



NOV 19 2010

Mr. Don L. McKenzie  
Safety Director  
Eagle #1 Mine  
Rhino Eastern LLC  
Glen Rogers Ravenscliff Road  
Glen Rogers, WV 25848

Dear Mr. McKenzie:

In accordance with Section 104(e) of the Federal Mine Safety and Health Act of 1977 (Mine Act) and 30 CFR Part 104, the Mine Safety and Health Administration (MSHA) has conducted a pattern of violation (POV) screening of compliance records for the 12 months ending August 31, 2010 and of accident and employment records for the 12 months ending June 30, 2010, for the Eagle #1 Mine, MSHA ID No. 46-08758. A POV screening is used to determine if Section 104(e) is applicable to a particular mine. If implemented, Section 104(e) requires all subsequent violations designated as Significant and Substantial (S&S) be issued as closure orders with all persons withdrawn from the affected area except those necessary to correct the violation. An operator can be removed from Section 104(e) sanctions only after an inspection of the entire mine results in no significant and substantial violations.

This letter is your notification that a potential pattern of violations exists at the Eagle #1 Mine. This notification is based upon the initial screening and pattern criteria review, which were conducted in accordance with 30 C.F.R. §§ 104.2 and 104.3. A *Screening Criteria Results* report is enclosed. This report details the methodology used for the initial screening and pattern criteria review and summarizes your mine's performance relative to the criteria.

Prior to MSHA implementing Section 104(e) sanctions at the Eagle #1 Mine, you are provided the opportunity, not to exceed 20 days from the date of this notification, to take any or all of the following steps:

Review all documents upon which the pattern of violations evaluation is based and provide additional mitigating information.

Submit a written request for a conference with me (I shall hold any conference within 10 days of a request).

Provide a written plan to me indicating that you will institute a corrective action program to avoid repeated significant and substantial violations at

the operation. Guidance on what constitutes an appropriate corrective action program is contained in the enclosed document entitled *Pattern of Violations Procedures Summary*.

Please note that 30 C.F.R. § 104.4(d) requires that you post a copy of this letter on the mine bulletin board until you are notified of MSHA's final determination with respect to your status pursuant to Section 104(e) of the Mine Act.

Eagle #1 Mine was issued 14.44 S&S violations per 100 inspection hours during the 12-month review period. If the Eagle #1 Mine implements an appropriate corrective action program, the mine must maintain an S&S rate of 7.22 or lower during the evaluation period (i.e., a 50 percent reduction from the 12-month review period). If a corrective action program is not implemented, the mine must maintain an S&S rate of 4.33 or lower during the evaluation period (i.e., a 70 percent reduction from the 12-month review period). Therefore, I encourage you to implement a corrective action program as soon as practicable. An explanation of these rates, as well as guidelines for an appropriate corrective action program, are contained in the enclosed document entitled *Pattern of Violations Procedures Summary*. Absent mitigating circumstances, the Eagle #1 Mine must meet one of these goals to avoid being issued a pattern of violations notice during this POV review cycle.<sup>1</sup>

Whether or not you implement a corrective action program, MSHA will conduct a complete inspection of the Eagle #1 Mine. This inspection may start as soon as December 9, 2010. I will analyze the results of this complete inspection and other on-site enforcement activities conducted during the corrective action period to evaluate whether the Eagle #1 Mine has effectively controlled the occurrence of S&S violations during the review period.

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

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<sup>1</sup> However, all mines will be considered for potential pattern of violation notices during the next and subsequent review cycles. MSHA is required to conduct evaluations at least annually but can conduct the evaluations more frequently.

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

Within 30 days of receipt of my report to the Administrator, the Administrator will issue a decision as to whether the Eagle #1 Mine is to be issued a Notice of a Pattern of Violations. A copy of the decision will be provided to you.

If the Administrator decides to issue a Notice of Pattern of Violations, I will issue the Notice of Pattern of Violations to you.

Following issuance of a Notice of Pattern of Violations, I will initiate appropriate inspection activities to ensure that the Eagle #1 Mine is inspected in its entirety during the following 90-day time frame and each succeeding inspection cycle until the Pattern of Violation order is terminated.

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

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

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

Please contact me at (304)877-3900 if you have any questions regarding this matter. Additional mitigating information, requests for a conference and/or a written plan to institute a corrective action program should be sent to me at: 100 Bluestone Road, Mt. Hope, WV 25880.

