C	Y	R	F	12	M	1	32		
48	8096089	11/10/09 - 08:10	75.400	104(d)(2)	O	Y	R	F	12	H	1	33	20	14
49	8096094	11/10/09 - 08:11	75.1101-1(b)	104(a)	C	N	U	F	12	M	1			
50	8096096	11/10/09 - 08:12	75.1101-4	104(a)	C	Y	R	F	12	M	1	34		
51	8096092	11/10/09 - 08:13	75.1103-8(a)	104(d)(2)	O	Y	R	F	12	H	2	35	21	15
52	8096093	11/10/09 - 08:14	75.1103-8(b)	104(a)	C	N	U	F	12	M	1			
53	8096095	11/10/09 - 08:15	75.1102	104(a)	C	Y	R	F	12	M	1	36		
54	8096097	11/10/09 - 08:34	75.202(a)	104(a)	C	Y	R	F	1	M	1	37		
55	8096098	11/10/09 - 11:45	75.1100-2(d)	104(a)	C	Y	R	L	1	M	1	38		
56	8096099	11/10/09 - 11:46	75.1100-2(d)	104(a)	C	Y	R	L	1	M	2	39		
57	8096108	11/17/09 - 01:10	75.1101-4	104(b)	O								22	
58	8096109	11/17/09 - 01:12	75.1103-4(b)	104(b)	O								23	
59	8096103	11/17/09 - 02:00	75.1725(a)	104(a)	C	Y	R	P	2	M	1	40		
60	8096104	11/17/09 - 03:10	75.1725(a)	104(a)	C	Y	R	P	2	M	2	41		
61	8097319	11/17/09 - 09:36	75.512	104(a)	C	Y	R	F	1	M	2	42		
62	8097320	11/17/09 - 09:41	75.701	104(a)	C	N	U	P	1	M	1			
63	8097321	11/17/09 - 11:01	75.400	104(a)	C	Y	R	P	1	M	2	43		
64	8097322	11/17/09 - 11:14	75.342(a)(4)	104(a)	C	Y	R	P	1	M	1	44		
65	8097323	11/17/09 - 11:44	75.503	104(a)	C	Y	R	P	1	M	2	45		
66	8097324	11/17/09 - 12:10	75.517	104(a)	C	Y	R	P	1	M	1	46		
67	8097325	11/19/09 - 08:30	75.153(g)	104(d)(2)	O	N	U	L	7	H	1		24	
68	8097326	11/19/09 - 11:57	75.523-3(b)(3)	104(a)	C	Y	R	P	1	L	1	47		
69	8096114	11/24/09 - 06:40	75.1202-1(b)(3)	104(d)(2)	O	N	U	F	8	H	3		25	
70	8096115	11/24/09 - 07:00	75.312(g)(1)	104(a)	C	N	U	N	8	M	1			
71	8096120	11/24/09 - 07:01	75.1103-4(e)(2)	104(a)	C	N	U	F	1	M	1			
72	8096116	11/24/09 - 07:05	75.1715	104(a)	C	N	U	N	2	M	1			
73	8096117	11/24/09 - 08:10	75.1719-1(e)(5)(ii)	104(a)	C	Y	R	L	1	M	1	48		
74	8096118	11/24/09 - 08:15	75.503	104(a)	C	Y	R	F	2	M	3	49		
75	8096119	11/24/09 - 09:20	75.503	104(a)	C	Y	R	F	2	M	4	50		
76	8097352	01/11/10 - 08:30	75.1103-4(a)	104(a)	C	N	U	P	1	L	1			

