IF-O18
Revised 3-09

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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Region 4

2-53-0116-2010

No: 36507

NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ___ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 08-05- ,2010 Time 7:00 X A.M. ___ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 58 (F) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: Evidence Indicates That prior To The Explosion ON April 5, 2010 NO water was provided To The 6 Inch Water Line Located parellel with The Active NO. 4 Ellis Conveyor belt For The purpose OF Fire protection, beginning At The New Long wall Belt Construction Site Located AT Spad NO 22155 TO The Ellis portal, measuring A distance OF Approximately One Thousand Two hundred Feet in Length (1,200ft). (see Next page

Type of Issuance: N.O.V. ___ Order X

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

The foregoing violation was totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

Action taken to abate the violation: Must be Abated prior TO belts being put back in Service.

Company / Operator Agent Served: Wayne Persinger

Authorized Representative: Dennis Jarrell Inspector No. 233

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☒

Likelihood of Occurrence: Unlikely: *(0)___ Reasonably likely (10)___ Occurred (20) ___

Severity of Injury Expected: None: *(0)___ No lost work days *(6)___ Lost or restricted days (11)___

Permanently disabling (15)___ Fatal (20) ___

* ...ese are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) ___ 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0)___ Low (10)___ Moderate (15)___ High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF-O18
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STATE OF WEST VIRGINIA

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Region
No 233-0116-2010
V ion No. 364507

NOTICE OF VIOLATION - CONTINUATION PAGE NO 2

Company / Operator Performance Coal Co. Contractor: Yes ___ No X
Permit Number U-3042-92 Mine Name U.B.B. Montcoal Eagle
Date of Issue 08-05 ,20 10 Time 7:00 X A.M. ___ P.M.

It was also Observed at the New Long Wall belt Construction site, Located at Spad No. 22155 That The 6 Inch water Line was deliberately disconnected, And cut OFF Valves were Installed on both ends of The 6Inch water lines, Therefore Completely Stopping The Supply of water to the 6 Inch water Line running Parellel with The Active Ellis No. 4 Conveyor belt, creating An extremely dangerious Situation to every Person in This mine, in The event of A Belt Fire.

Company / Operator Agent Served: Wayne Persinger

Authorized Representative: [signature] Inspector No. 233

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

IF-018
Revised 4-07

Region 4
Case No 78-0733
Violation No. 1

No: 104357

STATE OF WEST VIRGINIA
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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 2-15 20 12 Time 1:20 ____A.M. x P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 6 , Section 4.1 k exists as follows:

The following condition was discovered during an investigation of an explosion that occurred at Performance Coal Company, Upper Big Branch mine on April 5, 2010. This violation of state code is of a serious nature and involves fatalities. 22A-1-21 (B) (2) (A) The Methane and Dust Control Plan dated August 20, 2019 and approved August 24, 2009 was not being complied with on the 21 Longwall working face on March 1, 2010 on the B Crew evening shift. The maintenance report for this shift shows that the longwall shearer was mining coal with 8 water sprays removed from each cutting drum. This action was recorded stating the water sprays were taken out and left out because the sprays kept plugging up, not working, while the crew was attempting to mine coal. The report goes on to document that the crew operated the machine the remainder of the shift in an attempt to flush or clean the drums water spray system. This action reduces the number of sprays required in the approved plan and also would drastically affect the required water pressure on the shearer.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. 1:30 p.m. on 2-15 20 12

The foregoing violation was totally abated by ____ ____ a. m. 1:30 p.m. on 2-15 20 12

Action taken to abate the violation: Requirement of the law was discussed with mine management.

Company / Operator Agent Served: Larry Brown

Authorized Representative: Barry Fletcher Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: x

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10)____ Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11)____

Permanently disabling (1 5)____ Fatal (20)____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15)____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF - 019
Revised 11/08

State of West Virginia
Office of Miners'Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 78-0730 Region Four

INSPECTION OF VIOLATION

Good faith in abatement Lack of good faith (+ 1 5%)_____

No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____

Violation Number: 104350 was/is hereby_____totally abated by_____20____

_____a.m._____p.m._____extended to_____,20_____, X modified to

_____Order, _____Withdrawn.

Action taken to abate the violation: Violation # 104350 issued on 10-19-2011 addressing the lack of water pressure at the tail drum sprays on the longwall shearer during the test conducted on December 20, 2010 is being modified. The assessment on the violation form is being changed to a "Special Assessed" violation. This violation will be referred to under a new case number of # 78-0733 which will be attached to the above mentioned violation.

Good faith in abatement Lack of good faith (+1 5%)_____

No compliance (extenuating circumstances) (0%)_____Extra effort (- 1 5%)_____

Violation Number: 26192 was/is hereby_____totally abated by_____,20____

_____a.m._____p.m._____extended to_____20_____, _____modified to

_____Order, _____Withdrawn.

Action taken to abate the violation: Violation # 26192 issued on 10-19-2010 addressing the amount of sprays installed and missing from the tail drum on the shearer on the longwall noted during an exam of the shearer on December 20, 2010 is being modified. The assessment on the violation form is being changed to a "Special Assessed" violation. The violation will be referred to under a new case number of #78-0733 which will be attached to the above mentioned violation.

Good faith in abatement. Lack of good faith (+1 5%)_____

No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____

Violation Number:_____was/is hereby_____totally abated by_____,20____

_____a.m._____p.m._____extended to_____,20_____, _____modified to

_____Order, _____Withdrawn.

Action taken to abate the violation: _____

Good faith in abatement Lack of good faith (+1 5%)_____

No compliance (extenuating circumstances) (0%)_____Extra effort (- 1 5%)_____

Violation Number:_____was/is hereby_____totally abated by_____,20____

_____a.m._____p.m._____extended to_____,20_____, 0 modified to

_____Order, _____Withdrawn.

Action taken to abate the violation: _____

Company/Operator Agent served: Larry Brown Date: 2-15 20 12

Authorized Representative: Barry Fletcher Barry Fletcher Inspector Number 78

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egion 4
Case No 78-0730
Violation No. 34

No: 26192

STATE OF WEST VIRGINIA
OFFICE OF
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1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 10-19 20 11 Time 9:10 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 6 , Section 4.1 k exists as follows:

The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch Mine which occurred on April 5, 2010. Tests and checks were conducted on the Longwall Shearer water spray system on December 20, 2010 by members of all parties of the investigative teams. These tests clearly showed that the Methane and Dust Control Plan dated August 20, 2009 and approved August 24, 2009 was not being complied with on the day of the explosion. Seven (7) of the tail drums forty five (45) water sprays were missing when examined which leaves less than the 43 required in the plan to be operational.. The sketch provided with the approved plan titled "Performance Coal Company Inc. Upper Big Branch Mine Spray Location Drawing" shows the minimum number of water sprays that must be operating at any one time on the tail drum to be 43 sprays. None of the missing sprays had been removed by any parties of the investigative teams prior to this test. This condition of the missing tail drum sprays existed at the time of the explosion.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by 10:00 x a. m. ____ p.m. on 10-19 20 11

Action taken to abate the violation: The requirements pertaining to water sprays on the shearer as addressed in the approved Methane and Dust Control plan has been discussed with Jack Roles, mine superintendent.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) x Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) x

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) x 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) x High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 780730
Violation No. 43

No: 104350

STATE OF WEST VIRGINIA
OFFICE OF
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1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 10-19 ,20 11 Time 9:55 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 6 , Section 4.1 k exists as follows:

The following conditions were discovered during an investigation of an explosion that occurred at Performance Coal, Upper Big Branch mine on April 5, 2010. The Methane and Dust Control Plan dated August 20, 2009 and approved August 24, 2009 was not being complied with on the Longwall 21 MMU No. 050-0 #1 Unit working section. The page of the approved plan titled, "Section Specific Methane Dust Control Plan" states that a minimum operating pressure at the sprays on the shearer to be 90 psi. Tests were conducted on the water pressure at the shearer water sprays on December 20, 2010 by members of all parties of the investigative teams. Due to multiple sprays missing from the tail cutting drum and a spray block broken off the face side near the tail drum zero psi could be obtained at the sprays on the tail drum of the shearer. These tests were conducted with water pressures delivered to the shearer ranging from 50 psi to as high as 450 psi. Inadequate (Zero) pressures were measured on the tail drum with the gauges installed during these tests of the tail cutting drum.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on 10-19 20 11

Action taken to abate the violation: The requirements of the approved plan have been reviewed with Jack Roles, mine superintendent.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) x Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) x

Permanently disabling (1 5)____ Fatal (20)____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) x 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15) x High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

14-07
4
No 78-0731
ation No. 1

No: 104353

STATE OF WEST VIRGINIA
OFFICE OF
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Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 2-15 20 12 Time 1:00 ____A.M. x P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 66 (b) (c) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

On April 5, 2010 at approximately 3:00 pm an explosion occurred at the Upper Big Branch Montcoal Eagle Mine. West Virginia Code 22A- 2- 66 requires the coal operator to give immediate notice within 15 minutes of ascertaining the occurrence of an accident. Based on evidence, Performance Coal should have determined that an accident as stated in West Virginia Code, 22A-2-66 (a) (5) occurred within moments because significant air forces were felt and seen in the mine near the Ellis portals and these unusually strong forces exiting the mine at Ellis and North portals which are miles apart. Additionally the Carbon Monoxide monitoring system began alarming to the outside and communication with all workers inby 78 break ceased to exist at this time. With all this information and more indicators of something extremely unusual happening Performance Coal did not report the accident until 3:39 pm.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. 1:30 p.m. on 2-15 20 12

The foregoing violation was totally abated by ____ ____ a. m. 1:30 p.m. on 2-15 20 12

Action taken to abate the violation: Reporting requirements have been discussed with mine management.

Company / Operator Agent Served: Larry Brown

Authorized Representative: Barry Fletcher Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☒ x

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10)____ Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11)____

Permanently disabling (1 5)____ Fatal (20)____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0)____ 1 (1)____ 2(2)____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15)____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-O18
Revised 1-08

Region 4
No. CASE # 78-0730
Violation No. 1

STATE OF WEST VIRGINIA

OFFICE OF
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1615 Washington Street East
Charleston, West Virginia 25311-2126

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No: 23330

NOTICE OF VIOLATION

Company / Operator PERFORMANCE COAL Company INC Contractor: Yes ___ No X

Permit Number U 4032-92 Mine Name UBB MINE EAGLE SEAM

Date of Issue 7-29, 20 10 Time 1 45 DCP ___ ___ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22 A, Article 2, Section 25 a and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: The mine roof is not adequately supported in areas where men regularly travel in the track entry at the following locations. along NORTH MAINS Haulage (outby Ellis Switch) ① Block 73, Blk 73, Blk 80 (2 bolts side by side exposed approx 14") & THE intersection @ 89. The 89 intersection has an area that measured 13 feet wide, & 12 feet in distance on left side & 16' feet on right side, where no support is present. IT Appears that the bolts have broken off.

* Areas dangered off - No travel allowed through areas except for workers to correct violation.

Type of Issuance: N.O.V. X Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by 8:00 X a.m. ___ p.m. on 7-30 20 10

The foregoing violation was totally abated by ___ ___ a.m. ___ p.m. on ___ ___ 20 ___

Action taken to abate the violation: ___

Company / Operator Agent Served: WAYNE PERSINGER

Authorized Representative: Barry [signature] Inspector No. 78

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ___ Reasonably likely (10) X Occurred (20) ___

Severity of Injury Expected: None: *(0) ___ No lost work days *(6) ___ Lost or restricted days (11) X

Permanently disabling (15) ___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) X 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0) ___ Low (10) X Moderate (15) ___ High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

IF-018
Revised 3-09

STATE OF WEST VIRGINIA

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*pg 1 of 2

Region 4
CASE # 78-0730
V # 2

No: 26161

NOTICE OF VIOLATION

Company / Operator PERFORMANCE COAL COMPANY INC Contractor: Yes ___ No X

Permit Number U-4032-92 Mine Name UBB MINE EAGLE SEAM

Date of Issue 7-29, 20 10 Time 8 AM ___ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 25A and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: THE MINE ROOF IS Not adequately supported to protect persons along the TRACK ENTRY at the following locations from 48 Block of NORTH FEATS MAINS WAY TO Block 102 of NORTH MAINS. This is an active travelway for Battery operated track equipment.

48 BLK. Left Rib Bolts are 5', 5½', 7' off existing Rib line

51 BLK. Left & Right All 5 Bolts are exposed along clearance side of track (up to 18")

56 BLK. Left Rib line 30 foot distance, bolts exceed 5 feet from rib (no standing supports)

57-58 BLK. Large Brow on Left side Between existing cribs - 15' long, 3' wide, 2' thick

58 TB Left corner - Bolts are 7', 7½', 6' & 5 feet off corner

Type of Issuance: N.O.V. X Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by 800 X a.m. ___ p.m. on 8-3 20 10

The foregoing violation was totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

Action taken to abate the violation: ___

Company / Operator Agent Served: WAYNE PERSINGER

Authorized Representative: Randy Fleet Inspector No. 78

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ___ Occurred (20) ___

Severity of Injury Expected: None: *(0) ___ No lost work days *(6) ___ Lost or restricted days (11) X

Permanently disabling (15) ___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) X 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0) ___ Low (10) X Moderate (15) ___ High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

Compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF-O18Cont.
Revised 3-08

Region 4
No. 78-0730
Violation No. 2

STATE OF WEST VIRGINIA

OFFICE OF
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NOTICE OF VIOLATION - CONTINUATION PAGE NO 2 of 2

Company / Operator PERFORMANCE COAL Company INC Contractor: Yes ___ No X

Permit Number U 4032-97 Mine Name UBB MINE EAGLE SEAM

Date of Issue 7-29 ,20 10 Time ___ A.M. ___ P.M.

59-60 BLK - Timbers need reset on left RIB - over 21 feet wide - Bolts exceed 5' from RIB

71-72 BLK Numerous required timbers need reset or replaced

73 BLK INBY Left edge - Bolts exceed 7' & 5 feet from RIB

*Additionally the walk way in this xcut to mandoor needs additional support & Block suspended on header need removed in walkway

84 BLK outby Left corner - Rib Roll existing cribs are loose - partially knocked out

84 Xcut Right a roof fall is present & Rock from fall is coming into the clearance space. CRIB OR MEANS needed to support corner area

88 Xcut Right Corners need additional support

91-92 BLK 7 TALL CRIBS NEED SECURED - THEY ARE LOOSE - Not against Roof

93 Xcut OB Right Rib bolts are 8 feet & 6 feet from Rib

95 OB Right corner - CRIBS loose bolts measure 10', 9' & 6 feet from RIB

97 Xcut Right - CORNERS toward refuge chamber need support & one bolt is missing in walkway toward chamber door

100 BLK - CRIBS loose - Right OB corner exceeds 5 feet - Rib to bolt

*101-102 LARGE RIB Roll - Right side approx 30 feet long Bolts exceed 10 feet from Rib in this area

Loose Rock & coal is in clearance space - MATERIALS Rubbing equipment

Rock-Coal approx 4 feet in depth.

Company / Operator Agent Served: WAYNE PERSINGER

Authorized Representative: [signature] Inspector No. 78

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

IF - 019
Revised 11/08

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 78-0730 Region 4

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%)____ No compliance (extenuating circumstances) (0%)____ Extra effort (-15%)____
Violation Number: 1 was/is hereby X totally abated by ____, 20 10
____ a.m. ____ p.m. ____ extended to ____, 20 ____, ____ modified to
____ Order, ____ Withdrawn.
Action taken to abate the violation: Additional supports (roof bolts & Roof to Floor support) have been set at noted locations. The area noted as 84 intersection was actually the 88 intersection. Numerous roof bolts were installed at that location to correct area that was not properly supported due to roof bolts missing.

Good faith in abatement: Lack of good faith (+15%)____ No compliance (extenuating circumstances) (0%)____ Extra effort (-15%)____
Violation Number: 2 was/is hereby ____ totally abated by ____, 20 ____
____ a.m. ____ p.m. X extended to 9-13, 20 10, ____ modified to
____ Order, ____ Withdrawn.
Action taken to abate the violation: Support is being installed. Additional time granted to complete work.

Good faith in abatement: Lack of good faith (+15%)____ No compliance (extenuating circumstances) (0%)____ Extra effort (-15%)____
Violation Number: 3 was/is hereby ____ totally abated by ____, 20 ____
____ a.m. ____ p.m. X extended to 9-13, 20 10, ____ modified to
____ Order, ____ Withdrawn.
Action taken to abate the violation: Cleaning has begun by hand at isolated locations. A scoop is to be delivered today to speed up required cleaning.

Good faith in abatement: Lack of good faith (+15%)____ No compliance (extenuating circumstances) (0%)____ Extra effort (-15%)____
Violation Number: 4 was/is hereby ____ totally abated by ____, 20 ____
____ a.m. ____ p.m. X extended to 9-13, 20 10, ____ modified to
____ Order, ____ Withdrawn.
Action taken to abate the violation: Cleaning has begun by hand. Scoop to be delivered today to speed up cleaning.

Company/Operator Agent served: WAYNE PERSINGER Date: 9-5 20 10

Authorized Representative: [signature] Inspector Number 78

IF - 019
Revised 11/08

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 78-0730 Region _____

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%) _____
No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____
Violation Number: 2 was/is hereby X totally abated by 9-2, 20 10
_____ a.m. _____ p.m. _____ extended to _____, 20 _____, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: The locations noted have been supported with bolts, timbers, jacks or cans.

Good faith in abatement: Lack of good faith (+15%) _____
No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____
Violation Number: _____ was/is hereby _____ totally abated by _____, 20 _____
_____ a.m. _____ p.m. _____ extended to _____, 20 _____, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+15%) _____
No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____
Violation Number: _____ was/is hereby _____ totally abated by _____, 20 _____
_____ a.m. _____ p.m. _____ extended to _____, 20 _____, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+15%) _____
No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____
Violation Number: _____ was/is hereby _____ totally abated by _____, 20 _____
_____ a.m. _____ p.m. _____ extended to _____, 20 _____, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: _____

Company/Operator Agent served: WAYNE DERSINGER Date: 9-2 20 10

Authorized Representative: Randy Hatfield Inspector Number 78

IF-018
Revised 3-09

Region 4
CASE # 78-0730
V# 3

No: 26162

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator PERFORMANCE COAL COMPANY INC Contractor: Yes ___ No X

Permit Number U 4032-92 Mine Name UBB MINE EAGLE SEAM

Date of Issue 7-29, 20 10 Time 6 50 ___ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 37C and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: A continious unobstructed clearance of at least 24 inches from farthest projection of track equipment is not being maintained on clearance sides of track equipment being used at this mine. Numerous man trips being used to haul men in & out of the mine are loaded & unloaded from both sides. Loose rock, coal, cribs & other debris have been allowed to accumulate in the clearance space on Both sides of the rail from 4 BLOCKS OUT BY the First SET of TRACK DOORS in by NORTH PORTAL up to 54 BLOCK. MATERIALS are contacting the sides & bottom of trips at numerous locations.

Type of Issuance: N.O.V. X Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by 8:00 X a.m. ___ p.m. on 8-5 20 10

The foregoing violation was totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

Action taken to abate the violation: ___

Company / Operator Agent Served: WAYNE PERSINGER

Authorized Representative: Barry F [signature] Inspector No. 78

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ___ Occurred (20) ___

Severity of Injury Expected: None: *(0) ___ No lost work days *(6) ___ Lost or restricted days (11) X

Permanently disabling (15) ___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) X 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0) ___ Low (10) X Moderate (15) ___ High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF-O18
Revised 3-09

Region 4
case # 78-0730
✓ 4

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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No: 26163

NOTICE OF VIOLATION

Company / Operator PERFORMANCE COAL COMPANY INC. Contractor: Yes ___ No X

Permit Number U-4032-97 Mine Name ABB MWE EAGLE SEAM

Date of Issue 7-29 ,20 10 Time 8 [illegible] ___ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 37 c and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: At continuous unobstructed clearance of at least 24 inches from farthest projection of track equipment is not being maintained. Numerous man trips being used to transport men in & out of the mine are loaded & unloaded from both sides. Loose rock, coal, plastic pipes of different sizes, cold cables, pieces of belt etc. have been allowed to accumulate in the clearance space on the 'OFF SIDE' or right side entering the mine from 55 BLOCK INBY TO 88 BLOCK. The equipment is contacting these materials at several locations.

Type of Issuance: N.O.V. X Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by 800 X a.m. ___ p.m. on 8-5 20 10

The foregoing violation was totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

Action taken to abate the violation: ___

Company / Operator Agent Served: WAYNE PERSINGER

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ___ Occurred (20) ___

Severity of Injury Expected: None: *(0) ___ No lost work days *(6) ___ Lost or restricted days (11) X

Permanently disabling (15) ___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) X 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0) ___ Low (10) X Moderate (15) ___ High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF - 019
Revised 11/08

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 7B-0730 Region FOUR

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (-15%)_____
Violation Number: 3 was/is hereby_____ totally abated by_____, 20____
____ a.m.____ p.m. X extended to 8th 9-20, 20 10, _____ modified to
____ Order, _____ Withdrawn.
Action taken to abate the violation: Additional time granted to work on clearance along track at noted location.

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (-15%)_____
Violation Number: 4 was/is hereby_____ totally abated by_____, 20____
____ a.m.____ p.m. X extended to 8th 9-20, 20 10, _____ modified to
____ Order, _____ Withdrawn.
Action taken to abate the violation: Additional time granted to work on clearance along the track at noted location.

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (-15%)_____
Violation Number:_____ was/is hereby_____ totally abated by_____, 20____
____ a.m.____ p.m.____ extended to_____, 20____, _____ modified to
____ Order, _____ Withdrawn.
Action taken to abate the violation:

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (-15%)_____
Violation Number:_____ was/is hereby_____ totally abated by_____, 20____
____ a.m.____ p.m.____ extended to_____, 20____, _____ modified to
____ Order, _____ Withdrawn.
Action taken to abate the violation:

Company/Operator Agent served: WAYNE PERSINGER Date: 9-13 20 10

Authorized Representative: Barry Hatfield Inspector Number 78

IF - 019
Revised 11/08

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 78-0730 Region 4 (Bur)

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%) _____
No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____
Violation Number: 3 was/is hereby _____ totally abated by _____, 20 _____
_____ a.m. _____ p.m. X extended to 4 pm October 5, 20 10, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: Additional time granted to work on clearance along track at noted locations

Good faith in abatement: Lack of good faith (+15%) _____
No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____
Violation Number: 4 was/is hereby _____ totally abated by _____, 20 _____
_____ a.m. _____ p.m. X extended to 4 pm October 5, 20 10, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: Additional time granted to work on clearance along track at noted locations

Good faith in abatement: Lack of good faith (+15%) _____
No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____
Violation Number: _____ was/is hereby _____ totally abated by _____, 20 _____
_____ a.m. _____ p.m. _____ extended to _____, 20 _____, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+15%) _____
No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____
Violation Number: _____ was/is hereby _____ totally abated by _____, 20 _____
_____ a.m. _____ p.m. _____ extended to _____, 20 _____, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: _____

Company/Operator Agent served: WAYNE PERSINGER Date: 10-1 20 10

Authorized Representative: [signature] Inspector Number 78

IF - 019
Revised 11/08

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 78-0 730 Region 40

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%) _____
No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____
Violation Number: 3 was/is hereby _____ totally abated by _____, 20____
_____ a.m. _____ p.m. X extended to 3 pm October 8, 20 10, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: Additional time granted to work on track clearance.

Good faith in abatement: Lack of good faith (+15%) _____
No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____
Violation Number: 4 was/is hereby _____ totally abated by _____, 20____
_____ a.m. _____ p.m. X extended to 3 pm October 8, 20 10, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: Additional time granted to work on track clearance

Good faith in abatement: Lack of good faith (+15%) _____
No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____
Violation Number: _____ was/is hereby _____ totally abated by _____, 20____
_____ a.m. _____ p.m. _____ extended to _____, 20____, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+15%) _____
No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____
Violation Number: _____ was/is hereby _____ totally abated by _____, 20____
_____ a.m. _____ p.m. _____ extended to _____, 20____, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: _____

Company/Operator Agent served: WAYNE PERSINGER Date: 10-7 20 10

Authorized Representative: Barry J. Pettit Inspector Number 78

IF-O18
Revised 3-09

Region 4
CASE # 7B-0730
V # 5

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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No: 26164

NOTICE OF VIOLATION

Company / Operator PERFORMANCE COAL COMPANY INC Contractor: Yes ___ No X

Permit Number U-4032-92 Mine Name UBR MONTCOAL EAGLE

Date of Issue 9-1 ,2010 Time 11:30 X A.M. ___ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 17 and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: THE INVESTIGATION SUPPORT PLAN" dated July 2 2010 is not being complied with in that the area South of the NORTH PORTAL MAINS has not been examined weekly as required. The majoty of areas required to be traveled have been completed.

Type of Issuance: N.O.V. X Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by 3:00 X a.m. X (p.m.) on 9-3 20 10

The foregoing violation was totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

Action taken to abate the violation: ___

Company / Operator Agent Served: WAYNE PERSINGER

Authorized Representative: Barry Hatfield Inspector No. 78

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0)___ Reasonably likely (10) X Occurred (20) ___

Severity of Injury Expected: None: *(0)___ No lost work days *(6)___ Lost or restricted days (11) X

Permanently disabling (15)___ Fatal (20)___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0)___ 1 (1)___ 2 (2)___ 3 (4)___ 4-5 (6)___ 6-9 (8)___ 9+ (10) X

Negligence: None (0)___ Low (10) X Moderate (15)___ High (20)___

Knowing Violation: No X Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%)___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF - 019
Revised 11/08

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Barry

Case No. 28-0730 Region FOUR

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (-15%)_____
Violation Number: 26164 (V45) was/is hereby X totally abated by 10-15, 20 10
_____a.m._____p.m._____ extended to_____, 20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation: Area noted on violation was traveled & required exam first exceeded on 9-9-2010.

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (-15%)_____
Violation Number:_____ was/is hereby_____ totally abated by_____, 20_____
_____a.m._____p.m._____ extended to_____, 20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation:_____

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (-15%)_____
Violation Number:_____ was/is hereby_____ totally abated by_____, 20_____
_____a.m._____p.m._____ extended to_____, 20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation:_____

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (-15%)_____
Violation Number:_____ was/is hereby_____ totally abated by_____, 20_____
_____a.m._____p.m._____ extended to_____, 20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation:_____

Company/Operator Agent served: WAYNE Persinger Date: 10-15 20 10

Authorized Representative: Barry Slater Inspector Number 28

IF - 019
Revised 11/08

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 78-0730 Region FOUR

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____
Violation Number: (3) #26162 was/is hereby X totally abated by 10-27, 20 10
_____a.m._____p.m._____extended to_____, 20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation: Area noted on violation has had clearance spaces cleared.

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____
Violation Number: (4) #26163 was/is hereby X totally abated by 10-27, 20 10
_____a.m._____p.m._____extended to_____, 20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation: Area noted on violation has had clearance spaces cleared.

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____
Violation Number: #26165 (6) (FAA) was/is hereby _____totally abated by_____, 20_____
_____a.m._____p.m._____extended to_____, 20_____, _____modified to
X Order, X Withdrawn.
Action taken to abate the violation: Violation #6 abated in that this FAILURE TO ABATE order is withdrawn due to areas & items along track clearance space cleared & removed. 10-27-10

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____
Violation Number: #26166 (7) (FAA) was/is hereby _____totally abated by_____, 20_____
_____a.m._____p.m._____extended to_____, 20_____, _____modified to
X Order, X Withdrawn.
Action taken to abate the violation: Violation #7 abated in that this failure to Abate order is withdrawn due to areas & items along track clearance space cleared & removed. 10-27-10

Company/Operator Agent served: WAYNE PERSINGER Date: 10-27 20 10

Authorized Representative: Barry Holden Inspector Number 78

IF - 019
Revised 11/08

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 78-0730 Region FOUR

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (-15%)_____
Violation Number: (3) #26162 was/is hereby X totally abated by 10-27, 20 10
_____ a.m._____ p.m._____ extended to_____, 20_____, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: Area noted on violation has had clearance space cleared.

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (-15%)_____
Violation Number: (4) #26163 was/is hereby X totally abated by 10-27, 20 10
_____ a.m._____ p.m._____ extended to_____, 20_____, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: Area noted on violation has had clearance spaces cleared.

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (-15%)_____
Violation Number: #26165 (#6) (FAA) was/is hereby _____ totally abated by _____, 20_____
_____ a.m._____ p.m._____ extended to_____, 20_____, _____ modified to
X Order, X Withdrawn.
Action taken to abate the violation: Violation #6 abated in that this FAILURE TO ABATE order is withdrawn due to areas & items along track clearance space cleared & removed. 10-27-10

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (-15%)_____
Violation Number: #26166 (#7) (FAA) was/is hereby _____ totally abated by _____, 20_____
_____ a.m._____ p.m._____ extended to_____, 20_____, _____ modified to
X Order, X Withdrawn.
Action taken to abate the violation: Violation #7 abated in that this failure to Abate order is withdrawn due to areas & items along track clearance space cleared & removed. 10-27-10

Company/Operator Agent served: WAYNE PERSINGER Date: 10-27 20 10

Authorized Representative: Barry Helton Inspector Number 28

Fletcher

IF-O18
Revised 3-09

STATE OF WEST VIRGINIA

OFFICE OF
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1615 Washington Street East
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Region 4
CASE# 78-0730
V# 6

No: 26155

NOTICE OF VIOLATION

Company / Operator PERFORMANCE COAL COMPANY INC Contractor: Yes ___ No X

Permit Number U 4032-92 Mine Name UBB MONTCOAL EAGLE

Date of Issue 10-8 ,20 10 Time 3:30 ___A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 3.7 (a)(d) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: A continious unobstructed clearance of at least 24 inches from farthest projection of track equipment is not being maintained on clearance sides of track equipment being used at this mine. Numerous manriips being used to haul men in & out of the mine are loaded & unloaded from both sides. Loose rock, coal, cribs & other debris have been allowed to accumulate in the clearance space on both sides of the rail from 4 Blocks outby the first set of track doors inby NORTH PORTAL up to 54 Block. Noted materials are contacting the sides & bottom of trips at numerous locations. *This violation has been extended numerous times.

ARTICLE of Law violation was cited under - 22A-2-37c original violation # 26162 issued 7-29-2010

Type of Issuance: N.O.V. ___ Order X FAILURE TO ABATE

Area or equipment (if order is issued): TRACK entry at noted locations

The foregoing violation shall be totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

The foregoing violation was totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

Action taken to abate the violation: ___

Company / Operator Agent Served: WAYNE PERSINGER

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ___ Occurred (20) ___

Severity of Injury Expected: None: *(0) ___ No lost work days *(6) ___ Lost or restricted days (11) X

Permanently disabling (15) ___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) X 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0) ___ Low (10) X Moderate (15) ___ High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF-O18
Revised 3-09

Region 4
CASE # 78-0730
V# 7

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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No: 26166

NOTICE OF VIOLATION

Company / Operator PERFORMANCE COAL COMPANY INC Contractor: Yes ___ No X

Permit Number U-4032-92 Mine Name UBB MONTCOAL EAGLE

Date of Issue 10-8-, 20 10 Time 3:02 ___ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 37(a)(d) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: A continuous unobstructed clearance of at least 24 inches from furthest projection of track equipment is not being maintained. Numerous manteips being used to transport men in & out of the mine are loaded & unloaded from both sides of vehicles. Loose rock, coal, plastic pipes of different sizes, old cables, pieces of belt etc. have been allowed to accumulate in the clearance space on the OFF side or right side entering the mine from 55 block inby to 88 block from NORTH PORTAL. The equipment is contacting these materials at several locations.

* This violation has been extended numerous times.
Violation originally cited under 22A-2-37c on 7-29-2010 Violation # 26163

Type of Issuance: N.O.V. ___ Order X FAILURE TO ABATE

Area or equipment (if order is issued): TRACK entry At noted locations

The foregoing violation shall be totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

The foregoing violation was totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

Action taken to abate the violation: ___

Company / Operator Agent Served: WAYNE PERSINGER

Authorized Representative: Barry Hatcher Inspector No. 78

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ___ Occurred (20) ___

Severity of Injury Expected: None: *(0) ___ No lost work days *(6) ___ Lost or restricted days (11) X

Permanently disabling (15) ___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) X 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0) ___ Low (10) X Moderate (15) ___ High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

" - 019
vised 11/08

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 78-0730 Region Four (4)

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (-15%)_____
Violation Number: 26165(8) issued 11-11-2010 was/is hereby _____ totally abated by _____, 20____
_____ a.m._____ p.m._____ extended to _____, 20_____, X modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: on 1-5-2011. Violation 26165 was originally issued on 10-8-2010 as a failure to abate under ORDER in reference to a trade clearance violation, # 26162 that was issued but not abated in a reasonable time as required. The same violation number 26165(8) (now being modified to a new # of 26167) was inadvertently used again on 11-11-2010 in regards to supplying

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (-15%)_____
Violation Number: _____ was/is hereby _____ totally abated by _____, 20____
_____ a.m._____ p.m._____ extended to _____, 20_____, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: water to the Longwall Shearer. The 26165 number that was re-used to address the shearer water was extended 9 times. before it was abated. These extensions also reflect the re-used # 26165.

This modification is being written to reflect the NUMBER 26167 as a NEW number to attach with all paper work referencing the Longwall Shearer WATER

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (-15%)_____
Violation Number: _____ was/is hereby _____ totally abated by _____, 20____
_____ a.m._____ p.m._____ extended to _____, 20_____, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: violation & extensions.

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (-15%)_____
Violation Number: _____ was/is hereby _____ totally abated by _____, 20____
_____ a.m._____ p.m._____ extended to _____, 20_____, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: _____

Company/Operator Agent served: WAYNE PERSINGER Date: 1-5 20 11

Authorized Representative: Randy Fletcher Inspector Number 78

Revised 4-07

Region 4

Case No 78-0730

Violation No. 10

No: 26168

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Copies: Company
Inspector
Assessment
Regional Office
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Rep of Mines

NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue June 10 20 11 Time 8:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22 A Article 2, Section 16 and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch mine which occurred on April 5 2010. The Mine Foreman nor others acting in his behalf in that position did not countersign with ink or indelible pencil all reports entered into the record books (preshift and on-shift books) of the firebosses for the Barrier Section on the following dates.

1. 1-2-2010--the day onshift and the preshift for the second shift.
2. 2-13-2010--the onshift for the dayshift
3. 2-26-2010--the third or Owlshift onshift
4. 3-16-2010--the third or Owlshift onshift

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on June 10 20 11

Action taken to abate the violation: This article of the law has been discussed with mine management.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) x Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 780730
Violation No. 11

No: 26169

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue June 10 ,20 11 Time 8:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 13 and/or West Virginia Administrative Regulation:. Title ____ , Series ____, Section ____ exists as follows:

The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch Mine which occurred April 5 2010. There were numerous occasions between 1-3-2010 on the second shift preshift call out through 3-31-2010 on the third or Owl shift records where supervisors or firebosses did not properly fill out the Preshift and Onshift books for the Barrier Section. There are signatures missing or in the wrong locations. Many of the recording times, exam times and dates were not recorded or recorded incorrectly. The following dates reflect problems noted above. No time for preshift exams on 1-3-2010 and 1-5-2010 / third shift examiner did not sign book at required location on 1-13-2010 / No call out time of preshift for 2-17-2010 / Work was performed on the evening shift that would require 2 hour exams in the working areas of the section and the 2 hour exams were not recorded for 2-18-2010 / No call out time on the day preshift report for 2-21-2010 and 3-16-2010 for evening shift. No call out time or name of who recieved report on 3-31-2010 Wrong date on Owl onshift 3-31-2010. No call out times of who received report on 3-1-2010. Wrong date, owl shift 3-31-2010.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on June 10 20 11

Action taken to abate the violation: This article of the law was discussed with mine management

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) x Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 780730
Violation No. 12

No: 26170

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue June 10 20 11 Time 8:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 25f and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch Mine which occurred on April 5 2010. The immediate supervisors of the Barrier Section on numerous occasions did not record the review of relevant parts of the approved roof control plan prior to workers performing work to support the mine roof on that section. The fireboss records from January 5 2010 through April 5 2010 (preshift and onshift books) clearly show that work had been performed on the section and the roof control plan review was not recorded prior to workers performing work to secure the mine roof. A review was not recorded on the following dates: Day Shift 1-8, 2-18 & 3-2-2010 / Evening Shift 2-20, 2-22 & 2-26-2010 / Third or Owl Shift 2-26, 3-3, 3-4, 3-5, 3-6, 3-9, 3-10, 3-11, 3-16, 3-17, 3-19, 3-22, 3-23, 3-24, 3-25, 3-26, 3-30, 3-31 & 4-1-2010. Additionally parts or times of review were not recorded on following dates. January 5, 6, 7 & 11th of 2010. February 18, 19, 20, 23rd x2, 24th x2, and twice on the 25th of 2010. March 1,8,10,12,15,17,18 &29th 2010.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on June 10 20 11

Action taken to abate the violation: This article of the law was discussed with mine management.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) x Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 13

No: 26171

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

NOTICE OF VIOLATION

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Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue June 10 ,20 11 Time 8:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22 A Article 2 , Section 16 and/or West Virginia Administrative Regulation:. Title ____ , Series ____, Section ____ exists as follows:

The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch mine which occurred on April 5 2010. The Mine Foreman nor others acting on his behalf did not countersign with ink or indelible pencil all reports entered in the record books (preshift and onshift books) of the fire bosses for the Headgate 23/Tailgate 22 MMU-40-0 Working Section on the following dates.