Sincerely,

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

Robert G. Hardman

District Manager

Coal Mine Safety and Health, District 4

Enclosures

## Screening Criteria Results for Pattern of Violations

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

<b>Overall Results</b>  <span style="font-size: 1.2em; color: red; font-weight: bold;">PPOV</span>
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Does the mine meet Initial Criteria 1 (30 CFR §104.2) ? - **YES**  
 Does the mine meet Initial Criteria 2 (30 CFR §104.2) ? - **NO**  
 Does the mine meet Final Order Criteria (30 CFR §104.3) ? - **YES**

**DISTRICT 04**    **Mt. Hope WV Field Office**  
**Mine ID:**        **46-08758**  
**Mine Status:**    **Active (on screening date)**  
**Mine Name:**     **Eagle #1**  
**Mine Type:**      **Underground Coal**  
**Controller:**     **Wexford Capital LLC**  
**Operator:**       **Rhino Eastern LLC**

Query Run Date
Oct-18-2010

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

Criteria	Criteria Description		Does the Mine Meet the Criteria?
<b>Initial Criteria 1</b>	<b>1</b> At least 50 citations/orders for significant and substantial (S&S) violations issued in the most recent 12 months.	75 <b>YES</b>	<b>YES</b> This mine meets all four Initial Criteria 1
	<b>2</b> A rate of eight or more S&S citations/orders issued per 100 inspection hours during the most recent 12 months, or <i>75 S&amp;S C/O's were issued during 519.5 inspection hours.</i> The degree of negligence for at least 25 percent of the S&S citations/orders issued during the most recent 12 months is "high" or "reckless disregard." <i>13 of the 75 S&amp;S C/O's issued were either high or reckless disregard.</i>	14.44 <b>YES</b>  17.3% <b>NO</b>	
	<b>3</b> At least 0.5 elevated citations and orders [under section 104(b); 104(d); 104(g); or 107(a) of the Mine Act] issued per 100 inspection hours during the most recent 12 months. <i>7 elevated C/O's were issued during 519.5 inspection hours.</i>	1.35 <b>YES</b>	
	<b>4</b> The Injury Severity Measure (SM) for the mine is greater than the overall Industry SM for all mines in the same mine type and classification over the most recent 12 months. <i>The mines SM of 570.8 is more than the industry SM of 541.4.</i>	570.8 <b>YES</b>	
<b>Initial Criteria 2</b>	<b>1</b> At least 100 S&S citations/orders issued in the most recent 12 months. <i>75 S&amp;S C/O's were issued.</i>	75 <b>NO</b>	<b>NO</b> This mine does not meet both Initial Criteria 2
	<b>2</b> At least 40 elevated citations and orders [under section 104(b); 104(d); 104(g); or 107(a) of the Mine Act] issued during the most recent 12 months. <i>7 elevated C/O's were issued.</i>	7 <b>NO</b>	
<b>Final Order Criteria</b>	<b>1</b> At least 5 S&S citations/orders of the same standard that became final orders of the commission during the most recent 12 months, or <i>5 C/O's of standard 75.202(a) became final orders.</i>	5 <b>YES</b>	<b>YES</b> This mine meets at least one of the Final Order Criteria
	<b>2</b> At least 2 S&S unwarrantable failure citations/orders [104(d)] became final orders of the commission during the most recent 12 months. <i>0 unwarrantable failure C/O's became final orders.</i>	0 <b>NO</b>	

**Note: This mine has been identified for a PPOV review before.**

MSHA Mine ID: 46-08758

Mine: Eagle #1

Operator: Rhino Eastern LLC

Controller: Wexford Capital LLC

Mine Status: Active

Mine Status Date: 11/12/2008

Month	Inspector Hours Worked	Calendar Days AR(s) at Mine	Citations and Orders Issued During the 12 Month Review Period							Cumulative		
			Non S&S	S&S	Elevated					S&S C/O's	per 100 Inspection Hours	
					104 (b)	104 (d)	104 (g)	107 (a)	Total		S&S C/O's	Elevated C/O's
Sep 2009	11.50	2	2	5	0	0	0	0	0	71.4%	43.48	0.00
Oct 2009	20.50	3	5	3	0	0	0	0	0	53.3%	25.00	0.00
Nov 2009	81.25	12	12	5	0	0	0	0	0	40.6%	11.48	0.00
Dec 2009	12.25	3	4	1	0	0	0	0	0	37.8%	11.16	0.00
Jan 2010	6.75	1	1	0	0	0	0	0	0	36.8%	10.59	0.00
Feb 2010	50.50	7	18	13	0	0	0	0	0	39.1%	14.77	0.00
Mar 2010	30.50	5	2	2	0	0	0	0	0	39.7%	13.60	0.00
Apr 2010	40.00	3	6	4	0	0	0	0	0	39.8%	13.03	0.00
May 2010	88.25	12	19	10	1	0	0	0	1	38.4%	12.59	0.29
Jun 2010	12.00	3	0	0	0	0	0	0	0	38.4%	12.16	0.28
Jul 2010	63.50	8	4	15	0	0	0	0	0	44.3%	13.91	0.24
Aug 2010	102.50	12	16	17	0	6	0	0	6	45.7%	14.44	1.35
Totals	519.50	71	89	75	1	6	0	0	7			