MSHA Mine ID: 46-09180

Mine: Apache Mine

Operator: The New West Virginia Mining Company

Controller: Brandy M Horvath

Mine Status: Active

Mine Status Date: July 27, 2010

Percent S&S: 56.4%

Percent Elevated: 27.3%

Percent Neg>Mod: 13.6%

Cumulative During Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg >Mod Count
77	8097353	01/11/10 - 10:00	75.1710-1(a)	104(a)	C	Y	R	P	1	M	1	51		
78	8097354	01/11/10 - 10:10	75.523-3(b)(3)	104(a)	C	Y	R	P	1	M	2	52		
79	8097355	01/11/10 - 10:20	75.503	104(a)	C	N	U	P	1	M	5			
80	8098412	01/11/10 - 10:20	75.807	104(a)	C	N	U	F	1	M	1			
81	8098413	01/11/10 - 10:35	75.517	104(a)	C	Y	R	F	1	M	2	53		
82	8098414	01/11/10 - 10:45	75.1505(b)	104(a)	C	N	U	L	1	M	1			
83	8098415	01/11/10 - 11:15	75.1714-2(c)	104(a)	C	N	U	F	6	L	1			
84	8098416	01/11/10 - 11:40	75.1714-3(b)	104(a)	C	N	U	F	3	M	1			
85	8097356	01/11/10 - 11:45	75.517	104(a)	C	N	U	P	1	M	3			
86	8097357	01/11/10 - 12:20	75.503	104(a)	C	N	U	P	1	M	6			
87	8098417	01/11/10 - 13:00	50.20(a)	104(a)	C	N	N	N	1	M	1			
88	8098418	01/11/10 - 13:05	50.20(a)	104(a)	C	N	N	N	1	M	2			
89	9968830	01/12/10 - 08:00	70.207(a)	104(a)	C	N	U	N	5	H	1			
90	8097358	01/12/10 - 09:30	75.333(h)	104(a)	C	N	U	P	1	M	1			
91	8097359	01/12/10 - 09:40	75.516	104(a)	C	N	U	L	1	M	1			
92	8097360	01/12/10 - 09:50	75.1101-1(a)	104(a)	C	Y	R	F	1	M	1	54		
93	8097361	01/12/10 - 10:00	75.512	104(a)	C	Y	H	F	1	M	3	55		
94	8098419	01/12/10 - 10:30	75.204(c)(2)	104(a)	C	N	U	F	1	M	1			
95	8097362	01/12/10 - 10:35	75.1100-3	104(a)	C	N	U	L	1	L	1			
96	8098420	01/19/10 - 10:30	75.333(h)	104(d)(2)	O	N	U	P	1	H	2		26	
97	8097363	01/19/10 - 11:00	75.507-1(a)	104(d)(2)	O	N	U	P	1	H	2		27	
98	8097364	01/19/10 - 13:00	75.1200	104(a)	C	N	U	L	14	M	1			
99	8098421	01/19/10 - 13:00	75.364(a)	104(d)(2)	O	N	U	P	1	H	1		28	
100	8098422	01/20/10 - 12:45	75.364(h)	104(d)(2)	O	N	U	P	1	H	1		29	
101	8093289	03/17/10 - 11:00	75.202(a)	104(a)	C	Y	R	P	1	L	2	56		
102	8098448	04/13/10 - 09:20	75.370(a)(1)	104(a)	C	N	U	P	1	M	6			
103	8103526	04/13/10 - 16:00	75.1101-1(a)	104(a)	C	Y	R	P	8	L	2	57		
104	8103527	04/13/10 - 16:30	77.505	104(a)	C	N	U	L	1	M	2			
105	8098449	04/14/10 - 12:00	75.503	104(a)	C	N	U	P	1	L	7			
106	8103528	04/14/10 - 17:05	75.503	104(a)	C	N	U	P	1	L	8			
107	8098450	04/17/10 - 00:45	75.204(c)(2)	104(a)	C	Y	R	P	1	M	2	58		
108	8098451	04/17/10 - 00:50	75.220(a)(1)	104(a)	C	Y	R	P	1	M	1	59		
109	8098452	04/19/10 - 12:00	75.514	104(a)	C	N	U	F	1	M	2			
110	8098453	04/19/10 - 12:15	75.604(b)	104(a)	C	N	U	F	1	L	2			
111	8098454	04/19/10 - 13:30	75.203(e)(1)	104(a)	C	Y	R	F	1	M	1	60		
112	8098455	04/20/10 - 10:30	75.342(a)(4)	104(a)	C	Y	R	F	2	L	2	61		
113	8098456	04/20/10 - 11:00	75.523-3(b)(1)	104(a)	C	Y	R	F	1	L	1	62		
114	8098458	04/28/10 - 10:30	75.370(a)(1)	104(d)(2)	O	N	N	N	1	H	7		30	

MSHA Mine ID: 46-09180

Mine: Apache Mine

Operator: The New West Virginia Mining Company

Controller: Brandy M Horvath

Mine Status: Active

Mine Status Date: July 27, 2010

Percent S&S: 56.4%
 Percent Elevated: 27.3%
 Percent Neg>Mod: 13.6%

Cumulative During Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Cumulative During Review Period			
											Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg >Mod Count
115	8103530	05/03/10 - 11:40	75.403	104(a)	C	N	U	N	12	M	1			
116	8107715	06/02/10 - 10:30	50.30(a)	104(a)	C	N	N	N	2	M	1			
117	9968918	06/11/10 - 08:00	70.208(a)	104(a)	C	N	U	N	1	M	4			
118	9968919	06/11/10 - 08:00	70.208(a)	104(a)	C	N	U	N	1	H	5			

Type of Issuance

- C Citation
- O Order

Significant and Substantial

- N No
- Y Yes

Likelihood

- N No Likelihood
- U Unlikely
- R Reasonably Likely
- H Highly Likely
- O Occurred

Injury or Illness could reasonably be expected to be

- N No Lost Workdays
- L Lost Workdays or Restricted Duty
- P Permanently Disabling
- F Fatal

Negligence

- N None
- L Low
- M Moderate
- H High
- R Reckless Disregard

These Type Actions are Elevated issues

- 104(b) - Failure to abate (1)
- 104(d)(1) and 104(d)(2) - Unwarrantable
- 104(g)(1) - Training
- 107(a) - Imminent Danger (1)

These Type Actions are not Included in determining Percent S&S

- 103(j) and 103(k) - Rescue and Recovery
- 104(b) - Failure to abate
- 107(a) - Imminent Danger
- 314(b) - Safeguards