January 13, 16, and 29th of 2010. March 2, 17th and March 29 2010..

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on June 10 20 11

Action taken to abate the violation: This article of the law has been discussed with mine management.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) x Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 14

No: 26172

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue June 10 ,20 11 Time 8:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22 A, Article 2, Section 20 and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch mine which occurred On April 5 2010. There were numerous occasions between January 12 2010 and April 4 2010 where supervisors and firebosses did not properly fill out the Preshift and Onshift books for the 23Headgate/22Tailgate MMU-040-0 Working Section. There were signatures missing or not in required locations. Many of the recording times, exam times and call out times were not recorded or recorded incorrectly. These conditions were noted on at least 24 occassions in this time frame. Above conditions noted on following dates. Signatures missing on January 12, 17, 22 and 29th of 2010. February 4, and 12th of 2010. March 5, 6, 9, 15, and 22nd of 2010. April 4 2010. Times not recorded on January 13, 25 and 30th 2010. February 16 2010. March 6 and 7th 2010. Dates missing on February 9 2010 of third shift.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on June 10 20 11

Action taken to abate the violation: This article of the law has been discussed with mine management.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) x Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 15

No: 26173

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue June 10 ,20 11 Time 8:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22 A Article 2, Section 13 and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch mine which occurred on April 5 2010. There is no record of the working places on the Headgate 23/Tailgate 22 MMU-040-0 Working Section on the Third or Owl shift being inspected every 2 hours as required where miners are working.. Fireboss books clearly show that work was being performed during the shift on the following dates. January 13, 15, 16, 17, 19, 20, 21, 22, 27, 28, 29th 2010. February 5, 6, 8 and 9th 2010. March 4, 5, 9, 11, 16, 17, 19, 23, 26 and 31st 2010. April 1 2020.

Most of these blank or partially filled out pages were countersigned by the mine foreman. Also the midnight foreman working on the shifts noted signed the preshift book for this section prior to going to the section with his men to perform the work. He recorded a roof review in many instances but still did not fill out the onshift record of work performed to correct items he had on his preshft report.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on June 10 20 11

Action taken to abate the violation: This article of the law has been discussed with mine management.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) x Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 16

No: 26174

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue June 10 20 11 Time 8:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22 A Article 2, Section 25 f and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch mine which occurred on April 5 2010. The immediate supervisors of the Headgate 23/ Tailgate 22 MMU 040-0 Working Section did not record as required by law the roof control plan review or the times that they orally reviewed relevant parts of the plan with workers prior to them being engaged in any activity involving the securing of roof or rib during their shift. The required plan review was not recorded on the following dates on the third or Owlshift where workers were involved in securing the mine roof. January 13, 15, 16, 19, 21 and 22nd of 2010. February 6 2010. March 6, 9, 11, 23 and 31st of 2010.

Parts and times of the review were not recorded on the following production dates for the day and evening shifts where work was done to secure the mine roof. January 27 2010. February 5th and 6th of 2010. March 4th and 26th of 2010.

Many entries simply said at "start of shift" as time of review.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on June 10 20 11

Action taken to abate the violation: This article of the law has been discussed with mine management.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) x Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 17

No: 26175

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Copies - Company
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Rep of Mines

NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue June 10 ,20 11 Time 8:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22 A Article 2 , Section 16 and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows:

The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch mine which occurred April 5 2010. The mine foreman nor others acting on his behalf in that position did not countersign with ink or indelible pencil all reports entered in the record books (preshift and onshift books) of the firebosses for the Headgate 22 Working Section. These books were not properly countersigned as required on the following dates, January 9 2010, February 11 2010 and April 3 2010.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on June 10 20 11

Action taken to abate the violation: This article of the law has been discussed with mine management.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) x Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 18

No: 26176

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Copies - Company
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Assessment
Regional Office
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Rep of Mines

NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue June 10 ,20 11 Time 8:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22 A Article 2 , Section 13 and/or West Virginia Administrative Regulation:. Title ____ , Series ____, Section ____ exists as follows:

The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch mine which occurred on April 5 2010. There were 2 separate occasions where the supervisors entered the Headgate 22 Working Section with workers to perform work and did not sign the preshift book noting conditions in the area under his supervision where he and other miners would be working prior to entering the mine. This occurred on the evening shift on 3-20-2010 and the dayshift on 3-29-2010.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on June 10 20 11

Action taken to abate the violation: This article of the law has been discussed with mine management.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) x Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 19

No: 26177

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue June 10 ,20 11 Time 8:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22 A Article 2, Section 25 f and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

The following conditions were discovered during an investigation at the Performance Coal, Upper Big Branch mine which occurred on April 5 2010. The immediate supervisors of the Headgate 22 Working Section crews did not record as required by law the roof control plan review or the times that they orally reviewed the relevant parts of the plan with workers prior to them being engaged in any activity involving the securing of roof and rib during their shift.

No review recorded for dayshift on 2-5-2010 and 2-12-2010. / No time of reviews on March 11, 12 and 19th 2010.

Work was done on the third or Owl shift on the following dates which involved the securing of the mine roof or ribs but review of the relevant parts of the roof control plan was not recorded. January 9, 13, 14, 15, 25, 27th and 31st 2010. February 7, 25, 26 and 27th 2010. March 14, 21 and 31st 2010. April 1 2010.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on June 10 20 11

Action taken to abate the violation: This article of the law has been discussed with mine management.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) x Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 20

No: 26178

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue June 10 ,20 11 Time 8:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22 A Article 2 , Section 20 and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows:

The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch mine which occurred April 5 2010. There were numerous occasions between January 1 2010 and April 4 2010 where supervisors did not properly fill out the Preshift and Onshift books for the 22 Headgate Working Section. Many of the recording times, exam times and dates were not recorded or recorded incorrectly. Some signatures are missing or in wrong locations 1-1 onshift signatures missing, 1-5 & 1-7preshift examiner signature missing, 2-1 preshift examiner no signature, 2-2 onshift examiner signature missing, 2-3 Signature in wrong spot on preshift report, 2-7 No call out times or signatures on received by line, 2-8 no call out times & no name at call out spot, 2-12 no preshift call out times, 2-13 wrong date recorded twice, 2-19 no name at call out spot showing who took report, 2-22- Preshift examiner did not sign proper location, 2-24 no onshift signature, 2-28 & 3-2 No pre shift times, 3-7 no call out or preshift exam times, 3-18&21 no preshift exam signature at proper locations, 3-23 & 26 no call out times, 3-25 preshifter did not sign at proper location, 3-28& 4-4 signatures missing at required spots.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on June 10 20 11

Action taken to abate the violation: This article of the law has been discussed with mine management.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) x Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 21

No: 26179

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Copies - Company
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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue June 10 ,20 11 Time 8:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22 A Article 2, Section 16 and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

.The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch mine which occurred April 5 2010. On numerous occasions the mine foreman nor others acting on his behalf in that position did not countersign with ink or indelible pencil all reports entered in the record books (preshift & onshift books) of the firebosses for the Longwall Section. The following dates between January 13 2010 and April 3 2010 reflect the dates the books were not countersigned as required.

1-13, onshift for dayshift and preshift for Owl or 3rd shift / 1-14, onshift for 3rd and dayshift, & preshift for day and 2nd shifts / 1-19, onshift for dayshift / 1-30, onshift for dayshift / 2-2, onshift for 3rd / 2-11, onshift for dayshift / 2-15, onshift for 2nd shift / 2-16 & 17th onshift for 2nd shift / 2-20, onshift for dayshift / 2-22 & 23 onshift for dayshift / 3-4, onshift for dayshift & preshift for 2nd shift / 3-6, preshift and onshift for dayshift / 3-16 onshift for dayshift / 3-19, onshift for dayshift / 4-2- 2010, no record of preshift and onshift books being signed / 4-3-2010, no record of preshift and onshift books being signed

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on June 10 20 11

Action taken to abate the violation: This article of the law has been discussed with mine management.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) X BCF 6-10-11

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 22

No: 26180

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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Regional Office
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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue June 10 ,20 11 Time 8:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22 A Article 2 , Section 25 f and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows:

.The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch Mine which occurred April 5 2010. The immediate supervisors of the Longwall Section crews did not record the times that they orally reviewed the relevant parts of the roof control plan with workers prior to them being engaged in any activity involving the securing the roof or rib during their shift. This condition was present numerous times from January 1 2010 through April 3 2010. Of the approximately 120 production shifts noted there were only 26 occasions where the times of the review were recorded.

Additionally on at least two occasions the plan review was not entered at all where the records showed that work had been performed (production on the longwall face) to secure the mine roof during the time frame covered by the report recorded. (3-1 on the evening shift and 3-10 2010 on the dayshift.)

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on June 10 20 11

Action taken to abate the violation: This article of the law has been discussed with mine management.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) x Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 23

No: 26181

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

NOTICE OF VIOLATION

Copies - Company
Inspector
Assessment
Regional Office
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Rep of Mines

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue June 10 ,20 11 Time 8:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22 A Article 2, Section 13 and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch mine which occurred April 5 2010. On March 31 2010 the second shift supervisor entered the Longwall Section with workers to perform work and did not sign the preshift book noting conditions in the area under his supervision where he and other miners would be working prior to entering the mine.

Additionally on at least five occasions the preshift examiner did not sign at the required locations: 1-17, for 2nd shift / 2-12, for the dayshift / 3-10, for the 2nd shift / 3-15 for the 2nd shift and 3-17-2010 on the 2nd shift.

The preshift for the Owl shift for February 4, March 1st and 3rd 2010 was not signed at the required location noting the person taking the call out for the preshift report on those days.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on June 10 20 11

Action taken to abate the violation: This article of the law has been discussed with mine management.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) x Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 24

No: 26182

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

NOTICE OF VIOLATION

Copies - Company
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Regional Office
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Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue June 10 ,20 11 Time 8:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22 A Article 2, Section 20 and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

.The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch mine which occurred April 5 2010. The preshift record books for the Longwall section were not properly filled out in that there were at least 24 occasions where the times of the preshift exams were not recorded at the required locations in the books provided for that purpose. These conditions began on the 2nd shift preshift call out on January 4 2010 and continued through the preshift call out for the 2nd shift on March 29 2010.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on June 10 20 11

Action taken to abate the violation: This article of the law has been discussed with mine management.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) x Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 25

No: 26183

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Copies - Company
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Rep of Mines

NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue June 10 ,20 11 Time 8:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22 A Article 2, Section 16 and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

.The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch mine which occurred April 5 2010. The Mine Foreman nor others acting on his behalf in that position did not countersign with ink or indelible pencil all reports entered in the record books (preshift & onshift books) of the firebosses for the Portal Section on the following dates. On March 12 2010 the day and second shift records were not signed and the preshift for the Owl shift was not countersigned. On March 29 2010 the evening onshift and the preshift for the Owl shift was not signed.

Additionally on at least five occasions between January 14 2010 and March 14 2010 the preshift records were not properly filled out in that times of the preshift call out were left off, the person who recieved the preshift report was not listed, the signatures were missing. The onshift for the Owl shift on February 19 2010 was also incomplete. These incomplete records were countersigned by the mine foreman.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on June 10 20 11

Action taken to abate the violation: This article of the law has been discussed with mine management.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) x Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 26

No: 26184

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

NOTICE OF VIOLATION

Copies - Company
Inspector
Assessment
Regional Office
Post
Rep of Mines

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue June 10 ,20 11 Time 8:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22 A Article 2, Section 13 and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

.The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch mine which occurred April 5 2010. There were at least two occassions where the supervisors who entered the Portal Section with workers to perform work did not sign the preshift book noting conditions in the area under his supervision where he and other miners would be working prior to entering the mine. This occured on January 25 2010 and January 31 2010.

Additionally a record could not be found of the preshift and onshift reports on the following dates where it is apparent work had been performed on the "Portal"working section. / 1-19-2010 no 2nd shift preshift, / 3-9-2010 no preshift or onshift for second shift / 3-10-10 no onshift for the Owl shift / No onshifts found for following dates: Dayshift 2-6-2010 / Owl shift 2-6, 12th or 13th of 2010.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on June 10 20 11

Action taken to abate the violation: This article of the law has been discussed with mine management.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) x Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 27

No: 26185

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

NOTICE OF VIOLATION

Copies - Company
Inspector
Assessment
Regional Office
Post
Rep of Mines

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue June 10 ,20 11 Time 8:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22 A Article 2, Section 25f and/or West Virginia Administrative Regulation:.

Title ____ , Series ____, Section ____ exists as follows:

.The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch mine which occurred April 5 2010. The immediate supervisors of the Portal Section on the Owl or third shift on numerous occasions did not record the review of relevant parts of the roof control plan prior to workers performing work to support the mine roof on that section. The fireboss records from January 19 2010 through March 24 2010 (preshift and onshift books) clearly show that work had been performed on the section and the roof control plan review was not recorded prior to workers performing work to secure the mine roof on the following days on the Owl or third shifts on 1-19, 1-25, 1-26 & 27th and 1-30-2010. Owl or third shifts on 2-10 & 11, 2-13, 2-16 and 2-20-2010. Owl or third shifts on 3-4, 5, & 6, 3-11 & 12, 3-15 & 16, 3-23 and 3-24-2010.

Additionally the times of the review was almost never recorded for the day and evening shifts from 1-4-2010 through 3-29-2010.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on June 10 20 11

Action taken to abate the violation: This article of the law has been discussed with mine management.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) x Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 28

No: 26186

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Copies - Company
Inspector
Assessment
Regional Office
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Rep of Mines

NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue June 10 20 11 Time 8:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22 A Article 2, Section 16 and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch mine which occurred April 5 2010. The Mine Foreman nor others acting in his behalf in that position did not countersign with ink or indelible pencil all reports entered into the record books of the firebosses for the Intake Rooms which consisted of the Glory Hole, North Jarrell Mains (8 North) and West Jarrell Mains (9 North) areas. These areas were required to be examined due to energized power extending into these areas. The books examined dated from January 1 2010 to April 5 2010.

These books were not countersigned on February 15, March 21st and April 4 2010.

Additionally there were at least 33 occasions where one of the following items were not noted in the record book: The times of the exams were not recorded, the reports were not completed or signatures were missing at required locations in these record books. (22A-2-20)

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on June 10 20 11

Action taken to abate the violation: This article of the law has been discussed with mine management.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) x Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 29

No: 26187

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue June 16 ,20 11 Time 7:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22 A Article 2 , Section 20 and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows:

The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch mine which occurred April 5 2010. The preshift books (from January 1 2010 through April 5 2010) were not signed at the required location, in the books provided for the firebosses, by the preshifter on the following shifts. 1-27 owl shift, 2-1 2nd shift, 2-2 2nd shift, 2-8 2nd shift, 2-10 owl shift, 2-12 dayshift and 2-22-2010 on the owl shift.

These same books had at least 48 different occasions where times of the required exams or call outs were not recorded, names or signatures were missing or sections of the report were left blank.

Additionally the Mine Foreman nor others acting in his behalf in that position did not countersign with ink or indelible pencil all reports entered into the record books of the firebosses for the 7 North Construction Books. The books were not properly countersigned on the following dates. February 27, February 28, April 3, 4 & 5th of 2010. (22A-2-16)

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 8:00 a. m. ____ p.m. on June 16 20 11

Action taken to abate the violation: This article of the law has been discussed with mine management.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) x Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 30

No: 26188

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue June 16 ,20 11 Time 7:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 26 , Section 4 exists as follows:

The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch mine which occurred April 5 2010. An on-shift examination was not recorded between the third and fifth hours while persons were working in the construction work area called "7 North Construction". In January the following dates show a preshift for the dayshift but no on-shift of the construction work area as required by law. The books show work was performed at this site on the following dates. January 26, 27, 28, 29, and 30th 2010. (all dayshift entries) The same is evident in February on the following dates on the dayshift. February 3, 4, 5, 6, 8, 9, 10, 12, 13, 14, 15, 16, 17, and 18th 2010. In February records show that work was performed and an onshift was not recorded on the second shift on the following dates: 4th, 6th and 11th 2010.The last onshift record was on February 18th 2010 on the dayshift. The books showed a preshift exam for this area on a regular basis until April 5 2010.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by ____ 8:00 a. m. ____ p.m. on June 16 20 11

Action taken to abate the violation: This article of the law has been discussed with mine management.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) x Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 31

No: 26189

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Copies - Company
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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue June 16 ,20 11 Time 7:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 22A , Series 2 , Section 25f exists as follows:

The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch mine which occurred April 5 2010. The immediate supervisors of the 7 North Construction Area did not record the review of relevant parts of the approved roof control plan prior to workers performing work to secure the mine roof on the 7 North Construction area.. The fireboss records from January 26 through February 9 2010 clearly show workers had been involved in securing the mine roof in this area on the following dates. A review is not recorded for the dayshift on January 26, 27, 28, 29& 30th 2010. No review recorded on February 6, 12, 13 & 14th 2010. (all dayshift)

Additionally the parts or times of the review were not recorded on February 2nd, 3, 5, 6, 8, and 9th 2010.

The work at this construction site in the initial stages often involved mining and securing roof and ribs to facilitate the installation of a belt line.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 8:00 a. m. ____ p.m. on June 16 20 11

Action taken to abate the violation: This article of the law has been discussed with mine management.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) x Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 32

No: 26190

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Copies - Company
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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue October 19 ,20 11 Time 9:00 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:.

Title 56 , Series 4 , Section 9.13 (1) & (2) exists as follows:

A Communication Center monitored at all times during which one or more miners are underground noting the known location of all miners immediately prior to an event by tracking/location device in the escapeways, normal work assignments or notifications of the communication center was not provided as required. At least 8 hours passed after the explosion on April 5, 2010 before an accurate account of the missing miners was made available.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. x p.m. on 10-19 20 11

Action taken to abate the violation: Requirements of the law were discussed with Jack Roles, mine superintendent.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) x Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11)____

Permanently disabling (1 5) x Fatal (20)____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) x

Negligence: None (0)____ Low (10)____ Moderate (15) x High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA

OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
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Rep of Mines

Region 4
Case No. 78-0730
Violation No. 33

No. 26191

NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch Montcoal Eagle

Date of Issue 10-19 20 11 Time 9:05 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36, Series 6, Section 4.1 k exists as follows:

The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch mine which occurred on April 5, 2010. The Methane and Dust Control Plan dated August 20 2009 and approved August 24 2009 was not being complied with on the Longwall 21 "MMU N0. 050-0" Unit # 1 working section. The number 8 statement of this approved plan clearly says that during cutting operations no person shall be inby or downwind of the shearer carriage when cutting. The only exceptions is for supervisors or electrical/mechanical personal. Both exceptions are limited by this approved plan. During the course of the investigation testimony revealed that workers regularly worked downwind of the shearer while it was mining coal on the longwall face in capacities other than that of electrical /mechanical or in a supervisory role. This practice exposed workers to unnecessary amounts of dust produced by the mining process on the Longwall face.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by 10:00 X a.m ____ p.m. on 10-19 20 11

Action taken to abate the violation: Requirements of the approved plan was discussed with Jack Roles, mine superintendent.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Barry J Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) x Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) x

Permanently disabling (1 5)____ Fatal (20)____

No. of Persons Potentially Affected: 0 (0)____ I (1)____ 2(2) x 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15) x High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 34

No: 26192

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Copies - Company
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Regional Office
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Rep of Mines

NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 10-19 20 11 Time 9:10 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 6 , Section 4.1 k exists as follows:

The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch Mine which occurred on April 5, 2010. Tests and checks were conducted on the Longwall Shearer water spray system on December 20, 2010 by members of all parties of the investigative teams. These tests clearly showed that the Methane and Dust Control Plan dated August 20, 2009 and approved August 24, 2009 was not being complied with on the day of the explosion. Seven (7) of the tail drums forty five (45) water sprays were missing when examined which leaves less than the 43 required in the plan to be operational.. The sketch provided with the approved plan titled "Performance Coal Company Inc. Upper Big Branch Mine Spray Location Drawing" shows the minimum number of water sprays that must be operating at any one time on the tail drum to be 43 sprays. None of the missing sprays had been removed by any parties of the investigative teams prior to this test. This condition of the missing tail drum sprays existed at the time of the explosion.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by 10:00 x a. m. ____ p.m. on 10-19 20 11

Action taken to abate the violation: The requirements pertaining to water sprays on the shearer as addressed in the approved Methane and Dust Control plan has been discussed with Jack Roles, mine superintendent.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐ Superintendent

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) x Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) x

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) x 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) x High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-O18
Revised 4-07

Region 4
Case No 78-0730
Violation No. 35

No: 26193

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 10-19 20 11 Time 9:15 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 36 Article 14, Section 5.1 and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

The following condition was discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch Mine which occurred on April 5, 2010. An accurate and up to date record book referred to as a "Hot Spot Book" which is required to be kept noting examinations of the areas where cutting and welding has been completed underground is not provided. The only record provided is dated April 9, 2008 through January 28, 2010. Multiple witnesses testified that cutting and welding was done on the longwall face conveyor chain bolts and the head side cowl of the shearer on 4-5-2010 on the midnight or owl maintenance shift.

Additionally the only required record book provided to track all oxygen and gas (acetylene) tanks taken into the mine had not had an entry since January 14 2010. This record is to keep track of all tanks taken into the mine and the dates recorded when tanks are removed from the mine. 22A-2-46 (a)

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on 10-19 20 11

Action taken to abate the violation: Requirements of the law were discussed with Jack Roles, mine superintendent.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) x

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) x 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) x Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA

OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No. 78-0730
Violation No. 36

No. 26194

NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch Montcoal Eagle

Date of Issue 10-19, 20 11 Time 9:20 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22 A Article 2, Section 20 and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

During the course of an investigation of the explosion at the Performance Coal, Upper Big Branch mine which occurred on April 5 2010 the following condition was found. The preshift examiner assigned to preshift the 21 Longwall section on April 4, 2010 for the midnight or owl shift crew that was to start work on the fourth and complete its shift on the morning of the fifth of April did not examine the longwall face. The preshift examiner stated in sworn testimony that he did not travel down the face or area commonly referred to as the "jack line" as part of his preshift examination but stopped at the headgate shields. The longwall face is a required part of the preshifters duties while examining the longwall section. This action resulted in the mine not being entirely preshifted prior to workers entering the mine on the midnight or owl shift beginning on April 4, 2010 and ending on the morning of April 5, 2010.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ a. M. ____ p.m. on ____ 20____

The foregoing violation was totally abated by 10:00 x am ____ p.m. on October 19 20 11

Action taken to abate the violation: Requirements of the law were discussed with Jack Roles, mine superintendent.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher [signature] Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) x Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) x

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) x

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) x

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA

OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
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Region 4
Case No. 78-0730
Violation No. 37

No. 26195

NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch Montcoal Eagle

Date of Issue 10-19 20 11 Time 9:25 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36, Series 18, Section 4. 1 exists as follows:

During the course of an investigation of the explosion at the Performance Coal, Upper Big Branch mine which occurred on April 5 2010 the following condition was found. Witnesses testified that on the Barrier Section on Saturday, February, 13 2010, on the day and evening shifts the Joy 14 CM continuous miner was mining roof rock in the # 4 entry with the methane monitor bypassed in a way that it could not detect methane if encountered. The monitor was intentionally bridged out or bypassed on the day shift Saturday before noon due to a malfunction. Instead of repairing the methane monitor problem when detected, the system was bypassed and the day shift continued mining the belt trench the rest of the shift. Testimony also stated that the second shift on the thirteenth also mined the roof rock with the monitor bridged out. A belt trench and overcast were mined with the methane monitor bridged out or bypassed to render it nonfunctional.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ X a. m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by 10:00 x am ____ p.m. on October 19 20 11

Action taken to abate the violation: Requirements of the law were discussed with Jack Roles, mine superintendent.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher  Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) ____ 2(2) X 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) X

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA

OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
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Regional Office
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Region 4
Case No. 78-0730
Violation No. 38

No. 26196

NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch Montcoal Eagle

Date of Issue 10-19 ,20 11 Time 9:30 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 6 , Section 4.1 k exists as follows:

During the course of an investigation of the explosion at the Performance Coal, Upper Big Branch mine which occurred on April 5, 2010 the following conditions were found. The approved Methane and Dust Control Plan dated 8-20-2009 and approved 8-24-2009 for the MMU No.050-0, 21 Longwall Section was not being complied with in that the MP-B (measuring points) air readings for specifically noted locations in the 21 tailgate entries were not being defined with the measurable amount of the air as required in the aforementioned methane and dust control plan. This would include measurements of air entering the bleeder system at the measuring point locations specified in the approved Methane and Dust Control plan to determine the effectiveness of the bleeder system There were no measurements or air readings recorded in the fireboss books at the longwall MP-B locations from March 17, 2010 until the day of the explosion April 5, 2010. The only information noted concerning the MP-B monitoring points in the preshift and onshift books was a repeated notation of the statement "air to gob" or "movement to gob". Testimony confirms that the longwall section foremen did not go into these tailgate entries on a daily basis.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ x a. m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by 10:00 x am ____ p.m. on October 19 20 11

Action taken to abate the violation: Requirements of the law and the approved plan were discussed with Jack Roles, mine superintendent.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) Jack Roles, mine X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6): ____ Lost or restricted days (11) x

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) x

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) x

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 39

No: 26197

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 10-19 ,20 11 Time 9:35 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 56 , Series 4 , Section 5.1 exists as follows:

The following conditions were discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch Mine which occurred on April 5 2010. The operator failed to provide additional storage caches containing a number of additional SCSR's equal to or exceeding one each for the total number of miners reasonably likely to be in the bleeder area adjacent to and behind the 21 longwall panel at 30 minute intervals. Three people regularly worked on pumping water behind the active longwall gobline. On April 5, 2010 three people traveled into the 21 Tailgate entries, from approximately # 29 break inby and behind the longwall to pump water. The foreman traveled as far as the Bandytown fan. This is a distance of approximately 13,000 feet. The operators approved cache plan specifies that caches are to be provided every 4200 feet in areas such as the above mentioned locations. Persons worked in the bleeder area behind or west of the active 21 longwall section on many other occasions.

Type of Issuance: N.O.V. x Order ____

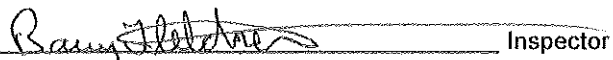
Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on 10-19 20 11

Action taken to abate the violation: Requirements of the law were discussed with Jack Roles, mine superintendent.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher  Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) x

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) x 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) x Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 78-0730
Violation No. 40

No: 26198

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 10-19 20 11 Time 9:40 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 22A , Series 2 , Section 43 (b) exists as follows:

The following condition was discovered during an investigation of an explosion at the Performance Coal, Upper Big Branch Mine which occurred on April 5, 2010. According to testimony, a non-permissible battery powered A. L. Lee Forklift was used on a regular basis in the active 22 Headgate section return. This non-permissible forklift was used to shuttle supplies from the track supply cars and the outby supply holes near the mouth of 22 Headgate section into the 22 Headgate section return. There was a double set of airlock doors located between the track and the 22 section return that could facilitate this practice at the location where this particular forklift was found post explosion, two crosscuts inby the nearest overcast on the 22 Headgate track entry. A record from the director that granted permission to operate a non-permissible, battery powered forklift in the 22 Headgate section return was not provided.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on 10-19 20 11

Action taken to abate the violation: Requirement of the law was discussed with Jack Roles, mine superintendent.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) x Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) x

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) x 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) x High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 780730
Violation No. 41

No: 26199

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 10-19 ,20 11 Time 9:45 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 17 and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

The following conditions were discovered during an investigation of an explosion that occurred at Performance Coal, Upper Big Branch mine on April 5, 2010. The examinations that were recorded in a book required of the examiner for areas in the active 21 longwall tailgate and bleeders was not filled out in an accurate manner. Hazards were noted by the fireboss on his regular exams in these areas but were not corrected when found nor were they dangered off to keep individuals from coming into contact with noted hazards. These hazards were recorded as follows: (1). The travelway at # 85 to # 86 break has a small roof fall and two loose bolts, recorded on March 18, 2010. (2). The travelway at # 82 break has one broke bolt, recorded on April 1, 2010. (3). The travelway at # 93 break behind the longwall needs jacks set, recorded March 11 2010. These record books noted above were countersigned by the Mine Foreman.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on 10-19 20 11

Action taken to abate the violation: Requirements of the law were discussed with Jack Roles, mine superintendent.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) x

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) x 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) x Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 780730
Violation No. 42

No: 26200

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 10-19 ,20 11 Time 9:50 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 68 and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

The following condition was discovered during an investigation of an explosion that occurred at Performance Coal, Upper Big Branch mine on April 5, 2010. Hand written notes of two different individuals located at the Upper Big Branch North Portal on April 5, 2010 were requested from the company as part of the investigation but have not been received as of October 19, 2011. The purchasing clerk and the dispatcher both stated in testimony that notes they had taken during the April 5, 2010 events documenting information regarding various activities during the onset of the explosion on April 5 2010 were left at the UBB Montcoal portal when they left the mine following their shift. These missing notes are a violation of the control order # 32135 issued the day of the explosion.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on 10-19 20 11

Action taken to abate the violation: The law addressing the specifics of a "Control Order" was reviewed with Jack Roles, mine superintendent.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Barry J Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) x Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) x Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 780730
Violation No. 43

No: 104350

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 10-19 20 11 Time 9:55 x A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 6 , Section 4.1 k exists as follows:

The following conditions were discovered during an investigation of an explosion that occurred at Performance Coal, Upper Big Branch mine on April 5, 2010. The Methane and Dust Control Plan dated August 20, 2009 and approved August 24, 2009 was not being complied with on the Longwall 21 MMU No. 050-0 #1 Unit working section. The page of the approved plan titled, "Section Specific Methane Dust Control Plan" states that a minimum operating pressure at the sprays on the shearer to be 90 psi. Tests were conducted on the water pressure at the shearer water sprays on December 20, 2010 by members of all parties of the investigative teams. Due to multiple sprays missing from the tail cutting drum and a spray block broken off the face side near the tail drum zero psi could be obtained at the sprays on the tail drum of the shearer. These tests were conducted with water pressures delivered to the shearer ranging from 50 psi to as high as 450 psi. Inadequate (Zero) pressures were measured on the tail drum with the gauges installed during these tests of the tail cutting drum.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ 10:00 a. m. ____ p.m. on 10-19 20 11

Action taken to abate the violation: The requirements of the approved plan have been reviewed with Jack Roles, mine superintendent.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Barry Fletcher Barry J Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) x Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) x

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) x 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) x High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-010
Revised 4-07

Region 4
Case No 78-0730
Violation No.

No: 104351

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 2-15 ,20 12 Time 1:25 ____A.M. x P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 39 (f) (2) and/or West Virginia Administrative Regulation:. Title ____ , Series ____, Section ____ exists as follows:

The following condition was discovered during an investigation of an explosion that occurred at Performance Coal, Upper Big Branch mine on April 5, 2010. Work was performed in the 21 Longwall conveyor belt entry on the midnight or "Owl" shift on April 5, 2010 prior to the belt entry being examined for hazards.. The rock dust crew, under oath, stated that they had made several trips onto the longwall section to spread rock dust in the longwall belt entry with the track mounted pod duster. This activity was after an idle shift. According to records provided the belt entry had not been on-shifted or pre-shifted prior to the rock dust crew working in the conveyor belt entry that shift. The belt and belt entry was not examined until later in the shift when the preshift exam for the day shift was conducted. Workers had been working in the conveyor belt entry spreading rock dust with the pod duster prior to this exam.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. 1:30 p.m. on 2-15 20 12

The foregoing violation was totally abated by ____ ____ a. m. 1:30 p.m. on 2-15 20 12

Action taken to abate the violation: The requirements of the pre-shifting law have been reviewed with mine management.

Company / Operator Agent Served: Larry Brown

Authorized Representative: Barry Fletcher Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) x Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) x

Permanently disabling (1 5)____ Fatal (20)____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0)____ 1 (1)____ 2(2) x 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15) x High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Region 4
Case No 78-0730
Violation No.

No: 104356

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 2-15 20 12 Time 1:30 ____ A.M. x P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 25a and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

The following condition was discovered during an investigation of an explosion that occurred at Performance Coal Company, Upper Big Branch mine on April 5, 2010. The operator failed to comply with the approved roof control plan in the tailgate entry of the active 21 Longwall panel in that the required roof support noted on page 19, diagram number 9 showing supplemental support was not being installed as the # 9 diagram clearly illustrates. The approved plan on page 19 clearly shows a double row of post or cable bolts between each row of initial permanent support in the tailgate entry. This supplemental support was to be maintained 1000 feet outby the longwall face in the tailgate entry. There was only one row of post installed in this tailgate entry and cable bolts were not installed as described in the approved plan.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. 1:35 p.m. on 2-15 2012

The foregoing violation was totally abated by ____ ____ a. m. 1:35 p.m. on 2-15 2012

Action taken to abate the violation: Requirement of the law was discussed with mine management.

Company / Operator Agent Served: Larry Brown

Authorized Representative: Barry Fletcher Barry J Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) x Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) x

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) x 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) x High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF - 019
Revised 11/08

State of West Virginia
Office of Miners'Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 78-0730 Region Four

INSPECTION OF VIOLATION

Good faith in abatement Lack of good faith (+ 1 5%)_____

No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____

Violation Number: 26165 was/is hereby_____totally abated by_____20____

_____a.m._____p.m._____extended to_____,20_____, X modified to

_____Order, _____Withdrawn.

Action taken to abate the violation: The violation (#26165) issued on 10-8-2010 which was a "Failure to Abate Order" for the operators inability to abate violation #26162 issued on 7-29-2010 in a timely manner was issued using the wrong section of the law. The correct section of law to be recorded on the violation should have been 22A-1-15b. Please attach this modification form with original "Failure to Abate Order" issued 10-8-2010.

Good faith in abatement Lack of good faith (+1 5%)_____

No compliance (extenuating circumstances) (0%)_____Extra effort (- 1 5%)_____

Violation Number: 26166 was/is hereby_____totally abated by_____,20____

_____a.m._____p.m._____extended to_____20_____, _____modified to

_____Order, _____Withdrawn.

Action taken to abate the violation: The violation (#26166) issued on 10-8-2010 which was a "Failure to Abate Order" for the operators inability to abate violation #26163 issued on 7-29-2010 in a timely manner was issued using the wrong section of the law. The correct section of law to be recorded on the violation form should have been 22A-1-15b. Please attach this modification form with original "Failure to Abate Order" issued 10-8-2010.

Good faith in abatement. Lack of good faith (+1 5%)_____

No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____

Violation Number: 26189 was/is hereby_____totally abated by_____,20____

_____a.m._____p.m._____extended to_____,20_____, _____modified to

_____Order, _____Withdrawn.

Action taken to abate the violation: The article of law used in violation #26189 issued June 16, 2011 is located in the wrong section on the violation form. It should be located in the Chapter, Article and Section portion on the form and not in the Title and Series area. It is the correct article of law but is noted in the wrong location on the form. Please attach this modification with the original violation issued on 10-19-2011.

Good faith in abatement Lack of good faith (+1 5%)_____

No compliance (extenuating circumstances) (0%)_____Extra effort (- 1 5%)_____

Violation Number: 26193 was/is hereby_____totally abated by_____,20____

_____a.m._____p.m._____extended to_____,20_____, 0 modified to

_____Order, _____Withdrawn.

Action taken to abate the violation: _____

The article of law used in violation #26193 issued June 16, 2011 is located in the wrong section on the violation form. It should be located in the Chapter, Article and Section portion on the form and not in the Title and Series area. It is the correct article of law but is recorded in the wrong location on the form. Please attach this modification with the original violation issued 6-16-11.