Inspection hours are from the inspectors Weekly Activity in IPAL.

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

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

MSHA Mine ID: 46-08758  
 Mine: Eagle #1  
 Operator: Rhino Eastern LLC  
 Controller: Wexford Capital LLC  
 Mine Status: Active  
 Mine Status Date: November 12, 2008

Percent S&S: 45.7%  
 Percent Elevated: 4.3%  
 Percent Neg>Mod: 7.9%

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Cumulative During Review Period			
											Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg >Mod Count
1	8086171	09/01/09 - 09:40	75.380(d)(7)(i)	104(a)	C	Y	R	F	11	M	1	1		
2	8086170	09/01/09 - 09:45	75.333(b)(1)	104(a)	C	N	U	P	11	M	1			
3	8086172	09/01/09 - 09:50	75.220(a)(1)	104(a)	C	Y	R	P	2	M	1	2		
4	8086173	09/01/09 - 10:10	75.400-2	104(a)	C	N	U	N	1	M	1			
5	8086174	09/01/09 - 10:35	72.630(b)	104(a)	C	Y	R	P	2	M	1	3		
6	8081507	09/02/09 - 09:04	75.220(a)(1)	104(a)	C	Y	R	L	1	M	2	4		
7	8081508	09/02/09 - 12:45	75.903	104(a)	C	Y	R	L	1	M	1	5		
8	8100122	10/27/09 - 09:00	75.364(g)	104(a)	C	N	U	N	1	M	1			
9	8100123	10/27/09 - 09:25	75.364(b)(2)	104(a)	C	N	U	N	1	M	1			
10	8100124	10/27/09 - 10:00	75.604(b)	104(a)	C	N	U	L	1	M	1			
11	8100125	10/27/09 - 10:12	75.904	104(a)	C	Y	R	L	1	M	1	6		
12	8100126	10/27/09 - 10:15	75.515	104(a)	C	Y	R	L	1	M	1	7		
13	8100127	10/27/09 - 10:40	75.1731(b)	104(a)	C	N	U	N	1	M	1			
14	8100128	10/28/09 - 11:35	75.1722(b)	104(a)	C	Y	R	P	1	M	1	8		
15	8100129	10/28/09 - 11:40	75.515	104(a)	C	N	U	N	1	M	2			
16	8100130	11/02/09 - 10:20	75.1600-3(a)(1)	104(a)	C	N	N	N	1	M	1			
17	8100131	11/02/09 - 12:20	75.503	104(a)	C	N	U	N	1	M	1			
18	8100132	11/02/09 - 12:45	75.370(a)(1)	104(a)	C	N	U	N	2	M	1			
19	8100134	11/04/09 - 11:45	75.503	104(a)	C	N	U	N	1	L	2			
20	8100135	11/04/09 - 12:30	75.1713-7(c)	104(a)	C	N	U	N	1	M	1			
21	8100136	11/10/09 - 15:20	75.370(a)(1)	104(a)	C	N	U	N	1	M	2			
22	8100139	11/12/09 - 09:25	75.1725(a)	104(a)	C	N	U	N	1	M	1			
23	8100137	11/12/09 - 10:10	75.400	104(a)	C	N	U	N	1	M	1			
24	8096925	11/25/09 - 07:15	75.364(a)	104(a)	C	N	U	P	42	M	1			
25	8100140	11/25/09 - 07:15	77.207	104(a)	C	N	U	N	5	L	1			
26	8100142	11/25/09 - 07:15	75.360(g)	104(a)	C	N	N	N	5	M	1			
27	8096926	11/25/09 - 08:42	75.604	104(a)	C	Y	R	F	1	M	1	9		
28	8100141	11/25/09 - 08:45	75.400	104(a)	C	N	U	N	1	M	2			
29	8096928	11/25/09 - 09:44	75.604	104(a)	C	Y	R	F	1	M	2	10		
30	8096927	11/25/09 - 09:55	72.630(b)	104(a)	C	Y	R	P	2	M	2	11		
31	8096929	11/25/09 - 10:08	75.517	104(a)	C	Y	R	F	1	M	1	12		
32	8096930	11/25/09 - 10:30	72.630(b)	104(a)	C	Y	R	P	2	M	3	13		
33	8096931	12/02/09 - 07:50	75.360(f)	104(a)	C	N	N	N	0	M	1			
34	8096932	12/02/09 - 08:45	75.370(a)(1)	104(a)	C	N	U	P	1	M	3			
35	8096933	12/02/09 - 09:10	75.333(b)(2)	104(a)	C	N	U	P	1	M	1			
36	8096934	12/03/09 - 10:15	75.1506(g)	104(a)	C	Y	R	F	7	M	1	14		
37	8096935	12/03/09 - 10:41	75.370(a)(1)	104(a)	C	N	U	P	1	M	4			
38	8094668	01/19/10 - 13:30		103(k)	O									

