T-369 P0002/0003 F-181

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STATE OF WEST VIRGINIA

Copies - Company

Revised 3-09
Region _____

233-0116-2010

OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East Charleston, West Virginia 25311-2126 - Company
Inspector
Assessment
Regional Office
Post

	Chaneston, wast Virginia 25311-2128	Rep of Mines
No: 36507	NOTICE OF VIOLATION	
Company / Operator Por Farm	nance Coal Co. o	ontractor: YesNo_X
Permit Number <u>U-3042-92</u>	wille Warrie 4 1313 MONTCOA	Englo
Date of Issue <u>08-05-</u>	,20 <i></i>	
Safety and Training upon make	undersigned authorized representative of the Director of t	
Title, Series	and/or vvest virginia	Administrative Regulation
Indicates That of	rior To The Explosion ON	**************************************
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ocated parellel	Vigen To The le bus Wi	ter Line
elt For The Div	Pose DE Fixe Dunto fail	115 Conveyor
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17 500 NO 221	all DELT CONSTRUCTION S!	te Located
distance of	TOPOSTO TOPELLIS PARTOL	measuring
Lengths of Frank's	pproximately our Thouse	Wel TWO
WING FED TELLIN	ength (1,200Ft). (See	Next ORCE
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y, - of Issuance: N.O.V.	Order X	
rea or equipment (if order is issued);		
ne foregoing violation shall be totally abate		20
ne foregoing violation was totally abated b	y a.m p.m. on	
tion taken to abate the violation: Mus	the Abated Orior TO bolts	20
- bac	Kin Service	being put
mpany / Operator Agent Served:	ALLE Corsinant	
	THE fersinger	400000
ithorized Representative:	Inspector N	^ 72 2
VIEW: In accordance with Section 22A-1		
ine Office of Miners' Health, Safety and Trai	ning for review of this notice of violation within thirty (30) da	V8 from the issued date
		7.
· · · · · · · · · · · · · · · · · · ·	IOLATION ASSESSMENT EVALUATION	
nd S Violation:	Recommend Special Assessment:	
elihood of Occurrence: Unlikely: *(0)	Possonably West (40)	
rerity of Injury Expected: None: *(0)	Reasonably likely (10) Occurred (20)	
Permanently disabling (15)	No lost work days *(6) Lost or restrict	ed days (11)
		•
ase are checked in each category, do no	t go further unless a knowing violation.	
Ulineace: None (0)	1 (1) 2 (2) 3 (4) 4-5 (6) 6-9 (8)	9+ (10)
wing Violation: No Yes	WUUBIBLE I IDI HAA 7201	
d Faith in Abatement: Lack of good faith		
:ompliance (extenuating circumstance)	s) (0%) Extra effort (-15%)	•
7	Evria alloit ((2%)	·····

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'alation No.

T-369 P0003/0003 F-181

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 C	F VIOLATION - CO	NTINUATION PAG	SE NO Z	
ompany / Operator_	Herform a	nce Cod	1 00		
ırmit Number	3047-92		BB. Mont	7"—— , , , , , , , , , , , , , , , , , ,	NoX
ite of Issue	08-05	20 <i></i>	7:0		
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iny / Operator Agen	nt Served: ARYA	le fersing	<u></u>		
zed Representative	1/2)			
V: In accordance wi	th Section 224-147 of	ne Code: an anama	Insp	ector No. 233	
iffice of Minera' Hea	ith, Safety and Training	ine Code; an operator or a I for review of this notice	any representative of the	e miners may apply to the C	Director

iffice of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

-018 evised 3-09

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

Assessment Regional Office Post Rep of Mines

No: 41842

IV/ OAK HILL

ompany / Operator Performan	**************************************			
ompany / Operator Performant ormit Number U-3042-92 ate of Issue 8-4	Mine Name UBBI	MC Montcoal Eag	e	Control of the last
William 8-4	20//_Time	7,30		M. P.M.
Chapter 22A Article	making an inspection of this 2	and/or V	Vest Virginia Administral	ve Regulation:
Title Series	, Section	exists as fol	ows: The operate	r-Farred
, aubmit the recullred	ventilation bran c	O file Mean Arra-	DITECT OF FEMALES	manufactural de Continue de la conti
-1+b Cafoty and Trai	ning to add two (2) safety precau	tions to the ve	ntilation.
and This plan s	was submitted to MS	HA on 9-21-09,	and approved by	MSHA. On.
on on This violation	on is a violation o	f a safety prov	ision of the we	st virginia
ode, and is of a serie	ous nature, and inv	olves an extrao	rdinarily high	degree of
egligence.	•			We also specify a se
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ripie of Issuaince: N.O.V.	Order	<u> </u>		e en transitio
rea or equipment (if order is issue	d):			a making - 1 talah Peror
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F-Q18 tevised 3-09

STATE OF WEST VIRGINIA

OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING 1615 West Virginia 25311-2126

Post Rep of Mines

No: 41843

IV/ OAK HILL

Dorformance	Coal Co.		""COLIGION INDIAN	
npany / Operator Performance mit Number U-3042-92	UBBMC	Montcoal Eagle		Sandy Constitution of the
nit Number U-3042.32	Mine Name	130		M.
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Title Series	, Section	exists as follow	is Office of J	7. Tanacia
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ne foregoing violation shall be totally about the totally about taken to abate the violation. Z	y abated by	a.m. p.m.	on <u>s.4</u> erning Ventile	tion plans
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F.018 levised 3-09

STATE OF WEST VIRGINI

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

Company
Inspector
Assessment
Regional Office
Post
Rep of Mines

233-0120-2011 No: 41844

IV/ OAK HILL

pany / Operator. Pear formance Coal Co. Contractor: Yes. No. 2012-92 Mine Name - UBBMC Montcoal Eagle 2017 fine 722 And Service 2016 fine 522 Section 2016 fine fine independent of the fine of the Office of Mineral Market Service Service 2016 fine 524 Section 2016 fine 722 And Section 3016 West Virginia Administrative Company the Section 2016 fine 524 Section 2016 fin	Performanc	e Coal Co	Contra	ctor: YesIVO
Notice is hereby given that is undersomed this mains finds that the defaulton referred to in West Virginia Case, Safety and Training, upon misking an inspection of this mains finds that the defaulton referred to in West Virginia Case, Chapter 22 Anticle 2 Section 3 Section 4 Section 5 Section 5 Section 5 Section 5 Section 5 Section 5 Section 6	mpany / Operator	Was Warne UBBMC	Montcoal Eagle	Control of the Party
Notice is hereby given that is undersomed this mains finds that the defaulton referred to in West Virginia Case, Safety and Training, upon misking an inspection of this mains finds that the defaulton referred to in West Virginia Case, Chapter 22 Anticle 2 Section 3 Section 4 Section 5 Section 5 Section 5 Section 5 Section 5 Section 5 Section 6	mit Number	20 // Time 7/3	0	P.M.
Chapter 2A Article 2 Section 4 Miners 1 The operator failed 110 Series 5 Section 4 Miners 1 The operator failed 2 Submit to the West Virginia Office of Miners 1 Health, Safety and Training the squired ventilation plan to cut two (2) entries into the North Glory Mains adder Phase 1 of the plan, and under Phase 2 the installation or removal of militation controls of the I-Right Crossover after the section is moved to entilation an intake air course. This plan was submitted to MSHA on 10-13-09 and SHA approved on 10-15-09. This violation is a violation of the West Virginia ode, and is of a serious nature, and involves an extraordinarily high degree of equipment (if order is Issued): The foregoing violation was totally abaled by 2.a.m. p.m. on 2.4 30 4 4 5 6 5 6 9 (8) 4 4 (10) 4 5 6 9 (8) 4 (10) 4 5 6 9 (8) 4 (10) 4 5 6 9 (8) 4 (10) 4 5 6 9 (8) 4 (10) 4 6 6 9	Notice is hereby given that	THE MUMBIBUIES BRAINING AL	" 2 1 mars were the think the reference	in in West Vindinia Code
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Submit to the West Virginia Office of Siness into the North Glory Mains aguired ventilation plan to cut two (2) entries into the North Glory Mains aguired ventilation or plan to cut two (2) entries into the North Glory Mains ander Phase 1 of the plan, and under Phase 2 the installation or removal of entilation controls of the I-Right Crossover after the section is moved to entilation controls of the I-Right Crossover after the section is moved to entilated to MSHA on 10-13-09 and SHA approved on 10-15-09. This violation is a violation of the West Virginia ode, and is of a serious nature, and involves an extraordinarily high degree of egligence. The office of issuance N.O.V. Order The foregoing violation shall be totally abated by a.m. p.m. on gradient of the violation and the state of the violation and vio	Chapter Ande Ande	Sarrion.	exists as follows: The	operator failed -
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egligence. Order pe of issuance: N.O.V. X Order pe p.m. on	stablish an intake ali	. Course, mis pron	is a violation of the	e West Virginia
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STATE OF WEST VIRGINIA

MINERS' HEALTH, SAFETY AND TRAINING 1615 West Virginia 25311-2126

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Assessment
Regional Office
Post
Rep of Mines

233-0120-2011 No: 41845

IV/ OAK HILL

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mpany / Operator Performanc	Mina Nama UBBM	C Montcoal Eagl	е	STATE OF
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Charler 22A Article_	2 Section 2	and/or V	last Virginia Adminiatrati	r-failed
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F-Q18 Revised 3-09

STATE OF WEST VIRGINIA

MINERS' HEALTH, SAFETY AND TRAINING 1615 West virginia 25311-2126

Rep of Mines

233-0120-2011 No: 41846

IV/ OAK HILL

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Company / Operator Performance				
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Health, Safety and Training	g to relocate E	P-LW3. This pla	n was submille	u to MSHA.
on 2-5-10 and approved by M	MSHA on 2-22-10	. This violati	on is a violat	LOII OLA ALA
a safety provision of the N	West Virginia c	ode and is of a	serious nacu	Le, and -
involves an extraordinarily	y high degree o	f negligence.		n e e unione de la companya de la co
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Action taken to abale the violation: Discus	ssed This Article of	LYW WITH MINE ME	TONGEMENT REPORTED	Marin marketisk
Phas To be Submitted to The	he office of miner	15 Health , Shatey	Memory -	
Company / Operator Agent Served:	TCK KOLOS		5 m	
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and the second that the second terms of the se	Special 233-1 A-17 of this Code, an op d Training for review of	ME house of woulder w	Uhspector No. 22	spor to the Career
Authorized Representative:	Special 233-1 A-17 of this Code, an op d Training for review of	M Spore Coruna	Uhspector No. 22	spor to the Career
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Region.