Company/Operator Agent served: Larry Brown Date: 2-15 20 12

Authorized Representative: Barry Fletcher  Inspector Number 78

IF-018
Revised 4-07

Region 4
Case No 78-0732
Violation No. 1

No: 104352

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 2-15 ,20 12 Time 1:05 ____A.M. x P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 24 (a) and/or West Virginia Administrative Regulation:. Title ____ , Series ____, Section ____ exists as follows:

The following condition was discovered during an investigation of an explosion that occurred at Performance Coal, Upper Big Branch mine on April 5, 2010. The law states that in all mines dangerous accumulations of fine, dry coal and coal dust shall be removed from the mine, and all dry and dusty operating sections and haulageways, conveyors and back entries, shall be rock dusted or dust allayed by such other means as may be approved by the Director. Mine management has failed to comply with this requirement of the law in that on April 5, 2010 an ignition occurred in the vicinity of the longwall face and this ignition spread into outby entries of the tailgate 21 area of the mine and propagated into a full blown coal dust explosion traveling large distances into the active workings of the mine claiming the lives of 29 men. The explosion throughout this area was fueled by coal dust and coal float dust that was not removed from the mine or rock dusted to a level that would prevent the propagation of an explosion. This is a violation of a safety statue and is of a serious nature involving fatalities.

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. 1:30 p.m. on 2-15 2012

The foregoing violation was totally abated by ____ ____ a. m. 1:30 p.m. on 2-15 20 12

Action taken to abate the violation: The requirements of the law have been reviewed with mine management.

Company / Operator Agent Served: Larry Brown

Authorized Representative: Barry Fletcher Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☒ x

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10)____ Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11)____

Permanently disabling (1 5)____ Fatal (20)____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0)____ 1 (1)____ 2(2)____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15)____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No 780732
Violation No. 2

No: 104354

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 2-15 ,20 12 Time 1:10 ____A.M. x P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 24 (a) (c) and/or West Virginia Administrative Regulation:. Title ____ , Series ____, Section ____ exists as follows:

The following condition was discovered during an investigation of an explosion that occurred at Performance Coal Company, Upper Big Branch mine on April 5, 2010. This violation which violates state code is of a serious nature and involves fatalities. 22A-1-21 (b) (2) (A) The law states that in all mines dangerous accumulations of fine dry coal and coal dust shall be removed from the mine, and all dry and dusty operating sections, haulageways, conveyors and back entries shall be rock dusted or dust allayed by such other means as may be approved by the Director. It also states that rock dust shall be maintained in all these areas. Mine management has failed to comply with this requirement of the law in that on April 5, 2010 a methane ignition occurred in the vicinity of the longwall face at this mine. Many factors contributed to the ignition becoming a full blown coal dust explosion. Testimony stated that rock dusting had not been conducted in the 21 Tailgate entries by the track mounted machine duster nor were there any records or testimony stating these entries had been dusted by hand or machine since the longwall began production months earlier. (page one of two, see continuation page attached)

Type of Issuance: N.O.V. x Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. 1:30 p.m. on 2-15 2012

The foregoing violation was totally abated by ____ ____ a. m. 1:30 p.m. on 2-15 20 12

Action taken to abate the violation: The requirements of the law have been reviewed with mine management.

Company / Operator Agent Served: Larry Brown

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: x

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10)____ Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11)____

Permanently disabling (1 5)____ Fatal (20)____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15)____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 1-08 Cont.

Region 4
No. 78-0732
Violation No. 104354--(page #2)

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH,. SAFETY AND TRAINING
161 5 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION - CONTINUATION PAGE NO___

Company / Operator Performance Coal Company Contractor: Yes___ No x

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of, Issue 2-15 f20 ___ Time 1:10 ___A.M. x P.M.

(page two of two) The two most southern entries were the return airways for the miner sections which extended into the tailgate towards the Bandytown fan.. The number seven entry or the northern most entry was the entry that was to be supplying fresh air to the tailgate of the longwall. The additional entries were neutral or intake air until the longwall would retreat and then they would be part of the longwall bleeder system ventilated toward the Bandytown fan. Additionally the number seven entry had experienced an air reversal weeks before the explosion which existed for an undetermined number of days which permitted the longwall face return air to flow in an outby direction allowing that entry to be contaminated with coal float dust from the active longwall. Another factor which contributed to the fuel for the explosion was excessive rib spalling which was visible in the entries in the vicinity of the longwall tailgate as well as other areas of the mine. These spalled entries and crosscuts were additional areas that had not been rock dusted in most locations once initial development had been completed and production on the longwall had begun. This is a violation of a serious nature involving fatalities.

Company / Operator Agent Served: Larry Brown

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW- In accordance with Section 22A-147 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners'I-lealth, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

IF-018
Revised 4-07

Region FOUR
Case No 78-0732
Violation No. 3

No: 104355

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Company Contractor: Yes ____ No x

Permit Number U-3042-92 Mine Name Upper Big Branch Montcoal Eagle

Date of Issue 2-15 ,20 12 Time 1:15 ____A.M. x P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 4 (a) and/or West Virginia Administrative Regulation:.

Title ____ , Series ____ , Section ____ exists as follows:

This violation of the state code is of a serious nature and involves fatalities. 22A-1-21 (b) (2) (A)-- Adequate ventilation was not provided for the 21 Longwall section. The law requires the mine ventilation under any circumstance to have a sufficient volume and velocity of air to reduce and carry away any flammable or harmful gases. This requirement was not being complied with at the time of the explosion. Methane gas was allowed to accumulate on or near the longwall face, in the gob or the 21 Tailgate entries near the longwall tail. The accumulation was ignited and then became a coal dust explosion resulting in multiple fatalities.

Type of Issuance: N.O.V. ____ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. 1:30 p.m. on 2-15 20 12

The foregoing violation was totally abated by ____ ____ a. m. 1:30 p.m. on 2-15 20 12

Action taken to abate the violation: Requirements of the law were discussed with mine management.

Company / Operator Agent Served: Larry Brown

Authorized Representative: Barry Fletcher Inspector No. 78

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: x

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10)____ Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11)____

Permanently disabling (1 5)____ Fatal (20)____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0)____ 1 (1)____ 2(2)____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15)____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-O18
Revised 3-09

Region 4 - OAKhill

229-0117-10

No: 41833

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator PERFORMANCE COAL CO. INC. Contractor: Yes ____ No ✓

Permit Number U4032-92 Mine Name U.B.B. MONTCOAL EAGLE

Date of Issue 11-16- ,2010 Time 9:26 ✓ A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 25 (a) and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: PROPER ROOF CONTROL IS NOT being followed ON The 5 North CONVEYOR belt between CROSS CUT #45 TO #46 ON The WALKWAY (TRACK) side. The Rib has broken from The mine Roof AND overhanging brows EXIST FOR A distiance of APPROXIMATELY 14.0 feet. This AREA is APPROXIMATELY 6 feet high. MANANGEMENT has dangered off This AREA UNTIL Additional supports CAN be INSTALLED.

Type of Issuance: N.O.V. ✓ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 7:00 ✓ a.m. ____ p.m. on 11-17- 2010

The foregoing violation was totally abated by ____ ____ a.m. ____ p.m. on ____ 20____

Action taken to abate the violation: ____

Company / Operator Agent Served: GREG SHREWSBURY

Authorized Representative: McKennis Browning Inspector No. 229

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) ✓ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ✓

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ✓ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ✓ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ✓ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-018
Revised 3-09

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
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Rep of Mines

Region 4 - OAKHILL

229-0117-10
No: 41834

NOTICE OF VIOLATION

Company / Operator PERFORMANCE COAL CO. INC. Contractor: Yes ____ No ✓

Permit Number U4032-92 Mine Name U.B.B. MONTCOAL EAGLE

Date of Issue 11-16 ,20 10 Time 9:31 ✓ A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 58(j) and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: The P-60 480 Volt dewatering Pump in service at Cross Cut No. 45 on the 5 North Conveyor belt is not provided with adequate fire protection. Only one portable fire extinguisher is present at this location.

Type of Issuance: N.O.V. ✓ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 7:00 ✓ a.m. ____ p.m. on 11-17- 20 10

The foregoing violation was totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Greg Shrewsbury

Authorized Representative: McKennis Browning Inspector No. 229

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ✓ Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ✓ Lost or restricted days (11) ____

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
Revised 3-09

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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Region 4 - OAKhill

229-0117-10
No: 41835

NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc. Contractor: Yes ____ No ✓

Permit Number U-4032-92 Mine Name U.B.B. MONTCOAL EAGLE

Date of Issue 11-8-10, 20__ Time 9:40 ✓ A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 25 (a) and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: Loose mine Roof Exist at Cross Cut No. 45 on the 5 North conveyor belt. The effected area is approximately 14 feet wide and 20 feet long in the intersection management has dangered this area off until the loose mine Roof can be Removed.

Type of Issuance: N.O.V. ✓ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 7:00 ✓ a.m. ____ p.m. on 11-17 20 10

The foregoing violation was totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Greg Shrewsbury

Authorized Representative: McKennis Browning Inspector No. 229

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) ✓ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6)____ Lost or restricted days (11) ✓

Permanently disabling (15)____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ✓ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ✓ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ✓ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
Revised 3-09

STATE OF WEST VIRGINIA

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Region 4 - Oakhill

229-0117-10
No: 41836

NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc. Contractor: Yes ____ No ✓

Permit Number U 4032-92 Mine Name U.B.B. Montcoal Eagle

Date of Issue 11-16-, 20 10 Time ____ ____ A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 25 (a) and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: Proper Roof Control is not being followed on the 5 North conveyor belt at Cross Cut No. 44 along the Right Rib between the track and belt. Loose Ribs exist in this area and have broken from the mine Roof. The Loose Rib is approximately 12 feet long 2 feet thick and 2.5 feet high. Management has dangered off this area until additional supports can be installed.

Type of Issuance: N.O.V. ✓ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 7:00 ✓ a.m. ____ p.m. on 11-17 20 10

The foregoing violation was totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Greg Shrewsbury

Authorized Representative: McKennis Browning Inspector No. 229

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) ✓ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ✓

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ✓ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ✓ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ✓ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
Revised 3-09

Region 4 - OAKHILL

229-0117-10

No: 41837

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. INC. Contractor: Yes ____ No ✓

Permit Number U 4032 - 97 Mine Name U.B.B. MONTCOAL Eagle

Date of Issue 11-16 ,20 10 Time 10:45 ✓ A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 39 (b) and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: A clear Travelway AT LEAST 24 inches wide is NOT PROVIDED ON The 4 NORTH CONVEYOR belt AT Cross Cut No. 40 mud has ACCUMULATED IN AN AREA 60 feet LONG AND 18 feet wide AND APPROXIMATELY 14 inches IN depth PREVENTING A CLEAN TRAVELWAY.

Type of Issuance: N.O.V. ✓ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 3:00 ____ a.m. ✓ p.m. on 11-17 20 10

The foregoing violation was totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Greg Shrewsbury

Authorized Representative: M. Kennis Browning Inspector No. 229

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) ✓ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ✓ Lost or restricted days (11) ____

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
Revised 3-09

STATE OF WEST VIRGINIA

OFFICE OF
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1615 Washington Street East
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Region 4 - Oakhill

229 - 0117 - 10

No: 41836

NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc. Contractor: Yes ____ No ✓

Permit Number U 4032 - 92 Mine Name U.B.B. MontCoal Eagle

Date of Issue 11-16 ,20 10 Time 11:36 ____ A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 58 j and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: The 480 Volt Pump in service on the 4 North Conveyor belt No. 5 ENTRY AT Cross Cut No. 38 is Not Provided with Adequate fire Protection only one PORTABLE fire EXTINGUISHER is PRESENT AT this LOCATION.

Type of Issuance: N.O.V. ✓ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 7:00 ✓ a.m. ____ p.m. on 11-17 20 10

The foregoing violation was totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Greg Shrewsbury

Authorized Representative: McKennis Bowling Inspector No. 229

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ✓ Reasonably likely (10) ✓ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ✓ Lost or restricted days (11) ____

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
Revised 3-09

STATE OF WEST VIRGINIA

OFFICE OF
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1615 Washington Street East
Charleston, West Virginia 25311-2126

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Region 4 - Oakhill

229-0117-10

No: 41834

NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No ✓

Permit Number U 4032-92 Mine Name U.B.B. Mont Coal Eagle

Date of Issue 11-16-10, 20__ Time 11:45 ✓ A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 25 (a) and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: Loose Ribs and overhanging brows exist at various locations on the 4 North conveyor belt on the walkway (track) side begining at Cross Cut No. 29 and extending inby to Cross Cut No. 30. Management has dangered off this area until additional supports can be installed.

Type of Issuance: N.O.V. ✓ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 7:00 ✓ a.m. ____ p.m. on 11-17-20 10

The foregoing violation was totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Greg Shrewsbury

Authorized Representative: McKenzie Browning Inspector No. 229

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) ✓ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ✓

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ✓ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ✓ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ✓ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF - 019
Revised 11/08

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 233-0135-2014 Region 4

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____
Violation Number: Number 1 Below was/is hereby _____totally abated by 10-3, 20 14
7:00 a.m._____p.m._____extended to_____, 20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation: Show Cause No. 233-0135-2014 is Changed To 233-0135-2014 For The Following Citations 36327, 36328, 36329, 36331, 36332, 36333, And 36334

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____
Violation Number:_____was/is hereby_____totally abated by_____, 20_____
_____a.m._____p.m._____extended to_____, 20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____
Violation Number:_____was/is hereby_____totally abated by_____, 20_____
_____a.m._____p.m._____extended to_____, 20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____
Violation Number:_____was/is hereby_____totally abated by_____, 20_____
_____a.m._____p.m._____extended to_____, 20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation: _____

Company/Operator Agent served: Larry Stone Date: 10-7 2014

Authorized Representative: Michael Jones Inspector Number 233

IF-O18
Revised 3-09

Region 4

233-0117-2010

No: 36527

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ___ No X

Permit Number U-5042-92 Mine Name U B B Montcoal Eagle

Date of Issue 1-4, 2011 Time 12:30 X A.M. ___ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 60 (B) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows:

the Travelable Passage ways designated as escapeways shall be maintained to ensure passage at all times to any person, including disabled persons, and weekly Examiners is not being maintained on the active travelway from spad 21744, Break 50, to spad No. 21223, Break No. 1 in that Numerous amount of Loose Rock, dried Mud, crib Block, and half Headers is present in the travelways creating a stumbling hazard to all persons traveling the Travelway.

Type of Issuance: N.O.V. ✓ Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by 8:00 X a.m. ___ p.m. on 1-25 2011

The foregoing violation was totally abated by ___ a.m. ___ p.m. on ___ 20 ___

Action taken to abate the violation: ___

Company / Operator Agent Served: Wayne Pessenger

Authorized Representative [signature] Inspector No. 253/233

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ___ Reasonably likely (10) ✓ Occurred (20) ___

Severity of Injury Expected: None: *(0) ___ No lost work days *(6) ___ Lost or restricted days (11) ✓

Permanently disabling (15) ___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) ✓ 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0) ___ Low (10) ___ Moderate (15) ✓ High (20) ___

Knowing Violation: No ✓ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF-O18
Revised 3-09

Region 4

233-0117-2010

No: 36528

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ___ No X

Permit Number ~~U-403-92~~ Mine Name UBB Montcoal Eagle

Date of Issue 1-4-U-3042-92, 2010 Time 12:15 ___ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 25.(A) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: Roof And Ribs of All Active underground Roadways, Travelways And working places Shall Supported or Other wise Controled Adequately To protect persons From Falls of The Roof or Ribs is Not being maintained on The Active North mains Intake Primary Escape way From BK. 50 At Spad No. 21744 To BK. 1 At Spad No 21223, in That Loose Gaping Coal And Rock Ribs Are present in Spot Locations, Which Creates A Danger To persons, And weekly examiners when Traveling This Area.

Type of Issuance: N.O.V. X Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by 01-25-10 a.m. 8:00 p.m. on 01-25 20 10

The foregoing violation was totally abated by ___ a.m. ___ p.m. on ___ 20 ___

Action taken to abate the violation: ___

Company / Operator Agent Served: Wayne Persinger

Authorized Representative: [signature] 233 / [signature] Inspector No. 253

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ___ Reasonably likely (10) X Occurred (20) ___

Severity of Injury Expected: None: *(0) ___ No lost work days *(6) ___ Lost or restricted days (11) X

Permanently disabling (15) ___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) X 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0) ___ Low (10) ___ Moderate (15) X High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF-O18
Revised 3-09

Region 4

233-0117-2010

No: 36529

STATE OF WEST VIRGINIA

OFFICE OF
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1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal CO. Contractor: Yes ___ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 01-04 ,2010 Time 11:00 X A.M. ___ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 25.(A) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: The Roof and Ribs OF All Active Underground Roadways, Travelways and Working places Shall be Supported or Otherwise Controlled Adequately is Not being maintained in The North mains primary escapeway which is being Traveled weekly by A Fire Boss examiner, in That For A Distance of 60 Ft. Out by Spad No. 2516, A Cutter is present along The Right Side of The mine Roof looking out-by And Rock has Fallen From around The Roof Bolts. Addition Roof Support is needed in This Area.

Type of Issuance: N.O.V. X Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by 8:00 X a.m. ___ p.m. on 01-25 2010

The foregoing violation was totally abated by ___ ___ a.m. ___ p.m. on ___ 20___

Action taken to abate the violation: ___

Company / Operator Agent Served: Wayne Persinger

Authorized Representative: Donny Jarrell/Russell Manning Inspector No 233/253

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0)___ Reasonably likely (10) X Occurred (20) ___

Severity of Injury Expected: None: *(0)___ No lost work days *(6)___ Lost or restricted days (11) X

Permanently disabling (15)___ Fatal (20)___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) X 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0)___ Low (10) X Moderate (15) ___ High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF-O18
Revised 3-09

Region 4

233-0117-2010

No: 36530

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ___ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 01-04, 2010 Time 11:15 X A.M. ___ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 25 (A) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: The Roof and Ribs of all Active Underground Roadways, Travelways, and working places shall be supported or otherwise controlled adequately is not being maintained in the North Mains Primary Intake Escapeway at the Intersection of Brake 25, at Spad No. 21506. In that a cutter is present in the mine roof, which also proceeds into the cross cut to the left, looking inby. Also one roof bolt is sheared off, and two roof bolts are not against the mine roof. This area is traveled weekly by a Fire Boss Examiner.

Type of Issuance: N.O.V. X Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by 8:00 X a.m. ___ p.m. on 01-25 2010

The foregoing violation was totally abated by ___ ___ a.m. ___ p.m. on ___ 20___

Action taken to abate the violation: ___

Company / Operator Agent Served: Wayne Persinger

Authorized Representative: Danny Russell / Russell Manning Inspector No 233 / 253

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ___ Reasonably likely (10) X Occurred (20) ___

Severity of Injury Expected: None: *(0) ___ No lost work days *(6) ___ Lost or restricted days (11) X

Permanently disabling (15) ___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) X 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0) ___ Low (10) ___ Moderate (15) X High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF-O18
Revised 3-09

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Region 4

233-0117-2010

No: 36531

NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ___ No X

Permit Number U-304-92 Mine Name UBB mon Coal Eagle

Date of Issue 01-04 ,20 11 Time _____ ___A.M. ___P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 25 (A) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: The Roof And Ribs OF All Active Underground Roadways, Travelways And working places Shall be Supported or Otherwise Controlled Adequately is Not being maintained in The North mains primary Intake escapeway, In That The Intersection One Cross cut Out by Spad No. 21506, There is A Crack And Loose mine Roof present. A Cutter is also present in the left Cross cut looking Inby, Additional Support is Needed in This Area. This Area is Traveled weekly by A Fire Boss examiner.

Type of Issuance: N.O.V. X Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by 8:00 a.m. ___ p.m. on 01-25 20 11

The foregoing violation was totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

Action taken to abate the violation: ___

Company / Operator Agent Served: Wayne Persinger

Authorized Representative: Danny Jarrell / Russell Dennis Inspector No. 233/253

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0)___ Reasonably likely (10) X Occurred (20) ___

Severity of Injury Expected: None: *(0)___ No lost work days *(6)___ Lost or restricted days (11) X

Permanently disabling (15)___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) X 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0)___ Low (10)___ Moderate (15) X High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF-O18
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Region 4

233-0117-2010

No: 36532

NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ___ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 01-04 ,20 11 Time 11:50 X A.M. ___ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 25 (A) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: The Roof And Ribs of All Active underground Roadways, Travelways, And working places Shall be Supported or otherwise Controlled Adequately is Not being Maintained in The North mains primary Intake Travelways, Approximately 50 Ft. Inby Spad No. 21390, At RK 13. In That A Cutter is present Near The Center of of The mine Roof, And Rock has Fallen away From between Roof Bolts, And mine Roof. This Area Needs Additional Roof support. A Fire Boss examiner Travels This Area weekly

Type of Issuance: N.O.V. X Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by 8:00 a.m. ___ p.m. on 01-25 20 11

The foregoing violation was totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

Action taken to abate the violation: ___

Company / Operator Agent Served: Wayne Persinger

Authorized Representative: Danny Daniel/Russell Downey Inspector No 233 / 253

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0)___ Reasonably likely (10) X Occurred (20) ___

Severity of Injury Expected: None: *(0)___ No lost work days *(6)___ Lost or restricted days (11) X

Permanently disabling (15)___ Fatal (20)___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) ___ X 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0)___ Low (10)___ Moderate (15) X High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF-O18
Revised 3-09

Region 4

233-0117-2010

No: 36533

STATE OF WEST VIRGINIA

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ___ No X

Permit Number U-3042-92 Mine Name UBB. Montcoal Eagle

Date of Issue 01-04, 2011 Time 11:40 X A.M. ___ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 25 (A) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: The Roof And Ribs OF All Active underground Roadways, Travelways And working places Shall be Supported or Otherwise Controlled Adequately is Not being maintained in The North mains primary Intake Travelways, Approximately 80Ft out-by Spad No. 21311, in That The mine Roof has Fallen From Around 3 Roof Bolts. (2 Are Not Touching The mine Roof, And 1 is Sheared OFF). Also in This Same area 2 Roof Bolts Are measured 6Ft. From The left Coal Rib. This Area is Traveled weekly by A Fire Boss Examiner.

Type of Issuance: N.O.V. X Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by 8:00 a.m. ___ p.m. on 01-25 2011

The foregoing violation was totally abated by ___ ___ a.m. ___ p.m. on ___ 20___

Action taken to abate the violation: ___

Company / Operator Agent Served: Wayne Persinger

Authorized Representative: [signature] / [signature] Inspector No. 233/253

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ___ Reasonably likely (10) X Occurred (20) ___

Severity of Injury Expected: None: *(0) ___ No lost work days *(6) ___ Lost or restricted days (11) X

Permanently disabling (15) ___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) X 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0) ___ Low (10) X Moderate (15) ✓ High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF-O18
Revised 3-09

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Region 4
233-01M-2010

No: 36534

NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ___ No ✓

Permit Number U-3049-92 Mine Name U.B.B. Mentcoal Eagle

Date of Issue 1-5 ,20 11 Time 12:30 ___ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 25(a) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows:

This Law is not being Followed in that the roof Coating and travelway in the Parallel main at Spad No. 21824, Break 61 has 6 CMBS and 4 Steel Headers that is not against the Roof which has Broken loose. Roof that has Personel traveling this Travelway in a weekly Basis

Type of Issuance: N.O.V. ✓ Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by 8:00 X a.m. ___ p.m. on 1-25 20 11

The foregoing violation was totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

Action taken to abate the violation: ___

Company / Operator Agent Served: Wayne Persinger

Authorized Representative: Ron Mowery Danny Jones Inspector No. 253/233

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0)___ Reasonably likely (10) 5 ✓ Occurred (20) ___

Severity of Injury Expected: None: *(0)___ No lost work days *(6)___ Lost or restricted days (11) 1 ✓

Permanently disabling (15)___ Fatal (20)___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) ✓ 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0)___ Low (10) ✓ Moderate (15)___ High (20) ___

Knowing Violation: No ✓ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF-O18
Revised 3-09

Region 4

233-0134-2011

No: 107053

STATE OF WEST VIRGINIA

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NOTICE OF VIOLATION

Company / Operator PERFORMANCE COAL CO. Contractor: Yes ____ No ____

Permit Number U-00304292 Mine Name UBB MONTCOAL EAGLE

Date of Issue 4-14 8-4 DT, 20 11 Time 2:15 7:50 ✓ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 16 and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: BASED ON A WRITTEN FIRE BOSS REPORT OF THE SOUTH BELTS. RECORDED IN A FIRE BOSS BOOK LABLELED EXAMINATION OF BELT CONVEYORS, THE FIRE BOSS ENTRY ON THE PRESHIFT REPORT INDICATES THE ACTIVE NO. 4 SECTION, #3 BELT AS NEEDING SPOT CLEANED FROM 12-28-09 TO 1-3-10. THEN REPORTED AS NEEDING SPOT CLEANED AND ROCKDUSTED FROM 1-3-10 TO 1-7-10, THEN AS NEEDING ROCKDUSTED FROM 1-7-10 TO 1-12-10, AND NOT SHOWING CORRECTED. NOTE: THIS BELT WAS TAKEN OUT OF SERVICE 1-13-10. THIS REPORT IS BEING COUNTERSIGNED DAILY BY THE MINE FOREMAN.

Type of Issuance: N.O.V. ✓ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by 7:50 X a.m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: Discussed with mine management The proper actions Taken To Correct Hazardous Conditions.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Danny Jones Inspector No. 233

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) X High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
Revised 3-09

Region IV/ OAK HILL

233-0134-2011

No: 107054

STATE OF WEST VIRGINIA

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBBMC Montcoal Eagle

Date of Issue 8-4 ,20 11 Time 7:50 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 13 and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: Based on a written fire boss report of the North belts, recorded in a fire boss book labeled examination of belt conveyors, the fire boss entry on the pre-shift report indicates the active Head Gate 23, No.3 belt as needing rockdusted from 1-13-10 to 1-16-10, then as needing spot cleaned and rockdusted 1-16-10 to 2-12-10. This report of hazardous conditions is being countersigned daily by the mine foreman to prove of his awareness of the conditions found. There is no record that this hazardous condition was corrected.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by 7:50 a.m. ____ p.m. on 8-4 20 11

Action taken to abate the violation: Discussed with mine management The proper action taken to correct Hazardous conditions.

Company / Operator Agent Served: Jack Kales

Authorized Representative: Danny Jarrell/McKenzie Browning Inspector No. 229

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) X High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

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Region 4

233-0134-2011
No: 107055

OFFICE OF
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NOTICE OF VIOLATION

Company / Operator PERFORMANCE COAL CO. Contractor: Yes ____ No ____

Permit Number U00304292 Mine Name UBB MONTCOAL EAGLE

Date of Issue 4-14 8-9 10 ,2011 Time 2:30 7:10 ____ X A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 13 and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: BASED ON A WRITTEN FIRE BOSS REPORT OF THE NORTH BELTS, RECORDED IN A FIRE BOSS BOOK LABELED EXAMINATION OF BELT CONVEYORS. THE FIRE BOSS ENTRY ON THE PRESHIFT REPORT INDICATES THE ACTIVE HEAD GATE 22, NO. 1 BELT AS NEEDING SPOT CLEANED AND ROCKDUSTED. THIS HAZARDOUS CONDITION IS ALLOWED TO BE CARRIED OVER FROM 1-16-10 TO 4-5-10. THIS REPORT IS BEING COUNTERSIGNED DAILY BY THE MINE FOREMAN TO PROVE OF HIS AWARENESS OF THE CONDITIONS FOUND.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by 7:50 a.m. ____ p.m. on 8-9 20 11

Action taken to abate the violation: Discussed with mine management the proper Action Taken to correct Hazardous Conditions.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Danny Jarrell Inspector No 233

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) X High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
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Region 4

233-0134-2011

No: 107056

STATE OF WEST VIRGINIA

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NOTICE OF VIOLATION

Company / Operator PERFORMANCE COAL CO. Contractor: Yes ____ No ____

Permit Number U-00304292 Mine Name UBB MONTCOAL EAGLE

Date of Issue ~~4-14~~ 8-4 DT, 20 11 Time ~~2:35~~ 7:50 X A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 13 and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: BASED ON A WRITTEN FIRE BOSS REPORT OF THE NORTH BELTS, RECORDED IN A FIRE BOSS BOOK LABELED EXAMINATION OF BELT CONVEYORS, THE FIRE BOSS ENTRY OF THE PRESHIFT INDICATES THE ACTIVE NORTH NO. 6 BELT AS NEEDING ROCKDUSTED FROM 2-22-10 TO 2-28-10, THEN AS NEEDING SPOT CLEANED AND DUSTED FROM 2-28-10 TO 3-29-10, THEN AS NEEDING SPOT CLEANED FROM 3-29-10 TO 3-31-10. THEN FROM 4-1-10 TO 4-5-10 AS NEEDING SPOT CLEANED AND ROCKDUSTED. THIS REPORT IS BEING COUNTERSIGNED DAILY BY THE MINE FOREMAN. THERE IS NO RECORD THAT HAZARDOUS CONDITIONS WERE CORRECTED.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ a.m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by 7:50 a.m. ____ p.m. on 8-4 20 11

Action taken to abate the violation: Discussed with mine management the proper action taken to correct hazardous condition.

Company / Operator Agent Served: Jack Roles

Authorized Representative: [signature] / Mr. Dennis Brownsky Inspector No. 233

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) X High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
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Region 4

233-0134-2011

No: 107051

STATE OF WEST VIRGINIA

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NOTICE OF VIOLATION

Company / Operator PERFORMANCE COAL CO. Contractor: Yes ____ No ____

Permit Number U-00304292 Mine Name UBB MONTCOAL EAGLE

Date of Issue 4-14 8-4 DS ,2011 Time 2:05 7:50 A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 13 and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: BASED ON A WRITTEN FIRE BOSS REPORT OF THE SOUTH BELTS. RECORDED IN A FIRE BOSS BOOK LABLED EXAMINATION OF BELT CONVEYORS. THE FIRE BOSS ENTRY ON THE PRESHIFT REPORT INDICATES THE ACTIVE NO. 3 SECTION, NO. 1 BELT AS NEEDING SPOT CLEANED AND ROCKDUSTED. THIS HAZARDOUS CONDITION WAS ALLOWED TO BE CARRIED OVER AND NOT CORRECTED FROM 2-22-10 TO 3-31-10. THIS REPORT IS BEING COUNTERSIGNED DAILY BY THE MINE FOREMAN, WHICH SHOWS HIS AWARENESS OF THE HAZARDOUS CONDITION REPORTED.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by 7:50 a.m. ____ p.m. on 8-4 20 11

Action taken to abate the violation: Discussed with mine management the proper Action Taken To Correct Hazardous Conditions.

Company / Operator Agent Served: Jack Rolos

Authorized Representative: L Danny Jarrell Inspector No. 233

REVIEW: In accordance with Section 22A-1-27 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) X High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
Revised 3-09

Region 4

233-0134-2011

No: 107052

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator PERFORMANCE COAL CO. Contractor: Yes ____ No ____

Permit Number U-00304292 Mine Name UBB MONTCOAL EAGLE

Date of Issue ~~4-14~~ 8.4, 20 11 Time ~~2:10~~ 7:50 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 13 and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: BASED ON A WRITTEN FIRE BOSS REPORT OF THE SOUTH BELTS. RECORDED IN A FIRE BOSS BOOK LABLELED EXAMINATION OF BELT CONVEYORS. THE FIRE BOSS ENTRY ON THE PRESHIFT INDICATES THE ACTIVE NO. 4 SECTION NO. 1 BELT AS NEEDING SPOT CLEANED AND ROCKDUSTED. THIS HAZARDOUS CONDITION IS ALLOWED TO BE CARRIED OVER AND NOT CORRECTED FROM 12-28-09 TO 1-2-10. THIS REPORT IS BEING COUNTERSIGNED DAILY BY THE MINE FOREMAN. NOTE: THIS SAME BELT SHOWS TO BE TAKEN OUT OF SERVICE ON 1-13-10. THIS REPORT IS BEING COUNTERSIGNED DAILY BY THE MINE FOREMAN.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by 7:50 a.m. ____ p.m. on 8.4 20 11

Action taken to abate the violation: Discussed with mine management the proper Action Taken to correct Hazardous Condition.

Company / Operator Agent Served: Jack Roles

Authorized Representative: Danny Jewell / McKennie Brownfield Inspector No. 233

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) X High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
Revised 3-09

Region 4

233-0134-2011

No: 107050

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator PERFORMANCE COAL CO. Contractor: Yes ____ No X

Permit Number U-00304292 Mine Name UBB MONTCOAL EAGLE

Date of Issue ~~4-14~~ 8-4, 2011 Time ~~2:00~~ 7:50 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 16 and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: THE MINE FOREMAN SHALL EACH DAY READ CAREFULLY AND COUNTERSIGN ALL REPORTS ENTERED IN THE RECORD BOOK OF THE FIRE BOSSES, IS NOT BEING OBSERVED IN THE NORTH BELTS CONVEYOR BOOK FOR THE MONTH OF APRIL, 2010. IN THAT 5 (FIVE) PRE-SHIFT REPORTS FROM 4-3-10 TO 4-5-10, AND 4 (FOUR) ON SHIFT REPORTS FROM 4-3-10 TO 4-5-10 WERE NOT COUNTERSIGNED BY THE MINE FOREMAN TO PROVE HE IS AWARE OF THE HAZARDOUS CONDITIONS ENTERED BY THE FIRE BOSSES.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ a.m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by 7:50 a.m. ____ p.m. on 8-4 20 11

Action taken to abate the violation: Discussed with mine management The Requirements OF A Mine Foreman Countersigning Fire Boss Books

Company / Operator Agent Served: Jack Roles

Authorized Representative: [signature] McKennis Browning Inspector No. 233

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) X High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
Revised 3-09

Region IV/ OAK HILL

233-0123-2011

No: 36543

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBBMC Montcoal Eagle

Date of Issue 8-4 ,20 11 Time 7:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 2 and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: The approved six (6) phase revision of the approved ventilation plan, which was approved 3-15-10, which shows the mining of the Lower Big Branch portion of the mine to establish and to retreat a long wall section is not being complied with during the phase II of the revision on April 5, 2010, in that evidence indicates that the following ventilation controls are missing. (1) The box check curtains inby and outby Spad 22132 is missing (2) the Bratice between Spad No. 22176 and Spad 22136 is missing (3) The Bratice 20 ft. outby Spad No. 22135 is missing (4) The Bratice between Spad 22133 and Spad No. 22134 is missing. (5) Both airlock doors at Spad No. 22151 at the spur track were found open, and a battery powered track locomotive

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by 7:40 a.m. ____ p.m. on 8-4 20 11

Action taken to abate the violation: Discussed with mine management that all ventilation revisions must be complied with.

Company / Operator Agent Served: JACK Roles

Authorized Representative: Danny Jarrell 233/McKennis Browning Inspector No. 229

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Special Assessment

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** X

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ____

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
Revised 1-08 Cont.

Region IV/ Oak Hill
No. 233-0134-2011
Violation No. 36543

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION - CONTINUATION PAGE NO___

Company / Operator Performance Coal Co. Contractor: Yes ___ No X

Permit Number U-3042-92 Mine Name UBBMC Montcoal Eagle

Date of Issue ___,20 ___ Time ___ ___A.M. ___P.M.

coupled to a flat car was parked between the doors. (6) A regulator between No. 1 and No. 2 entry at Spad No. 22151 is found covered with mine curtain. Based on testimony, on April 5, 2010, during Phase II operation, a continuous miner was cutting the mine roof at Spad No. 22151 to create an overcast, with the above said ventilation controls missing. The dust from the continuous miner was allowed to short circuit over and into the track entry, which is also designated as the secondary escapeway, therefore creating a health danger of silica rockdust in the mine track atmosphere, also poor visibility to all persons in this area. The missing ventilation controls reflect a serious and willfull neglect to the approved ventilation plan, and for the health and safety of all miners at this mine.

Also note: An installed set of opened air lock doors (found damages) is present in the No. 1 entry of the Ellis Mains, between Spad No. 22247 and Spad No. 22275. This entry is provided under Phase II of the approved revision, as the only return air course from the Lower Big Branch construction area to the out side Ellis portal.

Company / Operator Agent Served: JACK Roles

Authorized Representative: 233/McKennis Browning Inspector No. 229

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

F-018
Revised 3-09

Region IV/ OAK HILL

233-0120-2011

No: 41842

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBBMC Montcoal Eagle

Date of Issue 8-4 ,2011 Time 7:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 2 and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: The operator failed to submit the required ventilation plan to the West Virginia Office of Miners' Health, Safety and Training to add two (2) safety precautions to the ventilation base plan. This plan was submitted to MSHA on 9-21-09, and approved by MSHA on 9-22-09. This violation is a violation of a safety provision of the West Virginia Code, and is of a serious nature, and involves an extraordinarily high degree of negligence.