MSHA Mine ID: 46-08758  
 Mine: Eagle #1  
 Operator: Rhino Eastern LLC  
 Controller: Wexford Capital LLC  
 Mine Status: Active  
 Mine Status Date: November 12, 2008

Percent S&S: 45.7%  
 Percent Elevated: 4.3%  
 Percent Neg>Mod: 7.9%

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Cumulative During Review Period			
											Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg >Mod Count
39	8094669	01/19/10 - 18:30	75.1200	104(a)	C	N	U	L	7	L	1			
40	8087558	02/03/10 - 06:20	75.312(g)(1)	104(a)	C	N	U	N	1	M	1			
41	8087559	02/03/10 - 06:30	75.512	104(a)	C	N	U	N	1	M	1			
42	8087561	02/03/10 - 08:15	77.208(d)	104(a)	C	Y	R	L	1	M	1	15		
43	8087562	02/03/10 - 08:20	75.1702	104(a)	C	N	U	N	1	M	1			
44	8087563	02/03/10 - 08:25	75.1711-3	104(a)	C	N	U	N	1	M	1			
45	8087564	02/03/10 - 08:30	75.380(d)(7)(iv)	104(a)	C	N	U	N	1	M	1			
46	8087560	02/03/10 - 09:10	75.517	104(a)	C	Y	R	F	1	M	2	16		
47	8087565	02/03/10 - 09:40	75.220(a)(1)	104(a)	C	Y	R	L	1	M	3	17		
48	8087569	02/11/10 - 10:45	75.360(g)	104(a)	C	N	U	N	1	M	2			
49	8087570	02/11/10 - 11:50	75.400	104(a)	C	Y	R	L	1	M	3	18		
50	8087573	02/17/10 - 09:15	75.904	104(a)	C	N	U	L	1	M	2			
51	8087574	02/17/10 - 10:15	75.503	104(a)	C	N	U	N	1	M	3			
52	8087575	02/17/10 - 10:30	75.604(b)	104(a)	C	Y	R	F	1	M	2	19		
53	8087576	02/17/10 - 11:30	75.517	104(a)	C	N	U	L	1	M	3			
54	8087577	02/17/10 - 11:45	75.503	104(a)	C	N	U	L	1	M	4			
55	8087578	02/17/10 - 12:05	75.517	104(a)	C	Y	R	F	1	M	4	20		
56	8087579	02/18/10 - 08:10	75.202(a)	104(a)	C	Y	R	L	1	M	1	21		
57	8087580	02/18/10 - 08:45	75.340(a)	104(a)	C	N	U	N	1	M	1			
58	8087581	02/18/10 - 09:30	75.512	104(a)	C	N	U	N	1	M	2			
59	8087582	02/18/10 - 09:35	75.202(a)	104(a)	C	Y	R	L	1	M	2	22		
60	8087583	02/18/10 - 09:53	75.202(a)	104(a)	C	Y	R	L	1	M	3	23		
61	8087584	02/18/10 - 10:25	75.515	104(a)	C	N	U	N	1	M	3			
62	8087585	02/18/10 - 10:33	75.1100-2(b)	104(a)	C	N	U	N	1	M	1			
63	8087586	02/18/10 - 10:50	75.512	104(a)	C	N	U	N	1	M	3			
64	8087587	02/18/10 - 11:00	75.1722(b)	104(a)	C	Y	R	L	1	M	2	24		
65	8087588	02/18/10 - 11:02	75.1722(b)	104(a)	C	Y	R	L	1	M	3	25		
66	8087589	02/22/10 - 09:35	75.360(g)	104(a)	C	N	U	N	1	M	3			
67	8087590	02/22/10 - 11:05	75.202(a)	104(a)	C	Y	R	L	1	M	4	26		
68	8087591	02/22/10 - 11:50	75.400	104(a)	C	N	U	N	1	M	4			
69	8087592	02/22/10 - 12:03	75.1722(b)	104(a)	C	Y	R	L	1	M	4	27		
70	8087593	02/22/10 - 12:15	75.380(d)(7)(iv)	104(a)	C	N	U	N	1	M	2			
71	8087602	03/18/10 - 10:15	75.400	104(a)	C	N	U	L	1	M	5			
72	8087605	03/24/10 - 04:45	75.380(d)(7)(iv)	104(a)	C	Y	R	L	1	M	3	28		
73	8087606	03/27/10 - 10:00	75.400	104(a)	C	N	U	N	1	M	6			
74	8087607	03/27/10 - 10:35	75.1725(a)	104(a)	C	Y	R	P	2	M	2	29		
75	8105574	04/28/10 - 09:15	75.202(a)	104(a)	C	Y	R	L	1	M	5	30		
76	8105575	04/28/10 - 10:03	75.220(a)(1)	104(a)	C	Y	R	L	2	M	4	31		