STATE OF WEST VIRGINI

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

res - Combany Inspector Assessment Regional Office Post Rep of Mines

No: 41847

IV/ OAK HILL

n Derformance	e Coal Co.	Contractor: Yes_	146 X
Company / Operator	Mine Name_UBBMC Montcoa	l.Eagle	.c.www.next.a.
Permit Number 0-3042	20 // Time 7:30	X _A	MPM.
Date of Issue	the undersigned authorized representative	of the Director of the Office of	Miners Health
Charler 22A Article	2 , Section 2	and/or West Virginia Administra	ive Regulation:
Title Series	2 , Section 2 ext	sts as follows: The operate)tF'97160
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	15-09. This violation is a	violation of a saled	The state of the s
provision of the West V	irginia code and is of a ser	cious nature, and inv	OTAGS 911
extraordinarily high de	gree of negligence.		· · · · · · · · · · · · · · · · · · ·
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Action taken to abate the violation: I	ISPOSSED THIS PRANCE IN THIS	. willone Woulth-SALTER'S TRA	INING FOR HEERNY
Ventilation Plans Tobe	Submitted to the office of	Mineral Manager	
Company / Operator Agent Served:	JACK Robs		The second secon
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	VIOLATION ASSESSMENT EVALU	 	
A CANAL STATES	Recommend Special Ass	essment: X	
S and S Violation:	Most of the Mark Mark 1991	Grunned (20)	
Likelihood of Occurrence: Unlike	ly: *(0) Reasonably ilkely (10)	Lost or restricted day	ŝ (11)
Severity of Injury Expected: Non	Fatal (20)		
* If these are checked in each cale	gory, do not go further unless a knowing vio	lation.	01./10\
other and therefore to be distributed by the	363) n (n) - 1 (1) 2 (2) 3 (4) _	4-5 (6) 0-9 (0) _	40 (10/
in a transfer of the second se	UM (10) MOGGING (10)	git (co)	
Khowing Violation: No	Yes Repeat of good faith (+15%)		
Good Faith in Abatement: Lack (of good faith (+15%) Eumstances) (0%) E	xtra effort (-15%)	- Marie of a second a
No compliance (extenuating cit	Politicani (a in)		

F-018 Revised 3-09

Region _

STATE OF WEST VIRGINIA

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

es - Company Inspector Assessment Regional Office Post Rep of Mines

No: 41848

IV/ OAK HILL

Performance	Coal Co. URRMC Mont.	Contrac	tor. Yes	_No_X
mpany / Operator Performance mult Number U-3042-92 te of Issue 8.4	Mine Name UBBMC Monte	coal.Eagle		Charles Account to
mit Norther 8.4	20// Time 7'30	4	A.M.	carls , en Luckella
Notice is hereby given that me Safety and Training, upon me Chapter 22A Article	iking an inspection of this mine finds 2, Section2	that the violation referred and/or West Virginia exists as follows: The	io in West V Administrative operator	nini Code Regulation failed
, aubmit the required Ve	entitation plan to the w	CDC VILGALIZATION	And the Property of the Party o	······································
ealth, Safety and Traini	ing when shearing blocks blan was submitted to MS	for the new lone HA on 12-16-09 a	nd approv	t to ed by
SHA 12-17-09. This vio.	lation is a violation of	the West Virgin	la code .	and is
a serious nature, and	involves an extraordina	rily high degree	of negli	gence.
	•			
			 	ig — in the long of the later o
				AND THE PERSON NAMED IN
•	4 4 1 11 11			
ina of teanance: N.O.V.	Order	,		
a factor of the second of the	- · · · · · · · · · · · · · · · · · · ·	•	·	
and of editional and the second of the secon	A. M. 3.6.			W
the fact of the state of the st	Aliabad htt	.] []		district to the function of the
والمنام والمنام والمناهل والمنافل والمن	ited by	LIEI.		تراغزنين بين سيب
US foldonia antiquon and towns and	ssrussed This ARticle of LAW	with mine managemen	H REQUIRIN	9 VENTILATE
Action taken to abate the violation: 23	The office of miners Hel	41th SAFTEY E' -TRAIN	11/19 1	operation of the second
Plans To be Submitted 70	TARK DISC	tonner .		
Company / Operator Agent Served:	JACK Roles	*		
a company and Versian shake here.	Jul 233/MEXenny &	nowwy Inspector	No. 225	Sp. Farms & Weller
Authorized Representative: Authorized Representative: REVEN: In accordance wen saction of the Office of Mineral Health, Bankly	MICHERING HIS LEASED OF NOW CLARACE	At askadininis attacher and and at	ara may apply 0) days from 0	
•	Special Assessment Ev	ent ZALUĀTĪON		
		· v		
s and s Violation:	Recommend Special	WPF094Hibit:		
Likelihood of Occurrence: Unlikely	*(0) Reasonably likely (10) *(0) No lost work days *(6)) Occurred (2	incled days (1	1)
parmanantly disabling (15):	Fatal (20)-			
	and the state of t	a violation		
* If these are checked in each categories	ory, do not go turmer unless a known gid; 0 (0) 1 (1) 2 (2) 3 (2)	(4)8-§	(8)	(10)
Knowing Violation: No Y	MILL MICHAEL STORY			

IF-018 Revised 3-09

Region.

STATE OF WEST VIRGIND

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

s - Company Inappector Assessment Regional Office Post Rep of Mines

No: 41849

IV/ OAK HILL

Company / Operator Performance	Coal Co		Contractor: Yes	No
Company / Operator Fe1101 mance Permit Number U-3042-92 Date of lasce 8 4	Mine Name_UBB	MC Montcoal Eagl	.е	ALANA, CALADE, 19
Date of Issue 8.4	20//Time	7.'30	X A.M.	P.M.
GARAGE A. M. M. C. M.	はん こうがんそうけんみん かいけいハリブルノ	i rontaganisiiva (ii iiis Li	HEATOL OF HIS STREET AT 1881	SANSKA KILEMBIAKI.
Safety and Training, upon m	aking an inspection of this	mine finds that the viole	ilon reierred to in vvest vi	Time Code.
Safety and Training, upon me Chapter 22A Article	Section	Allovoi v	with The operator	failed
to submit the required ve	, Section	o the West Virgi	nia Office of Mi	nerst
to submit the required ve	silliation plan t	O the west virg.	old often the lon	Otto and all and a second
Health, Safety and Train	ing to install ve	hmitted to MCUA	ors arcer one rou	Oved by
passes No. 2 crossover.	.This plan was su	tion of the cafe	ry provision of t	he West
MSHA 3-22-10. This viol	ation is a violat	and involved an	extraordinarily	high
Virginia code and is of	a serious nature	and involves an	excladicalization	
degree of negligence.	· · · · · · · · · · · · · · · · · · ·			
Part of the second seco				
Type of Issuarice: N.O.V				
Type of tesuance: N.O.V.	Order			n Strang to
The foregoing violation shall be totally	- Anno Anno		m on	The state of the same
The foregoing violation shall be totally	abated by	a.III p.	F - //	all mile days
The foregoing violation was totally abo	ated by	20: a.m. :	m, on	
Action taken to abate the violation; Di	scussed This ARticle	of LOW with mine mi	NAGEMENT REQUIRING	YeUT I'M TON
Phone on he salawitted To This	· office rof minlers.	Henlth SASTEV 3 TR	HINING - LOB APPROVI	Serves Very constitu
Continent / Operator Agent Served	TACK KO/OS			A SPECIAL PROPERTY OF THE PERSON AND ADDRESS OF THE PERSON ADDRESS OF THE PERSON AND ADDRESS OF THE PERSON AND ADDRESS OF
Authorized Representative:	C/ Maluel	1 Russia	Lieuten 729	
Authorized Representative:	WALLEY IN TO	ONNER OF SHIP FOR COMPANY	Inspector two	is the surees
Of the Critice of Miners' Health, Salety	TANK TANK AND TANK OF	The House of Violation W	entry (30) days from t	
Of THE CARGO OF HISTORIE TOWNS CHANGE	Special 1	Assessment		
	VIOLATION ASSES	Assessment SMENT EVALUATION		ē
	Lawrence L	d Special Assessment:	X	
S and S Violation:	Recommen	Ki abecisi Vasessusenr		
Likelihood of Occurrence: Unlikely Saverity of Injury Expected: None:	: *(0) Reasonabl	y likely (10)	Occurred (20)	11
Severity of injury Expected: None:	*(0) No lost work	(days (o)	"COSEDI (SERIMBO SO) O ()	.,
Pelminently disabling (15):				
* If these are checked in each calego	ory, do not go further unless	s a knowing violation.	one la tra	
aid of Rosecta Sufficients, A State	(a) - n (n) 1 (4) 2 /	(2) 3 (4) 4-5 (6)6-9 (8)9+ (10)
Negliganos: None (0) Los Khawing Vialation: No You	/ (10) Moderate (1	(5) High (20)		
The short is the first and desired the second of the second				
Good Faith in Abatement: Lack of No compliance (extenuating circu	govo ram (* 13 /s)	Extra effor	t (-15%)	
MO COMPRISING (AVGINGRING ON A	management of fairly management		ì	