Type of Issuance: N.O.V. ____ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by 8-4-11 7:30 a.m. ____ p.m. on 8-4 20 11

Action taken to abate the violation: Discussed with management concerning ventilations plans to be submitted to the office of MHST

Company / Operator Agent Served: Jack Coles

Authorized Representative: Danny Jarrell 233 Inspector No. ____

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Special Assessment

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** X

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ____
Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith In Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
Revised 3-09

Region IV/ OAK HILL

233-0120-2011

No: 41843

STATE OF WEST VIRGINIA

OFFICE OF
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1615 Washington Street East
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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBBMC Montcoal Eagle

Date of Issue 8-4 20 11 Time 7:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 2 and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: The operator failed to submit the required ventilation plan to the West Virginia Office of Miners' Health, Safety and Training to drill a 20-inch dewatering hole in No. 1 Entry Inby Break 131. This plan was submitted to MSHA on 9-18-09 and approved by MSHA on 9-24-09. This violation is a violation of a safety provision of the West Virginia Code and is of a serious nature and involves an extraordinarily high degree of negligence.

Type of Issuance: N.O.V. 1 Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by 7:30 a.m. ____ p.m. on 8-4 20 11

Action taken to abate the violation: Discussed with management Concerning Ventilation plans to be Submitted To The Office of MHS&T

Company / Operator Agent Served: Jack Kobs

Authorized Representative: Danny Jewell 233 Inspector No. ____

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Special Assessment

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: X

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ____

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-O18
Revised 3-09

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
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Region IV/ OAK HILL
233-0120-2011
No: 41844

NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBBMC Montcoal Eagle

Date of Issue 8-4-11 ,20 11 Time 7:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 2 and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: The operator failed to submit to the West Virginia Office of Miners' Health, Safety and Training the required ventilation plan to cut two (2) entries into the North Glory Mains under Phase 1 of the plan, and under Phase 2 the installation or removal of ventilation controls of the I-Right Crossover after the section is moved to establish an intake air course. This plan was submitted to MSHA on 10-13-09 and MSHA approved on 10-15-09. This violation is a violation of the West Virginia Code, and is of a serious nature, and involves an extraordinarily high degree of negligence.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by 7:30 a.m. ____ p.m. on 8-4 20 11

Action taken to abate the violation: Discussed with management concerning ventilation plans to be submitted to the Office of Miners Health Safety and Training for approval

Company / Operator Agent Served: JACK Roles

Authorized Representative: Danny Jewell 233 Inspector No. ____

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Special Assessment

VIOLATION ASSESSMENT EVALUATION

S and S Violation: [ ] Recommend Special Assessment: [X]

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ____

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

F-O18
Revised 3-09

Region IV/ OAK HILL

233-0120-2011

No: 41845

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBBMC Montcoal Eagle

Date of Issue 8-4 ,2011 Time 7:30 ✓ A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 2 and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: The operator failed to submit the required ventilation plan to the West Virginia Office of Miners' Health, Safety and Training to use belt air in the face on One North Longwall. This plan was submitted to MSHA on 12-23-09 and approved by MSHA on 12-23-09. This violation is a violation of a safety provision of the West Virginia Code and is of a serious nature and involves an extraordinarily high degree of negligence.

Type of Issuance: N.O.V. ✓ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by 7:30 a.m. ____ p.m. on 8-4 20 11

Action taken to abate the violation: Discussed this Article of Law with management of Ventilation Plans To be Submitted To the Office of Miners Health Safety and Training For Approval

Company / Operator Agent Served: Jack Roles

Authorized Representative Danny Jewell 237 Inspector No. ____

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Special Assessment

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: X

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ____

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ✓

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-O18
Revised 3-09

Region IV/ OAK HILL

233-0120-2011

No: 41846

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBBMC Montcoal Eagle

Date of Issue 8-4 ,2011 Time 7:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 2 and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: The operator failed to submit the required ventilation plan to the West Virginia Office of Miners' Health, Safety and Training to relocate EP-LW3. This plan was submitted to MSHA on 2-5-10 and approved by MSHA on 2-22-10. This violation is a violation of a safety provision of the West Virginia code and is of a serious nature, and involves an extraordinarily high degree of negligence.

Type of Issuance: N.O.V. ____ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a.m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ a.m. ____ p.m. on ____ 20____

Action taken to abate the violation: Discussed this ARTicle of Law with mine management Requiring Ventilations Plans to be submitted to The office of miners Health, Safety & Training

Company / Operator Agent Served: Jack Roles

Authorized Representative: [signature] 233 / [illegible] Inspector No. 225

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Special Assessment

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** X

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ____

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-018
Revised 3-09

Region IV/ OAK HILL

233-0120-2011

No: 41847

STATE OF WEST VIRGINIA

OFFICE OF
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1615 Washington Street East
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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBBMC Montcoal Eagle

Date of Issue 8-4, 2011 Time 7:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 2 and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: The operator failed to submit the required ventilation plan to the West Virginia Office of Miners' Health, Safety and Training to show the No. 4 section right return changing direction to the North Portal. This plan was submitted to MSHA on 10-13-09 and approved by MSHA on 10-15-09. This violation is a violation of a safety provision of the West Virginia code and is of a serious nature, and involves an extraordinarily high degree of negligence.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ a.m. ____ p.m. on ____ 20__

The foregoing violation was totally abated by 7:30 a.m. ____ p.m. on 8-4 2011

Action taken to abate the violation: Discussed This Article of Law with mine management Requiring Ventilation Plans to be submitted to the office of Miners Health, Safety & Training for approval

Company / Operator Agent Served: JACK Roles

Authorized Representative: [signature] 233/McVennie Browning Inspector No. 229

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Special Assessment
VIOLATION ASSESSMENT EVALUATION

S and S Violation: [ ] Recommend Special Assessment: [X]

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ____

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-O18
Revised 3-09

Region IV/ OAK HILL

233-0120-2011

No: 41848

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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Post
Rep of Mines

NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBBMC Montcoal Eagle

Date of Issue 8-4 2011 Time 7:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 2 and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: The operator failed to submit the required ventilation plan to the West Virginia Office of Miners' Health, Safety and Training when shearing blocks for the new longwall belt to head gate 2-North. This plan was submitted to MSHA on 12-16-09 and approved by MSHA 12-17-09. This violation is a violation of the West Virginia code, and is of a serious nature, and involves an extraordinarily high degree of negligence.

Type of Issuance: N.O.V. ____ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ a.m. ____ p.m. on ____ 20__

The foregoing violation was totally abated by 7:30 a.m. ____ p.m. on 8-11 20 11

Action taken to abate the violation: Disscussed This Article of Law with mine management Requiring Ventilation Plans To be submitted To The office of miners Health, Saftey & Training.

Company / Operator Agent Served: Jack Roles

Authorized Representative: [signature] 233/McVernis Browning Inspector No. 229

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Special Assessment

VIOLATION ASSESSMENT EVALUATION

S and S Violation: [ ] Recommend Special Assessment: [X]

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ____

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 3-09

Region IV/ OAK HILL

233-0120-2011

No: 41849

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBBMC Montcoal Eagle

Date of Issue 8-4 2011 Time 7:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 2 and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: The operator failed to submit the required ventilation plan to the West Virginia Office of Miners' Health, Safety and Training to install ventilation controls after the longwall passes No. 2 crossover. This plan was submitted to MSHA 3-10-10 and approved by MSHA 3-22-10. This violation is a violation of the safety provision of the West Virginia code and is of a serious nature and involves an extraordinarily high degree of negligence.

Type of Issuance: N.O.V. V Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ a.m. ____ p.m. on ____ 20__

The foregoing violation was totally abated by 7:30 a.m. ____ p.m. on 8-4 2011

Action taken to abate the violation: Discussed This Article of Law with mine management Requiring Ventilation Plans To be submitted To The office Of miners Health, Saftey & Training for APPROVAL

Company / Operator Agent Served: JACK Roles

Authorized Representative: [signature] / McKennis Browning Inspector No. 229

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Special Assessment
VIOLATION ASSESSMENT EVALUATION

S and S Violation: [ ] Recommend Special Assessment: [X]

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ____

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

-018
evised 3-09

Region IV/ OAK HILL

233-0120-2011

No: 43861

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBBMC Montcoal Eagle

Date of Issue 8-4 20 11 Time 7:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 2 and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: The operator failed to submit the required ventilation plan to the West Virginia Office of Miners' Health, Safety and Training to install doors between cross cuts 9 and 11 on the One North tail gate section. This plan was submitted to MSHA on 9-3-09 and approved by MSHA on 9-4-09. This violation is a violation of the West Virginia Code, and is of a serious nature, and involves an extraordinarily high degree of negligence.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ a.m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by 7:30 a.m. ____ p.m. on 8-4 20 11

Action taken to abate the violation: Discussed this article of law with mine management requiring ventilation plans to be submitted to the office of miners Health, Saftey, & Training for approval

Company / Operator Agent Served: Jack Roles

Authorized Representative: [signature] 237/McKenni Browning Inspector No. 229

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Special Assessment

VIOLATION ASSESSMENT EVALUATION

S and S Violation: [ ] Recommend Special Assessment: [X]

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ____

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-O18
Revised 3-09

Region IV/ OAK HILL

233-0120-2011

No: 43862

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBBMC Montcoal Eagle

Date of Issue 8-4 2011 Time 7:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 2 and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: The operator failed to submit the required ventilation plan to the West Virginia Office of Miners' Health, Safety and Training to revise the return air course on the Lower Big Branch area, and show controls to be installed at the Birchton Portal on the Northern portion of the mine. This plan was submitted to MSHA on 9-4-09 and approved by MSHA on 9-4-09. This violation is a violation of a safety provision of the West Virginia Code and is of a serious nature, and involves an extraordinarily high degree of negligence.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ a.m. ____ p.m. on ____ 20__

The foregoing violation was totally abated by 7:30 a.m. ____ p.m. on 8-4 2011

Action taken to abate the violation: Discussed with management Concerning Ventilation Plans To be Submitted To The OFFICE OF MHST

Company / Operator Agent Served: Jack Roles

Authorized Representative: [signature] 233/McKennis Browning Inspector No. 229

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Special Assessment
VIOLATION ASSESSMENT EVALUATION

S and S Violation: [ ] Recommend Special Assessment: [X]

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ____

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

F-018
Revised 3-09

Region IV/ OAK HILL

233-0120-2011

No: 43863

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBBMC Montcoal Eagle

Date of Issue 8-4, 20 11 Time 7:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 2 and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: The operator failed to submit the required ventilation plan to the West Virginia Office of Miners' Health, Safety and Training to install three (3) regulators on the intake overcast to cause the intake air to course the Ellis Mains, and a portion of the Ellis Mains converted to neutral air course. This plan was submitted to MSHA on 9-3-09 and approved by MSHA on 9-4-09. This violation is a violation of a safety provision of the West Virginia Code, and is of a serious nature, and involves an extraordinarily high degree of negligence.

Type of Issuance: N.O.V. ____ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ a.m. ____ p.m. on ____ 20__

The foregoing violation was totally abated by 7:30 a.m. ____ p.m. on 8-4 20 11

Action taken to abate the violation: Discussed with management concerning ventilation plans to be submitted to the OFFICE OF MHS&T

Company / Operator Agent Served: Jack Roles

Authorized Representative: [signature] 233/McKenzie Browning Inspector No. 229

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Special Assessment

VIOLATION ASSESSMENT EVALUATION

S and S Violation: [ ] Recommend Special Assessment: [X]

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ____

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 3-09

Region IV/ OAK HILL

233-0120-2011

No: 43864

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBBMC Montcoal Eagle

Date of Issue 8-4 ,20 11 Time 7:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 2 and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: The operator failed to submit the required ventilation plan to the West Virginia Office of Miners' Health, Safety and Training to install a 50-PSI Minova Seal. This plan was submitted to MSHA on 9-8-09. This violation is a violation of a safety provision of the West Virginia Code, and is of a serious nature, and involves an extra-ordinarily high degree of negligence.

Type of Issuance: N.O.V. ____ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by 7:30 ____ a.m. ____ p.m. on 8-4 20 11

Action taken to abate the violation: Discussed with management concerning ventilation plans to be submitted to the office of MHST.

Company / Operator Agent Served: Jack Roles

Authorized Representative: [signature] 233 Jim Kennis Brumley Inspector No. 229

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Special Assessment

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: X

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ____

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

-018
levised 3-09

Region IV/ OAK HILL

233-0120-2011

No: 43865

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBBMC Montcoal Eagle

Date of Issue 8-4 ,20 11 Time 7:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 2 and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: The operator failed to submit the required ventilation plan to the West Virginia Office of Miners' Health, Safety and Training to install two regulators between Breaks 33 and 34 on Tailgate 1 North in entries 4 and 5. This plan was submitted to MSHA on 9-10-10 and approved by MSHA on 9-18-10. This violation is a violation of a safety provision of the West Virginia Code and is of a serious nature and involves an extraordinarily high degree of negligence.

Type of Issuance: N.O.V. ____ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by 7:30 ____ a.m. ____ p.m. on 8-4 20 11

Action taken to abate the violation: Discussed with Mngement Concerning Ventilation plans to be Submitted to The office of MHST

Company / Operator Agent Served: Jack Roles

Authorized Representative: [signature] 233/McKennis Brannum Inspector No. 229

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Special Assessment

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☒ X

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ____

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
Revised 3-09

Region 2
243-0072-2010

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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No: 34185

NOTICE OF VIOLATION

Company / Operator Performance Coal Co Inc Contractor: Yes ___ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 8-16- ,20 10 Time 1:00 ___ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 24A, Article 2, Section 40 (26) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: The Charger #6 Located at Ellis 5 Head was set on 350 for the #6 Awg cable this Breaker was using a 150-500 Trip Range and the Proper setting for this cable would be 116.25

Type of Issuance: N.O.V. X Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

The foregoing violation was totally abated by 1130 ___ a.m. X p.m. on 8-16- 20 10

Action taken to abate the violation: the cable coupler for this Charger was Removed and the cable was Dangered off

Company / Operator Agent Served: Bill Graham

Authorized Representative: [signature] Inspector No. 243

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ___ Occurred (20) ___

Severity of Injury Expected: None: *(0) ___ No lost work days *(6) X Lost or restricted days (11) ___

Permanently disabling (15) ___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) ___ 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0) ___ Low (10) ___ Moderate (15) ___ High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF - 019
Revised 11/08

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 243-0072-2010 Region 4

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____
Violation Number: 34165 was/is hereby _____totally abated by _____, 20____
_____a.m._____p.m._____extended to_____, 20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation: This violation is modified on the abatement to read as follows: The cable coupler for the #6 charger at Ellis #5 Mine was changed to another Reciptical and Receptacle that would Accommodate the #6awg cable for the charger.

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____
Violation Number:_____was/is hereby _____totally abated by _____, 20____
_____a.m._____p.m._____extended to_____, 20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____
Violation Number:_____was/is hereby _____totally abated by _____, 20____
_____a.m._____p.m._____extended to_____, 20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____
Violation Number:_____was/is hereby _____totally abated by _____, 20____
_____a.m._____p.m._____extended to_____, 20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation: _____

Company/Operator Agent served: Bill Graham Date: 8-16 20 10

Authorized Representative: Chuck Nelson Inspector Number 243

IF-O18
Revised 3-09

Region 4
243-0072-2010

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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No: 34186

NOTICE OF VIOLATION

Company / Operator Performance Coal Co Inc Contractor: Yes ___ No X

Permit Number 4-3042-92 Mine Name UBB montcoal Eagle

Date of Issue 8-16- ,2020 Time 1:10 ___ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 40 (26) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: The LBB Pump Located at Ellis #5 Head was not Provided with Proper Short Circuit Protection in that the cable length of 2446 feet would not allow a short ~~coil~~ Circuit to trip the breaker.

Type of Issuance: N.O.V. X Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

The foregoing violation was totally abated by 1:30 ___ a.m. X p.m. on 8-16- 2010

Action taken to abate the violation: the cable coupler was cut from the cable and the cable marked out of service

Company / Operator Agent Served: Bill Graham

Authorized Representative: Charles D Hess Inspector No. 243

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ___ Occurred (20) ___

Severity of Injury Expected: None: *(0) ___ No lost work days *(6) X Lost or restricted days (11) ___

Permanently disabling (15) ___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) ___ 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0) ___ Low (10) ___ Moderate (15) ___ High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF-O18
Revised 3-09

Region 4
243-0078-2010

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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No: 34187

NOTICE OF VIOLATION

Company / Operator Performance Coal Co Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Mountain Eagle

Date of Issue 8-17, 2010 Time 10:55 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 40 (22) and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: An Improper Termination was being used on the 12470 VOH Input cable for the 22 break transformer box serial # 9149-300-396 also called 22 South. this was a poorly constructed termination

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ a.m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by CDH 5:30 a.m. X p.m. on 8-17 20 10

Action taken to abate the violation: The cable was removed and the termination was reconstructed using a proper termination kit and reinstated

Company / Operator Agent Served: Bill Graham

Authorized Representative: Charles A Thin Inspector No. 243

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ____

Permanently disabling (15) X Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-C18
Revised 3-09

Region 4
243-0072-2010

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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No: 34188

NOTICE OF VIOLATION

Company / Operator Performance Coal Co Inc. Contractor: Yes ___ No X

Permit Number U-3042-92 Mine Name MB Montreal Eagle

Date of Issue 8-17- ,2010 Time 11:10 X A.M. ___ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 40 (70) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: The #1 circuit on the 22 South transformer box serial # 9149-300-396 could not be set using the magnetic trip unit. the #6 awg cable feeding the D-Box at this location could not be set low enough to provide overcurrent protection the ampacity of this cable is 93 and 125% of this is 116.25. A 500-1000 [illegible] trip unit was being used.

Type of Issuance: N.O.V. X Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

The foregoing violation was totally abated by 1:30 ___ a.m. X p.m. on 8-17- 2010

Action taken to abate the violation: The cable was moved to a proper breaker with the proper magnetic trip range and relabled

Company / Operator Agent Served: Bill Graham

Authorized Representative: [signature] Inspector No. 243

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ___ Reasonably likely (10) X Occurred (20) ___

Severity of Injury Expected: None: *(0) ___ No lost work days *(6) ___ Lost or restricted days (11) X

Permanently disabling (15) ___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) X 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0) ___ Low (10) X Moderate (15) ___ High (20) ___

Knowing Violation: No X Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) X **Extra effort (-15%)** ___

IF-018
Revised 4-07

Region 4
Case No 243-0072-2010
Violation No.
No. 43508

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston. West Virginia 25311-2126

Inspector
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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of issue 4/27 ,20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(15) and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: (1) The snap ring for the feed through cable on the lighting power supply at shield #173 was out of place allowing an opening on this power supply box. (2) The lighting power supply box located at #63 shield has an opening in excess of .005 of an inch in the lighting power supply box cover.(3) The lighting power supply box at shield #83 has a coupler with less than 1/8 of an inch, when measured the measurement was a 1/16 of an inch. This condition was observed on 8/9/2010

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Charles D. Hill Inspector No. 243

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) X Extra effort (-15%) ____

Revised 4-07

Region 4
Case No. 129-0416
Violation No. 1

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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No. **18139**

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Portal

Date of Issue 5/20 20 10 Time 1:30 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 42 d and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

Lightning arrestors are not being provided at the point where the mine telephone circuit enters the mine at the East Mains Punch Out.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8 ____ a. m. ____ p.m. on 5/21 20 10

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John Scott John Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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Region 4
Case No. 129-0416
Violation No. 2

No. 18140

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB

Date of Issue 5-20 ,20 10 Time 1:45 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 53 (A) (5) and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows:

. Protection from fall, by persons working around the East Mains Punch Out Belt Drive, is not being provided for an area approximately 40 feet in length. This area is located on the off-side of the belt drive. The drop-off from this bench area is approximately 75 feet. No hand rails, lifelines or other barriers are being provided.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8 X a. m. ____ p.m. on 6-2 2010

The foregoing violation was totally abated by ____ ____a.m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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Region 4
Case No. 129-0416
Violation No. 3

No. 26351

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB

Date of Issue 5-20 20 10 Time 10:45 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 60 b and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

The intake escapeway for the Barrier Section is not adequately separated from the return entry. The North Portal Fan and the return entry to the right of the fan and not separated to properly prevent return air from reentering through the main intake fan. Air flow was checked by utilizing a dry-chemical fire extinguisher and was observed reentering the mine through the fan..

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8 X a. m. ____ p.m. on 5-24 20 10

The foregoing violation was totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John Scott  Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ____

Permanently disabling (1 5) X Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) X 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF - 019
Revised 11/08

State of West Virginia
Office of Miners'Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 120-0416 Region 42 d

INSPECTION OF VIOLATION

Good faith in abatement Lack of good faith (+ 1 5%)_____

No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____

Violation Number: 26351 was/is hereby X totally abated by 12-21 20 10

8:08 a.m._____p.m._____extended to_____,20_____, _____modified to

_____Order, _____Withdrawn.

Action taken to abate the violation: The Barrier Section of wall that separates the return entry from the North Portal Fan was extended to prevent the fan from drawing return air in and recirculating. The air movement was checked with a smoke tube.

Good faith in abatement Lack of good faith (+1 5%) _____

No compliance (extenuating circumstances) (0%)_____Extra effort (- 1 5%)_____

Violation Number:_____was/is hereby_____totally abated by_____,20_____

_____a.m._____p.m._____extended to_____20_____, _____modified to

_____Order, _____Withdrawn.

Action taken to abate the violation: _____

Good faith in abatement. Lack of good faith (+1 5%) _____

No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____

Violation Number:_____was/is hereby_____totally abated by_____,20_____

_____a.m._____p.m._____extended to_____,20_____, _____modified to

_____Order, _____Withdrawn.

Action taken to abate the violation: _____

Good faith in abatement Lack of good faith (+1 5%) _____

No compliance (extenuating circumstances) (0%)_____Extra effort (- 1 5%)_____

Violation Number:_____was/is hereby_____totally abated by_____,20_____

_____a.m._____p.m._____extended to_____,20_____, _____modified to

_____Order, _____Withdrawn.

Action taken to abate the violation: _____

Company/Operator Agent served: Jack Roles Date: 12-21 20 10

Authorized Representative: Steve Lafferty Inspector Number 227

IF-018
Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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Region 4
Case No. 129-0416
Violation No. 4

No. 26354

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB

Date of Issue 5-24 ,20 10 Time 9:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 40 (29) and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows:

The High Voltage Circuit Breakers supplying power to the following: (East Mains Portal Section), (Ellis #5 Belt, Eunice Punch Out & Mains Belt), (Eunice Section, Headgate 22 Section & Tailgate 22 Section) and (Longwall & Longwall Belt) are being provided with simple switches that will enable a functional automatic re-closer. If the automatic re-closer is enabled, power can be restored to the underground high voltage circuits unexpectedly following a power outage. These high voltage circuit breakers are also being provided with ground wire monitor and ground fault protection bypass switches that can easily be switched on during testing or by accidental contact when operating the circuit breakers. These high voltage circuits are currently de-energized and the bypass and automatic re-closer functions were turned off when these conditions were observed at 10 am on May 20, 2010

Type of Issuance: N.O.V. X Order ____

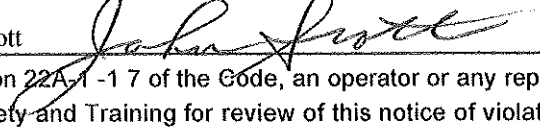
Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8 X a. m. ____ p.m. on 5-25 2010

The foregoing violation was totally abated by ____ ____a.m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John Scott  Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF 019
Revised 6/02

Region 4 Oak Hill

Case No. 129-0416

State of West Virginia

Office of Miners' Health, Safety and Training

1615 Washington Street, East

Charleston, West Virginia 25311-2126

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%) X

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 1 5%) _____

Violation Number 2 was/is hereby _____ totally abated by _____ 20 _____

_____ a. m. _____ P. M., _____ extended to 6/11 ,20 10 _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: Area is being cleaned up and in process of repair.

Good faith in abatement: Lack of good faith (+ 15%) X

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15 %) _____

Violation Number 3 was/is hereby _____ totally abated by _____ 20 _____

_____ a. m. _____ P. M. _____ extended to 6/11 ,20 10 _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: Area in process of being repaired.

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15%) _____

Violation Number 4 was/is hereby _____ totally abated by _____ 20 _____

_____ a. m. _____ P. M. _____ extended to 6/11 20 10 _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: Substation has is in process of repair, but needs tested.

Good faith in abatement: Lack of good faith (+ 1 5 %) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number _____ was/is hereby _____ totally abated by _____ 20 _____

_____ a. m. _____ P. M. _____ extended to _____ 20 _____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number _____ was/is hereby _____ totally abated by _____ 20 _____

_____ a. m. _____ P. m _____ extended to _____ ,20 _____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: _____

Company/Operator Agent served: Paul Thompson Date: 6/7 20 10

Authorized Representative: [signature] for John Scott Inspector Number 141

IF - 019
Revised 11/08

State of West Virginia
Office of Miners'Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 129-0416 Region 4

INSPECTION OF VIOLATION

Good faith in abatement Lack of good faith (+ 1 5%)_____
No compliance (extenuating circumstances) (0%) X Extra effort (-15%)_____
Violation Number: 4 ((26354) was/is hereby X totally abated by 8-26 20 10
7:30 a.m._____p.m._____extended to_____,20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation: Repairs have been made to all of the affected High Voltage circuit breakers and associated equipment located in the sub-station All circuit breakers have been tested and are working properly..

Good faith in abatement Lack of good faith (+1 5%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (- 1 5%)_____
Violation Number:_____was/is hereby_____totally abated by_____,20_____
_____a.m._____p.m._____extended to_____20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation: _____

Good faith in abatement. Lack of good faith (+1 5%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____
Violation Number:_____was/is hereby_____totally abated by_____,20_____
_____a.m._____p.m._____extended to_____,20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation: _____

Good faith in abatement Lack of good faith (+1 5%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (- 1 5%)_____
Violation Number:_____was/is hereby_____totally abated by_____,20_____
_____a.m._____p.m._____extended to_____,20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation: _____

Company/Operator Agent served: Paul Thompson Date: 8-26 20 10

Authorized Representative: John Scott John Scott Inspector Number 129

IF-018
Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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Region 4
Case No. 129-0416
Violation No. 5

No. 26353

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB

Date of Issue 5-21 ,20 10 Time 10:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (20) and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows:

The take-up de-watering pump, located underground at the East Mains Punch Out, is not being properly maintained. This pump receives power from a 480 volt distribution box located on the surface at the East Mains Punch Out Portal. This pump was locked and tagged out of service but was wired in such a manner that it connected the surface utility ground to the pump ground even with the cable coupler uncoupled. The ground lug inside the metallic coupler was connected to the frame of the coupler. The frame of the coupler was connected, through an external ground strap, to the metallic frame of the distribution box which was grounded to the surface utility ground. This condition, which was observed at 1:15 pm on 5-20-2010, did not separate the surface utility ground from the underground equipment ground. This pump circuit was not provided with a lightning arrestor as required by Chapter 22A, Article 2, Section 40 (30) of the West Virginia Code.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8 X a. m. ____ p.m. on 5-24 2010

The foregoing violation was totally abated by ____ ____a.m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John Scott John Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF 019
Revised 6/02

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Region 4 Oak Hill

Case No. 129-0416

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%)_____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15%)_____

Violation Number 1 was/is hereby X totally abated by 5/26 20 10

____ a. m. 3:00 P. M., ____ extended to _____, 20____ ____ modified to

____ Order, ____ Withdrawn.

Action taken to abate the violation:

Lightning arresters installed at East Mains Punch out.

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%)_____ Extra effort (- 15 %)_____

Violation Number 2 was/is hereby ____ totally abated by ____ 20____

____ a. m. ____ P. M. ____ extended to _____, 20____ ____ modified to

____ Order, ____ Withdrawn.

Action taken to abate the violation:

Not due for abatement.

Good faith in abatement: Lack of good faith (+ 15%) X

No compliance (extenuating circumstances) (0%)_____ Extra effort (- 15%)_____

Violation Number 3 was/is hereby ____ totally abated by ____ 20____

____ a. m. ____ P. M. ____ extended to 6/1 20 10 ____ modified to

____ Order, ____ Withdrawn.

Action taken to abate the violation:

Roadway had to be built, area is being worked on.

Good faith in abatement: Lack of good faith (+ 15 %) X

No compliance (extenuating circumstances) (0%) ____ Extra effort (- 15%) ____

Violation Number 4 was/is hereby ____ totally abated by ____ 20____

____ a. m. ____ P. M. ____ extended to 6/1 20 10 ____ modified to

____ Order, ____ Withdrawn.

Action taken to abate the violation:

Substation has is in process of repair, but needs tested.

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) ____ Extra effort (- 15%) ____

Violation Number 5 was/is hereby X totally abated by 5/26 20 10

____ a. m. 3:30 P. M ____ extended to ____, 20____ ____ modified to

____ Order, ____ Withdrawn.

Action taken to abate the violation:

Surface power source removed, grounds separated, equipment disconnected.

Company/Operator Agent served: Paul Thompson Date: 5/27 20 10

Authorized Representative: ____ for John Scott Inspector Number 141

IF - 019
Revised 11/08

State of West Virginia
Office of Miners'Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 129-0416 Region 4

INSPECTION OF VIOLATION

Good faith in abatement Lack of good faith (+ 1 5%)_____
No compliance (extenuating circumstances) (0%) X Extra effort (-15%)_____
Violation Number: 16139 (1) was/is hereby X totally abated by 7-13 2010
____ a.m. 1:10 p.m. ____ extended to ____, 20____, ____ modified to
____ Order, ____ Withdrawn.
Action taken to abate the violation: A lightning arrestor was installed on this telephone circuit.

Good faith in abatement Lack of good faith (+1 5%)_____
No compliance (extenuating circumstances) (0%) X Extra effort (- 1 5%)_____
Violation Number: (2) 18140 was/is hereby X totally abated by 7-13 ,2010
____ a.m. 1:20 p.m. ____ extended to ____ 20____, ____ modified to
____ Order, ____ Withdrawn.
Action taken to abate the violation: Adequate handrails and barriers have been installed in the affected areas.

Good faith in abatement. Lack of good faith (+1 5%)_____
No compliance (extenuating circumstances) (0%) X Extra effort (-15%)_____
Violation Number: 26353 (5) was/is hereby X totally abated by 7-13 ,2010
____ a.m. 1:15 p.m.. ____ extended to ____, 20____, ____ modified to
____ Order, ____ Withdrawn.
Action taken to abate the violation: The 480 volt distribution box was disconnected and removed from mine property.

Good faith in abatement Lack of good faith (+1 5%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (- 1 5%)_____
Violation Number: ____ was/is hereby ____ totally abated by ____ ,20____
____ a.m. ____ p.m. ____ extended to ____, 20____, ____ modified to
____ Order, ____ Withdrawn.
Action taken to abate the violation: ____

Company/Operator Agent served: Paul Thompson Date: 7-13 2010

Authorized Representative: John Scott John Scott Inspector Number 129

Revised 4-07

Region 4
Case No. 129-0416
Violation No. 6

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

No. **26356**

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB

Date of Issue 6-29 ,20 10 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 40 (20) and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows:

The ML 78 BRK. High Voltage Dual-Line Splitter, Serial # 22639-705, is not being properly maintained. The stress cones on the 12470 volt cable terminations for the input and output connections were not installed according to manufactures specifications. The shunt straps and metal bands were not installed on the cable shielding as required by the manufacturer.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by 4 ____ X p.m. on 6-29 20 10

Action taken to abate the violation: New stress cones were installed properly on all affected terminations.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John Scott John Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) X Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4
Case No. 129-0416
Violation No. 7

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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No. 26357

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB

Date of Issue 6-29 ,20 10 Time 11:15 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 40 (20) and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows:

The ML 78 BRK. High Voltage Dual-Line Splitter, Serial # 22639-705, is not being properly maintained. Accumulations of dry to damp float dust, from 1/2 inch to 1/4 inch in depth, have been allowed to enter the splitter enclosure.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by 4 ____ a.m. X . p.m. on 6-29 20 10

Action taken to abate the violation: The dust was removed and the affected areas cleaned.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John Scott John Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X I (1) . ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

STATE OF WEST VIRGINIA
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Region 4
Case No 129-0416
Violation No. 8

No. 26358

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB

Date of Issue 6-29 ,20 10 Time 2 ____A.M. .X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 40 (20) and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows:

The Dual-Line High Voltage Splitter, serial # 28964-1108, located at the Ellis Switch, is not being properly maintained. The stress cones on the 12470 volt cable terminations for the input and both output connections were not installed according to manufactures specifications. The shunt straps and metal bands were not installed on the cable shielding as required by the manufacturer.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

equipment being

The foregoing violation shall be totally abated by ____ ____a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by 4:40 ____a.m. .X p.m. on 6-29 20 10

Action taken to abate the violation: New stress cones were installed properly on all affected terminations.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John Scott John Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X I (1) . ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
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Region 4
Case No. 129-0416
Violation No. 9

No. 26360

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB

Date of Issue 7-1 ,20 10 Time 2:30 ____ A.M. .X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 40 (65) and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows:

Adequate guarding is not being provided for the two High Voltage circuits (green circuit) & (red circuit) from the Ellis Switch to the Ellis Punch Out. In multiple locations in the belt/track entry, the high voltage cables are in contact with low voltage and communication cables, metal belt hanger chains and are not guarded in these locations. The unguarded high voltage cable (green circuit) crosses the track two crosscuts outby the # 5 Belt Power Center at a height of approximately 5 feet above the rails. Both of these circuits are de-energized.

Type of Issuance: N.O.V. X Order ____

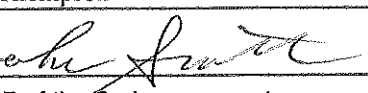
Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8 X a. m. ____ p.m. on 7-12 2010

The foregoing violation was totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John Scott  Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF - 019
Revised 11/08

State of West Virginia
Office of Miners'Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 129-0416 Region 4

INSPECTION OF VIOLATION

Good faith in abatement Lack of good faith (+ 1 5%)_____

No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____

Violation Number: 9 (26360) was/is hereby_____totally abated by_____20____

_____a.m._____p.m. X extended to 8 AM 7-14 ,20 10 , _____modified to

_____Order, _____Withdrawn.

Action taken to abate the violation: Additional time was given to allow additional guarding to be ordered, received and installed.

Good faith in abatement Lack of good faith (+1 5%)_____

No compliance (extenuating circumstances) (0%)_____Extra effort (- 1 5%)_____

Violation Number:_____was/is hereby_____totally abated by_____,20____

_____a.m._____p.m._____extended to_____20_____, _____modified to

_____Order, _____Withdrawn.

Action taken to abate the violation: _____

Good faith in abatement. Lack of good faith (+1 5%)_____

No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____

Violation Number:_____was/is hereby_____totally abated by_____,20____

_____a.m._____p.m._____extended to_____,20_____, _____modified to

_____Order, _____Withdrawn.

Action taken to abate the violation: _____

Good faith in abatement Lack of good faith (+1 5%)_____

No compliance (extenuating circumstances) (0%)_____Extra effort (- 1 5%)_____

Violation Number:_____was/is hereby_____totally abated by_____,20____

_____a.m._____p.m._____extended to_____,20_____, _____modified to

_____Order, _____Withdrawn.

Action taken to abate the violation: _____

Company/Operator Agent served: Paul Thompson Date: 7-12 20 10

Authorized Representative: John Scott John Scott Inspector Number 129

IF-018
Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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Region 4
Case No. 129-0416
Violation No. 10

No. 26352

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB

Date of Issue 7-12 ,20 10 Time 12:50 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 40 (67) and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows:

The circuit breaker and receptacle for the # 184 scoop charger, located in the Ellis # 5 head power center (circuit # 6), do not have identification tags or labels. The cable coupler (cathead) was labeled properly

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by 12:55 ____ a.m. X . p.m. on 7-12 20 10

Action taken to abate the violation: The circuit breaker and receptacle were labeled. .

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) X Extra effort (-15%) ____

IF-018
Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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Region 4
Case No. 129-0416
Violation No. 11

No. 26355

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 7-12 ,20 10 Time 12:55 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 40 (67) and/or West Virginia Administrative Regulation:.

Title ____ , Series ____ , Section ____ exists as follows:

The circuit breaker and receptacle for the Ellis #4 Belt Pump, circuit #6 located in the Eunice Section #1 Belt Power Center, are not labeled for identification. The cable coupler (cathead) was properly labeled.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8 X a. m. ____ p.m. on 7-13 2010

The foregoing violation was totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John Scott John Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF - 019
Revised 11/08

State of West Virginia
Office of Miners'Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 129-0416 Region 4

INSPECTION OF VIOLATION

Good faith in abatement Lack of good faith (+ 1 5%)_____
No compliance (extenuating circumstances) (0%) X Extra effort (-15%)_____
Violation Number: 9 (26360) was/is hereby X totally abated by 7-14 20 10
____ a.m. 2 p.m. ____ extended to _____ ,20____ , ____ modified to
____ Order, ____ Withdrawn.
Action taken to abate the violation: Additional guarding was installed in all of the affected areas. Adequate guarding is now being provided.