MSHA Mine ID: 46-08758

Mine: Eagle #1

Operator: Rhino Eastern LLC

Controller: Wexford Capital LLC

Mine Status: Active

Mine Status Date: November 12, 2008

Percent S&S: 45.7%

Percent Elevated: 4.3%

Percent Neg>Mod: 7.9%

Cumulative During Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg >Mod Count
77	8105576	04/28/10 - 10:40	75.1722(a)	104(a)	C	Y	R	L	1	M	1	32		
78	7264885	04/28/10 - 10:50	75.1600-2(a)	104(a)	C	N	U	L	7	M	1			
79	8105577	04/28/10 - 11:00	75.1100-2(b)	104(a)	C	N	U	L	1	M	2			
80	7264886	04/28/10 - 11:10	75.1106-3(b)	104(a)	C	N	U	L	1	M	1			
81	8105579	04/28/10 - 11:30	75.402	104(a)	C	N	U	L	10	M	1			
82	7264887	04/28/10 - 11:40	72.630(b)	104(a)	C	Y	R	L	2	M	4	33		
83	8105578	04/28/10 - 12:07	75.1100-3	104(a)	C	N	U	L	1	M	1			
84	8105580	04/28/10 - 12:35	75.220(a)(1)	104(a)	C	N	U	L	1	M	5			
85	8111965	05/05/10 - 08:10	75.360(f)	104(a)	C	N	U	N	1	M	2			
86	8111966	05/05/10 - 11:00	75.1720(a)	104(a)	C	N	U	N	1	M	1			
87	8111967	05/10/10 - 08:05	75.312(g)(1)	104(a)	C	N	U	N	1	M	2			
88	8111968	05/10/10 - 08:55	75.360(g)	104(a)	C	N	N	N	1	M	4			
89	8111969	05/10/10 - 10:20	75.370(a)(1)	104(a)	C	Y	R	L	2	M	5	34		
90	8111970	05/10/10 - 12:05	75.370(a)(1)	104(a)	C	Y	R	L	1	M	6	35		
91	8111972	05/12/10 - 09:00	77.400(a)	104(a)	C	Y	R	P	3	H	1	36		1
92	8111973	05/12/10 - 09:15	77.400(a)	104(a)	C	Y	R	P	3	M	2	37		
93	8111974	05/12/10 - 14:45	75.380(d)(7)(i)	104(a)	C	N	U	L	10	M	2			
94	8111975	05/12/10 - 15:15	75.1600-3(a)(1)	104(a)	C	N	U	L	10	M	2			
95	8111976	05/13/10 - 09:25	75.1403	104(a)	C	Y	R	P	1	M	1	38		
96	8111977	05/13/10 - 10:25	75.333(h)	104(a)	C	N	U	L	10	M	1			
97	8111978	05/13/10 - 14:30	50.20(a)	104(a)	C	N	N	N	0	L	1			
98	8111979	05/13/10 - 14:45	50.20(a)	104(a)	C	N	N	N	0	L	2			
99	8111980	05/18/10 - 09:15	75.360(g)	104(a)	C	N	N	N	1	M	5			
100	8111981	05/18/10 - 11:40	75.523-3(c)(2)	104(a)	C	N	U	N	1	M	1			
101	8111982	05/18/10 - 13:05	75.1731(a)	104(a)	C	N	U	N	1	M	1			
102	8111983	05/18/10 - 13:20	75.1731(a)	104(a)	C	N	U	N	1	M	2			
103	8111984	05/19/10 - 11:00	75.342(a)(4)(ii)	104(a)	C	N	N	N	0	M	1			
104	8111985	05/19/10 - 12:05	75.1103-11	104(a)	C	N	N	N	1	M	1			
105	8111986	05/20/10 - 22:15	75.342(a)(4)(ii)	104(b)	O								1	
106	8111987	05/21/10 - 00:45	72.630(b)	104(a)	C	Y	R	P	8	H	5	39		2
107	8111989	05/21/10 - 01:15	75.503	104(a)	C	N	U	N	1	M	5			
108	8111988	05/21/10 - 02:00	72.630(b)	104(a)	C	Y	R	P	8	H	6	40		3
109	8111992	05/25/10 - 13:00	75.1107-6(a)(1)	104(a)	C	N	U	N	1	M	1			
110	8111994	05/25/10 - 13:00	75.220(a)(1)	104(a)	C	Y	H	P	1	H	6	41		4
111	8111995	05/25/10 - 13:15	75.202(a)	104(a)	C	Y	H	P	1	H	6	42		5
112	8111990	05/25/10 - 13:30	75.503	104(a)	C	N	U	N	1	M	6			
113	8111991	05/25/10 - 14:30	75.503	104(a)	C	N	U	N	1	M	7			
114	8111993	05/26/10 - 18:10	75.400	104(a)	C	Y	H	P	2	H	7	43		6