-018 Evised 3-09

STATE OF WEST VINGINI

tegion IV/ OAK HILL 233-0120-2011 No: 43861

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

Combany
Inspector
Assessment
Regional Office
Post
Rep of Mines

	Good Co	Contractor: Yes_	No X
ompany / Operator Performance	Coal Co. Mine Name UBBMC Montco 20 // Time 7/30	oal Eagle	second or
ermit Number U-3042-92	Mine Name	_ <u>X</u> A	м Р.М.
ate of Issue 8.4	20 / Time / 3 / 20 / Time / 3 / 3 / 3 / 3 / 3 / 3 / 3 / 3 / 3 /	or the Director of the Office of	Minera Hearth.
WIAHAA IQ HAMIDV QIVUI UIRI Y	to builder different arms.		
Safety and Training, upon m	iking an inspection of this thine thice s	and/or West Virginia Administra	tive Regulation:
Chapter 22A Article	2 Section	The operato	or failed
Title Series	Aking an inspection of this mine finds to 2	st Virginia Office of	Miners!
o submit the required v	elicifactor plant doorg betw	een cross cuts 9 and 1	1. on the
Health, Safety and Train	ing to install doors between ion. This plan was submi	tted to MSHA on 9-3-09	and
One North tail gate sect	ion. This plan was submi	wielstion of the West.	Virginia.
and ic of a seriou	s nature, and involves an	1 GYCIAOI CAA	
			Was to a series to
			THE ATTENDED
Type of Issuance: N.O.V.	Order		Land Comment
Area or equipment (if order is issued)) 	Anni mariti	A sandaren de se se
the second secon	and in a	ii n m an	Wife of stankers - cor
The foregoing violation shall be totall	y abated bya.r	D D.H. OH	1 2000/1
Action taken to abare the violation. 2	The office of miners Healt	h. SHITEY , & TRAINING FOR	APPROVIDE SOME
PINNS TO be Submitted 18	The office of miners HEALT	and the same of th	
Continuity / Operator Agent Served	Sper roles		
Authorized Representative	23.7/M=kennul de la	impresentative of the miners may a	belt to the Dates.
REVIEW IN ACCORDANCE WAS SECURE	yand training for review of this hotics of	A violation within thirty (30) days for	NA DAS MESTERS CHAIR
Of the Other of service assembly opinion	Special Assessme	nt, serve	•
	Special Assessment EV	ALUATION	ē.
 	Recommend Special A	X X	
S and S Violation:	Recommend Special A	LESSEMONI: L	
	ly: *(0) Reasonably ilkely (10). a: *(0) No lost work days *(8)	Occurred (20)	
Englished of Califfre Experient Non-	*(0) No lost work days *(6)_	Lost or restricted os)	/5 (11)
Savarray of Highly Experience 145	Fatal (20)	·	
* If these are checked in each cate	gory, do not go further unless a knowing led: 0 (0)1 (1)2 (2)3 (4 ow (10) Moderdie (15)	() (A,5 (6) 6-9 (8)	9+ (10)
No. of Persons Potentially Affect	(ed: 0 (0)1 (1)2 (2)3 (4	High (20)	•
Negligerice: None (0)L	Ned: 0 (0)1 (1)2 (2)3 (- 5w (10) Moderate (15) Yes Repeat	" til Air / www.	
Knowing Violation: No	Yes Repeat		
Good Falth in Abatement: Lack	of good faith (+15%)	Extra effort (-15%)	**************************************
No compliance (extenuating cir	COLUMNIA (O M)	-	•

--018 (êvîsed 3-09

IV/ OAK HILL ₹egion_

233-0120-2011 No: 43862

OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING 1615 West Virginia 25311-2126

Assessment Regional Office Post Rep of Mines

Company / Operator. Parfoxmance Coal Co. Cointractor: Yes No. American No. Contractor: Yes No. American No. Openator No. Yes No. American No. Yes N	Darformar	ice Coal Co	•	Contractor: Yes	No_A
Notice is hereby given that the undersigned simulated representative of the Director of the Office of Mindre 16888, Safety and Training, upon mixing an inspection of this mine finds that the violation, represented to it west virginia 2588, Safety and Training, upon mixing an inspection of this mine finds that the violation, represented to it west virginia 2588, Safety and Article 2 Section 2 S	Company / Operator_FETTOTIME	UBBM	C Montcoal Eagle)	shands decided by
Notice is hereby given that the underlighed biblionized representative of this Director of the Office of Ministra Stephing Stephing visit Training, upon making an inspection of this mine finds that the violation representative of the West Virginia Office of Ministrative Stephing 22	Permit Number U-3042-92	Mine Name 2	170	LAM.	PM.
Notice is hereby given the Ottobarge accounts find the time digition, referred to in West Winding Case. Selfon	note of lesule	,ZV//11119	Santa I Walter MAS	while to entitle of the	nere Heath
Chapter 20 Andrew Serbon Section Section Serbon Section Serbon Section Serbon Section Serbon Section Serbon Serbon Section Serbon Serbo	Motion is hereby given th	at the number announce.	In the IL of Land Both childhall	LE MAN A HA WAST VI	
Health, Safety and Training to revise the return air course on the Lower Big. 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 Branch area, and show controls to be installed at the Birchton Portal on the Morthern portion of the wine. 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 issubince N.O.V. Area or equiphent (if order is issued): The foregoing violation shall be totally abated by	Safety and Training, upol	2 Salahin 2	and/or We	et Virginia Administrative	e Regulation:
Health, Safety and Training to revise the return air course on the Lower Big. 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 Branch area, and show controls to be installed at the Birchton Portal on the Morthern portion of the wine. 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 issubince N.O.V. Area or equiphent (if order is issued): The foregoing violation shall be totally abated by	Chapter Anicle	Ramina.	exists as follo	We The operator	tailed -
Health, Safety and Training to revise the return all the Branch area, and show controls to be installed at the Birchton Portal on the Branch area, and show controls to be installed at the Birchton Portal on the Morthern 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 issuince: N.O.V. & Order Area or equipment (if order is issued): The foregoing violation shall be tolarly abated by	Title Senes	ventilation plan to	the West Virgin	nia Office of Mi	nerst
Branch area, and show controls to be installed at the MSHA on 9-4-09 and 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.					
Northern portion of the mine. This plan was submitted 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: No.V. X. Order Area or equipment (if order is issued): The foregoing violation shall be totally abated by	· · · · · · · · · · · · · · · · · · ·		3	C11C C12	
approved by MSHA on 9-4-09. This violation is a 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.					
of the West Virginia Code and is of a serious lature, and the extraordinarily high degree of negligence. Type of Issuance: N.O.V. A. Order Area or equipment (if order is issued): The foregoing violation was totally abated by a.m. p.m. on p.m. o	Northern portion of the	ie mine. This plan v	on is a violatio	n of a safety p	rovision
Type of Issulatice: N.O.V. X Order Area or equipment (if order is Issued): The foregoing violation shall be lotally abated by a.m. p.m. on The foregoing violation was lotally abated by p.m. on Action taken to abate the violation: D'Scussed with management Concerning Ventilation/ Plans To he Submittled To The OFFILE of mitst Company / Operator Agent Served: Tack lefts Authorized Representative: Description of the color, and operator of the ministry of the ministry of the color, and operator of the ministry of the ministry of the color, and operator of the ministry of the ministry of the color, and operator of the ministry of the ministry of the color, and operator of the ministry of the ministry of the color, and operator of the ministry of the ministry of the color, and operator of the ministry of the ministry of the color, and the ministry of the ministry of the color of the color of the ministry of the ministry of the color of the	approved by MSHA on 9	4-09 This Violation	Jii ia viorgend	involves an	Andrea of the Angele for Section 1
Type of tesulatice: N.O.V. X Order Area or equilibrient (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 7.3 2 a.m. p.m. on 5.4 20 Action taken to abate the violation: Discussed with management Concerning Ventilation Of the OFFICE of MHST Company / Operator Again Served: Tack Coles Authorized Representative Description with served of the management o	of the West Virginia	lode and is of a ser	lous nature, and		
Type of tesulatice: N.O.V. X Order Area or equilibrient (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: Discussed with management Concerning Ventilation Plans To he Submitted To The OFFILE OF MHST Company / Operator Agent Served: Tack Coles Authorized Representative Description was below 22417 of the Coles. In description of the lateral with the content of the minute of the minute in the management of the minute of the minute in the management of the minute o	extraordinarily high	degree of negligence			
Type of Isadance: N.O.V.				1 1	Section 1997 - Albert 1997
Type of issulations (if order is issued): The foregoing violation shall be totally abated by				The state of the s	
Area or equipment (if order is issued): The foregoing violation shall be totally abated by The foregoing violation was totally abated by Action taken to abate the violation: Discussed with management Concerning Ventilatives Plans To be Submitted To The OFFILE of MHSY Company / Operator Agent Served Tigel Coles Authorized Representative 22447 of the cole in operator of any representative of the limits and sold and training by level of the limits of violation when they sold the limits of the limit	X X	Order			
The foregoing violation shall be totally abated by	Type of issuance: N.U.V.	ALES.		THE RESERVE CO.	A CONTRACTOR OF THE PARTY OF TH
The foregoing violation was totally abated by	Area or equipment (it order is issu	8 0)			a militare in plan com
Action taken to abate the violation: Discussed with management Concerning Ventilation. Plans To be Submitted To The OFFILE OF MHSY Company / Operator Agent Served. The Coles Authorized Representative: Discussed with coles and operator of any representative of the training of the Coles of	The state of the s	P. 2 13. 45 5 2 2	am D.F	n, on	manufacture of the same
Action taken to abate the violation: Discussed with management Concerning Ventilation. Plans To be Submitted To The OFFILE OF MHSY Company / Operator Agent Served. The Coles Authorized Representative: Discussed in accordance with served. The Coles Authorized Representative: Discussed in accordance with served. Inspection No. 229 REPORT in accordance with served. 224/17 of the code, at operator of any representative of the interior man and the code of violation with interior (30) days from the served in accordance with served. Assessment Evaluation Special Assessment Evaluation Special Assessment Evaluation Recommend Special Assessment: X Line line of Occurrence: Unlikely: "(0) Reasonably likely (10) Occurred (20) Severity of injury Expected: None: "(6) No lost work days "(6) Lost or restricted days (11) Permanently disabiling (15) Faial (20) * If these are checked in each category, do not go further unless a knowing violation. No. of Paradha Potantially Affected: 0 (0) 1 (1) 2 (2) 3 (4) 4-5 (6) 6-9 (8) 9+ (10) Negligance: None (0) Low (10) Moderate (15) High (20) Negligance: None (0) Yes Repeat	The foregoing violation shall be to	itally anated by		m on 8.4	20//
Action taken to abate the violation: DISCUSSED WITH MANAGEMENT MANAGEMENT PLANT MANAGEMENT MANAGEME	The foregoing violation was totall	y abated by	9 8 M PA	1	414
Company / Operator Agent Served. Track Coles Authorized Representative Agent Served. Track Coles Authorized Representative Agent Served. Track and operator of any representative of the manes may apply to the Description of the Original Agents of the manes may apply to the Description of the Original Agents of the Description of the Descriptio	Amen to prove to shale the violation	n Discussed with	monogement (concerning wi	CALL STREET
Authorized Representative: 23 3 m	ACTION LARGE TO BOOK SILL	Hed To The OFF	THE OF MHST	The state of the s	The state of the s
Authorized Representative: Authorized Representative Authorized Representative Inspector No. Authorized Representative Inspector No.	PINS 10 TO ORDER	Thek Roles		vanite in the state of the stat	Harris and the same of the sam
Authorized Representative 234/17 of the Code, at operator of any horizontative of the makes may apply to the Description of the code	Company / Operator Agent Servi		1	a constraint noG	
Special Assessment VIOLATION ASSESSMENT EVALUATION S and S Violation: 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) Parmanently disabiling (15) Fatal (20) * If these are checked in each category, do not go further unless a knowing violation. No: of Persona Potentially Affected: 0 (0) 1 (1) 2 (2) 3 (4) 4-5 (6) 6-9 (8) 194 (10) National Violation: No Yes Repeat	<i>AF</i> :	1	A MANUALA	Internacion NO. ZZ	the same of the sa
Special Assessment VIOLATION ASSESSMENT EVALUATION Sand S Violation: Recommend Special Assessment: X	AUTONIZED Representative Com	to 2244-17 of the Code, an op	erator or arry representati	A STATE THE OF THE STATE OF	
S and S Violation: Recommend Special Assessment: X	AND THE RESIDENCE OF THE PARTY	THE PROPERTY OF THE PROPERTY O	Makes statement and a control of	that his A (on) costs non	The state of the s
S and S Violation: Recommend Special Assessment: X	AND MAKE SANCERS OF THE PARTY O	Special J	Assessment		•
Likelihood of Decurrence: Unlikely: *(0) Reasonably likely (10) Occurred (20) Severity of injury Expected: None: *(0) No lost work days *(6) Lost or restricted days (11) Permanently disabiling (15) Fatal (20) * If these are checked in each category, do not go further unless a knowing violation. * 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) No: of Persons Potentially Affected: 0 (0)1 (1)2 (2)3 (4)4-5 (6)6-9 (8)9+ (10) No: of Persons Potentially Affected: 0 (0)1 (1) (20)		VIOLATION ASSES	SWEM! EAVEDVIENT	1	
Likelihood of Decurrence: Unlikely: *(0) Reasonably likely (10) Occurred (20) Severity of injury Expected: None: *(0) No lost work days *(6) Lost or restricted days (11) Permanently disabiling (15) Fatal (20) * If these are checked in each category, do not go further unless a knowing violation. * 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) No: of Persons Potentially Affected: 0 (0)1 (1)2 (2)3 (4)4-5 (6)6-9 (8)9+ (10) No: of Persons Potentially Affected: 0 (0)1 (1) (20)		<u> </u>	u access Accessment:	<u>X.</u>	
Permanently disabling (15) Fatal (20) Fatal	s and s Violation:	(Kecounia)	. likelik sini	Occurred (20)	
Permanently disabling (15) Fatal (20) Fatal	Likelihood of Occurrence: Un	likely: *(0) Reasonabl	y fikely (10)	t net or restricted days (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)6-9 (8)9+ (10) Note that the potential part of	A service for the first that the service of the ser	Jones (1)) INC (USI NOT)	V (CO) (C)	TOOK OL 1444 MANAGE AND A	
* 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) Note that the 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) Note that the 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)	Lailitation in anaware	/			
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Nation to lation: No Yes Repetit	والمحارب المراجع المرا	Eman Carria as Ant 4 /41	19) 5141 7~~ \	6)6-9 (8)94	· (10)
Nation to lation: No Yes Repetit					
Good Faith in Abstrictent: Lack of good faith (+15%) Extra effort (-15%)	Negligance: None (U)	Yes Repeat		•	•
Extra effort (-15%)	Knowing violation: No	ick of good faith (+15%)		CA A MONTH	
	GOOD PAIN IN MORRALIANT. L.	circumstances) (0%)	Extra effor	rt (-15%)	