Good faith in abatement Lack of good faith (+1 5%)_____
No compliance (extenuating circumstances) (0%) X Extra effort (- 1 5%)_____
Violation Number: 11 (26355) was/is hereby X totally abated by 7-14 ,20 10
10:00 a.m. ____ p.m. ____ extended to _____ 20____ , ____ modified to
____ Order, ____ Withdrawn.
Action taken to abate the violation: The circuit breaker and receptacle were labeled.

Good faith in abatement. Lack of good faith (+1 5%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (-15%)_____
Violation Number:_____ was/is hereby_____ totally abated by_____ ,20____
____ a.m.____ p.m..____ extended to_____ ,20____ , ____ modified to
____ Order, ____ Withdrawn.
Action taken to abate the violation: _____

Good faith in abatement Lack of good faith (+1 5%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (- 1 5%)_____
Violation Number:_____ was/is hereby_____ totally abated by_____ ,20____
____ a.m.____ p.m.____ extended to_____ ,20____ , ____ modified to
____ Order, ____ Withdrawn.
Action taken to abate the violation: _____

Company/Operator Agent served: Paul Thompson Date: 7-14 20 10

Authorized Representative: John Scott John Scott Inspector Number 129

IF-018
Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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Region 4
Case No. 129-0416
Violation No. 12

No. 26359

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 7-12 ,20 10 Time 1:00 ____A.M. .X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 40 (26) and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows:

Adequate short circuit protection is not being provided for the 480 volt outby roof bolter circuit #1 located in the Ellis #5 Head Power Center. The short circuit setting on the circuit breaker was set on 1500 amps. The maximum allowed for the #2 AWG trailing cable is 800 amps.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by 1:05 ____a.m. .X p.m. on 7-12 20 10

Action taken to abate the violation: The short circuit setting on the circuit breaker was set on 800 amps. .

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John Scott _____ Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X I (1) . 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) X Extra effort (-15%) ____

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Region 4
Case No. 129-0416
Violation No. 13

No. 26361

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April, 27 ,20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (15) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

The Simmons-Rand 630 Shield Hauler, serial # 1012, located on the long wall section, is not being maintained in a permissible condition due to the following: 1. One flat washer is missing from the deck mounted control station panel lid.

2. The main panel and the breaker panel both have one bolt that is too short for the panel lid.

3. The battery-end deck-side headlight has two lock washers missing from the cover bolts.

4. The battery-end off-side headlight has one bolt missing from the lens guard.

5. The deck mounted speed indicator housing has one allen bolt installed that does not fit the housing lens cover.

6. The power cable and conduit are partially pulled out of the cable entrance gland on the rear traction motor.

7. Both of the safety interlock switches, located in the main panel, are taped closed. These switches de-energize the main circuit breaker when the panel lids are removed. These conditions were observed at 12:40 PM on August 18th 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ a.m. ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

No. of Persons Potentially Affected: 0 (0)____ I (1) X 2(2)____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10) X Moderate (15)____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%)____

No compliance (extenuating circumstances) (0%)____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA
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Region 4
Case No. 129-0416
Violation No. 14

No. 26362

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, 20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(15) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5th 2010, it was found that the 4160 volt Joy shearer, located on the Longwall Section, was not being maintained in a permissible condition due to the following:

1. One bolt was missing out of the lock bar for the panel mounting bolts.
2. The lock screw for the packing gland in the head-side traction motor was missing.
3. Lock washers are not being provided for any of the panel cover mounting bolts.
4. The cable gland nut for the 4160 volt input to the shearer does not have a (lock wire) securing wire tie installed.
5. The lock screw for the packing gland in the head-side cutter motor was missing.

These conditions were observed at 11 AM on July 21st, 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

No. of Persons Potentially Affected: 0 (0)____ I (1) X 2(2)____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10) X Moderate (15)____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA
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Region 4
Case No. 129-0416
Violation No. 15

No. 26363

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, ,20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (20) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5th 2010, it was determined that the Joy Shearer is not being properly maintained. The head-side fire suppression water valve was missing and the tail-side fire suppression valve was not accessible.. This condition was observed at 12:15 PM on August 2nd, 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1-1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) X 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) X High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Region 4
Case No. 129-0416
Violation No. 16

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
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Rep of Mines

No. 26364

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, ,20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (15) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5th 2010, the control boxes on the Head-gate of the Longwall section were not being maintained in a permissible condition due to the following:

1. The 4160 volt shearer cable was not properly entered in the output side packing gland on the shear disconnect box. The inter packing ring was not installed which allowed the packing material to enter the disconnect box.

2. The 110 volt lighting cable, connected to the shearer and tail motor disconnect boxes, was not properly entered in the packing glands on either box. The diameter of the cable was too large to enter the packing glands and the outer jacket had been shaved down to allow the cable to enter.

3. The snap ring was not properly installed on the B-66 plug on the power supply for the shield computer. This condition allows the plug to be energized without being properly secured to the receptacle.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) ____ 2(2) X 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) X High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 1-08 Cont.

Region 4
No. 129-0416
Violation No. 16 (26364)

STATE OF WEST VIRGINIA

OFFICE OF
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161 5 Washington Street East
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NOTICE OF VIOLATION - CONTINUATION PAGE NO 2

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of, Issue April 27, 20 10 Time 11 X A.M. ____ P.M.

4. The spare entrance gland, labeled as the Mid-face #2 Readout and located in the #1 bay of the Head-gate control box, is not properly plugged or sealed. The packing gland is plugged with a short piece of 7 conductor cable.

5. The 480 volt cable coupler, labeled as the Head-face pump, is a non-permissible cable coupler. The Head-gate control box that this cable plugs into is located within 150 feet of the face area of the long-wall section.

6. The diameter of the 110 volt lighting power supply cable is too large to enter the packing gland on the B-66 permissible plug which connects to the Head-gate control box. The outer jacket of the cable has been cut down to allow the cable to enter the plug.

7. The entrance gland for the 110 volt lighting cable, in the tail motor disconnect box, has the packing nut tightened down to less than 1/8 inch.

These conditions were observed on August 4th, 2010.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW- In accordance with Section 22A-147 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners'l-lealth, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
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Region 4
Case No. 129-0416
Violation No. 17

No. 26365

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27 ,20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 40 (15) and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5th 2010, the #1 Face conveyor motor, located on the Head-gate of the Longwall section, was not being maintained in a permissible condition. The spare packing gland plug was not tack welded as required. .This condition was observed at 10:30 AM on August 6th, 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

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STATE OF WEST VIRGINIA
OFFICE OF
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Region 4
Case No. 129-0416
Violation No. 18

No. 26366

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, 20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (15) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5th 2010, the Crusher motor and the #2 Stage Loader motor, located on the Head-gate of the Longwall section, were not being maintained in a permissible condition due to the following:

1: The spare packing gland plug on the Crusher motor was not tack welded as required.

2. The set screw was not installed in the bottom packing nut on the #2 Stage Loader motor.

.These conditions were observed on August 9th, 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service..

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
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1615 Washington Street East
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Region 4
Case No. 129-0416
Violation No. 19

No. 26367

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, 20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (15) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5th 2010, the 110 volt power supplies, located at the #3 shield and the #43 shield on the face of the Longwall section, were not being maintained in a permissible condition due to the following:

1: Two flat washers were missing on the bolts in the aluminum panel cover for the power supply located at the #3 shield

2. Three flat washers were missing on the bolts in the aluminum panel cover for the power supply located at the #43 shield.

.These conditions were observed on August 5th, 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

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Region 4
Case No 129-0416
Violation No. 20

No. 26368

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, 20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (25) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5th 2010, the 110 volt lighting cable, located on the face of the Longwall section, was not provided with adequate insulation. A damaged place in the cable, located between the # 38 and #39 shields, was not adequately insulated. The insulated power conductors are exposed.

.This condition was observed at 3:10 PM on August 5th, 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

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STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No. 129-0416
Violation No. 21

No. 26369

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, 20 11 Time [illegible] A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (26) and/or West Virginia Administrative Regulation:, Title ____, Series ____, Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5th 2010, it was found that proper short circuit protection was not being provided for the 5750 KVA transformer, located in the Longwall Section Power Center (serial # 5348077). The 735 relay was set on 3600 amps and should have been set on 2400 amps.

.This condition was observed at 10:30 AM on August 4th, 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott [signature] Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No. 129-0416
Violation No. 22

No. 26371

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, 20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (15) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5th 2010, it was found that the Joy 14-15 continuous miner, serial # JM6044, and located on the Tailgate Section, was not being maintained in a permissible condition. The input packing gland on the trailing cable junction box did not have a seal wire on the gland nut.

This condition was observed on September 20th, 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

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STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No. 129-0416
Violation No. 23

No. 26372

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, ,20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (15) and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5th 2010, it was found that the Joy Shuttle Car, serial # 17650 and located on the Tailgate Section, was not being maintained in a permissible condition. An opening in excess of .005 inch was present in the side cover on the cable reel. a .007 inch gauge would enter the flame path on the cover.

This condition was observed at 2 PM on September 21, 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

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STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No 129-0416
Violation No. 24

No. 26373

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, ,20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 40 (15) and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5th 2010, it was found that the Joy Shuttle Car, serial # 17651 and located on the Tailgate Section, was not being maintained in a permissible condition. The lock was broken off of the spare packing gland on the off-side conveyor motor.

This condition was observed at 11:20 AM on September 22th, 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

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STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No. 129-0416
Violation No. 25

No. 26374

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, 20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (73) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5th 2010, it was found that a fail-safe ground check circuit was not being provided for the 480 Volt AC 9 HP pump, located on the Tailgate Section. The ground wire and monitor wire were terminated together inside the permissible pump starter box. This wiring configuration only monitored the ground circuit from the cable coupler to the starter box and not to the metallic frame of the pump.

This violation was observed on September 22, 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

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STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No. 129-0416
Violation No. 26

No. 26375

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, 20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (15) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5th 2010, it was found that the Joy Shuttle Car, serial # ET17505, and located at 37 Break Old North Mains Section, was not being Maintained in a permissible condition. A packing gland on the cable reel junction box was not secured with a set screw to prevent movement.

This condition was observed at 10:15 AM on October 13, 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

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Region 4
Case No 129-0416
Violation No. 27

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

No. 26376

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, 20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (20) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5th, 2010, it was found that the 5 HP Flygt Pump starter box, located at the Mother Drive, is not being properly maintained. The input and output ground wires are connected together under the same ground lug inside the pump starter box. This condition would allow the circuit breaker to remain energized and the metallic starter box not effectively grounded if the ground lug was loose or not adequately connected inside the starter box.

This condition was observed at 11:20 AM on October 18th 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

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STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No. 129-0416
Violation No. 28

No. 26377

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, 20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (73) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5th 2010, it was found that the 480 volt AC Mantrip Charger, located near survey spad station # 20014, was not being provided with a fail-safe ground check circuit. The ground wire and the monitor wire were connected together under the same lug inside the charger. This condition would allow the circuit breaker to remain energized if the ground lug became loose from the metallic frame of the charger, thus leaving the charger housing ungrounded and the charger energized. This condition was observed at 10:15 AM on October 20th, 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service..

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

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STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No. 129-0416
Violation No. 29

No. 26378

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, 20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (15) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5th 2010, it was found that the starter box for the 58 HP Flygt Pump located near the Glory Hole, was not being maintained in a permissible condition. A .005 inch gauge will enter the flame path of the panel and a maximum of .004 inch is allowed.

This condition was observed at 12 PM on October 20th, 2010

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service..

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1-1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

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Region 4
Case No. 129-0416
Violation No. 30

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

No. 26380

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, 20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (15) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5th, 2010 it was found that the 35C-XL2 Fairchild Scoop, serial # T339-396, and located on the 22 Headgate Section, is not being maintained in a permissible condition due to the following:

1. The conduit on the right side battery cable packing gland does not have a clamp to secure the conduit.
2. One flat washer is missing from the circuit breaker panel lid.
3. The outer jacket has been cut down to allow the cable to enter the off-side battery plug.
4. The off-side battery cable measures 48 inches in length and 36 inches in length is the maximum that is approved.

These conditions were observed at 10 AM on November 9, 2010

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service..

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Region 4
Case No. 129-0416
Violation No. 31

No. 41604

STATE OF WEST VIRGINIA
OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, ,20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (15) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5th, 2010 it was found that the 35Y Fairchild Scoop, located on the 22 Headgate Section, is not being maintained in a permissible condition due to the following:

1:The battery cable packing gland on the breaker panel is not secured.

2. The unused packing gland on the pump motor is not tack welded.

These conditions were observed on November 9, 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service..

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No. 129-0416
Violation No. 32

No. 41605

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, ,20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (15) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

During an investigation of an accident that occurred on April 5th, 2010 it was found that the DDR-13-BC-S Fletcher Roof Bolter, serial # 95065-2005358, and located on the 22 Headgate Section, is not being maintained in a permissible condition due to the following:

1: The outer jacket of the trailing cable is busted at the cable reel restraining clamp

2. Both packing gland set screws are broken on the off-side front headlight.

These conditions were observed on November 9, 2010

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service..

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Region 4
Case No. 129-0416
Violation No. 33

STATE OF WEST VIRGINIA
OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

No. 41606

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, 20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (15) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5th, 2010, it was found that the J. B. Long rubber tired Mantrip, serial # 472-B195, and located on the 22 Headgate Section, is not being maintained in a permissible condition due to the following:

1. A Power cable and conduit enter the rear of the main panel box and do not have a packing gland or restraint.
2. One bolt was missing in the rear main panel box.
3. One packing gland in the main panel was not secured with a set screw.
4. The front headlight had an opening in excess of .003 inches. A .003 inch gap is the maximum for this size headlight
5. The directional switch has an opening in excess of .003 inch. A .003 inch gap is the maximum for this size enclosure.

These conditions were observed at 10:40 on November 10, 2010

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service..

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) X 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) X High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No. 129-0416
Violation No. 34

No. 41607

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, ,20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (20) and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5th 2010, it was found that the Joy Shuttle Car, serial # 17650 and located on the Tailgate Section, was not being properly maintained. The operator's deck mounted stand-off insulators were damaged or missing. The front insulator was bent and the rear insulator was missing. These insulators prevent the trailing cable from contacting the metallic frame of the operator's deck.

This condition was observed at 2 PM on September 21, 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service..

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11)____

Permanently disabling (1 5) X Fatal (20)____

No. of Persons Potentially Affected: 0 (0)____ I (1) X 2(2)____ 3(4)____ 4-5(6)____ 8-9(8)____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15) X High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%)____

No compliance (extenuating circumstances) (0%)____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No. 129-0416
Violation No. 35

No. 41608

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, 20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (20) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5th 2010, it was found that the Joy Shuttle Car, serial # 17651 and located on the Tailgate Section, was not being properly maintained. The operator's deck mounted stand-off insulators were missing. These insulators prevent the trailing cable from contacting the metallic frame of the operator's deck.

This condition was observed at 11:20 AM on September 22, 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service..

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11)____

Permanently disabling (1 5) X Fatal (20)____

No. of Persons Potentially Affected: 0 (0)____ I (1) X 2(2)____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15) X High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%)____

No compliance (extenuating circumstances) (0%)____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
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Rep of Mines

Region 4
Case No. 129-0416
Violation No. 36

No. 41609

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, 20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (20) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5th 2010, it was found that the Joy Shuttle Car, serial # 17649 and located on the Tailgate Section, was not being properly maintained. The operator's deck mounted stand-off insulators were missing. These insulators prevent the trailing cable from contacting the metallic frame of the operator's deck.

This condition was observed at 12:00 PM on September 22, 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service..

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ____

Permanently disabling (1 5) X Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) X High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Region 4
Case No. 129-0416
Violation No. 37

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

No. 26379

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 10-19 20 11 Time 8:55 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (20) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

An up to date record of the required weekly exam of the following equipment, located on the Headgate 22 section, was not being kept:

1. DBT Feeder Missed one week in February 2010
2. CLA Forklift #153. Missed two weeks in March 2010
3. Joy Miner JM 4918B. Missed one week in February 2010.
4. Joy Miner JM5811. Missed one week in February 2010.
5. J B Long Mantrip. Missed four weeks in January and March 2010. Missed three weeks in February 2010.
6. Fairchild Scoop #396. Missed two weeks in March 2010.
7. #396 Scoop Charger. Missed two weeks in March 2010.
8. Fairchild Scoop # 224. Missed two weeks in March 2010.

Type of Issuance: N.O.V. X Order ____

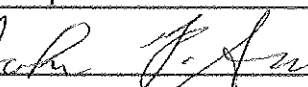
Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by 10:00 X a.m. ____ p.m. on 10-19 20 11

Action taken to abate the violation: This article of law and it's requirements were discussed with mine management.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott  Inspector No. 129

REVIEW: In accordance with Section 22A-1-1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) X Extra effort (-15%) ____

IF-018
Revised 1-08 Cont.

Region 4
No. 129-0416
Violation No. 37 (26379)

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH,. SAFETY AND TRAINING
161 5 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION - CONTINUATION PAGE NO 1

Company / Operator Performance Coal Co,, INC. Contractor: Yes ____ NoX ____

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of, Issue 10-19 2O 11 Time 8:55 X A.M. ____ P.M.

9. Simmons Rand Scoop 488-1253. Missed one week in February 2010

10. #1 Scoop Charger. Missed three weeks in January 2010. Missed one week in February 2010. Missed 4 weeks in March 2010.

11. Joy Shuttle Car ET17503. Missed three weeks in March 2010.

12. Joy Shuttle Car ET 17504. Missed one week in February 2010

13. Fletcher Roof Bolter #358 Missed one week in January and February 2010. Missed two weeks in March 2010.

14. Fletcher Roof Bolter # 328. Missed one week in January and March 2010.

15 .#1 Pressure Pump. Missed three weeks in March 2010.

16. Section Power Center (27011-2500-203). Missed one week in January 2010.

17. Headgate 22 Section Belt Drive. Missed three in January 2010. Missed four weeks in February and March 2010.

18. Headgate 22 Section Belt Drive Power Center (27201-1400-1008). Missed one week in January 2010. Missed all of March 2010.

19. DC Bonder: Missed one week in February 2010. Missed three weeks in March 2010.

There is not a written record of any of this equipment being tagged out of service during this time period.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW- In accordance with Section 22A-147 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners'l-lealth, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Revised 4-07

Region 4
Case No. 129-0416
Violation No. 38

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

No. 41610

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 10-19 ,20 11 Time 9:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (20) and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows:

An up to date record of the required weekly exam of the following equipment, located on the Tailgate 22 section, was not being kept:

1. Stamler Feeder 13283R. Missed three weeks in January 2010.

2 #2 Fairchild Scoop #231. Missed three weeks in January 2010.

3. #1 Fairchild Scoop #267-R. Missed one week in February 2010.

4. Simmons Rand Scoop 488-2238. Missed one week in January 2010.

5. #1 Scoop Charger. Missed all in January and February 2010.

6. #2 Scoop Charger. Missed all in January and February 2010. Missed two weeks in March 2010.

7. Joy Shuttle Car ET17649. Missed one week in January 2010.

8. Joy Shuttle Car ET17650.. Missed one week in January 2010

Type of Issuance: N.O.V. X Order ____

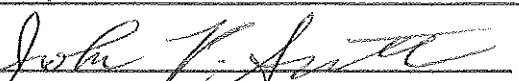
Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by 10:05 X a.m. ____ p.m. on 10-19 20 11

Action taken to abate the violation: This article of law and it's requirements were discussed with mine management.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott  Inspector No. 129

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) X Extra effort (-15%) ____

IF-018
Revised 1-08 Cont.

Region 4
No. 129-0416
Violation No. 38 (41610)

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH,. SAFETY AND TRAINING
161 5 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION - CONTINUATION PAGE NO 1

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of, Issue 10-19 20 11 Time 9:00 X A.M. ____ P.M.

9. Joy Shuttle Car ET17651. Missed one week in January 2010.

10. Fletcher Roof Bolter 060. Missed one week in January 2010.

11. Fletcher Roof Bolter 046. Missed one week in January and February 2010.

12. Pressure Pump #621. Missed one week in January, February and March 2010.

13. DC Bonder. Missed one week in March 2010.

14. #1 Belt Drive (crossover). Missed one week in February 2010. Missed two weeks in March 2010.

15. #1 Belt Drive Power Center/Starter 22908-1200-1005. Missed three weeks in March 2010.

16. #2 Belt Drive (TG 22 Section). Missed one week in February 2010. Missed two weeks in March 2010.

17. #2 Belt Drive Power Center 29989-500-409. Missed two weeks in March 2010.

18. #3 Scoop Charger. Missed 2 weeks in January 2010.

There is not a written record of any of this equipment being tagged out of service during this time period.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW- In accordance with Section 22A-147 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners'l-lealth, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Revised 4-07

Region 4
Case No. 129-0416
Violation No. 39

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
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No. **41611**

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 10-19 ,20 11 Time 9:05 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 40 (20) and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows:

An up to date record of the required weekly exam of the following equipment, located on the Headgate 21 section, was not being kept:

1. SMC Gate Box. Missed one week in February and March 2010.
2. Mule Train Power Center/Starter. (serial # 538217220011). Missed one week in January, February and March 2010.
3. Shearer Disconnect Box. Missed one week in February and March 2010.
4. Tail Drive Disconnect Box. Missed one week in February and March 2010.
5. Longwall ACT. Missed two weeks in February 2010 and one week in March 2010.
6. Longwall Lighting. Missed all of January and February 2010. Missed two weeks in March 2010.
7. Monorail D-Box. Missed one week in January and February 2010. Missed all of March 2010.
8. Outby D-Box. Missed three weeks in February 2010. Missed one week in March 2010.

Type of Issuance: N.O.V. X Order ____

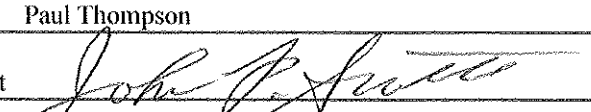
Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by 10:10 X a.m. ____ p.m. on 10-19 20 11

Action taken to abate the violation: This article of law and it's requirements were discussed with mine management.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott  Inspector No. 129

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) X Extra effort (-15%) ____

IF-018
Revised 1-08 Cont.

Region 4
No. 129-0416
Violation No. 39 (41611)

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH,. SAFETY AND TRAINING
161 5 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION - CONTINUATION PAGE NO 1

Company / Operator Performance Coal Co,, INC. Contractor: Yes ____ NoX ____

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of, Issue 10-19 2O 11 Time 9:05 X A.M. ____ P.M.

9. Longwall Power Center (serial # 538217120011). Missed one week in January, February and March 2010.

10. Scoop Charger. Missed two weeks in January 2010. Missed one week in February 2010. Missed two weeks in March 2010.

11. Hauler Charger. Missed two weeks in January 2010. Missed one week in March 2010.

12. Longwall Shield Computer. Missed one week in January, February and March 2010.

13. Longwall Welder. Missed two weeks in January and February 2010. Missed 4 weeks in March 2010.

14. Fletcher Roof Bolter DR-13-E-CF (serial # 2000043) Missed one week in March 2011.

15. 4 Wheel Battery Powered Emergency Ride. Missed two weeks in March 2010.

16. CLA Forklift #15-1. Missed all of February and March 2010.

17. CLA Forklift Charger. Missed all of February and March 2010.

There is not a written record of any of this equipment being tagged out of service during this time period.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW- In accordance with Section 22A-147 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners'I-lealth, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Revised 4-07

Region 4
Case No. 129-0416
Violation No. 40

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
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Regional Office
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No. **41612**

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 10-19 ,20 11 Time 9:10 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (20} and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows:

An up to date record of the required weekly exam of the following equipment, was not being kept:

1. CLA Forklift #152. Missed all of January and February 2010
2. CLA Forklift Charger. Missed one week in January and February 2010.
3.#7 North Belt Drive. Missed all of January 2010. Missed two weeks in March 2010.
4. #75 Break Single Line Switch (22933-206). Missed one week in January 2010. Missed all of March 2010.
5.#93 Break Capacitor Car. (31224-909). Missed all of March 2010.
6. #102 Break Dual Line Splitter.. (33600-709). Missed all of March 2010.
7.#104 Break Dual Line Switch. (28911-109). Missed all of March 2010.
8.#105 Break 4-Circuit D-Box. Missed all of March 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by 10:15 X a.m. ____ p.m. on 10-19 20 11

Action taken to abate the violation: This article of law and it's requirements were discussed with mine management.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) X Extra effort (-15%) ____

IF-018
Revised 1-08 Cont.

Region 4
No. 129-0416
Violation No. 40 (41612)

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH,. SAFETY AND TRAINING
161 5 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION - CONTINUATION PAGE NO 1

Company / Operator Performance Coal Co,, INC. Contractor: Yes ____ NoX ____

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of, Issue 10-19 2O 11 Time 9:10 X A.M. ____ P.M.

9. #120 Break 500 KVA Power Center (11521-500-398). Missed all of March 2010.

10. #126 Break 4-Circuit D-Box (Glory Hole). Missed all of March 2010.

11. #133 Break 4-Circuit D-Box. Missed all of March 2010.

12. #134 Break 4-Circuit D-Box. Missed all of March 2010.

13. #160 Break 2-Circuit D-Box. Missed all of March 2010.

There is not a written record of any of this equipment being tagged out of service during this time period.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW- In accordance with Section 22A-147 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners'l-lealth, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Revised 4-07

Region 4
Case No. 129-0416
Violation No. 41

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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No. **41613**

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 10-19 20 11 Time 9:15 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (20} and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

An up to date record of the required weekly exam of the following equipment, was not being kept:

1. Joy Miner JM46570. Missed one week in February 2010.
2. Joy Shuttle Car ET17017. Missed one week in February 2010.
3. Fletcher Roof Bolter DDR-13-A 2005-325. Missed one week in February 2010.
4. Feeder. Missed one week in February 2010.
5. #74 Break 9 HP Flygt Pump. Missed three weeks in March 2010.
6. #84/85 Break 5 HP Flygt Pump. Missed one week in March 2010.
7. #105 Break Flygt Pump. Missed three weeks in March 2010
8. #130 Break 13 HP Flygt Pump. Missed one week in March 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. M. ____ p.m. on ____ 20____

The foregoing violation was totally abated by 10:20 X a.m. ____ p.m. on 10-19 20____

Action taken to abate the violation: This article of law and it's requirements were discussed with mine management.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) X Extra effort (-15%) ____

IF-018
Revised 1-08 Cont.

Region 4
No. 129-0416
Violation No. 41 (41613)

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH,. SAFETY AND TRAINING
161 5 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION - CONTINUATION PAGE NO 1

Company / Operator Performance Coal Co,, INC. Contractor: Yes ____ NoX ____

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of, Issue 10-19 20 11 Time 9:15 X A.M. ____ P.M.

9. #135 Break D-Box (Outby) Missed all of February and March 2010.

10. #137 Break 10 HP Stancor Pump. Missed one week in March 2010.

11. 58 HP Flygt Pump, located at #128 Break (Glory Hole). Missed one week in March 2010.

12. 13 HP Flygt Pump, located near the face of 9 North. Missed one week in March 2010.

There is not a written record of any of this equipment being tagged out of service during this time period.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW- In accordance with Section 22A-147 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners'l-lealth, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Revised 4-07

Region 4
Case No. 129-0416
Violation No. 42

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
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Regional Office
Post
Rep of Mines

No. **41614**

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 10-19 ,20 11 Time 9:20 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 40 (20} and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows:

An up to date record of the required weekly exam of the following equipment, was not being kept:

1. CLA Forklift #181 (Walmart). Missed three weeks in January 2010.
2. CLA Forklift Charger (Walmart). Missed three weeks in January 2010
3. Headgate 21 Belt Drive (Mother Drive). Missed one week in January 2010. Missed all of February and March 2010.
4. Headgate 21 Belt Drive Starter (Mother Drive) Missed one week in January 2010. Missed all of February and March 2010.
5. Headgate 21 Belt Drive (MD). PC 43060-1800-100. Missed one week in January 2010. Missed all of February and March 2010.
6. CTW (Constant Tension Winch) Missed one week in January 2010. Missed all of February and March 2010.
7. Pinch Roller Starter. Missed one week in January 2010. Missed all of February and March 2010.

There is not a written record of any of this equipment being tagged out of service during this time period.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by 10:25 X a.m. ____ p.m. on 10-19 20 11

Action taken to abate the violation: This article of law and it's requirements were discussed with mine management.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) X Extra effort (-15%) ____

Revised 4-07

Region 4
Case No. 129-0416
Violation No. 43

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
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Regional Office
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No. **41615**

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 10-19 ,20 11 Time 9:25 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.20 exists as follows:

An up to date record of the required monthly tests of the following equipment, was not being kept:

1.#7 Belt Power Center (220-2300-206) No recorded tests in February 2010

2. #75 Break Single Line High Voltage Switch (22933-206) No recorded tests in March 2010.

3. #135 Break D-Box. No recorded tests in January, February, and March 2010.

4. Headgate 22 Section Power Center. (27011-2500-203). No recorded tests in February 2010.

5. Headgate 21 Longwall Power Center. (5382171120011). No recorded tests in January and March 2010.

6. Headgate 21 Longwall Mother Drive Power Center. (43060-1800-100). No recorded tests in February and March 2010.

7. UBB Surface High Voltage Sub-Station Circuit #7 (Surface Power UBB). No recorded tests in January and February 2010.

8. UBB Surface High Voltage Sub-Station Circuit #8 (North Fan). No recorded tests in January and February 2010.

Type of Issuance: N.O.V. X Order ____

There is not a written record of any of this equipment being tagged out of service during this time period.

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by 10:30 X a.m. ____ p.m. on 10-19 20 11

Action taken to abate the violation: This article of law and it's requirements were discussed with mine management.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John P. Scott John P. Scott Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) X Extra effort (-15%) ____

Revised 4-07

Region 4
Case No. 129-0416
Violation No. 44

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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No. 26370

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 10-19 ,20 11 Time 9:30 X. A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (20) and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows:

During an ongoing investigation of an accident that occurred on April 5 2010, the Emergency Stop Button, for the 480 volt AC power to the Headgate control box, was not properly maintained. The pilot wire for the incoming 480 volt AC power was connected to a diode that was connected directly to ground. This wiring method by-passed the connection to the Emergency Stop Button, making it inoperative for the 480 volt AC circuit.

.This condition was observed at 1:45 PM on July 8 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ a.m. ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service..

Company / Operator Agent Served: Paul Thompson

Authorized Representative: John Scott _____ Inspector No. 129

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ____

Permanently disabling (1 5) X Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) X 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) X High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 1

No: 13341

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/14 20 10 Time 12:00 ____A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(56) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: Adequate Overload protection is not provided for the 4/0 AWG 15kv mine power cable in use to supply power to the underground 12470 volt circuit identified as the "Glory Belts". The protection for this circuit is provided by a GE Multilin relay that is calibrated to detect an overcurrent condition at 480 amps. The maximum allowable setting for this cable when used on the surface is 466 amps. The cable is derated as follows 384 X.93= 357 X1.25= 466 max. This is the rating for the 30C ambient. The rating for the 20C ambient underground would be 384 X 1.25 = 480 maximum

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by 1:00 a. m. X p.m. on 5/14 20 10

Action taken to abate the violation: Multilin Relay reajusted to pickup at 420 amps

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kendall R Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) X Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 2

No: 13342

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/14 ,20 10 Time 9:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 32 , Section 3.1 exists as follows: Good housekeeping is not being practiced in the area of the high voltage substation located in the area of the Upper Big Branch North and South portals. Various equipment parts along with other mining supplies are being stored in close proximity to the substation fence as well as at the entrances and exits. This creates a tripping and stumbling hazard. This station is a regularly traveled and examined area.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 12:00 a. m. X p.m. on 5/18 20 10

The foregoing violation was totally abated by ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kendall R. Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 3

No: 13343

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/14 ,20 10 Time 10:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 32 , Section 3.1 exists as follows: Good housekeeping is not being practiced in all areas. In the area of the South fan located at the Upper Big Branch portal. Tripping and stumbling hazards exists due to various items in the area of the fan controller and pressure gauge. This fan must be examined daily.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 5/18 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kendall K. Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 4

No: 13344

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/14, 20 10 Time 10:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:, Title 36, Series 32, Section 3.1 exists as follows: Good housekeeping is not being kept in the area of the pond pump located above the substation at the Upper Big Branch North and South portals. Various items and materials such as used mine supplies are present in this area. Additionally the weeds need to be cut in this area. This condition has potential to cause tripping, stumbling as well as other hazards.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 5/18 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kenneth R Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 5

No: 13345

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/18 20 10 Time 9:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(6) and/or West Virginia Administrative Regulation:, Title ____, Series ____, Section ____ exists as follows: Dry insulating platforms of rubber or other suitable non conductive material is not kept at the high voltage circuit breakers and disconnects located in the Upper Big Branch Substation.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 5/19 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Randall R Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 6

No: 13346

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/18 20 10 Time 12:00 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(67) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: The pole mounted disconnect in use for the 150 ton rock dust bin pump was not identified properly. This disconnect was identified as a tent welder. This is 480 volt 3 phase power.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 5/19 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kendall R. Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 7

No: 13347

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/18 20 10 Time 1:00 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(6) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: The insulating platforms installed at the pole mounted disconnects used for the rock dust pumps are not secure and pose a tripping hazard. This practice is not good housekeeping. 36-32-3.1

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 5/19 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kenneth R Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) X 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 8

No: 13348

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/18 ,20 10 Time 1:30 ____A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 40(26) and/or West Virginia Administrative Regulation:. Title ____ , Series ____, Section ____ exists as follows: The 150 ton rock dust bin pump is not maintained in proper condition. The overloads provided to de-energize all three phases in the event that any phase is overloaded has been disconnected . In addition suitable connectors are not being used to make grounding connections in the motor control box. 22a-2-40(22)

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 5/19 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kenneth R. Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10)____ Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0) X Low (10)____ Moderate (15)____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%)____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No. 141-0386-10
Violation No. 9

No: 13349

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/18 ,20 10 Time 1:35 ____A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(22) and/or West Virginia Administrative Regulation:. Title ____ , Series ____, Section ____ exists as follows: A Suitable connection was not made on the grounding conductor in the main rock dust bin pumps disconnect box. The grounding conductor was connected by being loosely placed under existing connections.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 5/19 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kenneth R. Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0)____ 1 (1) X 2(2)____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10) X Moderate (15)____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%)____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 10

No: 13350

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/19 20 10 Time 10:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 42(5)(d) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: Lightning arresters are not provided at the point where telephone circuits enter the mine. Lightning arresters were not installed at the south intake portal at the point of entry.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 5/20 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: [signature] Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 11

No: 13351

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/19 20 10 Time 10:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(20) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: The DBT Scoop Battery Charger used on the surface of this mine, serial # 0503-3878 is not properly maintained. This charger was missing 5 of the 6 lid bolts. Also the emergency stop switch located on the front panel has been disconnected.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by 5:30 ____ a. m. X p.m. on 5/19 20 10

Action taken to abate the violation: Lid bolts replaced - Emergency stop switch replaced

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Randall K Spurlock Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) X 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) X Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 12

No: 13352

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/19 20 10 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(26) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: The 60 hp 480 volt wash pump located behind the main shop was not provided with proper short circuit protection. The circuit breaker was set at 750 amps which is it's lowest setting. The setting for short circuit should be between 700% and 1300%. This setting would be between 483 amps and 897 amps.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by 4:30 ____ a. m. X p.m. on 5/19 20 10

Action taken to abate the violation: Breaker installed with proper range of setting, set at 450 amps.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kenneth R. Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) X Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 13

No: 13353

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Copies - Company
Inspector
Assessment
Regional Office
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Rep of Mines

NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/19 ,20 10 Time 11:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(20) and/or West Virginia Administrative Regulation:, Title ____, Series ____, Section ____ exists as follows: the 25 KVA lighting transformer installed to illuminate the parking area is not properly installed and maintained. This transformer is installed in an outside location and is of a Nema 2 design. Nema 2 design transformers are designed to be installed indoors due to not being designed for inclement weather.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 5/26 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kenneth R. Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 14

No: 13354

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/19 20 10 Time 12:30 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 42(5)(d) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: Lightning arresters are not provided at the point where telephone circuits enter the mine. Lightning arresters were not installed at the North intake portal at the point of entry.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 5/20 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kenneth R. Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 15

No: 13355

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/19 ,20 10 Time 1:00 ____A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(26) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: Adequate overcurrent protection was not provided for the 16/3 portable pump cable located at or near the North return portal. This cable is protected by a 40 amp thermal circuit breaker.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 6/2 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kendall R. Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 16

No: 13357

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/19 20 10 Time 1:00 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(26) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: Adequate overload protection is not provided for the 16/3 light cord located at the "D" box near the North return portal. This cable is protected by a 40 amp circuit breaker (thermal). Also this cable was spliced and taped.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 6/2 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kendall M. Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 17

No: 13356

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/19 20 10 Time 1:00 ____A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(26) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: Adequate overcurrent protection is not provided for the 14/3 drop cord located at the "D" box near the North return portal. This cable (cord) was protected by a 30 amp thermal circuit breaker.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 6/2 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Randall R. Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 18

No: 13358

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/19 20 10 Time 2:30 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(72) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: The Distribution box located near the North return portal used to power portable pumps (480 volt 3 phase) and lighting circuits is non properly maintained. The source transformer is not isolated from other grounded circuits which are not resistance grounded. In addition the grounding resistor is not located with the source transformer. This distribution power box is located in an area where return air from the North return portal is passing over it.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a.m. ____ p.m. on 6/2 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kenneth R. Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 19

No: 13359

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/19 20 10 Time 3:00 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 5 , Section 2.5 exists as follows: Telephone lines are not installed (12) twelve inches from all other insulated power wires. Telephone wires and other communications wires are hung with the 12470 high voltage lines entering the North track portal. These lines are in contact with each other for a distance of approximately 80 ft. to 90 ft.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 6/2 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kenneth Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 20

No: 13360

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/24 20 10 Time 3:30 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 42(d) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: Properly installed lightning arresters are not provided at all points where telephone lines (circuits) enter the mine. The lightning arresters installed at the Ellis portal, both the telephone and the CO system lightning arresters were not connected to an earth ground, therefore the arresters can not properly work.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 5/26 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kenneth R Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF 019
Revised 6/02

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Region 4 Oak Hill

Case No. 141-0386-10

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%) X

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number 2 was/is hereby _____ totally abated by _____ 20 _____

_____ a. m. _____ P. M., _____ extended to 5/20 ,20 10 _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Some equipment and supplies have been moved, but more is needed

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15 %) _____

Violation Number 3 was/is hereby X totally abated by 5/18 20 10

_____ a. m. 3:00 P. M. _____ extended to _____ ,20 _____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Area has been cleaned up.

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number 4 was/is hereby _____ totally abated by _____ 20 _____

_____ a. m. _____ P. M. _____ extended to 5/20 20 10 _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

More work is needed in this area.

Good faith in abatement: Lack of good faith (+ 1 5 %) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number _____ was/is hereby _____ totally abated by _____ 20 _____

_____ a. m. _____ P.M. _____ extended to _____ 20 _____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number _____ was/is hereby _____ totally abated by 518 20 _____

_____ a. m. _____ P. m _____ extended to _____ ,20 _____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Company/Operator Agent served: Paul Thompson Date: 5/18 20 10

Authorized Representative: Randall R. Smith Inspector Number 141

IF 019
Revised 6/02

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Region 4 Oak Hill

Case No. 141-0386-10

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%) X

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 1 5%) _____

Violation Number 2 was/is hereby X totally abated by 5/19 20 10

_____ a. M. 4:30 P. M., _____ extended to _____, 20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Area cleaned up Items removed.

Good faith in abatement: Lack of good faith (+ 15%) X

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15 %) _____

Violation Number 3 was/is hereby _____ totally abated by _____ 20 _____

_____ a. m. _____ P. M. _____ extended to 5/20 , 20 10 _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Area is being worked on, but more cleaning is needed.

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15%) _____

Violation Number 4 was/is hereby X totally abated by 5/19 20 10

_____ a. m. 5:00 P. M. _____ extended to _____ 20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Area Cleaned up, weeds cut, materials removed.

Good faith in abatement: Lack of good faith (+ 1 5 %) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15%) _____

Violation Number 5 was/is hereby X totally abated by 5/19 20 10

_____ a. m. 12:00 P.M. _____ extended to _____ 20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Insulating platforms installed.

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15%) _____

Violation Number 6 was/is hereby X totally abated by 5/19 20 10

_____ a. m. 5:30 P. m _____ extended to _____, 20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Disconnects re-identified.

Company/Operator Agent served: Paul Thompson Date: 5/19 20 10

Authorized Representative: Randall A. Schmidt Inspector Number 141

IF 019
Revised 6/02

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Region 4 Oak Hill

Case No. 141-0386-10

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%) X

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 1 5%) _____

Violation Number 7 was/is hereby _____ totally abated by _____ 20 _____

_____ a. M. _____ P. M., _____ extended to 5/20 ,20 10 _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Area has been secured, but insulating platforms are needed to be replaced.

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15 %) _____

Violation Number 8 was/is hereby X totally abated by 5/19 20 10

_____ a. m. 5:45 P. M. _____ extended to _____ ,20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Overlaods reconnected - Suitable connectors used.

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15%) _____

Violation Number 9 was/is hereby X totally abated by 5/19 20 10

_____ a. m. 6:00 P. M. _____ extended to _____ 20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Grounding conductor properly installed.

Good faith in abatement: Lack of good faith (+ 1 5 %) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number _____ was/is hereby _____ totally abated by _____ 20 _____

_____ a. m. _____ P.M. _____ extended to _____ 20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number _____ was/is hereby _____ totally abated by 44105 20 _____

_____ a. m. _____ P. m _____ extended to _____ ,20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Company/Operator Agent served: Paul Thompson Date: 5/19 20 10

Authorized Representative: Kenneth K Smith Inspector Number 141

IF 019
Revised 6/02

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Region 4 Oak Hill

Case No. 141-0386-10

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 1 5%) _____

Violation Number 10 was/is hereby X totally abated by 5/24 20 10

_____ a. M. 12:00 P. M., _____ extended to _____, 20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Lightning arresters installed.

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15 %) _____

Violation Number 13 was/is hereby X totally abated by 5/24 20 10

_____ a. m. 5:00 P. M. _____ extended to _____, 20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Transformer upgraded to Nema 3 by adding weatherproof covers.

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15%) _____

Violation Number 14 was/is hereby X totally abated by 5/24 20 10

_____ a. m. 12:30 P. M. _____ extended to _____ 20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Lightning arresters installed.

Good faith in abatement: Lack of good faith (+ 1 5 %) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15%) _____

Violation Number 15 was/is hereby X totally abated by 5/24 20 10

_____ a. m. 4:30 P.M. _____ extended to _____ 20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Pump and circuit took out of service. Power source removed.

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15%) _____

Violation Number 16 was/is hereby X totally abated by 5/24 20 10

_____ a. m. 4:30 P. m _____ extended to _____, 20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Circuit took out of service. Power source removed.

Company/Operator Agent served: Paul Thompson Date: 5/24 20 10

Authorized Representative: Gerald A. Smith Inspector Number 141

IF 019
Revised 6/02

Region 4 Oak Hill

Case No. 141-0386-10

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 1 5%) _____

Violation Number 17 was/is hereby X totally abated by 5/24 20 10

_____ a. m. 4:30 P. M., _____ extended to _____, 20 _____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Circuit removed, took out of service, power source removed.

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15 %) _____

Violation Number 18 was/is hereby X totally abated by 5/24 20 10

_____ a. m. 4:30 P. M. _____ extended to _____, 20 _____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Distribution box and connected equipment took out of service - removed.

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15%) _____

Violation Number 19 was/is hereby X totally abated by 5/24 20 10

_____ a. m. 5:00 P. M. _____ extended to _____ 20 _____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Telephone and other communications wires reinstalled away from other power wires.

Good faith in abatement: Lack of good faith (+ 1 5 %) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number 1-20 violations and abatements was/is hereby _____ totally abated by _____ 20 _____

_____ a. m. _____ P.M. _____ extended to _____ 20 _____ X modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Retyped all existing violations and abatements for easier reading and understanding. Old forms were not lining up very well. Kept copies of originals, company also kept originals.

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number _____ was/is hereby _____ totally abated by 1572 20 _____

_____ a. m. _____ P. m _____ extended to _____, 20 _____ 0 modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation:

Company/Operator Agent served: Paul Thompson Date: 5/24 20 10

Authorized Representative: [signature] Inspector Number 141

#6

IF 019
Revised 6/02

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Region 4 Oak Hill
Case No. 073-0774-2010

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 1 5%) _____

Violation Number 32135 (Control Order) was/is hereby _____ totally abated by _____ 20 _____

_____ a. M. _____ P. M., _____ extended to _____, 20 _____ X modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: Allow the South Portal Fan to be temporarily idled for the purpose of removing two idle power circuits from the substation.

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15 %) _____

Violation Number _____ was/is hereby _____ totally abated by _____ 20 _____

_____ a. m. _____ P. M. _____ extended to _____, 20 _____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number _____ was/is hereby _____ totally abated by _____ 20 _____

_____ a. m. _____ P. M. _____ extended to _____ 20 _____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+ 1 5 %) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number _____ was/is hereby _____ totally abated by _____ 20 _____

_____ a. m. _____ P. M. _____ extended to _____ 20 _____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number _____ was/is hereby _____ totally abated by _____ 20 _____

_____ a. m. _____ P. m _____ extended to _____, 20 _____ 0 modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: _____

Company/Operator Agent served: Paul Thompson Date: 5/27 20 10

Authorized Representative: Randall R Smith Inspector Number 141

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 21

No: 42051

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/26 ,20 10 Time 4:50 ____A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 40(20) and/or West Virginia Administrative Regulation:, Title ____ , Series ____, Section ____ exists as follows: The service drops in use for the motor control center located at the silo punch out (East Mains Portal) are not properly maintained. Four (4) service drops exists in this area. Three (3) are 480 volt and one (1) is 4160 volt. All four are in contact with trees and other brush. These service drops must be kept free of contact with conductive material such as this.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 5/27 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kendall R. Arnett Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 22

No: 42052

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/26 ,20 10 Time 4:55 ____A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(21) and/or West Virginia Administrative Regulation:, Title ____, Series ____, Section ____ exists as follows: The controller for the belt magnet located at the East Mains Portal is not properly maintained. The insulation on the electric conductors located inside the controller are damaged due to very high temperatures. Some insulation is missing as well as other parts have been damaged do to the excessive heat.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 5/27 2010

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kendall R. Reid Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 23

No: 42053

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/26 20 10 Time 5:15 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(20) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: Electrical controls are not properly maintained and identified at the location of the East Mains portal belt drive. Various controls such as spillage switches, gob switches, and other devices are poorly installed due to many splices and taped places in the control cables. Due to the method of installation it is very hard to tell which switches are in use.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 5/27 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Randall M. Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 24

No: 42054

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/26 20 10 Time 5:30 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(29) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: The belt alignment switch installed on the East Mains Portal belt drive is not properly maintained and installed. This switch has a damaged entrance gland which will allow the control conductors to be damaged. This needs to be repaired to prevent further damage or a malfunction.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 5/27 2010

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Randall M. Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 25

No: 42055

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/26 20 10 Time 6:00 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(20) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: One of the 480 volt service drops located on the motor control at the East Mains portal is not properly maintained. This service drop is located in an area that can be reached from the elevated walkway. Service drops should be located in an area that is not easily accessed and should not be reached from the ground or other walkways. This service drop is approximately 6 ft. above the walkway.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 5/27 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: [signature] Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 26

No: 42056

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 5/26 20 10 Time 6:30 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 Section 53(c) and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows: The East Mains Portal surface belt drive / transfer point installation is not maintained in good condition. Excessive amounts of refuse such as old parts and other miscellaneous items are in and on the walkways and staircases. These items need to be removed to prevent tripping, stumbling in this area.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 5/27 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kenneth R. Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No. 141-0386-10
Violation No. 27

No: 42057

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 6/15 ,20 10 Time 9:15 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 40(25) and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows: The Brookville track mounted mantrip number MT-6 serial number 8210 in use at this mine is not properly maintained. The power wires and cables used for the back and front headlights are not fully protected. The conduit and fittings as well as other attached devices are damaged and are in need of repair or replacement. Also reflectors were provided on both ends of the mantrip and are missing.

This mantrip was in use at the time of the explosion that occurred on April 5, 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 6/30 2010

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Dwayne Pinson

Authorized Representative: Kendall Smith Kendall R Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) X 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) X Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 28

No: 42058

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 6/15 ,20 10 Time 10:50 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(22) and/or West Virginia Administrative Regulation:, Title ____, Series ____, Section ____ exists as follows: All electrical connections are not mechanically and electrically efficient. The fuse holder for one of the 400 amp main fuses located in the main fuse box on the Brookville mantrip serial number 8210 in use at this mine is damaged and in need of repair. This fuse was mounted loosely in the fuse box and insulated with electrical tape. This can cause short circuits due to the fuse wearing against the metallic fuse box.

This mantrip was in use on during a mine explosion on April 5, 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 6/30 2010

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Dwayne Pinson

Authorized Representative: Kendall Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) X 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 29

No: 42059

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 6/15 20 10 Time 11:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 Section 40(20) and/or West Virginia Administrative Regulation:, Title ____ , Series ____ , Section ____ exists as follows: The Brookville Mantrip number MT-6 in use at this mine serial number 8210 is not properly maintained. Proper overload protection is not provided for the 30Hp. drive motor. A 400 amp fuse had been replaced by a 600 amp fuse in the A2 lead. This exceeds the manufactures specifications by 200 amps.

This mantrip was in use at the time of a mine explosion on April 5, 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 6/30 2010

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Dwayne Pinson

Authorized Representative: Kendall Smith Kendall K. Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) X 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) X

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 30

No: 42060

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Copies - Company
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Rep of Mines

NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 6/15 20 10 Time 12:00 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(20) and/or West Virginia Administrative Regulation:, Title ____, Series ____, Section ____ exists as follows: Electrical equipment is not being properly maintained. The fire suppression system for the Brookville mantrip serial number 8210 is inoperative due to several components being damaged. These components include :

1. The electric controller module.
2. The electrically activated squibb.
3. The bursting disk in the bottom of the dry chemical tank.
4. The fire detection line.
5. The dry chemical spray lines are crushed or damaged and some of the spays are clogged with grease or other debris.
6. The CO bottle located at the dry chemical tank has been discharged.

This mantrip was in use at the time of the explosion that occurred on April 5, 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 6/30 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Dwayne Pinson

Authorized Representative: Kendall Smith Kendall K. Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) X 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) X High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 31

No: 42061

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Copies - Company
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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 6/15 20 10 Time 12:30 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 49(b) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: Provisions are not being made to prevent accumulations of spilled lubricants. The Brookville mantrip serial number 8210 has excessive accumulations of oil and other spilled lubricants under the electrical control panels. This oil has accumulated to approximately 6" to 8". This mantrip also has oil accumulating in the operators control panel.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 6/30 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Dwayne Pinson

Authorized Representative: Kendall Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) X 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) X High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF 019
Revised 6/02

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Region 4 Oak Hill

Case No. 141-0386-10

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15%) _____

Violation Number 20 was/is hereby X totally abated by 6/7 20 10

_____ a. m. 12:30 P. M., _____ extended to _____, 20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: the CO system was disconnected and lightning arresters were provided for the telephone line.

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15 %) _____

Violation Number 21 was/is hereby X totally abated by 6/7 20 10

11:00 a. m. _____ P. M. _____ extended to _____, 20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: Trees and other brush were trimmed away from service drops.

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15%) _____

Violation Number 22 was/is hereby X totally abated by 6/7 20 10

11:15 a. m. _____ P. M. _____ extended to _____ 20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: Belt Magnet controller disconnected from power source and removed from service.

Good **faith** in abatement: Lack of good faith (+ 1 5 %) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15%) _____

Violation Number 23 was/is hereby X totally abated by 6/7 20 10

11:30 a. m. _____ P. M. _____ extended to _____ 20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: Electrical controls repaired.

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15%) _____

Violation Number 24 was/is hereby X totally abated by 6/7 20 10

11:45 a. m. _____ P. m _____ extended to _____, 20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: Entrance gland for alignment switch repaired.

Company/Operator Agent served: Paul Thompson Date: 6/7 20 10

Authorized Representative: Randall R Smith Inspector Number 141

IF 019
Revised 6/02

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Region 4 Oak Hill

Case No. 141-0386-10

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 1 5%) _____

Violation Number 25 was/is hereby _____ totally abated by _____ 20 _____

_____ a. M. _____ P. M., X extended to 6/21 ,20 10 _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: This service drop has been took out of service until repairs are made.

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15 %) _____

Violation Number 26 was/is hereby X totally abated by 6/7 20 10

_____ a. m. 12:00 P. M. _____ extended to _____ ,20 _____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: Refuse, debris and other miscellaneous items removed.

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15%) _____

Violation Number 7 was/is hereby X totally abated by 6/7 20 10

_____ a. m. 2:15 P. M. _____ extended to _____ 20 _____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: Insulating platforms installed and secure.

Good **faith** in abatement: Lack of good faith (+ 1 5 %) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number _____ was/is hereby _____ totally abated by _____ 20 _____

_____ a. m. _____ P. M. _____ extended to _____ 20 _____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number _____ was/is hereby _____ totally abated by 134 20 _____

_____ a. m. _____ P. m _____ extended to _____ ,20 _____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: _____

Company/Operator Agent served: Paul Thompson Date: 6/7 20 10

Authorized Representative: Kenneth R. Smith Inspector Number 141

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 32

No: 42062

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Copies - Company
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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 6/15 20 10 Time 1:00 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 37(0) and/or West Virginia Administrative Regulation:, Title ____, Series ____, Section ____ exists as follows: The Brookville Mantrip number MT-6 serial number 8210 is not maintained in safe operating condition. The sanders provided for braking traction on the outy traveling end had been allowed to run out of sand while in operation.

This mantrip was in operation at the time of the mine explosion on April 5, 2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 6/30 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Dwayne Pinson

Authorized Representative: Kendall Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) X 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 33

No: 42063

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 7/12 ,20 10 Time 1:18 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 40(20) and/or West Virginia Administrative Regulation:. Title ____ , Series ____, Section ____ exists as follows: The 79 crosscut 500 KVA power center, serial # 8357-500-895 is not being properly maintained. The stress cones installed on the 12,470 volt cable terminations are not installed according to the manufactures specifications. The shunt straps(6) and metallic bands (6) were not installed on the cables metallic ribbon shields as required by the manufactures instruction sheet. This conditions exists on the input and feedthrough cables(2). Signs of electrical stress is present due to visible corrosion on the cable shields.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 12:00 ____ a. m. X p.m. on 7/13 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kendall Smith Kendall R. Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-010
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 34

No: 42064

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 7/12 20 10 Time 2:00 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(20) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: The 89 crosscut 1500 KVA power center belt starter combination box serial # 11761-23001798 is not properly maintained. The stress cones installed on the 12,470 volt cable termination are not installed according to the manufactures specifications. The shunt straps (3) and metallic bands (3) were not installed on the cables metallic ribbon shield as required by the manufactures instruction sheet. This power center/belt starter box is provided with only 1 input cable. Additionally this power center/belt starter box has excessive accumulations of grayish rock dust and coal dust located inside the box and on components such as the transformers, circuit breakers, buss bars, etc. This dust may be combustible and/or cause malfunctions with the electrical components. The dust accumulations are approximately 1/16th to 1/8th inch in depth, enough to cover identification tags on the internal electrical equipment.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 12:15 ____ a. m. X p.m. on 7/13 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kendall Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 35

No: 42065

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 7/14 20 10 Time 9:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 43(b) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: The thirty H.P. permissible Flygt dewatering pump located at the # 77 crosscut in the Mains return is not maintained in permissible condition. The pump is not installed as approved, in that the approved explosion proof control box has been replaced with a generic nonpermissible control box. Additionally the approved cable provided between the pump and the control box has been spliced with a type GG-C cable that is also not approved for this installation. The approved permit issued by the Office of Miners' Health, Safety and Training requires all pumps in return air to be permissible and maintained in permissible condition.

§22A-2-43. Electric equipment in mines. (b) Return air. -- In all mines, electric haulage locomotives operated from trolley wire and other electrical equipment or devices which may ignite gas shall not be used in return air, unless permission is granted by the director for a specified area. For the purpose of this provision, air used to ventilate a section of a mine shall not be considered return air until such time as the air has ventilated all of the workings in the section.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 7/15 2010

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kendall Smith Kendall R. Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 36

No: 42066

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Copies - Company
Inspector
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Post
Rep of Mines

NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 7/14 ,20 10 Time 2:00 ____A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(20) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: The 62 crosscut 500 kva power center serial # 19848-500-1103 is not properly maintained. The stress cones installed on the 12,470 volt cable termination are not installed according to the manufactures specifications. The shunt straps(3) and metallic bands (3) were not installed on the cables metallic ribbon shields as required by the manufactures instruction sheet. This conditions exists on the feed through cable. The shunt straps were installed, but not grounded on the input cable. In addition this power center has accumulations of wet black dust inside and on electrical components. This dust may cause malfunctions in the operation of electrical devices or may have been combustible when the power center was energized and dried out. The dust accumulations are approximately 1/16th to 1/8 inch deep. The identification tags were covered with dust and could not be read until cleaned.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 7/15 2010

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kendall Smith Kendall R Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 37

No: 42067

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Copies - Company
Inspector
Assessment
Regional Office
Post
Rep of Mines

NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 7/14 ,20 10 Time 2:05 ____A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 40(29) and/or West Virginia Administrative Regulation:. Title ____ , Series ____, Section ____ exists as follows: The 62 crosscut 500 kva power center serial # 19848-500-1103 is not provided with switches or other controls that are safely designed, constructed and installed. One of the lid safety switches used to prevent unauthorized persons from contact with live energized parts in the event the lids are removed while energized had been disconnected and wires electrically jumpered together.

22A-2-40(29) All electric equipment shall be provided with switches or other controls that are safely designed, constructed and installed.

Type of Issuance: N.O.V. ____ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 7/15 2010

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kendall Smith _____ Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10)____ Occurred (20)____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0)____ 1 (1) X 2(2)____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0)____ Low (10)____ Moderate (15)____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 38

No: 42068

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Copies - Company
Inspector
Assessment
Regional Office
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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 7/14 ,20 10 Time 2:15 ____A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 40(67) and/or West Virginia Administrative Regulation:. Title ____ , Series ____, Section ____ exists as follows: The disconnecting device (cable coupler) was not properly identified for the # 1 Barrier section belt drive. The coupler was identified as the # 2 belt drive. Also the circuit breaker and receptacle installed in the 62 crosscut power center supplying power to this belt drive were not properly identified.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a.m. ____ p.m. on 7/15 2010

The foregoing violation was totally abated by ____ ____ a.m. ____ p.m. on ____ 20____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kendall Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0)____ 1 (1) X 2(2)____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15)____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%)____

No compliance (extenuating circumstances) (0%)____ Extra effort (-15%) ____

IF 019
Revised 6/02

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Region 4 Oak Hill

Case No. 141-0386-10

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 1 5%) _____

Violation Number 33 was/is hereby X totally abated by 7/14 20 10

10:00 a. M. _____ P. M., _____ extended to _____, 20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: Terminations remade.

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15 %) _____

Violation Number 34 was/is hereby X totally abated by 7/14 20 10

10:30 a. m. _____ P. M. _____ extended to _____, 20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: Terminations remade. Dust removed from inside power center.

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number 35 was/is hereby _____ totally abated by 7/14 20 10

_____ a. m. _____ P. M. _____ extended to 7/19 20 10 _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: Power has not been re-established in this area.

Good **faith** in abatement: Lack of good faith (+ 1 5 %) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15%) _____

Violation Number 36 was/is hereby X totally abated by 7/15 20 10

11:00 a. m. _____ P. M. _____ extended to _____ 20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: Terminations remade. Dust removed from inside power center.

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number 37 was/is hereby X totally abated by 7/14 20 10

2:30 a. m. _____ P. m _____ extended to _____, 20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: New switch installed.

Company/Operator Agent served: Paul Thompson Date: 7/15 20 10

Authorized Representative: Kendall Smith Inspector Number 141

IF 019
Revised 6/02

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

#10

Region 4 Oak Hill

Case No. 141-0386-10

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 1 5%) _____

Violation Number 38 was/is hereby X totally abated by 7/15 20 10

_____ a. M. 12:00 P. M., _____ extended to _____ ,20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: Devices properly identified.

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15 %) _____

Violation Number _____ was/is hereby _____ totally abated by _____ 20 _____

_____ a. m. _____ P. M. _____ extended to _____ ,20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number _____ was/is hereby _____ totally abated by _____ 20 _____

_____ a. m. _____ P. M. _____ extended to _____ 20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: _____

Good **faith** in abatement: Lack of good faith (+ 1 5 %) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number _____ was/is hereby _____ totally abated by _____ 20 _____

_____ a. m. _____ P. M. _____ extended to _____ 20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number _____ was/is hereby _____ totally abated by 715 20 _____

_____ a. m. _____ P. m _____ extended to _____ ,20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: _____

Company/Operator Agent served: Paul Thompson Date: 7/15 20 10

Authorized Representative: Kendall Smith Inspector Number 141

IF 019
Revised 6/02

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Region 4 Oak Hill

Case No. 141-0386-10

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%)_____

No compliance (extenuating circumstances) (0%) X Extra effort (- 1 5%)_____

Violation Number 42065 was/is hereby _____ totally abated by _____ 20____

11:00 A.M._____ P.M._____ extended to _____,20____ _____modified to

_____Order, _____Withdrawn.

Action taken to abate the violation: Nonpermissible control box removed and replaced with the approved permissible controller. Cable repairers made according to approval.

Good faith in abatement: Lack of good faith (+ 15%)_____

No compliance (extenuating circumstances) (0%)_____ Extra effort (- 15 %)_____

Violation Number_____ was/is hereby _____ totally abated by _____ 20____

_____A.M._____ P.M. _____ extended to _____,20____ _____modified to

_____Order, _____Withdrawn.

Action taken to abate the violation:_____

Good faith in abatement: Lack of good faith (+ 15%)_____

No compliance (extenuating circumstances) (0%)_____ Extra effort (- 15%)_____

Violation Number_____ was/is hereby _____ totally abated by _____ 20____

_____A.M._____ P. M._____ extended to _____ 20____ _____modified to

_____Order, _____Withdrawn.

Action taken to abate the violation:_____

Good faith in abatement: Lack of good faith (+ 1 5 %)_____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%)_____

Violation Number_____ was/is hereby _____ totally abated by _____ 20____

_____A.M._____ P. M._____ extended to _____ 20____ _____modified to

_____Order, _____Withdrawn.

Action taken to abate the violation:_____

Good faith in abatement: Lack of good faith (+15%)_____

No compliance (extenuating circumstances) (0%)_____ Extra effort (- 15%)_____

Violation Number_____ was/is hereby _____ totally abated by 0 20____

_____A.M._____ P. m _____ extended to _____,20____ _____modified to

_____Order, _____Withdrawn.

Action taken to abate the violation:_____

Company/Operator Agent served: Paul Thompson Date: 7/20 20 10

Authorized Representative: Kendall Smith Inspector Number 141

IF 019
Revised 6/02

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Region 4 Oak Hill

Case No. 141-0386-10

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 1 5%) _____

Violation Number 42057,42058,42059,42060,42061,42062 was/is hereby _____ totally abated by _____ 20 _____

_____ A.M. _____ P.M. _____ extended to At which time management puts in service. ,20 _____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: Management has submitted a letter for the Brookville "Mantrip No.6" to remain out of service for an extended amount of time. Management must notify the Office of Miners' Health, Safety and Training before relocating or other actions are taken involving this machine. Serial # 8210

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15 %) _____

Violation Number _____ was/is hereby _____ totally abated by _____ 20 _____

_____ A.M. _____ P.M. _____ extended to _____ ,20 _____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number _____ was/is hereby _____ totally abated by _____ 20 _____

_____ A.M. _____ P. M. _____ extended to _____ 20 _____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+ 1 5 %) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number _____ was/is hereby _____ totally abated by _____ 20 _____

_____ A.M.. _____ P. M. _____ extended to _____ 20 _____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number _____ was/is hereby _____ totally abated by 0 _____ 20 _____

_____ A.M. _____ P. m _____ extended to _____ ,20 _____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: _____

Company/Operator Agent served: Paul Thompson Date: 7/22 20 10

Authorized Representative: Kendall Smith Kendall M Smith Inspector Number 141

#13

IF 019
Revised 6/02

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Region 4 Oak Hill

Case No. 073-0774-2010

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number 32135 was/is hereby _____ totally abated by _____ 20 ____

____ A.M. ____ P.M. ____ extended to _____, 20____ X modified to

____ Order, ____ Withdrawn.

Action taken to abate the violation: Allow the implementation of addendum 1 of the power installation plan dated July 23, 2010. This modification also hereby allows the operator to install or energize pumps on the associated circuits that are determined adequate and necessary by the Office of Miners' Health, Safety and Training.

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15 %) _____

Violation Number _____ was/is hereby _____ totally abated by _____ 20 ____

____ A.M. ____ P.M. ____ extended to _____, 20____ _____ modified to

____ Order, ____ Withdrawn.

Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number _____ was/is hereby _____ totally abated by _____ 20 ____

____ A.M. ____ P. M. ____ extended to _____ 20____ _____ modified to

____ Order, ____ Withdrawn.

Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+ 1 5 %) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number _____ was/is hereby _____ totally abated by _____ 20 ____

____ A.M. ____ P. M. ____ extended to _____ 20____ _____ modified to

____ Order, ____ Withdrawn.

Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number _____ was/is hereby _____ totally abated by 0 20 ____

____ A.M. ____ P. m ____ extended to _____, 20____ 0 modified to

____ Order, ____ Withdrawn.

Action taken to abate the violation: _____

Company/Operator Agent served: Paul Thompson Date: 7/26 20 10

Authorized Representative: Kendall Smith Kendall K Smith Inspector Number 141

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 39

No: 42069

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 7/ 26 ,20 10 Time 10:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 43(b) and/or West Virginia Administrative Regulation:. Title ____ , Series ____, Section ____ exists as follows: The 9 h.p. Flygt dewatering pump located at the # 37 crosscut in the Mains return is not maintained in permissible condition. The trailing cable providing power to the pump is improperly installed in the X/P control box. The outer jacket of the 6/3 GGC cable has been trimmed down and improperly installed in a packing gland that is too small. The approved permit requires this pump to be maintained permissible.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 1:00 ____ a. m. X p.m. on 7/27 2010

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

Action taken to abate the violation: ____

Company / Operator Agent Served: Dwayne Pinson

Authorized Representative: Kendall Smith Kendall R. Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 40

No: 42070

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Copies - Company
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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 7/26 20 10 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 43(b) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: The Stancor P40 6.4 h.p. dewater pump located at the # 13 crosscut in the Mains return is not maintained in permissible condition. This pump is installed with a non approved control box. This pump must be provided with the approved x/p controller to remain permissible. This pump must be maintained permissible in order to comply with the permit approved by W.V.O.M.H.S.T.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 1:00 ____ a. m. X p.m. on 7/27 20 10

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Dwayne Pinson

Authorized Representative: Kendall Smith Kendall R Smith II Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-010
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 41

No: 44948

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Copies - Company
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Regional Office
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Rep of Mines

NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 7/ 26 ,20 10 Time 2:00 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 40(26) and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows: The 5 KVA 480/120 volt power center serial # 20112-5-104 and connected circuits are not properly maintained and installed. Three of the 20 amp 120 volt circuit breakers have the control handles broken off. Additionally the circuit breakers do not provide adequate protection for the connected circuits. All of the 20 amp 120 volt circuit breakers need to be changed to 15 amp circuit breakers to properly protect the # 14 AWG connected circuits and the 15 amp GFCI receptacles. This is a small power center used to supply power to the first set of airlock doors on the Mains travel way (track entry).

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 7/30 2010

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

Action taken to abate the violation: ____

Company / Operator Agent Served: Dwayne Pinson

Authorized Representative: Kendall Smith Kendall R. Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) X Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 42

No: 44949

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 7/27 20 10 Time 11:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(26) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: The 5 KVA 480/120 volt power center serial # 15685-1200 and connected circuits are not properly maintained. This power center is supplying 120 volt single phase power for a dewatering pump and lighting. The connected power cords and receptacles are 15 amp rated. The only circuit breakers provided for these circuits are 20 amp. This condition is inadequate for overload protection due to the oversized circuit breakers. This power center is located at the 64 crosscut in the Mains track entry. Each 15 amp receptacle is protected by an individual 20 amp circuit breaker.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 12:00 ____ a. m. X p.m. on 7/28 2010

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Dwayne Pinson

Authorized Representative: Kendall Smith Kendall Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 43

No: 44950

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 7/29 ,20 10 Time 10:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 43(b) and/or West Virginia Administrative Regulation:, Title ____, Series ____, Section ____ exists as follows: The 5 h.p. Flygt dewatering pump located at the 32 seal in the Mains return is not maintained in permissible condition. This pump is approved to have no more than five hundred feet of trailing cable. This pump is installed with approximately eight hundred and fifty feet of trailing cable. Permissible equipment must be maintained permissible to comply with the permit issued by the W.V.O.M.H.S.T.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a. m. ____ p.m. on 8/1 2010

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kendall Smith Kendall R. Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF 019
Revised 6/02

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 26311-2126

#14

Region 4 Oak Hill

Case No. 141-0386-10

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 1 5%) _____

Violation Number 42065 #35 was/is hereby X totally abated by 7/19 20 10

11:30 A.M. _____ P.M. _____ extended to _____ ,20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: Permissible control box installed, cable repaired.

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15 %) _____

Violation Number 42069 #39 was/is hereby X totally abated by 7/28 20 10

10:00 A.M. _____ P.M. _____ extended to _____ ,20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: Proper cable entered in permissible enclosure.

Good faith in abatement: Lack of good faith (+ 15%) _____

No compliance (extenuating circumstances) (0%) X Extra effort (- 15%) _____

Violation Number 42070 #40 was/is hereby X totally abated by _____ 20 _____

_____ A.M. _____ P. M. _____ extended to 8/1 20 10 _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: Management says they have ordered a new pump and controller to replace existing pump. Pump is de-energized at this time.

Good faith in abatement: Lack of good faith (+ 1 5 %) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number 44948 #41 was/is hereby X totally abated by _____ 20 _____

_____ A.M. _____ P. M. _____ extended to 8/1 20 10 _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: Management says they have ordered a new circuit breakers to replace broken and oversized circuit breakers.

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (- 15%) _____

Violation Number 44949 #42 was/is hereby X totally abated by _____ 20 _____

_____ A.M. _____ P. m _____ extended to _____ ,20____ _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: Management says they have ordered a new circuit breakers to replace the oversized circuit breakers.

Company/Operator Agent served: Paul Thompson Date: 7/30 20 10

Authorized Representative: Kendall Smith Inspector Number 141

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 44

No: 44951

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 8/2 ,20 10 Time 11:30 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(20)(73) and/or West Virginia Administrative Regulation:, Title ____, Series ____, Section ____ exists as follows: The 480 volt P 40 CSE-2 Stancore dewatering pump located at the 29 crosscut on the Ellis belts is not properly maintained. The grounding conductors (2) are not properly connected in the control box. Both grounding conductors are connected to the same grounding lug. This is an improper connection due to the failsafe ground monitor not detecting a broken ground if the lug is detached from the control box. In addition the control box lid is damaged and in need of replacement due to holes and cracks. This is a portable dewatering pump.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by 4:00 ____ a. m. X p.m. on 8/2 20 10

Action taken to abate the violation: Pump and control box removed from service. Cable coupler removed so that pump can not be re-energized. Management says pump is no longer needed in this area.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kendall Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) X Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 45

No: 44952

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 8/2 20 10 Time 11:45 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(26) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: Adequate short circuit protection is not provided for the 480 volt three phase 5 h.p. T - Duster located at the 4 North Remote Boom. The full load current for this motor is 6.6 amps. Short circuit must be from 700% to 1300% of the full load current. This calculates from 46.2 amps to 85.8 amps for the minimum and maximum settings. The lowest setting on the circuit breaker providing this protection is 160 amps.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by 4:00 ____ a. m. X p.m. on 8/2 20 10

Action taken to abate the violation: Circuit breaker replaced with a circuit breaker with the next standard size of 50 amperes installed.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kendall Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) X Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 141-0386-10
Violation No. 46

No: 44953

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 8/2 20 10 Time 12:00 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(74)-(75) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: The circuit breaker and the disconnecting device located on the #1 Distribution box located at the Ellis 30 crosscut providing power to the No. 5 Ellis 480 volt portable dewatering intake pump was not properly identified. The connected circuit breaker and receptacle (part of the disconnecting device) was identified as "Charger Scoop". The circuit breaker and receptacle beside the one connected was identified as the No. 5 Ellis intake pump. It is apparent this dewatering pump was plugged in the wrong receptacle.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by 4:00 ____ a. m. X p.m. on 8/2 20 10

Action taken to abate the violation: Dewatering pump coupler reconnected to the properly identified circuit.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Kendall Smith Kendall R Smith Inspector No. 141

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0)____ Low (10) X Moderate (15)____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) X Extra effort (-15%) ____

IF - 019
Revised 11/08

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 141-0386-10 Region 4

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____

Violation Number: 44949 was/is hereby ✓ totally abated by 8-20, 20 10 11:00 a.m. ____ p.m. ____ extended to _____, 20 ____, _____ modified to _____ Order, _____ Withdrawn.