-018 evised 3-09

STATE OF WEST VIRGINIA

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IA\ OYK HIFF egion_

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

Regional Office Rep of Mines

233-0120-2011 Νο: 43863

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mpany / Operator Performance	: Coal Co.		CONTRICTOR 100	manusia PV manusana
mit Number U-3042-92.	Mine Name UBBMC	Montcoal Eagle	λ.	
mit Number 8.4	20 / Time /	30		STATES AND A
e of 15508	the undersigned authorized r	epresentative of the Dir	ector of the office of a	
PROUCH IS HOUSEN STATE THE PROUCH IN	the undersigned authorized raking an inspection of this many	line finds that the Violati	on telemed to in what	
Salety and Hamist Article	2 Section2	and/or We	est Alightia Vounnianari	ve raggianon. v falled
Sories	aking an inspection of this man 2	exists as follo	Ws. THE Operate.	dinexa!
submit the required v	entilation plan to	the West Virgin	nia Office Of P	
3-09 and approved by N covision of the West V	Tode and i	s of a serious	nature, and in	volves an
covision of the west v. ctraordinarily high deg	ligitia code, and -			
ctraordinarily high dec	gree of negrigence.			the species with
	g = 100 to 100 to 1			
	*			
ipe of Issuance: N.O.V rea or equipment (if order is issued):			**************************************
lea of adribition /r over				
			m, on	20
he foregoing violation shall be total	y abated by		m on 8 -41	20-//=
he foregoing violation shall be totall he foregoing violation was totally a	pated by	<u>0</u> a.m.	(III. VI)	121 1000
hie toregoing violation was totally all action taken to abate the violation: 2	Discussed with I	nonogement C	encerning var	TELIA TEUR
iction taken to abate the violation: 2 21205 TO be Subm	HOD TO The OF	FILE OF MHS	T	Control of the Control
Company / Operator Agent Served	Tack Pales		Action to the second	as the second se
Company / Operator Agent Served:	<u> </u>			•
			INDIAMOTO INCL.	
Authorized Representative	17 of the Code at do	rator or any representat	ve of the millers may st	DY ED BY STEE
REVIEW IN SCORDINGS WITH Section of the Office of Senior France, Selection (Selection)			thin thirty (30) cays no	u me marke co
Of the Office of Seriors (Committee of the Committee of	Special A	ssessment MENT EVALUATION		• • •
	VIOLATION ASSESS	SMENT EVALUATION		
	Park of the West Color	d Special Assessment:	X	
S and S Violation:	Recommen	4 Shecisi Wasansingir	The Mark	
S and S Vibiation: Likelihood of Occurrence: Unlike Severity of Injury Expected: Non	ly: *(0) Reasonably	/ likely (10)	_Occurred (20)	2/141
STATES OF WHITE PERSONAL NON	ie: *(0) No lost work	: days *(6)	"Cost of taentened only	,(11)
Hawaniani Heahing (15	Fatal (20)	Andrew Control of the		
•	•			
* If these are checked in each calc	gory, do not go turmet unless	(a) 2 (A) A.5 ((6)6-9 (8)	9+ (10)
No. of Persons Potentially Affer	Hed: 0 (0)1 (1) 2 ((*) (*) (*) (*) (20)		
No. of Persons Potentially Affect Negligence: None (0)L	OW (10) Moderate (1	O)		
SKEEDINGS VIGISHON: NO	100			
Guid Faith in Abatement: Lack	Of good taitu (+10.0)	Extra effo	rt (-15%)	
NA Christianes (extenuating ch	(Cumstances) (U76)		-	

F-018 Revised 3-09

STATE OF WEST VIRGINI

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

es - Compariy Inapactor Assessment Regional Office Post Rep of Mines

233-0120-2011 No: 43864

IN/ OWK HIPP

Contractor: Yee		ngo Coal Co.		Contractor:	Yes	No.X
And the standard of the standa	ompany / Operator Periorman	TOP COMP SOLUTION UB	BMC Montcoal E	agle		TO THE
ale of Isable. Notice is hereby given that the undersigned authorized representative of the Diffice of Minister Health, Notice is hereby given that the undersigned authorized representative of the Diffice of Minister Health, Safety and Training, upon making an inergedien of this mine finds that the Walliffer Administrative Reputation. Chapter 22 Anticle 2 Section	armit Number U-3042-92	Mine Name	7.130		X:A.M.	P.M.
Safety sind fraining, upon making all making and making all making and making all making and making all making	$X^{\prime\prime}$	ZQ1111Q	F. N.	and the last the last will be from	AL PIT THINK	
The Series Section with the required ventilation plan to the West Virginia Office of Miners! ealth, Safety and Training to install a 50-PSI Minova Seal. This plan was call, Safety and Training to install a 50-PSI Minova Seal. This plan was cubmitted to MSHA on 9-8-09. This violation is a violation of a safety provision the West Virginia Code, and is of a serious nature, and involves an extra-prodinarily high degree of negligence. Type of issulance N.O.V	Notice is hereby given u	in making an inspection of the	is mine finds that the	violation referred to it	VVest Virg	ma Code.
o submit the require and Training to install a 50-PSI Minova Seal. This plan was ealth, Safety and Training to install a 50-PSI Minova Seal. This plan was ubmitted to MSRA 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 extrapordinarily high degree of negligence. Type of issuance: N.O.V. Order Afee or equipment (if order is issued): The foregoing violation shall be totally shalled by a.m. p.m. on y.m.	Safety and Training, upo	2 Section 2	and	or West Virginia Adm	netort	regulation.
Submit the required to install a 50-PSI Minova Seal This plan was ealth, Safety and Training to install a 50-PSI Minova Seal This plan was ubmitted 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 extrapolitically high degree of negligence. Type of testaine: N.O.V	Chapter	Section	exists a	is follows: The Gpe	of Min	org!
ealth, Safety and Training to install a 50 to 18	Title the required	l ventilation plan	to the West Vi	irginia Office	Ote Mark	Territoria
The West Virginia Code, and is of a serious nature, and involves an extra- rdinarily high degree of negligence. Type of isadance N.O.V. Order Area or equipment of order is issued; The foregoing violation shall be islaily abated by 2.19.0 a.m. p.m. on	g submit the require	aining to install a	a 50-PSI Minova	a SealThis.	pran wa	
Type of testiance N.O.V. Order Area or equipment (if order is lissued): The foregoing violation shall be totally abated by	ealth, Salety and II.	0-8-09 This viol:	ation is a vio	lation of a sa	tety pr	ovision
Type of issulance N.O.V. Order Area or equipment (if order is issued): The foreigning violation shall be totally abated by 2'3'2' a.m. p.m. on 8'4' 20 2. Action baken to abatis the violation: DIJCussed with management Concerning Ventilation Discussed Representative: Language Medical Profession of the Concerning Ventilation of the Concerning Ve	ubmitted to MSHA OIL	godo and is of a	serious nature	, and involves	an ext	.ra
The foregoing violation shall be totally abated by	f the West Virginia	Code, and the or a				
The foregoing violation shall be lotally abated by	rdinarily high degre	e or negridence.				e merchaging and
The foregoing violation shall be lotally abated by						manage i.
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The foregoing violation shall be lotally abated by		,				
The foregoing violation shall be lotally abated by			· · · · · · · · · · · · · · · · · · ·			
The foregoing violation shall be lotally abated by		Order			•	ű.
The foregoing violation shall be totally abated by 2/3 a.m. p.m. on 2/4 a.m. p.m. p.m. on 2/4 a.m. p.m. p.m. on 2/4 a.m. p.m. p.m. p.m. p.m. p.m. p.m. p.m.	type of Issuance: N.O.V.	THE STATE OF THE S				
The foregoing violation shall be totally abated by 2/3 a.m. p.m. on 2/4 a.m. p.m. p.m. on 2/4 a.m. p.m. p.m. on 2/4 a.m. p.m. p.m. p.m. p.m. p.m. p.m. p.m.	Area or equipment (If order is iss	neg);				A STATE OF THE STA
The foregoing violation was totally abated by Action taken to abate the violation: DISCUSSED with management Concerning Ventilation Action taken to abate the violation: DISCUSSED with management Concerning Ventilation Company / Operator Agent Served: TRCK Coles Authorized Representative: Concerning 1933 Market Coles Authorized Representative: Concerning 1933 Market Coles Market Coles Authorized Representative: Coles Market Coles Authorized Representative: Coles Market Coles Special Assessment Violation Assessment Violation Assessment Violation Assessment Violation Assessment Violation Assessment Violation Assessment Violation Assessment Violation Assessment Violation Assessment Violation Assessment Violation Assessment Violation Assessment Violation Assessment Violation Assessment Violation Assessment Violation Assessment Violation Assessment Violation Assessment Violation Violation Assessment Violation X Cocurred (20) Lost or restricted days (11) Parmarentify disabiling (15) Parmarentify di	and the second s			n m on		A Comment
The foregoing violation was totally abated by Action taken to abate the violation: DISCUSSED with management Concerning Ventilation Action taken to abate the violation: DISCUSSED with management Concerning Ventilation Company / Operator Agent Served: TRCK Coles Authorized Representative: Concerning 1237 Market Coles Special Assessment VIOLATION ASSESSMENT EVALUATION Sand S Violation: White Expecial None: "(0) Reasonably likely (10) Cocurred (20) Eliteration of Declaration 1350 Market Coles Partial (20) Faital (20) Partial abate callegory, do not go further unless a knowing violation. No. of Persona Polianitally Affected: 0 (0) 1 (1) 2 (2) 3 (4) 4-5 (6) 6-9 (8) 9+ (10) Negliganos: None (0) Low (10) Moderate (15) High (20)	The formeroline violation shall be t	otally abated by	a.m.	Partiti VII	ン・ル	Marie profilm
Action taken to abaite the violation: DIJCUSSED OF The OFFICE OF MHSAT. Company / Operator Agent Served: TRCF Coles Authorized Representative: Company / Operator Agent Served: TRCF Coles Authorized Representative: Company / Operator Agent Served: Troffice Coles at district of any representative of the industry for the coles at district of any representative of the industry for the coles of violation which there is no the industry from the industry of the coles of violation which there is no the industry of the coles of violation: Second Second Assessment VIOLATION ASSESSMENT EVALUATION Recommend Special Assessment: X Likelihood of Occurrence: Unlikely: *(0) Reasonably likely (10) Cocurred (20) Elikelihood of Occurrence: Unlikely: *(0) No lost work days *(6) Lost or restricted days (11) Parmanently disabiling (15) Fatal (20) Parmanently disabiling (15) Fatal (20) *If these are checked in each category, do not go further unless a knowing violation. No: of Persona Potamically Affected: 0 (0) 1 (1) 2 (2) 3 (4) 4-5 (6) 6-9 (8) 9-4 (10) Negligence: Noise (0) Low (10) Moderate (15) High (20)	THE COORDING SHIPLE WAR INTE	illy shated by 213	a.m	p.m. on	<u>7</u>	
Company / Operator Agent Served: TACK Coles Authorized Representative: Care Coles Representative: Care Coles Representative: Care Coles Representative: Care Coles Special Assessment VIOLATION ASSESSMENT EVALUATION Secommend Special Assessment: X Cocurred (20) Linellinoid of Declurrence: Unlikely: "(0) Reasonably likely (10) Cocurred (20) Severity of injury Expected: None: "(0) No lost work days "(6) Lost or restricted days (11) Permanently disabling (15) Fetal (20) "If these are checked in each category, do not go further unless a knowing violation. No: of Persona Polisintally Affected: 0 (0) — 1 (1) — 2 (2) — 3 (4) — 4-5 (6) — 6-9 (8) — 9+ (10) Neilligance: None (0) — Low (10) — Repaired Representative Coles Authorized Representative None (20) Authorized Representative None (20) Representative Coles Assessment Evaluation X Cocurred (20) Lost or restricted days (11) Permanently disabling (15) — Fetal (20) High (20) — 4-5 (6) — 6-9 (8) — 9+ (10) Representative Coles Representative Coles Authorized Representative None (20) Authorized Representative None (20) Authorized Representative None (20) Authorized Representative None (20) Recommend Special Assessment X Cocurred (20) Lost or restricted days (11) Benefit None (20) High (20) Representative None (20) Represen	The foregoing violation was total	DITCHEOR W	th managen	nenT Concer	ning 1/4	entilatile
Company / Operator Agent Served: TACK Coles Authorized Representative: Company / Operator Agent Served: Tack Coles Authorized Representative: Company / Operator Agent Served: To the Coles and Captor of any representative of the interest may show to the paragraph of the interest may show to the paragraph of the content of the interest may show the house of violeton which the ty (30) days from the asset the cole of the content of the con	Action taken to abata the violation	in: Discussed wi	The DE M	HSVT.		Spilebers of the same
Authorized Representative: Authorized Representative:						age Theoretical Committee the committee of the committee
Authorized Representative:	The second of th					
Special Assessment Violation: Special Assessment EVALUATION Sand S Violation: Likelihood of Occurrence: Unlikely: *(0) Reasonably likely (10) Occurred (20) Entering of injury Expected: None: *(0) No lost work days *(6) Lost or restricted days (11) Parmanently disabling (15) Fetal (20) * If these are checked in each category, do not go further unless a knowing violation. * If these are checked in each category, do not go further unless a knowing violation. * If these are checked in each category, do not go further unless a knowing violation. * No: of Persons Polisinally Affected: 0 (0)1(1)2(2)3(4)4-5(6)6-9(8)9+(10)	Company / Operation of	1 0 1000	hard it from	www inspector No	229	weeking a Marine
Special Assessment Special Assessment: Special Assessment EVALUATION Sand S Violation: Likelihood of Occurrence: Unlikely: *(0) Reasonably likely (10) Occurred (20) Shortly of injury Expecial: None: *(0) No lost work days *(6) Lost or restricted days (11) Parmanently disabling (15) Fetal (20) * If these are checked in each category, do not go further unless a knowing violation. * If these are checked in each category, do not go further unless a knowing violation. No: of Persons Polisintally Affected: 0 (0)1(1)2(2)3(4)4-5(6)6-9(8)9+(10)	Authorized Representative:	amy Mull 233	THE COMMENT OF SURFICE OF	AND OF HIS MARKET	may apply	to the Director
S and S Violation: Recommend Special Assessment: X	REVEW IN ACCORDANG WITH SE	Hon 204/1-17 of the Code, M		tion within thirty (30)	bys from th	te libited time.
Sand S Violation: Recommend Special Assessment: X	of the Chrice of Mariers' Health,	Salety and Training for review	Tagodement			•
Recommend Special Assessment: Likelihood of Occurrence: Unlikely: "(0) Reasonably likely (10) Occurred (20) Severity of Injury Expecial: None: "(0) No lost work days "(8) Lost or restricted days (11) Permanently disabiling (15) Fatal (20) It these are checked in each category, do not go further unless a knowing violation. * If these are checked in each category, do not go further unless a knowing violation. No. of Persons Polishitally Affected: 0 (0)1 (1)2 (2)3 (4)4-5 (6)6-9 (8)9+ (10) Noting ance: None (0) Low (10) Moderate (15) High (20)	•	Specia	BERRIENT EVALUAT	NON		
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Permanently disabiling (15) Fetal (20) Fetal	Likelihood of Occurrence: U	nlikely: *(0)	madly likely (19)	Lost or restric	ted days (1	1)
Parmanently disabiling (15)————————————————————————————————————	Saverity of moury Expected:	None: *(0)No lost	Work days (v)			
* If these are checked in each category, do not go further unless a knowing violation. No. of Persons Polishitally Affected: 0 (0)1 (1)2 (2)3 (4)4-5 (6)6-9 (8)9+ (10) Notification. Notification. Repair (15)4-5 (6)6-9 (8)9+ (10) Repair (15)	pämänäntiv disabilit	1 (15)	1			
No. of Persons Potentially Affected: 0 (0) (1) 2 (2) High (20) Negligancs: None (0) Low (10) Repart	and the state of the second	malanome do not do filither U	niess a knowing violati	on.	h to	·
Negrical Trains (7)	* If these are checked in each	Galegory, do not go jarator o	2 (2) 3 (4)	4-5 (6) 6-9 (8) <u> </u>	(10)
Negricanica; rustic (s)	No. of Persons Potentially	ATTOCIOCI U (U) (I)	ite (15) High	(20)		
ANGERICAL MINISTRAN NO. 100 INVAL.	Meditablica: Light (a)	Wan Ranasi				
	Khowing Visingon: 140					
Kňowing Viðjátlön: No	Good Falth in Abatement: L	HOR OF GOOD TOWN (* 10 M)	Ext	ra effort (-15%)		

-018 éviséd 3-09

IV/ OAK HILL egion .