Action taken to abate the violation: The 20 amp circuit breakers where changed to 15 amp circuit breakers

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____

Violation Number: 42070 was/is hereby ✓ totally abated by 8-20, 20 10 ____ a.m. ____ p.m. ____ extended to _____, 20 ____, _____ modified to _____ Order, _____ Withdrawn.

Action taken to abate the violation: The approved x/p controller was installed

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____

Violation Number: 44948 was/is hereby ✓ totally abated by 8-20, 20 10 ____ a.m. ____ p.m. ____ extended to _____, 20 ____, _____ modified to _____ Order, _____ Withdrawn.

Action taken to abate the violation: The 5 KVA 480/120 volt power center serial # 20112-5-104 was taken outside and dismantled

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____

Violation Number: _____ was/is hereby _____ totally abated by _____, 20 ____ ____ a.m. ____ p.m. ____ extended to _____, 20 ____, _____ modified to _____ Order, _____ Withdrawn.

Action taken to abate the violation: _____

Company/Operator Agent served: Dwayne Pinson Date: 8-23 20 10

Authorized Representative: Raymond M. Cox Inspector Number 257

IF-O18
Revised 3-09

Region 4

257-0015-2010

No: 27950

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ___ No ✓

Permit Number 4-3042-92 Mine Name UBB

Date of Issue 6-30, 20 10 Time 9:00 ✓ A.M. ___ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 40 (20) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: The North Mains #2 Brk Dual 750 starter. Serial #22037-2300-1105 is not Being Properly maintained. The stress cones on the 12470 volt cable termination for the input and output connections were not installed according to manufactures specifications. The shunt straps and metal bands were not installed on the cable shielding as required by the manufacturer

Type of Issuance: N.O.V. ✓ Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by ___ a.m. ___ p.m. on ___ 20 ___

The foregoing violation was totally abated by 1:00 a.m. ✓ p.m. on 6-30 20 10

Action taken to abate the violation: New stress cones were installed properly on all Affected terminations

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Raymond M. Coy Inspector No. 257

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ___ Occurred (20) ___

Severity of Injury Expected: None: *(0) ___ No lost work days *(6) X Lost or restricted days (11) ___

Permanently disabling (15) ___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) ___ 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0) ___ Low (10) ___ Moderate (15) ___ High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF-O18
Revised 3-09

STATE OF WEST VIRGINIA

Region 4

OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East
Charleston, West Virginia 25311-2126

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No: 37067

NOTICE OF VIOLATION

Company / Operator Pocahontas Coal Co Inc Contractor: Yes ____ No ✓

Permit Number 4 6 6 7 6 Mine Name Coal Mine

Date of Issue 6 2 17, 20 17 Time 1 0 4 5 ____ A.M. ____ P.M. ✓

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 1 (a) (1) and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: The operator failed to provide adequate roof support to the face area of the 1 Left section. Specifically, the roof bolter operator was not performing a pre-shift examination of the face area prior to entering the face area to install roof support as required by the approved ventilation plan.

Type of Issuance: N.O.V. ✓ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by 2 17 ____ a.m. ✓ p.m. on 6 20 ✓

Action taken to abate the violation: ____

Company / Operator Agent Served: Paul Ringer

Authorized Representative: Raymond M Cox Inspector No. 2 1 3

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ✓ Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ✓ Lost or restricted days (11) ____

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
Revised 3-09

Region 4

257-0015-2010

No: 27861

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc. Contractor: Yes ___ No X

Permit Number 43042-92 Mine Name UBB

Date of Issue 6-29, 2010 Time 1:00 ___ A.M. ✓ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 25 (A) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: At the #41 Brk Dual 750 starter the Roof is not adequately supported to protect persons working in the area

Type of Issuance: N.O.V. ✓ Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by 4:00 ___ a.m. ✓ p.m. on 7-1 20 10

The foregoing violation was totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

Action taken to abate the violation: ___

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Raymond M Cox Inspector No. 257

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ___ Reasonably likely (10) X Occurred (20) ___

Severity of Injury Expected: None: *(0) ___ No lost work days *(6) ___ Lost or restricted days (11) X

Permanently disabling (15) ___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) X 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0) ___ Low (10) X Moderate (15) ___ High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF - 019
Revised 11/08

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 257-9045-2010 Region 4

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____

Violation Number: 27864 was/is hereby ✓ totally abated by 7-1, 20 10

_____ a.m. 1215 p.m. _____ extended to _____, 20 _____, _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: Motor Bearings and Jacks were installed on #11 Belt Dust 750 Starter

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____

Violation Number: _____ was/is hereby _____ totally abated by _____, 20 _____

_____ a.m. _____ p.m. _____ extended to _____, 20 _____, _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____

Violation Number: _____ was/is hereby _____ totally abated by _____, 20 _____

_____ a.m. _____ p.m. _____ extended to _____, 20 _____, _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____

Violation Number: _____ was/is hereby _____ totally abated by _____, 20 _____

_____ a.m. _____ p.m. _____ extended to _____, 20 _____, _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: _____

Company/Operator Agent served: Paul Thompson Date: 7-1 20 10

Authorized Representative: Raymond M Cox Inspector Number 257

IF-O18
Revised 3-09

Region 4

257-0015-2010

No: 27862

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ___ No X

Permit Number 4-3042-92 Mine Name 4BB

Date of Issue 7-2, 20 10 Time 9:00 X A.M. ___ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 40 (20) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: The 33 Brk Dual Switch Serial # 22910-206 is Not Being Properly Maintained. The stress cones on the 12470 volt cable termination for the input and 2 outputs were Not Installed according to manufactures specification. The shunt straps and metal bands were not installed on the cable shielding as Required by the manufacturer

Type of Issuance: N.O.V. ✓ Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by 4:00 ___ a.m. X p.m. on 7-6 20 10

The foregoing violation was totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

Action taken to abate the violation: ___

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Raymond M. Cox Inspector No. 257

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ___ Occurred (20) ___

Severity of Injury Expected: None: *(0) ___ No lost work days *(6) X Lost or restricted days (11) ___

Permanently disabling (15) ___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) ___ 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0) ___ Low (10) ___ Moderate (15) ___ High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF-O18
Revised 3-09

Region 24

257-0015-2010

No: 27863

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc. Contractor: Yes ___ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 8-5, 20 10 Time 10:00 X A.M. ___ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 40 (2-0) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows:

The #2 Brk Motor Barn KVA ser # 21709-500-105 is not being properly maintained. The input 12470 volt cable terminations is not installed according to the manufacturers specifications. The shunt straps and metal bands were not installed on the cable shielding as required by the manufacturer.

Type of Issuance: N.O.V. X Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

The foregoing violation was totally abated by 11:45 X a.m. ___ p.m. on 8-5 20 10

Action taken to abate the violation: The shunt straps and metal bands were properly installed on the affected termination

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Raymond M. Cox Inspector No. 257

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ___ Occurred (20) ___

Severity of Injury Expected: None: *(0) ___ No lost work days *(6) X Lost or restricted days (11) ___

Permanently disabling (15) ___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) ___ 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0) ___ Low (10) ___ Moderate (15) ___ High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF-O18
Revised 3-09

Region 4

257-0015-2010

No: 27864

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc. Contractor: Yes ___ No X

Permit Number U-3048-92 Mine Name Upper Big Branch

Date of Issue 8-5-, 20 10 Time 12:30 ___ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22a, Article 2, Section 40 (70) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows:

The 480 volt 100 Amp Breaker with a trip unit of 150-480 Amps is supplying power thru a #6 cable to the Motor Charger B. The #6 cable needs a short circuit protection of 116 Amps maximum setting. The trip unit is too large to provide this protection

Type of Issuance: N.O.V. X Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by 8:00 X a.m. ___ p.m. on 8-5 20 10

The foregoing violation was totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

Action taken to abate the violation: ___

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Raymond M. Cox Inspector No. 257

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ___ Occurred (20) ___

Severity of Injury Expected: None: *(0) ___ No lost work days *(6) X Lost or restricted days (11) ___

Permanently disabling (15) ___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) ___ 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0) ___ Low (10) ___ Moderate (15) ___ High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF-O18
Revised 3-09

Region 4

STATE OF WEST VIRGINIA

OFFICE OF
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1615 Washington Street East
Charleston, West Virginia 25311-2126

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No: 27955

NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc. Contractor: Yes ___ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 8-11 ,20 10 Time 1:15 ___ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22a, Article 2, Section 40 (20) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: The # 53 Belt High Voltage Splice Serial # 17514-402 is not being properly maintained. The stress cones on the 12470 volt input and output connections were not installed according to manufacturers specifications. The shunt straps and metal bands were not installed on the cable shielding as required by the manufacturer.

Type of Issuance: N.O.V. X Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

The foregoing violation was totally abated by 2:30 ___ a.m. ✓ p.m. on 8-11 20 10

Action taken to abate the violation: New stress cones were installed properly on all affected areas

Company / Operator Agent Served: William Gibson

Authorized Representative: Raymond M. Cox Inspector No. 257

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ___ Occurred (20) ___

Severity of Injury Expected: None: *(0) ___ No lost work days *(6) X Lost or restricted days (11) ___

Permanently disabling (15) ___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) ___ 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0) ___ Low (10) ___ Moderate (15) ___ High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF-O18
Revised 3-09

Region 4

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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No: 27866

NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc. Contractor: Yes ___ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 8-11 ,20 10 Time 1:00 ___ A.M. ✓ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 40 (a)(1) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: The #53 Belt 12470 volt High Voltage line splitter was not maintained in that the lid switch on the Input Power Connection Box was pinned behind control wiring not allowing the monitoring device to be tripped when the door was opened. This would allow miners to be exposed to 12470 volts

Type of Issuance: N.O.V. X Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

The foregoing violation was totally abated by 1:10 ___ a.m. X p.m. on 8-11 20 10

Action taken to abate the violation: The lid switch was straightened so the Power would trip the monitor

Company / Operator Agent Served: William Graham

Authorized Representative: Raymond M. Cox Inspector No. 257

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0)___ Reasonably likely (10) X Occurred (20) ___

Severity of Injury Expected: None: *(0)___ No lost work days *(6)___ Lost or restricted days (11) X

Permanently disabling (15)___ Fatal (20)___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) X 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0)___ Low (10) X Moderate (15)___ High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF-O18
Revised 3-09

Region 4

251-0015-2010

No: 57070

STATE OF WEST VIRGINIA

OFFICE OF
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1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ___ No X

Permit Number U-3042-92 Mine Name UBB Mud coal Eagle

Date of Issue 9/21, 2010 Time 9:30 X A.M. ___ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22a, Article 2, Section 70 (70) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: The 480 volt Pump labeled East Mains Return Pump is not being maintained in an approved condition in that the starter box is not a permissible enclosure. Also the H.M. cable is not being protected against short circuits because the 100 Amp Breaker with a trip unit of 150-480 Amps will not set to the Maximum Allowable setting of 75 Amps

Type of Issuance: N.O.V. X Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by 8:00 X a.m. ___ p.m. on 9-25 20 10

The foregoing violation was totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

Action taken to abate the violation: ___

Company / Operator Agent Served: Patrick Loomas

Authorized Representative: Raymond M. Cox Inspector No. 257

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ___ Reasonably likely (10) X Occurred (20) ___

Severity of Injury Expected: None: *(0) ___ No lost work days *(6) ___ Lost or restricted days (11) X

Permanently disabling (15) ___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) X 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0) ___ Low (10) X Moderate (15) ___ High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF-O18
Revised 3-09

Region 4

2-7-0015-2010

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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No: 97897

NOTICE OF VIOLATION

Company / Operator Performance Coal Co Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UMCO Mountaineer Eagle

Date of Issue 5-21, 20 10 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 4, Section 4(a)(3) and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows:

The 30 Cut Pump on Equipment #10 with S/N 47496 Pump is not being protected against overcurrent and ground fault. The circuit has a 15 Amp breaker the maximum allowable breaker shall be a 7.5 Amp

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by 8:00 X a.m. ____ p.m. on 5-28 20 10

The foregoing violation was totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Patrick Sumner

Authorized Representative: Raymond M. Cox Inspector No. 237

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
Revised 3-09

Region 4

257-0015-2010

No: 97878

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
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NOTICE OF VIOLATION

Company / Operator Performance Coal Co Contractor: Yes ___ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 9-21, 20 10 Time 1:30 ___ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 40 (70) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: The 480 volt Pump Labeled 19 Brk Pump is not Being maintained in an approved condition in that the Pump Starter Box is not compatible with the Pump. Also the #10 cable is not protected against short circuits Because the length of the cable cannot be protected with the 480 volt 100 amp Breaker with a trip unit of 150-480 amps. The Maximum allowable setting shall NOT Exceed 70 Amps

Type of Issuance: N.O.V. X Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by 8:00 X a.m. ___ p.m. on 9-28 20 10

The foregoing violation was totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

Action taken to abate the violation: ___

Company / Operator Agent Served: Patrick Loomas

Authorized Representative: Raymond M Cox Inspector No. 257

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ___ Reasonably likely (10) X Occurred (20) ___

Severity of Injury Expected: None: *(0) ___ No lost work days *(6) ___ Lost or restricted days (11) X

Permanently disabling (15) ___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) X 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0) ___ Low (10) X Moderate (15) ___ High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF-O18
Revised 3-09

Region 4

257-0015-2010

STATE OF WEST VIRGINIA

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No: 97070

NOTICE OF VIOLATION

Company / Operator Performance Coal Co Contractor: Yes ___ No X

Permit Number U-8042-92 Mine Name UBB Montreal Eagle

Date of Issue 9-22, 20 10 Time 3:00 ___ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 40(30) and/or West Virginia Administrative Regulation: Title ___, Series ___, Section ___ exists as follows: The #10 Cable Supplying 480 volts to the 17 Brk Pump is not being protected against short circuits. Because of the 1700 ft of cable the 480 volt 100 amp breaker with a trip range of 150-480 amps is too high. The Maximum Allowable setting is 70 amps

Type of Issuance: N.O.V. X Order ___

Area or equipment (if order is issued): ___

The foregoing violation shall be totally abated by ___ ___ a.m. ___ p.m. on ___ 20 ___

The foregoing violation was totally abated by 3:45 ___ a.m. X p.m. on 9-22 20 10

Action taken to abate the violation: The Breaker was changed to a 480 volts 100 Amp Breaker with a trip Range of 60-100 Amps set at 70 Amps

Company / Operator Agent Served: Patrick Loomas

Authorized Representative: Raymond M Cox Inspector No. 257

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ___ Occurred (20) ___

Severity of Injury Expected: None: *(0) ___ No lost work days *(6) X Lost or restricted days (11) ___

Permanently disabling (15) ___ Fatal (20) ___

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ___ 1 (1) ___ 2 (2) ___ 3 (4) ___ 4-5 (6) ___ 6-9 (8) ___ 9+ (10) ___

Negligence: None (0) ___ Low (10) ___ Moderate (15) ___ High (20) ___

Knowing Violation: No ___ Yes ___ Repeat ___

Good Faith in Abatement: Lack of good faith (+15%) ___

No compliance (extenuating circumstances) (0%) ___ **Extra effort (-15%)** ___

IF-O18
Revised 3-09

Region 4

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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No: 3390

NOTICE OF VIOLATION

Company / Operator Performance Coal Co Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name 4BR Montcoal Eagle

Date of Issue 9-22, 20 10 Time 2:00 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 40 (a) and/or West Virginia Administrative Regulation: Title ____, Series ____, Section ____ exists as follows: The Fan guard 480volt 5HP Pump Labeled 4BR Belt Headhouse is not Being protected against overloads in that the Pump Starter has a 15 amp Breaker. The Maximum allowable Breaker is 7.5 amps. Also the #10 cable supplying power to the 5HP Pump is not Being Protected against short circuits Because the 480volt 15 amp Breaker with a trip range of 150-450 amps is too High The Maximum Allowable Trip Rating shall Be 53 amps

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

The foregoing violation was totally abated by 4:00 ____ a.m. X p.m. on 9-22 20 10

Action taken to abate the violation: The Starter Box was Changed to a 7.5amp Breaker. The Breaker was changed to a 480volt 225amp 50-500 Magnum Set on 50 amp

Company / Operator Agent Served: William Graham

Authorized Representative: Raymond M Cox Inspector No. 237

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (15)____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0)____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF - 019
Revised 11/08

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 257-0045-2010 Region 4

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____
Violation Number: 17862 was/is hereby C totally abated by 7-17, 20 10
9:00 a.m._____p.m._____extended to_____, 20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation: New Stone Cones were installed properly on all affected areas

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____
Violation Number:_____was/is hereby_____totally abated by_____, 20_____
_____a.m._____p.m._____extended to_____, 20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation:_____

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____
Violation Number:_____was/is hereby_____totally abated by_____, 20_____
_____a.m._____p.m._____extended to_____, 20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation:_____

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____
Violation Number:_____was/is hereby_____totally abated by_____, 20_____
_____a.m._____p.m._____extended to_____, 20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation:_____

Company/Operator Agent served: Paul Thompson Date: 7-17 20 10

Authorized Representative: Raymond M. Cox Inspector Number 257

IF - 019
Revised 11/08

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 257-0015-2010 Region 4

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____

Violation Number: 27865 was/is hereby _____ totally abated by 8-23, 20 10

_____ a.m. _____ p.m. _____ extended to _____, 20 _____, X modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: This violation has been modified because Case number was omitted on violation

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____

Violation Number: 27865 was/is hereby _____ totally abated by 8-23, 20 10

_____ a.m. _____ p.m. _____ extended to _____, 20 _____, X modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: The violation has been modified because Case number was omitted on the violation

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____

Violation Number: _____ was/is hereby _____ totally abated by _____, 20 _____

_____ a.m. _____ p.m. _____ extended to _____, 20 _____, _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____

Violation Number: _____ was/is hereby _____ totally abated by _____, 20 _____

_____ a.m. _____ p.m. _____ extended to _____, 20 _____, _____ modified to

_____ Order, _____ Withdrawn.

Action taken to abate the violation: _____

Company/Operator Agent served: William Graham Date: 8-23 20 10

Authorized Representative: Raymond M. Cox Inspector Number 257

IF - 019
Revised 11/08

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 257-0015-2010 Region 4

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%)____
No compliance (extenuating circumstances) (0%)____ Extra effort (-15%)____
Violation Number: 27864 was/is hereby X totally abated by 10-13, 2010
____ a.m. ____ p.m. ____ extended to ____, 20____, ____ modified to
____ Order, ____ Withdrawn.
Action taken to abate the violation: The Motor Chargers "B" cable was Changed to a #2 AWG. The Trip Range of 150-480 is suffient for this Cable

Good faith in abatement: Lack of good faith (+15%)____
No compliance (extenuating circumstances) (0%)____ Extra effort (-15%)____
Violation Number: 27876 was/is hereby X totally abated by 10-13, 2010
____ a.m. ____ p.m. ____ extended to ____, 20____, ____ modified to
____ Order, ____ Withdrawn.
Action taken to abate the violation: The East Mains Return Pump cable was Cut therefore the is now out of service

Good faith in abatement: Lack of good faith (+15%)____
No compliance (extenuating circumstances) (0%)____ Extra effort (-15%)____
Violation Number: 27876 was/is hereby X totally abated by 10-13, 2010
____ a.m. ____ p.m. ____ extended to ____, 20____, ____ modified to
____ Order, ____ Withdrawn.
Action taken to abate the violation: The 19 BRK Pump was removed from the mine

Good faith in abatement: Lack of good faith (+15%)____
No compliance (extenuating circumstances) (0%)____ Extra effort (-15%)____
Violation Number: ____ was/is hereby ____ totally abated by ____, 20____
____ a.m. ____ p.m. ____ extended to ____, 20____, ____ modified to
____ Order, ____ Withdrawn.
Action taken to abate the violation: ____

Company/Operator Agent served: Paul Thompson Date: 10-13 20 10
Authorized Representative: Raymond M. Cox Inspector Number 257

IF - 019
Revised 11/08

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 257-0015-2010 Region 4

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____
Violation Number: 27877 was/is hereby X totally abated by 10-5, 20 10
8:30 a.m._____p.m._____extended to_____, 20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation: The Pump Starter Box was changed to a compatible starter with a 7 Amp Heater

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____
Violation Number:_____was/is hereby_____totally abated by_____, 20_____
_____a.m._____p.m._____extended to_____, 20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____
Violation Number:_____was/is hereby_____totally abated by_____, 20_____
_____a.m._____p.m._____extended to_____, 20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____Extra effort (-15%)_____
Violation Number:_____was/is hereby_____totally abated by_____, 20_____
_____a.m._____p.m._____extended to_____, 20_____, _____modified to
_____Order, _____Withdrawn.
Action taken to abate the violation: _____

Company/Operator Agent served: Patrick Loomas Date: 10-6 20 10

Authorized Representative: Raymond M Cox Inspector Number 257

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No. 257-0015-2010
Violation No.

No. 49153

NOTICE OF VIOLATION

Company / Operator Performance Coal Co,, INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue April 27, 20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (15) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

On the Tailgate Section Scoop, serial # T339-267, is not being maintained in a permissible manner in the following violations were present:

[1] The main breaker enclosure has an aluminum lid that requires flat washers on all bolts. Four (4) flat washers were missing.

[2] On the Main breaker enclosure there were four (4) entrance glands that did not have seal wires or other devices to prevent loosing.

[3] On the Main Breaker enclosure there is a packing gland tightened beyond the allowed 1/8 inch gap, indicating a lack of proper packing.

[4] On the Battery end headlights the power supply cable had a temporary splice made in the power conductors.

[5] On the Main Control Enclosure there are five (5) entrance glands that are not secured with seal wire or other devices to prevent loosening.

[6] On the Main Control Enclosure there is an entrance gland tightened beyond the allowed 1/8 inch gap, indicating a lack of proper packing

[7] The Diagnostic Read-out enclosure has an unused entrance gland plug that does not have a set screw or other device to prevent loosening.

These violations were observed on 9/24/2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service..

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Raymond M. Cox Inspector No. 257

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

No. of Persons Potentially Affected: 0 (0)____ I (1) X 2(2)____ 3(4)____ 4-5(6)____ 8-9(8)____ 9+(10)____

Negligence: None (0)____ Low (10) X Moderate (15)____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No 257-0015-2010
Violation No.

No. 49154

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue April 27, 20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (26) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

On the Tailgate Section Scoop, serial # T339-267, has a pump motor protection fuse rated for 150 Amps. The approval for this Scoop states that a fuse rated no higher than 100 Amps shall be used. Fuses of the correct type and capacity shall be installed so as to protect all electrical equipment.

This condition was observed on 9/24/2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service..

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Raymond M. Cox Inspector No. 257

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

No. of Persons Potentially Affected: 0 (0)____ I (1) X 2(2)____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10) X Moderate (15)____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
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Rep of Mines

Region 4
Case No 257-0015-2010
Violation No.

No. 49155

NOTICE OF VIOLATION

Company / Operator Performance Coal Co,, INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue April 27, ,20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40 (15) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows:

On the Old 21 Headgate Belt line, at spad station 22552, the Bucyrus Shield Hauler, serial # 630-1027R1, is not being maintained in a permissible manner in that the following conditions exist:

[1] On the Main Breaker Enclosure the aluminum lid that seals the enclosure requires flat washers on all bolts. Three (3) flat washers were missing from the bolts.

[2] On the operator's side front headlight entrance gland does not have a seal wire or other device to prevent loosening.

[3] On the Operator's side front headlight a bolt was broke off preventing the sealing of the lid for the enclosure.

[4] The audible warning device was broke making the bell inoperative.

These conditions were observed on 10/21/2010

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Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service..

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Raymond M. Cox Kenneth R. Smith John R. Scott Inspector No. 257

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

No. of Persons Potentially Affected: 0 (0)____ 1 (1) X 2(2)____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10) X Moderate (15)____ High (20) ____

Knowing Violation: No X Yes ____ Repeat____

Good Faith in Abatement: Lack of good faith (+ 15%)____

No compliance (extenuating circumstances) (0%)____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
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Region 4
Case No. 257-0015-2010
Violation No.

No. 49156

NOTICE OF VIOLATION

Company / Operator Performance Coal Co,, INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue April 27, ,20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 40 (26) and/or West Virginia Administrative Regulation:, Title ____ , Series ____ , Section ____ exists as follows:

Fuses of the correct type and capacity shall be installed so as to prevent all electrical equipment. The Shield Hauler, serial # 630-1027R1, located at spad station 22552, has two (2) thirty (30) amp fuses in the light circuit. The approval states that the fuses shall be twelve (12) amp maximum.

This condition was observed on 10/21/2010

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service..

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Raymond M. Cox Kenneth R. Smith John P. Scott Inspector No. 257

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) X I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
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Regional Office
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Rep of Mines

Region 4
Case No. 257-0015-2010
Violation No.

No. 49157

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC. Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue April 27, 20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 1 40(15) and/or West Virginia Administrative Regulation:, Title ____, Series ____, Section ____ exists as follows:

On the 22 Headgate Section, the # 2 Joy CM, Serial # JM5811, is not being maintained in a permissible manner in that the following conditions exist:

[1] The conduit for the left cutter motor has a split in it for a distance of three (3) inches.

[2] The left cutter motor power cable jacket does not extend through the entrance gland into the junction box.

[3] The trailing cable outer jacket is pulled out of the entrance gland at the junction box and the metallic shielding is not grounded in the junction box.

[4] The Main disconnect Enclosure has an opening in excess of .005 inch for a distance of four (4) inches.

[5] The cable entrance gland on the Main Disconnect Enclosure does not have a seal wire or other device to prevent loosening.

These conditions were observed on 11/8/2010

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service..

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Raymond M. Cox Kenneth R. Smith John P. Scott Inspector No. 257

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

No. of Persons Potentially Affected: 0 (0)____ I (1) X 2(2)____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0) X Low (10)____ Moderate (15)____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 257-0015-2010
Violation No.

No: 49158

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 4/27 20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(70) and/or West Virginia Administrative Regulation:. Title ____ Series ____, Section ____ exists as follows: The #22 Headgate Section #2 CM serial # JM 5884 5811 is not being protected with a circuit breaker with adequate interrupting capacity for the cutter motors. The circuit breaker was set at 2250 amps. The maximum setting for the circuit is 1730 amps.

This condition was observed on 11-8-10

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Raymond M. Cox Kevin R. Smith John P. Ford Inspector No. 257

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 257-0015-2010
Violation No.

No: 49159

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 4/27 ,20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2 , Section 40(15) and/or West Virginia Administrative Regulation:. Title ____ , Series ____ , Section ____ exists as follows: The maintenance scoop 488 S/R serial # 4881253 permissibility is not being properly maintained in that the following conditions exists:

(1) The Battery power leads entrance glands in the main breaker enclosure are not secured with seal wire or other devices.

(2) The glands for the power conductor and the U.V. control cable exiting the main breaker enclosure are not secured from loosening with seal wires or other no less effective device.

(3) On the main control enclosure there are 7 packing glands with no seal wires or other devices to prevent loosening.

These conditions were observed on 11/8/2010

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Raymond M. Cox Inspector No. 257

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 257-0015-2010
Violation No.

No: 49160

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 4/27 20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(70) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: The maintenance scoop serial # 488125 is not being protected with a circuit breaker with adequate interrupting capacity. The instantaneous setting was set at 2110 amps. The maximum setting shall be 1500 amps.

This condition was observed on 11-8-10

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Raymond M. Cox Kenneth R. Smith John P. Scott Inspector No. 257

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 257-0015-2010
Violation No.

No: 49161

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 4/27 20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section 40(15) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: The Headgate 22 section . Roof Bolter ser. # 2004328 is not being maintained in a permissible manner in that the following condition exists:

(1) A 14-3 cable entering the main control panel through an entrance gland is not properly packed to prevent movement.

(2) There are 2 entrance glands on the main control enclosure that are not secured from loosening with seal wires or other no less effective devices.

These conditions were observed on 11-9-10

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Raymond M. Cox Inspector No. 257

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 4-07

Region 4 Oak Hill
Case No 257-0015-2010
Violation No.

No: 49162

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Inc Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name UBB Montcoal Eagle

Date of Issue 4/27 ,20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A Article 2, Section ~~40(b)~~ 40(70) and/or West Virginia Administrative Regulation:. Title ____, Series ____, Section ____ exists as follows: The Headgate 22 section Roof Bolter Serial # 2004328 is not being provided with a circuit breaker with adequate interrupting capacity in that the breaker was set at 1000 amps when the maximum allowable setting shall not exceed 800 amps.

This condition was observed 11-9-10

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Raymond M. Cox Inspector No. 257

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) X Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-O18
Revised 3-09

Region 4

No: 49674

STATE OF WEST VIRGINIA

OFFICE OF
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1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes _____ No ✓

Permit Number U-304292 Mine Name VOBMC Montcoal Eagle

Date of Issue 7-7, 2010 Time 1:30 _____ A.M. ✓ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter _____, Article _____, Section _____ and/or West Virginia Administrative Regulation: Title 36, Series 12, Section 4.20 exists as follows: The #2 North Mains Belt Power Center, 4160/480 VAC, 1600kVA Serial No. 11762-1600-99S was found not being Properly Maintained in that when inspected the 4160, 15 kVA Power Supply and Power Through 12470 VAC Cables were not Properly TERMINATED According To The Manufacturers Specifications

Type of Issuance: N.O.V. ✓ Order _____

Area or equipment (if order is issued): _____

The foregoing violation shall be totally abated by _____ _____ a.m. 4:00 p.m. on 7-8 20 10

The foregoing violation was totally abated by _____ _____ a.m. _____ p.m. on _____ 20 _____

Action taken to abate the violation: _____

Company / Operator Agent Served: Terry Moore

Authorized Representative: Steven L Hunter Inspector No. 259

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ✓ Reasonably likely (10) _____ Occurred (20) _____

Severity of Injury Expected: None: *(0) _____ No lost work days *(6) _____ Lost or restricted days (11) ✓

Permanently disabling (15) _____ Fatal (20) _____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) _____ 1 (1) ✓ 2 (2) _____ 3 (4) _____ 4-5 (6) _____ 6-9 (8) _____ 9+ (10) _____

Negligence: None (0) _____ Low (10) ✓ Moderate (15) _____ High (20) _____

Knowing Violation: No ✓ Yes _____ Repeat _____

Good Faith in Abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ **Extra effort (-15%)** _____

IF-O18
Revised 3-09

Region 4

No: 49675

STATE OF WEST VIRGINIA

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1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No ✓

Permit Number U-304209 Mine Name UBB MC Montcoal Eagle

Date of Issue 7-7 ,2010 Time 1:40 ____ A.M. ✓ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____, Article ____, Section ____ and/or West Virginia Administrative Regulation: Title 36, Series 12, Section 4.20 exists as follows: The #2 North Mains Belt Power Center, 4160/480 VAC 1600 KVA Serial No. 11762-1600-948 was found not being Properly Maintained in a Safe Operating Condition in that when inspected the INSIDE of this Power Center had Accumulations of COAL DUST of up to an 1/8 of an inch on the Floors, Tops of the Transformers and on or around other electrical equipment

Type of Issuance: N.O.V. ✓ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a.m. 4:00 p.m. on 7-8 20 10

The foregoing violation was totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Terry Moore

Authorized Representative: [signature] Inspector No. 259

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ✓ Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ✓

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ✓ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ✓ Moderate (15) ____ High (20) ____

Knowing Violation: No ✓ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
Revised 3-09

Region 4

No: 49676

STATE OF WEST VIRGINIA

OFFICE OF
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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No ✓

Permit Number U-304292 Mine Name UBB MC Muncoal Eagle

Date of Issue 7-7 ,2010 Time 3:05 ____ A.M. PM P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____, Article ____, Section ____ and/or West Virginia Administrative Regulation: Title 36, Series 12, Section 4.68 exists as follows: The Bonnier Section 12,470 High Voltage Switch Housing located at the mouth of this section Serial No. 2990-209 was found in violation when inspected in that there were NO VISIBLE IDENTIFICATION to the destination of this High Voltage 12,470 Circuit being controlled by this unit

Type of Issuance: N.O.V. ✓ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a.m. Wed p.m. on 7-9 20 10

The foregoing violation was totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Terry Moore

Authorized Representative: Steven A Hall Inspector No. 259

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ✓ Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ✓

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ✓ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ✓ Moderate (15) ____ High (20) ____

Knowing Violation: No ✓ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
Revised 3-09

Region 4

No: 49677

STATE OF WEST VIRGINIA

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No ✓

Permit Number U-304292 Mine Name UDB MC Montcoal Eagle

Date of Issue 7-7 ,20 10 Time 3:10 ____ A.M. ✓ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____, Article ____, Section ____ and/or West Virginia Administrative Regulation: Title 36, Series 12, Section 4.20 exists as follows: The Barrier Section 12,470 VAC, High Voltage Switch Housing, Serial No. 24020-209 located at the mouth of this section was found not being Maintained in that when inspected the INPUT and OUTPUT 4/0 15 KVA 12,470 VAC, Power Supply Cables were not properly TERMINATED according to the Manufactures Specifications

Type of Issuance: N.O.V. ✓ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a.m. 4:00 p.m. on 7-9 20 10

The foregoing violation was totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: I

Company / Operator Agent Served: Terry Moore

Authorized Representative: Steven R Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ✓ Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ✓

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ✓ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ✓ Moderate (15) ____ High (20) ____

Knowing Violation: No ✓ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
Revised 3-09

STATE OF WEST VIRGINIA

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Region 4

No: 49678

NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No ✓

Permit Number U-3042-93 Mine Name UBB MC Montcoal Eagle

Date of Issue Feb 7-8 ,20 10 Time 1:00 ____ A.M. ✓ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____, Article ____, Section ____ and/or West Virginia Administrative Regulation: Title 36, Series 12, Section 4.26 exists as follows: The 480 VAC Distribution Box located at the #56 brk on the North Main Supply Track was found in violation when inspected in that the No. 4, 480 VAC Circuit Breaker, 150 AMP, 50-400 inst trip was found to be set at its HIGH at an AMPERAGE for the 10/5 AWG Cable serving the #67 480/120 VAC Dist-Box this breaker was set at Hi-400 when it should have been set at around 150

Type of Issuance: N.O.V. ✓ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a.m. 4:00 p.m. on 2-9 20 10

The foregoing violation was totally abated by ____ ____ a.m. ____ p.m. on ____ 20 ____

Action taken to abate the violation: ____

Company / Operator Agent Served: Terry Moore

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) ✓ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ✓

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ✓ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ✓ Moderate (15) ____ High (20) ____

Knowing Violation: No ✓ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
Revised 3-09

STATE OF WEST VIRGINIA

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Region 4

No: 49679

NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No ✓

Permit Number U-304292 Mine Name UBB MC Hartcoal Eagle

Date of Issue 7-8 ,2010 Time 1:20 ____ A.M. ✓ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____, Article ____, Section ____ and/or West Virginia Administrative Regulation: Title 36, Series 12, Section 4.26 exists as follows: The 2 North Duster located at the #56 brk in the North Mains Haulage Truck entry was found in violation when inspected, in that the Overcurrent Device being used in the Breaker Control Box was found to be set at to HIGH of an AMPERAGE to properly protect the 10 HP Motor being used on this duster The Overcurrent was set on 40 AMPS when a setting of around 16 amps should have been used

Type of Issuance: N.O.V. ✓ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a.m. 4:20 p.m. on 7-8 2010

The foregoing violation was totally abated by ____ ____ a.m. 1:20 p.m. on 7-8 2010

Action taken to abate the violation: The overcurrent device was set at the proper amperage

Company / Operator Agent Served: Terry Moore

Authorized Representative: Steven J Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) ✓ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ✓

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ✓ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ✓ Moderate (15) ____ High (20) ____

Knowing Violation: No ✓ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
Revised 3-09

Region 4

No: 49680

STATE OF WEST VIRGINIA

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No ✓

Permit Number U-304292 Mine Name UBB MC Montcoal Eagle

Date of Issue 7-8 ,20 10 Time 2145 ____ A.M. ✓ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____, Article ____, Section ____ and/or West Virginia Administrative Regulation: Title 36, Series 12, Section 4.20 exists as follows: The 38 HP, 480 VAC, #1 Sump Pump located just off of the ML North Mains Track was found not being Maintained in a Permissible Condition in that the Flygt Breaker/Starter Permissible Control Box Serial No. M99-6588 was found to (A) not have the proper Flat Washers being used on the Removable Cover and (B) the Out-Put Cable Packing Gland was not PROPERLY PACKED

Type of Issuance: N.O.V. ✓ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a.m. 4:00 p.m. on 7-8 20 10

The foregoing violation was totally abated by ____ ____ a.m. 3:00 p.m. on 7-8 20 10

Action taken to abate the violation: the Breaker/Starter box was removed from the mine

Company / Operator Agent Served: Terry Moore

Authorized Representative: Steven A Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ✓ Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ✓

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ✓ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ✓ Moderate (15) ____ High (20) ____

Knowing Violation: No ✓ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
Revised 3-09

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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Region 4

No: 49684

NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes ____ No ✓

Permit Number V-304292 Mine Name UBB Montcoal Eagle

Date of Issue 7-23 ,2010 Time 9:30 ✓ A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____, Article ____, Section ____ and/or West Virginia Administrative Regulation: Title 36, Series 12, Section 4.20 exists as follows: The #13 Brk 300 kva, 12,470/480 VAC, Serial No. 12707-300-1198 Power Center was found not being Properly Maintained in that when inspected the Incoming and the Feed Through, 4/0, 12470, 15 kva Cables were NOT Terminated According to the Manufactures Specifications. The stress cone shielding was not Properly Connected to the Frame Ground.