No: 43865

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

Assessment Regional Office Post Rep of Mines

pany / Operator Performance	MOTION OF THE	Contr	actor: Yes	_No_X
pany / Operator Performance nit Number U-3042-92	Coal Co	Montcoal Eagle	<u> </u>	and the state of
of lesue 8.4 Notice is hereby given that the	20 //_ Time	where of the Director of the	le Office of Mir	era' Health.
Marca is hereby given that th	e undersigned authorized repr	esentative of the violation referre	id to in West V	rimia Code.
safety and Training, upon ma	ie undersigned authorized reprikting an inspection of this mine	and/or West Virgini	a Administrative	Regulation:
ATION ATION	- October	The same and the street 111	Characa	
Title Series submit the required ve	king an inspection of this mine 2 , Section , Section, Section	he West Virginia Of	fice of Mi	ners!
submit the required ve	II C I I C C I C C I	hotwaen B	reaksa	DO - 34- OII
alth Safety and Train.	ing to mineral.	a cubmitted t	o MSHA on	3-70-10
loate 1 North in entr	les 4 and.5.	in a rriolation	of a safe	ty
d approved by MSHA on ovision of the West Vi	9-18-10. This viola	ition is a violation	and involv	es an
a approved of the West Vi	rginia Code and is C	of a serious nature	WIII	
ovision of the West Vi traordinarily high deg	ree of negligence.		-	
traordinality night and	A-44			
				especialist and the second second second
				property of the second
	Order			-
pe of Issuance: N.O.V. ea or equipment (if order is issued)	Order			
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to the same of the	The state of the s		• •	2 Gintellinger
the lotality with the lotality	v abated by	a.m p.nc. on	CIU	20-11
he foregoing violation and the same at	rated his 7:30 -	a.m. p.m. on		
he foregoing violation shall be totally ab his foregoing violation was totally ab action taken to abate the violation: 2	alou by the man	Exement Concerning	g Vontibile	Pans
A children was aller in the control of the control	JISCUSSECT WILLIAM	the property of the same of th		· · · · · · · · · · · · · · · · · · ·
12 ho Submitted 7	o The OFFICE OF	- I I I I I I I I I I I I I I I I I I I		The second secon
Company Operator Agent Served:	JACK Rules	7	-	
Company / Operator Agent Served:	0/ 1022 3/11	1) ROMINIMES INSPEC	or No. 229	2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2
A Whate and Representative	wy xwell 6331115	CONTROL CONTRO	Harara may an	N to the Direct
DEVENT IN RECORDINGS WITH SECTION	2014-17 of the Gode, an open	Water of violation wheren the	y (30) days from	the less on
Authorized Representative: LOARE VEW In accompany to which Section of the Chinese of Section Health, Sales	A suid Training for tooles or his	cesment	•	
	special As VIOLATION ASSESSE	MENT EVALUATION	;	
		l V		
a constant	Recommend	Special Assessment:	1	
Sand S Violation:	Brannakir F	ikely (10) Occum	ed (20)	4.1.25
S and S Violation: Likelihood of Occurrence: Unlike Savarity & Injury Expected: Non-	ily: *(0) reasonably:	hive *(6) Lost of	restricted days	(11)
Savarity of moury Expected: Non	8: *(0)	an American Control of the Control o	-	
Utilian Silver All Marian Silver City	/)			
* If these are checked in each call No. of Persons Potentially Affects No. of Persons Potentially Af	agory, do not go further unless r	a knowing violation,	20101	+ (10)
* If these are checked in each call	elisid: 0 (0) 1 (1) 2 (2)3 (4)4-5 (6)	~ 0-9 (D) ******	
No. of Parabha Potentially Affairments: None (U)	ow (10) Noderate (15)High (20)		
Medildelica: lacing (a)	ir. Daniel			
Knowing Violation: No Good Falth in Abatement: Lack	of good faith (+15%)	Extra effort (-15%		
Gööd Fälth in Abatement: Lack	roumstances) (0%)	EXII a attruct (. 10 v	,	
MAIL ENTINGENMENT TAKE TAKE TO THE TAKE				

F-018 Revised 3-09

Region __

No:

36543

STATE OF WEST VIRGINIA

Copies - Company Inapector Assessment Regional Office Post Rep of Mines

IV/ OAK HILL 233-0123-2011

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

. 1019499 F3395 V CO

Company / Operator_	Performance	Coal Co.		Contractor: Yes	No_X
	040 00	COLUMN TITIOTON	AC Montagal Facile	3	
Data of legip	8.4	20 // Time	7:30		И. <u></u> Р.М.
Notice is hi	ereby given thát the	undersigned authorized	representative of the Din	ector of the Office of N	niners Health.
Safety and	Training, upon mak	ing an inspection of this	mine finds that the violeti	on referred to in West	Virginia Code,
Chapter_2	$\frac{2A}{}$ Article $\frac{2}{}$, Section	and/or We	ist Virginia Administrati	ve Regulation:
Title	, Series	, Section	exists as follo	Wa: The approved	S1X (-6)
			n plan, which wa		
			ranch portion of		
			being complied		
			evidence indica		
and the second of the second o			box check curta		
			Spad No. 22176 a		
(3) The Brati	ce 20 ft. ou	tby Spad No. 221	35 is missing (4) The Bratice h	oetween
Spad 22133 ar	nd Spad No. 2	2134 is missing.	(5) Both airloc	k doors at Spac	l No.
22151 at the	spur track w	ere found open,	and a battery po	wered track lo	comotive
Think of leavance N	ov x	Order		·	
					. Washington and
	•				Completes of the comment
The Residence Walking	on chall ha totally all	ated by	a.m p.m.	on	Sandable Lee
THE INTERPOLITY VICTORY	On Singil Do Coldiny Co	7'4	0 a.m. p.m.	8.4	201/
The foregoing violati	on was totally abate	d by	a.m. p.m.	. 011	1/2 1/2
Action taken to abati	e the violation: $\mathcal{D}S$	cussed with n	nine managemen	11 Thol 1911	Ventianou
ROVISIONS 1	must be	Complied u	ith.		Control Antirologistics
Company / Operator	Agent Served:	ACK Roles	and the second		and the same of th
	\sim	Q/ 2001	2	caragree la . mc	•
Authorized Represe	ntative: Alle	W ffull 233/M	1=Konnis Browning	nspector No. 22	
REVEN IN ACTUAL	rice With Section 224	4.47 of the Code, an oper			DE PARIS POR
of the Office of Mane	N.S. Howkii' deneral was	in is worker for granali u	a notice of violation with	it thinth (An) calls mount	In managed Same
		VIOLATION ASSESS	ssessment WENT EVALUATION	•	
			···	v	
S and S Violation:		Recommend	Albiables tenenhancement	_X]	
LIVELING OF COCK	irrence: Unlikely: *(0)Reasonably	Kely (10)O	curred (20)	•
איווווי לא איווניי	xpected: None: *(0)No lost work o	ays *(6)Lo	st or restricted days (1	1)
Permanent	iv disabling (15)	Fatal (20)	to grave the first		
• "					
" It these are check	ec in each category,	do not go further unless a	1 knowing violation. 13 (4)4-5 (6) _	8.0 /01 61.01	10)
No. of Persons Po	tentially Affected:	0 (0) 1 (1) 2 (2))3 (4)4-5 (5) _ High (20)	0-a (o)s. (107
Negugence: None	(U) LOW (T	C)Repeat	High (20)		
GHAN ENIM IN AND	italiant: Lack of gol	od faith (+15%)			
No compliance (e	tenuating circums	tances) (0%)	Extra effort (-	15%)	_
- 4 m marriage (m)		, , , <u></u>	•		,

IF-O18 Revised 1-08 Cont.

No. 233-0134-2011

Violation No. 36543

Region

IV/ Oak Hill

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

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NOTICE OF VIOLATION - CONTINUATION PAGE NO____

Company / Operator Performance	e Coal Co.		Contractor	: Yes	No_X
Permit Number_ U-3042-92	Mine Name_U	BBMC Montcoal Eag	gle		
Permit Number U-3042-92 Date of Issue	,20 Time			A.M	P.M.
coupled to a flat car wa					
No. 1 and No. 2 entry at	Spad No. 22151	l is found covere	ed with mine	curtai	n.
Based on testimony, on A	April 5, 2010, o	during Phase II o	operation, a	contin	uous
miner was cutting the mi	ne roof at Spac	l No. 22151 to ci	reate an ove	cast,	with the
above said ventilation of	controls missing	. The dust from	n the continu	ious mi	ner was
allowed to short circuit					
as the secondary escapew			 		
in the mine track atmosp	here, also poor	visibility to a	all persons :	n this	area.
The missing ventilation	controls reflec	ct a serious and	willfull ne	glect t	o the
approved ventilation pla	an, and for the	health and safe	ty of all mi	ners at	this
mine.					
Also note: An installed					
in the No. 1 entry of th					
This entry is provided u			· · · · · · · · · · · · · · · · · · ·		
return air course from t	the Lower Big Bi	canch construction	on area to the	ne out	side
Ellis portal.					
	· · ·				
					
					
			1. 2.1		
	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·			
				·	
					
Company / Operator Agent Served:	TACK Roles				
<i>P</i>	Q	Last R	Inonesta No. 12	-7 (ì	
Authorized Representative:	A 17 of the Code on a	perator or any representati	Inspector No. <u>/</u> ve of the miners ma		ha Director
of the Office of Miners' Health Safety at					

FF-U 10		
Revised 4	4-07	
Region	4	
Case No	78-0732	

STATE OF WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

Inspector Assessment Regional Office

Post Rep of Mines

Copies - Company

Violation No. 1 No: 104352

1615 Washington Street East Charleston, West Virginia 25311-2126

Company / Operator Performance Coal Co	ompany	Contractor: YesNo_x	
Permit Number U-3042-92	Mine Name UBB Montcoal E	agle	
Date of Issue 2-15	20 <u>12</u> Time <u>1:05</u>	A.MXP.M	ī.
Notice is hereby given that the	undersigned authorized represent	ative of the Director of the Office of Miners' Health,	
•		that the violation referred to in West Virginia Code	
Chapter <u>22A</u> Article <u>2</u>	, Section <u>24 (a)</u>	and/or West Virginia Administrative Regulation:.	
Title, Series	, Section	exists as follows:	
	<u> </u>	at occurred at Performance Coal, Upper Big Branch min	<u>e</u>
on April 5, 2010. The law states that in all m	ines 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 entr	ies, shall be rock dusted or dust allayed by such other	
means as may be approved by the Director. I	Vine management has failed to comply	with this requirement of the law in that on April 5, 2010	<u>0 -</u>
an ignition occurred in the vicinity of the lon	gwall face and this ignition spread into	outby entries of the tailgate 21 area of the mine and	
propagated into a full blown coal dust explos	sion traveling large distances into the a	ctive workings of the mine claiming the lives of 29 men.	
The explosion throughout this area was fuele	ed by coal dust and coal float dust that	was not removed from the mine or rock dusted to a level	ĺ.
that would prevent the propagation of an exp	olosion. This is a violation of a safety s	tatue and is of a serious nature involving fatalities.	
Type of Issuance: N.O.Vx	Order		_
Area or equipment (if order is issued):			
			_
The foregoing violation shall be totally ab	pated by a	. м. <u>1:30</u> р.т. on <u>2-15</u> 20 <u>12</u>	_
The foregoing violation was totally abate	d by a	ı. m. <u>1:30</u> p.m. on <u>2-15</u> 20 <u>12</u>	<u>. </u>
Action taken to abate the violation: The re		·	
<u></u>			
			_
Company / Operator Agent Served: La	rry Brown		
Barry Fiete	her Ray Ada A	Inspector No. 78	
Authorized Representative: Barry Fletch REVIEW: In accordance with Section 22A	-1 -1 7 of the Code, an operator or as	ny representative of the miners may apply to the Direct	
	•	f violation within thirty (30) days from the issued date.	
•	VIOLATION ASSESSMENT EVA		
S and S Violation:	December of Charles A	ssessment. X	
	Recommend Special A	occoment.	
		Occurred (20)	
		Lost or restricted days (11)	_
Permanently disabiling (1 5)	Fatal (20)	-	
* If these are checked in each category, do	not go further unless a knowing violatio	n.	
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)		
Knowing Violation: No Yes			
Good Faith in Abatement: Lack of good		Evtro offort (15%)	
No compliance (extenuating circumsta	ances) (0%)	Extra effort (-15%)	

11-U 10 Revised 4-07 Region Case No 780732

STATE OF WEST VIRGINIA **OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING**

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Violation No.__ No: 104354

2

1615 Washington Street East Charleston, West Virginia 25311-2126

Company / Operator Performance Coal C	Company	Contractor: Ye	sNo_x
Permit Number U-3042-92	Mine Name UBB Montcoal E	agle	
Date of Issue 2-15	,20 <u>12</u> Time <u>1:10</u>	<u> </u>	A.M. <u>X</u> P.M.
Notice is hereby given that the Safety and Training, upon ma Chapter 22A Article 2	e undersigned authorized represent king an inspection of this mine finds	tative of the Director of the Office of N s that the violation referred to in West and/or West Virginia Administration	Miners' Health, t Virginia Code,
The following condition was discovered du	ring an investigation of an explosion th	nat occurred at Performance Coal Compa	ny, Upper Big
Branch mine on April 5, 2010. This violation	n which violates state code is of a serio	ous nature and involves fatalities. 22A-1-2	21 (b) (2) (A) The
law states that in all mines dangerous accun	nulations 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 of	or dust allayed by such other means as me	y be approved by
the Director. It also states that rock dust sha	Il be maintained in all these areas. Min-	e management has failed to comply with	this requirement
of the law in that on April 5, 2010 a methan	e ignition occurred in the vicinity of the	e longwall face at this mine. Many factor	s contributed to
the ignition becoming a full blown coal dus	t explosion. Testimony stated that rock	dusting had not been conducted in the 21	l Tailgate entries
by the track mounted machine duster nor w	ere there any records or testimony statis	ng these entries had been dusted by hand	or machine since
the longwall began production months earli	er. (page one of two, see continuation	page attached)	
Type of Issuance: N.O.V. X	Order		
Area or equipment (if order is issued): _			
The a of oquipment (it of act to too cours).			
The foregoing violation shall be totally a	bated by	а. м. <u>1:30</u> р.m. on <u>2-15</u>	20 <u>12</u>
The foregoing violation was totally abate	ed 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 rev	iewed with mine management.	
			,
Company / Operator Agent Served:L	arry Brown		
Authorized Representative: Barry Flet	cher Sam Italy	Inspector No7	8
REVIEW: In accordance with Section 22 of the Office of Miners' Health, Safety a	A-1 -1 7 of the Code, an operator or a	any representative of the miners may ap of violation within thirty (30) days from t	pply to the Director
S and S Violation:	Recommend Special A		
Likelihood of Occurrence: Unlikely: *(
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 No. of Persons Potentially Affected: (Negligence: None (0) Low (1) Knowing Violation: No Yes_Good Faith in Abatement: Lack of good No. 10 Persons (output time alignment)	0 (0)1 (1)2(2)3(4 0) Moderate (15) Repeat d faith (+ 15%)	9 High (20)9	+(10)
No compliance (extenuating circums	tances) (U%)	EXHA CHOIL (-1070)	·

IF₇018 Revised 1-08 Cont.

STATE OF WEST VIRGINIA

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Region <u>4</u>
No. 78-0732
Violation No. 104354--(page #2)

OFFICE OF MINERS' HEALTH,. SAFETY AND TRAINING

161 5 Washington Street East Charleston, West Virginia 25311-2126

NOTICE OF VIOLATION - CONTINUATION PAGE NO___

Company / Operator Performance Coal Company	<u>y</u>	Contractor: Yes Nox
Permit Number <u>U-3042-92</u>	Mine Name_UBB Montcoal Eagle	
Date of, Issue 2-15	_f20 Time1:10	A.M <u>x</u> P.M.
(page two of two) The two most southern entr	ies were the return airways for the miner sections which o	extended into the tailgate towards the
Bandytown fan The number seven entry or the no	orthern most entry was the entry that was to be supplying	fresh air to the tailgate of the
longwall. The additional entries were neutral or int	ake air until the longwall would retreat and then they wo	uld be part of the longwall bleeder
system ventilated toward the Bandytown fan. Add	itionally the number seven entry had experienced an air r	eversal 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 ac	tive longwall. Another factor which contributed to the fu	iel for the explosion was excessive rib
spalling which was visible in the entries in the vici	nity of the longwall tailgate as well as other areas of the	mine. These spalled entries and
crosscuts were additional areas that had not been re	ock dusted in most locations once initial development ha	d been completed and production on
the longwall had begun. This is a violation of a ser	ious nature involving fatalities.	<u></u>
		
**************************************	The second secon	
	WAS ENGINEER OF THE PROPERTY O	<u> </u>
		·
		Maria de Cara
	· · · · · · · · · · · · · · · · · · ·	
Company / Operator Agent Served: Larry Bro	wn	
Authorized Representative: Barry Fletcher	i	ector No78
	-147 of the Code, an operator or any representative of ning for review of this notice of violation within thirty	

Revised 4-07 Region FOUR Case No 78-0732 Violation No. 3

104355

No:

STATE OF WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

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Rep of Mines

1615 Washington Street East Charleston, West Virginia 25311-2126

Company / Operator Performance Coal C	Company		Contractor: Yes	No x
Permit Numbe <u>r U-3042-92</u>	Mine Name Upp	er Big Branch Montcoal Eagle		
Date of Issue 2-15	20 <u>12</u> Time 1:1	5	A.M. ,	X P.M.
Notice is hereby given that the		d representative of the Directo	or of the Office of Miner	rs' Health,
Safety and Training, upon ma				
Chapter 22A Article				egulation:.
Title, Series				
This violation of the state code is of a ser				
for the 21 Longwall section. The law requi				
reduce and carry away any flammable or h			~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	
gas was allowed to accumulate on or near t			e longwall tail. The accur	mulation
was ignited and then became a coal dust ex	plosion resulting in multiple	fatalities.		
				· · · · · · · · · · · · · · · · · · ·
		·		
				
Type of Issuance: N.O.V.	Order			
Area or equipment (if order is issued):				·
TI (1.20		
The foregoing violation shall be totally a	abated by	а. м. <u>1:30</u> р.т. о	n <u>2-15</u>	2012
The foregoing violation was totally abat	ed by	a. m. 1:30 p.m. o	n 2-15	20 <u>12</u>
Action taken to abate the violation: Rec	quirements of the law were d	iscussed with mine managemen	t	
		TT-14		
Company / Operator Agent Served: Lar	ny Brown			
Company / Operator Agent Served:	1y blown		· · · · · · · · · · · · · · · · · · ·	**************************************
Authorized Representative: Barry Fletche	er Sames	Ins	spector No78	
REVIEW: In accordance with Section 22				
of the Office of Miners' Health, Safety a			ty (30) days from the iss	sued date.
. [VIOLATION ASSESS	MENT EVALUATION		
S and S Violation:	Recommend	Special Assessment: X		
Likelihood of Occurrence: Unlikely: *(0) Reasonably I	ikely (10)Occu	rred (20)	
Severity of Injury Expected: None: *(0))No lost work (lays *(6)Lost	or restricted days (11)_	
Permanently disabling (1 5)	Fatal (20)			
* If those are checked in each enterent de	a not an further unless a limb	ning dalakan		
* If these are checked in each category, do No. of Persons Potentially Affected: (g_g/g) Q±/10\	1
Negligence: None (0) Low (10				·
Knowing Violation: NoYes _	Repeat		-	
Good Faith in Abatement: Lack of good	d faith (+ 15%)			
No compliance (extenuating circums	tances) (0%)	Extra effort (-15%)	
·				

Revised 4-07 Region 4 Case No 78-0733 Violation No. 1

104357

No:

STATE OF WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

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1615 Washington Street East Charleston, West Virginia 25311-2126

Company / Operator Performance C	Coal Company	Contractor: Yes	No_x
Permit Number U-3042-92	Mine Name UBB Monto	coal Eagle	
		A.N	Л. <u>х</u> Р.М.
Safety and Training, upon Chapter Artice $\frac{36}{}$, Series $\frac{6}{}$	hat the undersigned authorized repre on making an inspection of this mine le, Section, , Section,	sentative of the Director of the Office of Mir finds that the violation referred to in West V and/or West Virginia Administrative	ners' Health, 'irginia Code, Regulation:.
		re and involves fatalities. 22A-1-21 (B) (2) (A) T	
		was not being complied with on the 21 Longwall	
		s shift shows that the longwall shearer was mini	
		g the water sprays were taken out and left out be	
		coal. The report goes on to document that the cre	
		ater spray system. This action reduces the number	
	o would drastically affect the required wa		a or sprays
The state of the s	would draw unity united the loganica we	to prossure on the shearer.	
	Order		
The foregoing violation shall be to	tally abated by	а. м. <u>1:30</u> р.т. on <u>2-15</u>	2012
The foregoing violation was totally	abated by	a. m. 1:30 n.m. on 2-15	20 12
Action taken to abate the violation:			
	* ************************************		
Company / Operator Agent Served		Veneral transfer and transfer a	
Authorized Representative: Barry		Inspector No. 78 or any representative of the miners may apply	
of the Office of Miners' Health, Saf	ety and Training for review of this notice VIOLATION ASSESSMENT	ce of violation within thirty (30) days from the	issued date.
S and S Violation:	Recommend Specia	al Assessment: x	
Likelihood of Occurrence: Unlike	ly: *(0) Reasonably likely (1	10)Occurred (20)	
Severity of Injury Expected: Non-	e: *(0)No lost work days *(6	5)Lost or restricted days (11)
Permanently disabling (1 5)	Fatal (20)		
No. of Persons Potentially Affect Negligence: None (0) Lo Knowing Violation: No \ Good Faith in Abatement: Lack of	ory, do not go further unless a knowing vio ted: 0 (0) 1 (1) 2(2) 3 ow (10) Moderate (15) Yes Repeat f good faith (+ 15%) cumstances) (0%)	3(4)4-5(6)8-9(8)9+(1 High (20)	
			