Type of Issuance: N.O.V. ✓ Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a.m. 4:00 p.m. on 7-23 2010

The foregoing violation was totally abated by ____ 11:30 a.m. ____ p.m. on 7-23 2010

Action taken to abate the violation: The Incoming cable was Properly Terminated and the Feed Through was Removed From this High Voltage Circuit

Company / Operator Agent Served: Terry Moore

Authorized Representative: Harry L Stanley Inspector No. 254

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ✓ Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) ✓

Permanently disabling (15) ____ Fatal (20) ____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ✓ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) ____

Negligence: None (0) ____ Low (10) ✓ Moderate (15) ____ High (20) ____

Knowing Violation: No ✓ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+15%) ____

No compliance (extenuating circumstances) (0%) ____ **Extra effort (-15%)** ____

IF-O18
Revised 3-09

Region 4

No: 49685

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION

Company / Operator Performance Coal Co. Contractor: Yes _____ No ✓

Permit Number U-304292 Mine Name VBB MC Montcoal Eagle

Date of Issue 7-23 ,2010 Time 9:40 ✓ A.M. _____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter _____, Article _____, Section _____ and/or West Virginia Administrative Regulation: Title 36, Series 12, Section 4.20 exists as follows: The 14/3 Extension Cord being used on the No 1 MVAC Power Outlet on the #13 Brk. 300 Kva Power Center was found not being Properly Maintained in that when inspected was NOT Being Properly Identifyed for its Use and Location

Type of Issuance: N.O.V. ✓ Order _____

Area or equipment (if order is issued): _____

The foregoing violation shall be totally abated by _____ _____ a.m. 4:00 p.m. on 7-23 2010

The foregoing violation was totally abated by _____ 11:15 a.m. _____ p.m. on 7-23 2010

Action taken to abate the violation: The Male Plug was Removed to make it unuseable

Company / Operator Agent Served: Jerry Moore

Authorized Representative: Steven R Stanley Inspector No. 254

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ **Recommend Special Assessment:** ☐

Likelihood of Occurrence: Unlikely: *(0) ✓ Reasonably likely (10) _____ Occurred (20) _____

Severity of Injury Expected: None: *(0) _____ No lost work days *(6) ✓ Lost or restricted days (11) _____

Permanently disabling (15) _____ Fatal (20) _____

* If these are checked in each category, do not go further unless a knowing violation.

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) ____ 2 (2) ____ 3 (4) ____ 4-5 (6) ____ 6-9 (8) ____ 9+ (10) _____

Negligence: None (0) _____ Low (10) _____ Moderate (15) _____ High (20) _____

Knowing Violation: No _____ Yes _____ Repeat _____

Good Faith in Abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) _____ **Extra effort (-15%)** _____

IF - 019
Revised 11/08

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 259-0035-2010 Region 4

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (-15%)_____
Violation Number: 49674 was/is hereby V totally abated by 7-8, 20 10
11:00 a.m.____ p.m.____ extended to_____, 20____, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: The two High Voltage Cables were removed, then Properly Reinstalled and to manufacturers specifications

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (-15%)_____
Violation Number: 49675 was/is hereby V totally abated by 7-8, 20 10
11:30 a.m.____ p.m.____ extended to_____, 20____, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: The inside of the power center was CLEANED and the accumulations of coal dust REMOVED

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (-15%)_____
Violation Number:_____ was/is hereby_____ totally abated by_____, 20____
____ a.m.____ p.m.____ extended to_____, 20____, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: _____

Good faith in abatement: Lack of good faith (+15%)_____
No compliance (extenuating circumstances) (0%)_____ Extra effort (-15%)_____
Violation Number:_____ was/is hereby_____ totally abated by_____, 20____
____ a.m.____ p.m.____ extended to_____, 20____, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: _____

Company/Operator Agent served: Jerry Moore Date: 7-8 20 10

Authorized Representative: Steven L. Stanley Inspector Number 259

IF - 019
Revised 11/08

State of West Virginia
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, West Virginia 25311-2126

Case No. 259-0035-2010 Region 4

INSPECTION OF VIOLATION

Good faith in abatement: Lack of good faith (+15%) _____
No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____
Violation Number: 49676 was/is hereby ✓ totally abated by 7-9, 20 10
_____ a.m. 12:40 p.m. _____ extended to _____, 20 _____, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: The proper identification was placed on this unit

Good faith in abatement: Lack of good faith (+15%) _____
No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____
Violation Number: 49677 was/is hereby ✓ totally abated by 7-9, 20 10
_____ a.m. 12:13 p.m. _____ extended to _____, 20 _____, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: The 2 cables were removed and reentered and properly terminated

Good faith in abatement: Lack of good faith (+15%) _____
No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____
Violation Number: 49678 was/is hereby ✓ totally abated by 7-9, 20 10
9:00 a.m. _____ p.m. _____ extended to _____, 20 _____, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: The cable coupler serving the #67 brk Dist/Box was removed disabling the cable

Good faith in abatement: Lack of good faith (+15%) _____
No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____
Violation Number: _____ was/is hereby _____ totally abated by _____, 20 _____
_____ a.m. _____ p.m. _____ extended to _____, 20 _____, _____ modified to
_____ Order, _____ Withdrawn.
Action taken to abate the violation: _____

Company/Operator Agent served: Terry Moore Date: 7-9 20 10

Authorized Representative: Steven A Stanley Inspector Number 254

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
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Rep of Mines

Region 4
Case No. 259-0035-2010
Violation No. 10

No. 43701

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36, Series 12, Section 4.15 exists as follows:

The No. 6053, 1415, 995 vac miner located 75' out by the # 1 face of the # 1 entry of the No. 22 Tail Gate Section was found not being maintained in a permissible condition when inspected in that [a] The entrance packing gland for the 3/0 AWG trailing cable junction box was not secured with wire or device. [b] One locking washer was missing from one of the 8mm bolts being used to secure the cover of the trailing cable junction box. [c] The 3/0 AWG trailing cables conductors ground shielding was not properly terminated to ground. Inspection was made at 10:00 am 9-21-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Region 4
Case No 259-0035-2010
Violation No. 11

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

No. 43702

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 ,20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.20 exists as follows:

The No. 6053, 1415, 995 vac, miner located 75' out by the # 1 face of the # 1 entry of the No. 22 Tail Gate Section was found not being maintained in a safe operating condition when inspected in that the operator side e-stop palm button was found missing. Inspection was made at 10:15 am 9-21-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Region 4
Case No 259-0035-2010
Violation No. 12

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

No. 43703

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 ,20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.15 exists as follows:

The No. 2000-060, 480 vac, roof bolter located 100' out by the # 1 face of the # 1 entry of the No. 22 Tail Gate Section was found not being maintained in a permissible condition when inspected in that [a] The center mounted fount area lights 3/4 protective cable conduit running from this light to the operators side was found to have two damaged openings one was in a repaired area. [b] One flat protective washer was found missing from a 1/2 bolt being used to secure the cover of the main controller enclosure. Inspection was made at 12:10 pm 9-21-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Region 4
Case No 259-0035-2010
Violation No. 13

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

No. 43704

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 ,20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.20 exists as follows:

The No. 2000-060, 480 vac, roof bolter located 100' out by the # 1 face of the # 1 entry of the No. 22 Tail Gate Section was found not being maintained in a safe operating condition when inspected in that [a] One of the retaining safety pins being used on the 3/4" pins being used to connect the operators canopy to its mask jack was found missing. [c] Oil, coal, and paper has been allowed to accumulate in and around the motor compartment. Inspection was made at 12:15 pm 9-21-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

No. of Persons Potentially Affected: 0 (0)____ I (1) X 2(2)____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10) X Moderate (15)____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%)____

No compliance (extenuating circumstances) (0%)____ Extra effort (-15%) ____

Revised 4-07

Region 4
Case No. 259-0035-2010
Violation No. 14

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
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Rep of Mines

No. 43705

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 ,20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.26 exists as follows:

The No. 2000-060, 480 vac roof bolter located 100' feet out by the # 1 face in the # 1 entry of the No. 22 Tail Gate Section was found not being properly protected when inspected in that [a] the FU-1, FU-2 and the FU-3 fuses located in the main controller enclosure were found to be of an improper amperage to properly protect the circuits they are serving. The FU-1fuse was a 25 amp when it should be a 10 amp, the FU-2 and the FU-3 fuses were both 30 amp and should have been 15 amp fuses. Inspection was made at 12:20 pm 9-21-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15) X High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
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Rep of Mines

Region 4
Case No 259-0035-2010
Violation No. 15

No. 43706

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36, Series 12, Section 4.15 exists as follows:

The No. 4882238 Long Airdox Battery Scoop located out by spad # 24048 on the No. 22 Tail Gate Section was found not being maintained in a permissible condition when inspected in that [a] The 16/2 awg cable for the e-stop circuit exiting from the main controller enclosure was not properly packed to prevent movement. [b] Three of the used packing glands for the power and motor leads entering the main controller enclosure were not secured with wire or other device. [c] All of the used packing glands for the main breaker enclosure was not secured with wire or other device. [d] One of the 1/2" bolts being used to secure the main controller enclosure was of on improper length - 1/2" too long [e] Two 1/2" bolts being used to secure the main breaker enclosure cover was also being improperly used to hold the main breaker reset cable bracket. [f] Three of the used entrance packing glands for the operators deck master controller enclosure were not secured with wire or other device. [g] One unused entrance packing gland dummy plug for the operators deck master controller enclosure was found to be an improper design. [h] The 4/0 conductor supplying power from the batteries to the female receptacles were found to be improperly spliced. [i] Both of

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

No. of Persons Potentially Affected: 0 (0)____ I (1) X 2(2)____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15) X High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%)____

No compliance (extenuating circumstances) (0%)____ Extra effort (-15%) ____

IF-018
Revised 1-08 Cont.

Region 4
No. 259-0035-2010
Violation No. 15-43706

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH,. SAFETY AND TRAINING
161 5 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION - CONTINUATION PAGE NO 1

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of, Issue 4/27 2011 Time 11:00 X A.M. ____ P.M.

the male battery plug conductors were found to be of an improper length of 45". Inspection was made at 10:15 am 9-23-2010.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW- In accordance with Section 22A-147 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners'I-lealth, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Revised 4-07

Region 4
Case No. 259-0035-2010
Violation No. 16

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
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No. 43707

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 ,20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.20 exists as follows:

The No. 4882238 Long Airdox Battery Scoop located at spad # 24048 on the Tail Gate Section was found not being maintained in a safe operating condition when inspected in that all four fire suppression spray nozzles were found without their protective caps. Inspection was made at 10:20 am 9-23-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA

OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
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Rep of Mines

Region 4
Case No 259-0035-2010
Violation No. 17

No. 43708

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 ,20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.26 exists as follows:

The No. 4882238 Long Airdox Battery Scoop located out by spad # 24048 on the No. 22 Tail Gate Section was found not being properly protected when inspected in that one 10 amp fuse located in the main controller enclosure should have been a 5 amp fuse to properly protect the e-stop circuit it was serving. Inspection was made at 10:25 am 9-23-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No 259-0035-2010
Violation No. 18

No. 43709

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 ,20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.15 exists as follows:

The T339-231, 35c, Fairchild Battery Scoop located at spad #23795 on the No. 22 Tail Gate Section was found not being maintained in a permissible condition when inspected in that. [a] The 3/4" permissible conduit being used to protect the power supply cable going to the two rear head lights was found to have two openings one of them in a repaired area. [b] The 12/3 awg cable supplying power to the two rear head lights was found to have an improper splice. [c] The two used entrance packing glands for the male battery plug power supply cables located on each side of the main breaker enclosure were found to not be restrained with wire or other device. [d] The packing glands for the main power cable leaving the main breaker enclosure going to the main controller enclosure were found to not be secured with wire or other device. [e] The permissible conduit being used to protect both male battery power cables going to the main breaker enclosure were both improperly repaired. [f] The off side male battery plug power cable going to the main breaker enclosure was found to be of on improper length of 40". [g] The permissible conduit being used to protect the power cable going to the traction motor was found improperly repaired.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0)____ Low (10)____ Moderate (15)____ High (20) X

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%)____

No compliance (extenuating circumstances) (0%)____ Extra effort (-15%) ____

IF-018
Revised 1-08 Cont.

Region 4
No. 259-0035-2010
Violation No. 18-43709

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
161 5 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION - CONTINUATION PAGE NO 1

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of, Issue 4/27/2011 Time 11:00 X A.M. ____ P.M.

Inspection was made at 12:30 pm 9-23-2010.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW- In accordance with Section 22A-147 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners'l-lealth, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No. 259-0035-2010
Violation No. 19

No. 43710

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 ,20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.20 exists as follows:

The T339-231, 35c, Fairchild Battery Scoop located at spad #23795 on the No. 22 Tail Gate Section was found not being maintained in a safe operating condition when inspected in that [a] All four fire suppression spray nozzles were found to have their protective caps missing. [b] The front off side head light was found missing but its power supply cable was [c] improperly spliced into the fount operator side head light. Inspection was made at 12:35 pm 9-23-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

No. of Persons Potentially Affected: 0 (0)____ 1 (1) X 2(2)____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15) X High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%)____

No compliance (extenuating circumstances) (0%)____ Extra effort (-15%) ____

Revised 4-07

Region 4
Case No. 259-0035-2010
Violation No. 20

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
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Regional Office
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No. 43711

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 ,20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.26 exists as follows:

The T339-231, 35c, Fairchild Battery Scoop located at spad #23795 on the No. 22 Tail Gate Section was found not being properly protected when inspected in that [a] Two fuses located in the operators deck in the master controller enclosure were being used to protect the lighting circuit was found to be 30 amp fuses when 15 amp fuses should have been used to properly protect this circuit. Inspection was made at 12:40 pm 9-23-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) X High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

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Region 4
Case No 259-0035-2010
Violation No. 21

No. 43712

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.20 exists as follows:

The No. 13283, 995 vac Stamler Feeder located at spad # 24577 on the No. 22 Tail Gate Section was found not being maintained in a safe operating condition when inspected in that the No.2/0 awg incoming power cable and also the out going to the 200 hp, 995 vac motor were found to not have their conductor ground shielding properly terminated to ground. Inspection was made at 9:00 am 9-24-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Region 4
Case No 259-0035-2010
Violation No. 22

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

No. 43713

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 ,20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.26 exists as follows:

The No. 13283, 995vac, Stamler Feeder located at spad #24577 on the No. 22 Tail Gate Section was found not being properly protected when inspected in that the 16/3 awg cable being used to supply power to the lighting circuit of this feeder was found being protected by one 5 amp fuse and one 30 amp fuse when both should have been 10 amp fuses to properly protect this circuit. Inspection was made at 9:05 am 9-24-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) X High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Region 4
Case No. 259-0035-2010
Violation No. 23

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
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No. 43714

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 ,20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.15 exists as follows:

The 13 hp, 480 vac, pump located across from the spad # 24560 in the 2x3 crosscut on the No. 22 Tail Gate Section was found not being maintained in a permissible condition when inspected in that a No. 6 awg cable supplying power to the breaker / starter enclosure was found to have the outer jacket cut down to fit an entrance gland that was too small for this cable. Inspection was made at 11:30 am 9-24-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Kendall W Smith John P Smith Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) X

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

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STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
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Region 4
Case No. 259-0035-2010
Violation No. 24

No. 43715

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 ,20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.20 exists as follows:

The 13 hp, 480 vac, pump located across from the spad # 24560 in the 2x3 crosscut on the No. 22 Tail Gate Section was found not being maintained in a safe operating condition when inspected in that [a] the terminal protection device located in the breaker / starter enclosure was found bypassed and not being used [b] The CT being used to monitor over current was also bypassed and [c] The line starter was also bypassed and not being used. Inspection was made at 11:35 am 9-24-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

No. of Persons Potentially Affected: 0 (0)____ I (1) X 2(2)____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15)____ High (20) X

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%)____

No compliance (extenuating circumstances) (0%)____ Extra effort (-15%) ____

Revised 4-07

Inspector
Assessment
Regional Office
Post
Rep of Mines

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Region 4
Case No 259-0035-2010
Violation No. 25

No.43716

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 ,20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.15 exists as follows:

The No. T339-255, 35c, Fairchild Battery Scoop located at spad #24432, # 2 entry of the North Mains Belt Construction area was found not being maintained in a permissible condition when inspected in that [a] Both off and operator side male plug power supply cable packing glands located on the main breaker enclosure were found not secured with wire or other device. [b] Both off and operator side male plug power supply cables were found to be of an improper length of 48" inches. [c] The operator side male plug power supply cables protective conduit was found to not be properly attached to the male plug also had a 5" inch split at its end. [d] The 1/2" inch bolts being used to secure the aluminium cover for the main breaker enclosure were found to have no protective flat washers. [e] A retaining keeper was not used on the slip entrance packing gland for the power supply cable for the traction motor. [f] The entrance packing gland for the power supply cable for the pump motor was not secured with wire or device. [g] Six protective flat washers were found missing from the 1/2" inch bolts being used to secure the cover of the master controller enclosure of the operators deck [h] The aluminum cover for the main controller enclosure was

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) X High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

IF-018
Revised 1-08 Cont.

Region 4
No. 259-0035-2010
Violation No. 25-43716

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
161 5 Washington Street East
Charleston, West Virginia 25311-2126

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NOTICE OF VIOLATION - CONTINUATION PAGE NO 1

Company / Operator Performance Coal Co.,INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of, Issue 4/27/2011 Time 11:00 X A.M. ____ P.M.

found to have six 3/8 x 1/2 " inch holes drilled into the cover. [i] The 16/2 awg dump valve cable located in the operators deck was found to have an improper splice. Inspection was made at 10:25 am 10-5-2010

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW- In accordance with Section 22A-147 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners'l-lealth, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

Revised 4-07

Region 4
Case No. 259-0035-2010
Violation No. 26

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

No. 43717

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 ,20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.20 exists as follows:

The No. T339-255, 35C, Fairchild Battery Scoop located at spad #24432, in the #2 entry of the North Mains Belt Construction Area was found not being maintained in a safe operating condition when inspected in that [a] The off and operator side batteries were found to have improper disconnect plugs in the 4/0 power leads coming from the batteries and going to the female receptacles mounted to the battery cases. [b] Four fire spray nozzles were found to have their protective caps missing. Inspection was made at 9:35 10-5-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

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STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Region 4
Case No 259-0035-2010
Violation No. 27

No. 43718

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.26 exists as follows:

The No. T339-255, 35c, Fairchild Battery Scoop located at spad #24432, in the # 2 entry of the North Mains Belt Construction area was found not being properly protected when inspected in that [a] The two fuses being used to protect the lighting circuit located in the master controller enclosure of the operators deck were found to be 20 amp when 15 amp fuses should have been used to properly protect this circuit. [b] The main fuse being used to protect the pump motor located in the main controller enclosure was found to be a 140 amp when a 100 amp fuse should have been used to properly protect this motor. Inspection was made at 9:40 am 10-5-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) X High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Region 4
Case No 259-0035-2010
Violation No. 28

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

No. 43719

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 ,20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.15 exists as follows:

The no. ET-17017, Shuttle Car located on the North Mains Construction Area near spad # 20406 in the 2x1 crosscut was found not being maintained in a permissible condition when inspected in that [a] The off side, dump end, joy head light was found to have on opening of greater than .007" of on inch. [b] The off side dump end head lights used entrance packing gland was found not secured with wire or other device. [c] Five cables entering the main controller panel were found to not extend far enough through the packing gland and into the enclosure. [d] The entrance packing gland located on the cable reel junction box was found badly bent. Inspection was made at 1:30 pm 10-5-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Region 4
Case No. 259-0035-2010
Violation No. 29

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

No. 43720

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 ,20 11 Time 11:00 ____ A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.20 exists as follows:

The No. ET-17017 Shuttle Car located on the North Mains Belt Construction Area near spad #20406 in the 2x1 crosscut found not being maintained in a safe operating condition when inspected in that [a] The metal cable coupler casing was found to be damaged allowing an opening to exist exposing electrical components inside. [b] The part of the cable coupler that was being used to lock out this coupler was damaged preventing this coupler from being properly locked out. [c] The operators canopy of this shuttle car was found to have two of its four support legs not properly attached in that the bolts being used were not properly placed through the leg supports but instead on top of the support bases allowing this canopy to be raised out of their proper placements. [d] The fire suppression spray nozzles for the pump motor and the cable reel were found to have their protective caps missing. [e] The warning bell was found to not operate properly. Inspection was made at 1:35 pm 10-5-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15) X High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%)____

No compliance (extenuating circumstances) (0%)____ Extra effort (-15%) ____

Revised 4-07

Region 4
Case No. 259-0035-2010
Violation No. 30

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

No. 43721

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 ,20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.26 exists as follows:

The no. ET-17017, Shuttle Car located on the North Mains Belt Construction Area near spad # 20406 in the 2x1 crosscut was found not being properly protected when inspected in that. [a] The 600 v 750 - 1500 inst - trip tram breaker located in the main contactor enclosure, was found to be set on high = 1500 inst - trip when a setting of 1175 should have been used. [b] The main control breaker located in the main contactor enclosure, was found to be set on high = 900 when a setting of 800 inst - trip should have been used to properly protect this equipment. Inspection was made at 1:40 pm 10-5-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

No. of Persons Potentially Affected: 0 (0)____ I (1) X 2(2)____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15) X High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%)____

No compliance (extenuating circumstances) (0%)____ Extra effort (-15%) ____

Revised 4-07

Region 4
Case No. 259-0035-2010
Violation No. 31

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

No. 43722

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.26 exists as follows:

The 1400 kva, AEEI, power center serial No. 27201-1400-1008, located at spad # 24357 on the North Mains Belt Construction Area was found not being properly protected when inspected in that. [a] The # 1 circuit 995 vac, 400 amp, 2000- 4000 inst-trip breaker was found to be set on 2750 inst-trip which is of too high an amperage for the 3/0 awg miner cable that it was being used to protect. A setting of 2000 inst-trip should have been used. [b] The circuit #4, 225 amp, 300-700 inst-trip, 480 vac breaker was found to be of the incorrect size to properly protect the 10/5 awg #137 brk pump cable it was serving. A inst-trip setting of 150 inst-trip was needed to properly protect this circuit. [c] The #7, 480 vac, 225 amp, 300-700 inst-trip, breaker was found to be of the incorrect size to properly protect the 10/5 awg Tail Pump cable it was serving. A inst-trip setting of 150 inst-trip is needed to properly protect this circuit. Inspection was made at 12:15 pm 10-5-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) X ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Region 4
Case No 259-0035-2010
Violation No. 33

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

No. 43724

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 ,20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.20 exists as follows:

The No. 2005325, 480 vac, Roof Bolter located near spad #24079 on the 22 Head/Tale Gate Cross Over Area, was found not being maintained in a safe operating condition when inspected in that. [a] The rear off side head light was found to have one mounting bolt missing. [b] The rear operator side area light was found to have one of its mounting bolts missing. [c] The main contactor enclosure was found to have one of its mounting bolts missing. [d] The main contactor enclosure was found to have one protective flat washer missing from a 1/2 inch bolt being used to secure the aluminum cover. [e] Three of the area lights were found to have been covered with pop bottles. [f] The operators deck fire suppression actuator was found bent and the palm knob missing. [h] Several of the TRS hinge safety retaining pins were found replaced with welding rods. [i] Two fire suppression spray nozzles were found to have there protective caps missing. Inspection was made at 9:15 am 10-6-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

No. of Persons Potentially Affected: 0 (0)____ I (1) X 2(2)____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15)____ High (20) X

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%)____

No compliance (extenuating circumstances) (0%)____ Extra effort (-15%) ____

Revised 4-07

Inspector
Assessment
Regional Office
Post
Rep of Mines

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Case No. 259-0035-2010
Violation No. 34

No. 43725

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27, 20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation: Title 36, Series 12, Section 4.15 exists as follows:

The T39-224, 35c, Fairchild Battery Scoop located at spad #24301 on the 22 Head Gate Section was found not being maintained in a permissible condition when inspected in that [a] Three of the used entrance packing glands located on the main breaker enclosure were found not secured with wire or other device. [b] The 4/0 single conductor power leads coming from the battery power supply post, going to the battery mounted female receptacle, was found to have an improper disconnecting plug. [c] One 1/2 inch bolt being used to secure the aluminum cover for the main breaker enclosure was found to have its protective flat washer missing. [d] The electrical brake release cable located in the operators deck was found to have an improper made splice. [e] The power supply cables protective conduit for the tram motor was found to have a damaged area with an opening in it. [f] The fount off side head lights used packing gland was found to not be properly packed in that the power supply cable was not sealed or to prevent movement. [g] Two used packing glands located on the main contactor enclosure was found not to be restrained with wire or other device. [h] Three flat washers being used to secure the aluminum cover of the mainmain contactor enclosure were of a different size than the others being used. Inspection was made at 11:30 am 10-6-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) X High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Inspector
Assessment
Regional Office
Post
Rep of Mines

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Region 4
Case No 259-0035-2010
Violation No. 35

No. 43726

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36, Series 12, Section 4.20 exists as follows:

The T39-224, 35c, Fairchild Battery Scoop located at spad #24301 on the 22 Head Gate Section was found not being maintained in a safe operating condition when inspected in that [a] The main contactor enclosures lid switch was found inoperative because this switch was tapped in the closed position preventing it from tripping the main breaker and removing power from this enclosure. [b] Four fire suppression spray nozzles were found to have their protective caps missing. Inspection was made at 11:35 am 10-6-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

No. of Persons Potentially Affected: 0 (0)____ I (1) X 2(2)____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15)____ High (20) X

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%)____

No compliance (extenuating circumstances) (0%)____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No 259-0035-2010
Violation No. 36

No. 43727

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.26 exists as follows:

The T39-224, 35c, Fairchild Battery Scoop located at spad #24301 on the 22 Head Gate Section was found not being properly protected when inspected in that the fuse being used to protect the main breaker UVR circuit, located in the main breaker enclosure, was found to be a 10 amp fuse when a 5 amp fuse is called for to properly protect this circuit. Inspection was made at 11:40 am 10-6-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No 259-0035-2010
Violation No. 37

No. 43728

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 ,20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.20 exists as follows:

The No. 153 Battery Fork Lift located one brk out by spad #24301 in the 2x3 crosscut was found not being maintained a safe operating condition when inspected in that three fire suppression nozzles were found to have there protective caps missing. Inspection was made at 1:00 pm 10-6-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20__

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20__

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) X Lost or restricted days (11) ____

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) ____ 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) ____

Knowing Violation: No ____ Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Inspector
Assessment
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Post
Rep of Mines

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Region 4
Case No 259-0035-2010
Violation No. 38

No. 43729

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.26 exists as follows:

The No. 153 Battery Fork Lift located one brk out by spad #24301 in the 2x3 crosscut was found not being properly protected when inspected in that two fuses that were being used to protect the control circuits of this equipment were found to be 25 amp fuses, when 20 amp fuses should have been used. Inspection was made at 11:05 am 10-6-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Inspector
Assessment
Regional Office
Post
Rep of Mines

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Region 4
Case No. 259-0035-2010
Violation No. 39

No. 43730

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.20 exists as follows:

The AEEI Power Center serial No. 22908-1200-1005 located at spad #24120 at the Tail Gate Belt Dump Point, was found not being maintained in a safe operating condition when inspected in that the incoming and the feed through 12,470 vac 4/0 cable was found to not have the conductor ground shielding properly terminated to ground. Inspection was made at 9:35 am 10-7-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ 1 (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Region 4
Case No. 259-0035-2010
Violation No. 40

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

No. 43731

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27, 20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36, Series 12, Section 4.26 exists as follows:

The AEEI Power Center, Serial No. 222908-1200-1005 located at spad #24120 at the Tail Gate Belt Dump Point, was found not being properly protected when inspected in that [a] The #7 circuit, 480 vac, 225 amp, 200-1500 inst-trip breaker was found to be of an improper size to properly protect this the 10/5 awg Trickle Duster Cable that it was serving and was set on a setting of 1500 inst-trip. a setting of 150 inst-trip is needed to properly protect this circuit. [b] The # 8 Circuit, 480 vac, 225 amp, 200-1500 inst-trip breaker was found to be of an improper size to properly protect the 10/5 awg Glory Hole #2 Trash Pump that it was serving. A inst-trip trip setting of 150 inst-trip was needed to properly protect this circuit. Inspection was made at 9:40 am 10-7-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ a. M. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley [signature] [signature] Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) ____ Moderate (15) ____ High (20) X

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No. 259-0035-2010
Violation No. 42

No. 43733

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue 4/27 ,20 11 Time 11:00 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.15 exists as follows:

The JM46570, 1212CM, 995 vac, Miner located one brk out by spad #20417, on the North Mains Belt Construction Area, was found not being maintained in a permissible condition when inspected in that [a] One protective flat washer was found missing from one of the 3/8 inch bolts being used to secure the aluminum cover of the operator side, pump end , MCI junction box [b] The cutter breaker was found to be set on an improperly high setting of 1750 inst-trip when a setting of 1275 inst-trip should have been used. [c] Four of the 1/2 inch bolts being used to secure the cover of the cutter breaker enclosure were found to be 1/2 inch shorter than the others being used. [d] An improperly made splice was found in the remote umbilical cord for this miner. [e] The right side ripper motor used entrance gland was found to not to be secured with wire or other device. [f] One of the 1/2 inch bolts being used to secure the cover of the master control enclosure was found to be 1/4 inch shorter than others being used. [g] The 3/0 AWG trailing cable was found to be pulled out of the entrance packing gland of the trailing cable junction box. Inspection was made at 12:30 pm 10-7-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service.

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15) X High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%)____

No compliance (extenuating circumstances) (0%)____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No. 259-0035-2010
Violation No. 43

No. 43734

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, 20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.20 exists as follows:

The JM46570, 1212CM, 995 vac, Miner located one brk out by spad #20417, on the North Mains Belt Construction Area, was found not being maintained in a safe operating condition when inspected in that [a] Cardboard was found covering operator side area side light. [b] The low oil circuit was found to be by-passed and not being used. [c] The 3/0 awg trailing cable was found to not have the conductor ground shield properly terminated to ground. [d] A pilot wire splice in the trailing cable junction box was found to not be properly insulated. Inspection was made at 12:35 pm 10-7-2010..

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service..

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

No. of Persons Potentially Affected: 0 (0)____ I (1) X 2(2)____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15) X High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%)____

No compliance (extenuating circumstances) (0%)____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No 259-0035-2010
Violation No. 44

No. 43735

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, ,20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.15 exists as follows:

The DBT No. 54-2147, 995 vac, Section Feeder located at brk #34 in the No. 1 entry of the 22 Head Gate Section, was found not being maintained in a permissible condition when inspected in that [a] The off side area light used packing gland was found improperly packed in that the gland was less than 1/8 of an inch.[b] The trailing cable entrance packing gland was found to not be secured with wire or other device. [c] Four of the 1/2 inch bolts being used to secure the aluminum cover of the main controller were found to have their protective flat washers missing. Inspection was made at 10:10 am 10-7-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service..

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No 259-0035-2010
Violation No. 45

No. 43736

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., IN Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, ,20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.15 exists as follows:

The No. JM4918B, 1212 Joy, 995 vac, Miner located in the face of the 1x2 crosscut on the No. 22 Head Gate Section, was found not being maintained in a permissible condition when inspected in that [a] The packing glands for the incoming and out going 3/0 trailing cables of the trailing cable box were found to not be secured with wire or other device. [b] The protective conduit for the 3/0 trailing cable was not secured to the packing gland. [c] The left side cutter motor junction box incoming and out going packing glands were not secured with wire or other device. Inspection was made at 10:40 am 11-8-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service..

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) ____ Occurred (20) ____

Severity of Injury Expected: None: *(0) ____ No lost work days *(6) ____ Lost or restricted days (11) X

Permanently disabling (1 5) ____ Fatal (20) ____

No. of Persons Potentially Affected: 0 (0) ____ I (1) X 2(2) ____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10) ____

Negligence: None (0) ____ Low (10) X Moderate (15) ____ High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%) ____

No compliance (extenuating circumstances) (0%) ____ Extra effort (-15%) ____

Revised 4-07

Inspector
Assessment
Regional Office
Post
Rep of Mines

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Region 4
Case No 259-0035-2010
Violation No. 46

No. 43737

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, ,20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.20 exists as follows:

The No. JM4918B, 1212 Joy, 995 vac, Miner located in the face of the 1x2 crosscut on the No. 22 Head Gate Section, was found not being maintained in a safe operating condition when inspected in that [a] The lid switch of the master controller enclosure was found tapped DOWN preventing this switch from operating properly. [b] The battery suppression enclosure was found to have its mounting bolts broken preventing this enclosure from being properly being grounded. [c] The methane power supply enclosure was found to have its mounting bolts broken preventing this enclosure from being properly being grounded. [d] The left ripper motor junction box was found to have its mounting bolts broken preventing this enclosure from being properly being grounded. Inspection was made at 10:45 am 11-8-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service..

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

No. of Persons Potentially Affected: 0 (0)____ I (1) X 2(2)____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15)____ High (20) X

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%)____

No compliance (extenuating circumstances) (0%)____ Extra effort (-15%) ____

Revised 4-07

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Inspector
Assessment
Regional Office
Post
Rep of Mines

Region 4
Case No 259-0035-2010
Violation No. 47

No. 43738

NOTICE OF VIOLATION

Company / Operator Performance Coal Co., INC Contractor: Yes ____ No X

Permit Number U-3042-92 Mine Name Upper Big Branch

Date of Issue April 27, 20 11 Time 11 X A.M. ____ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter ____ Article ____, Section ____ and/or West Virginia Administrative Regulation:. Title 36 , Series 12 , Section 4.26 exists as follows:

The 5 HP, 600 vac BJM Pump located in the 2x3 crosscut near spad #24202 at the Mouth of the No. 22 Head Gate Section was found not being properly protected when inspected in that the starter / breaker being used to protect this pump located in the starter / breaker enclosure was found to be a 8.5 amp breaker which is to large to properly protect this pump. A 6.6 amp breaker should have been used. Manufactures ID Plate lists this pump as 600 VAC, but is being used as 480 VAC, but when calculated the Proper breaker settings, is still in violation. Inspection was made at 1:35 pm 11-10-2010.

Type of Issuance: N.O.V. X Order ____

Area or equipment (if order is issued): ____

The foregoing violation shall be totally abated by ____ ____ a. m. ____ p.m. on ____ 20____

The foregoing violation was totally abated by ____ ____ ____ p.m. on ____ 20____

Action taken to abate the violation: This equipment is out of service. Repairs must be completed and the WVOMHS&T notified prior to placing this equipment back in service..

Company / Operator Agent Served: Paul Thompson

Authorized Representative: Steven G Stanley Inspector No. 259

REVIEW: In accordance with Section 22A-1 -1 7 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

S and S Violation: ☐ Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0)____ Reasonably likely (10) X Occurred (20) ____

Severity of Injury Expected: None: *(0)____ No lost work days *(6)____ Lost or restricted days (11) X

Permanently disabling (1 5)____ Fatal (20)____

No. of Persons Potentially Affected: 0 (0)____ I (1) X 2(2)____ 3(4) ____ 4-5(6) ____ 8-9(8) ____ 9+(10)____

Negligence: None (0)____ Low (10)____ Moderate (15) X High (20) ____

Knowing Violation: No X Yes ____ Repeat ____

Good Faith in Abatement: Lack of good faith (+ 15%)____

No compliance (extenuating circumstances) (0%)____ Extra effort (-15%) ____