1F - 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 VIC) ATION		
Good faith in abatement I ac	k of good faith (+ 1 5%)			
No compliance (extenuati	ng circumstances) (0%)	Extra effort (-15%)		
Violation Number. 104330	was/is hereby extended to	totally abated by	20	
		,20 <u> </u>	modified to	
Order,			_	
	ation: Violation # 104350 issued on 10-19			
	arer during the test conducted on Decembe to a "Special Assessed" violation. This vio			
	ed to the above mentioned violation.	nation will be referred to under a ne	w case number of	
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,				
···				
Good faith in abatement Lac	ck-of-good-faith-(+1-5%)			
	ing circumstances) (0%)			
	was/is hereby	•		
	extended to			
Order,				
		2010 addragaing the amount of gura	va installed and	
	ation: Violation # 26192 issued on 10-19-2 e shearer on the longwall noted during an			
	e violation form is being changed to a "Spe			
	78-0733 which will be attached to the abo		······································	
Good faith in abatement. La	ck of good faith (+1 5%)			
No compliance (extenuati	ing circumstances) (0%)	Extra effort (-15%)		
Violation Number:	was/is hereby	totally abated by	,20	
	extended to			
Order,		· · · · · · · · · · · · · · · · · · ·		
Action taken to abate the viola				
		· · · · · · · · · · · · · · · · · · ·		
			PER	
			· · · · · · · · · · · · · · · · · · ·	
	ck of good faith (+1 5%)			
	ing circumstances) (0%)			
Violation Number:	was/is hereby	totally abated by	,20	
a.mp.m	extended to	,20 <u> </u>	modified to	
Order,				
Action taken to abate the viola	ation:	1		

**				
				
Company/Operator Agent ser	ved: Larry Brown	Date: 2-15	20 12	
- Parish a harmon i i Gant aan				
Authorized Representative: 1	Barry Fletcher Ray a Durch	Inspector Number 78		

STATE OF WEST VIRGINIA ised 4-07 **OFFICE OF** agion 👱 MINERS' HEALTH, SAFETY AND TRAINING 78-0730 Jase No_ Violation No._

Inspector Assessment Regional Office Post Rep of Mines

No: 26192 1615 Washington Street East Charleston, West Virginia 25311-2126

Company / Operator Performance Coal Co	mpany			_ Contractor: Yes	No x
Permit Number U-3042-92		B Montcoal Eag	gle		
Date of Issue 10-19	,20 <u>11</u> Time	9:10		xA.M.	P.M.
Notice is hereby given that the Safety and Training, upon make Chapter Article Title 36 , Series 6	undersigned authorized in the control of the contro	ed representat is mine finds t	hat the violation re _ and/or West Virg _ exists as follows:	ferred to in West Virg inia Administrative R	ginia Code, legulation:.
The following conditions were discovered					
occurred on April 5, 2010. Tests and checks					
of all parties of the investigative teams. These	se tests clearly showed th	at the Methane	and Dust Control Pla	n dated August 20, 20	09 and
approved August 24, 2009 was not being co	mplied with on the day o	f the explosion.	Seven (7) of the tail	drums forty five (45)	water sprays
were missing when examined which leaves l	ess than the 43 required	in the plan to be	operational The sk	etch provided with the	approved
olan titled "Performance Coal Company Inc.					
hat must be operating at any one time on the	e tail drum to be 43 spray	s. None of the r	nissing sprays had b	een removed by any p	arties of the
investigative teams prior to this test. This co					· · · · · · · · · · · · · · · · · · ·
Type of Issuance: N.O.V. x Area or equipment (if order is issued):					
The foregoing violation shall be totally a	bated by				
The foregoing violation was totally abate	d by 10:00	<u>x</u> a.	m p.m. on	10-19	20 11
Action taken to abate the violation:	The requirements perta	ining to water s	sprays on the shearer	as addressed in the ap	proved
Methane and Dust Control plan has been dis	scussed with Jack Roles,	mine superinten	dent.		
Company / Operator Agent Served: Authorized Representative: Barry Fletch REVIEW: In accordance with Section 22/ of the Office of Miners' Health, Safety ar S and S Violation: Likelihood of Occurrence: Unlikely: *(0 Severity of Injury Expected: None: *(0)	A-1 -1 7 of the Code, and Training for review of VIOLATION ASSES Recomme	f this notice of v SSMENT EVAI nd Special A្គត្រ ly likely (10 <u>).</u>	y representative of the violation within thirty LUATION SESSMENT:	y (30) days from the i	issued date.
Permanently disabling (1 5)				•	•
* If these are checked in each category, do No. of Persons Potentially Affected: 0 Negligence: None (0) Low (10 Knowing Violation: No Yes Good Faith in Abatement: Lack of good No compliance (extenuating circumst	not go further unless a k (0)1 (1)2 (0) Moderate (1) Repeat I faith (+ 15%)	nowing violation (2)3(4) _ 15)x F	4-5(6) <u>x</u> ligh (20)	_8-9(8)9+(1	

IF ₋ 018		
Revised	4-07	
Region	4	
Case No	780730	

STATE OF WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

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Violation No. 43

No: 104350

1615 Washington Street East Charleston, West Virginia 25311-2126

Company / Operator Performance Company	al Company	Contractor: Yes	No_x
Permit Number U-3042-92	Mine Name UBB Montcoal Eagle		
Date of Issue 10-19	,20 <u>11</u> Time <u>9:55</u>		P.M.
Notice is hereby given that	t the undersigned authorized representative of	the Director of the Office of Miner	s' Health,
	making an inspection of this mine finds that the		•
Chapter Article_	, Section and	/or West Virginia Administrative Re	gulation:.
	, Section 4.1 k exist		
	ed during an investigation of an explosion that occu		
	Dust Control Plan dated August 20, 2009 and appr		
	-0 #1 Unit working section. The page of the appro-		
	rating pressure at the sprays on the shearer to be 90	· · · · · · · · · · · · · · · · · · ·	
	20, 2010 by members of all parties of the investiga		
	roken off the face side near the tail drum zero psi co		ail drum of
	with water pressures delivered to the shearer rangin	· · · · · · · · · · · · · · · · · · ·	
nadequate (Zero) pressures were measu	ared on the tail drum with the gauges installed durin	g these tests of the tail cutting drum.	
Type of Issuance: N.O.Vx	Order		
Area or equipment (if order is issued)	•		
			····
The foregoing violation shall be totall	y abated bya. м	p.m. on	20
The foregoing violation was totally ab	pated by 10:00 a. m	p.m. on 10-19	20_11
	he requirements of the approved plan have been re-	•	
_			
			
Company / Operator Agent Served:	Jack Roles		
Authorized Representative: Barry F	letcher Saug Dluto	Inspector No. 78	
REVIEW: In accordance with Section :	22A-1 -1 7 of the Code, an operator or any repres	sentative of the miners may apply to	the Director
	and Training for review of this notice of violation		
	VIOLATION ASSESSMENT EVALUATION	ON	
S and S Violation:	Recommend Special Assessm	ent.	
	*(0) Reasonably likely (10) X		
Severity of Injury Expected: None: *	*(0)No lost work days *(6)	Lost or restricted days (11)	x
	Fatal (20)	Lost of restricted days (11)	
	rata (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	1-5(6) x 8-9(8) 9+(10)	
Negligence: None (0) Low ((10) Moderate (15) x High (20)	
Knowing Violation: NoYes	ood faith (+ 15%)		
No compliance (extenuating circum	nstances) (0%) Extra e	ffort (-15%)	
. , , , , , , , , , , , , , , , , , , ,		/	

No. 78-0731 ation No. 1 No: 104353

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

Company / Operator Performance Coal Co	ompany		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.	<u>x</u> P.M.
Notice is hereby given that the Safety and Training, upon mal Chapter 22A Article Title , Series On April 5, 2010 at approximately 3:00 p 22A-2-66 requires the coal operator to give evidence, Performance Coal should have determined to the same of	king an inspection of this (2, Section 66 (b) (, Section man explosion occurred at the immediate notice within 15	mine finds that the vic (c) and/or \ exists a the Upper Big Branch M minutes of ascertaining	plation referred to in West Virg West Virginia Administrative R s follows: Montcoal Eagle Mine. West Virg g the occurrence of an accident.	ginia Code, egulation:. inia Code Based on
noments because significant air forces were		***************************************		
mine at Ellis and North portals which are mi	les apart. Additionally the (Carbon Monoxide moni	toring system began alarming to	the outside
and communication with all workers inby 78	B break ceased to exist at this	s time. With all this inf	ormation and more indicators of	something
extremely unusual happening Performance (Coal did not report the accide	ent until 3:39 pm.	·	
· · · · · · · · · · · · · · · · · · ·				
Type of Issuance: N.O.Vx	Order			
Area or equipment (if order is issued):				·····
The foregoing violation shall be totally a	pated by	а. м. 1:30	p.m. on2-15	2012
The foregoing violation was totally abate	d by	a. m. 1:30	p.m. on 2-15	20 12
	Reporting requirements hav		,	
Company / Operator Agent Served:	Larry Brown			**************************************
Authorized Representative: Barry Fletcher REVIEW: In accordance with Section 22A of the Office of Miners' Health, Safety and S Violation:	n-1 -1 7 of the Code, an ope d Training for review of this VIOLATION ASSESSN	erator or any represent s notice of violation wi	thin thirty (30) days from the is	o the Direct
Likelihood of Occurrence: Unlikely: *(0				
Severity of Injury Expected: None: *(0) Permanently disabling (1.5)	No lost work da	ays *(6 <u>)</u>		
* If these are checked in each category, do	not go further unless a know	ing violation.		
No. of Persons Potentially Affected: 0 Negligence: None (0) Low (10 Knowing Violation: No Yes	(0)1 (1)2(2) _) Moderate (15) _ Repeat	3(4)4-5(High (20))
Good Faith in Abatement: Lack of good No compliance (extenuating circumsta		Extra effor	t (-15%)	