MSHA Mine ID: 46-08758

Mine: Eagle #1

Operator: Rhino Eastern LLC

Controller: Wexford Capital LLC

Mine Status: Active

Mine Status Date: November 12, 2008

Percent S&S: 45.7%

Percent Elevated: 4.3%

Percent Neg>Mod: 7.9%

Cumulative During Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Cumulative During Review Period			
											Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg >Mod Count
115	8112000	07/07/10 - 06:45	75.1403	104(a)	C	Y	R	P	1	M	2	44		
116	8112001	07/07/10 - 10:10	75.220(a)(1)	104(a)	C	Y	H	P	1	H	7	45		7
117	9968927	07/09/10 - 08:00	70.207(a)	104(a)	C	N	U	N	10	M	1			
118	8112002	07/12/10 - 15:55	75.1722(a)	104(a)	C	Y	R	P	1	M	2	46		
119	8112003	07/12/10 - 16:30	75.1722(a)	104(a)	C	Y	R	P	1	M	3	47		
120	8112004	07/12/10 - 17:00	75.1100-2(b)	104(a)	C	Y	R	L	1	M	3	48		
121	8112005	07/12/10 - 17:25	75.1101-1(a)	104(a)	C	Y	R	L	1	M	1	49		
122	8112006	07/12/10 - 17:55	75.1101-1(a)	104(a)	C	Y	R	L	1	M	2	50		
123	8092071	07/13/10 - 06:15	75.370(a)(1)	104(a)	C	N	N	N	6	M	7			
124	8112008	07/14/10 - 11:50	75.1722(a)	104(a)	C	Y	R	P	1	M	4	51		
125	8112009	07/22/10 - 08:25	75.1702	104(a)	C	N	U	N	8	M	2			
126	8112010	07/22/10 - 09:50	75.333(h)	104(a)	C	N	U	N	1	M	2			
127	8112011	07/22/10 - 10:30	75.1731(b)	104(a)	C	Y	R	L	3	M	2	52		
128	8112012	07/22/10 - 11:00	75.1722(a)	104(a)	C	Y	R	P	1	M	5	53		
129	8112013	07/25/10 - 12:35	75.202(a)	104(a)	C	Y	R	P	10	M	7	54		
130	8112014	07/25/10 - 13:45	75.1731(a)	104(a)	C	Y	R	L	1	M	3	55		
131	8112015	07/25/10 - 14:00	75.202(a)	104(a)	C	Y	R	P	1	M	8	56		
132	8112016	07/25/10 - 14:30	75.380(d)(1)	104(a)	C	Y	R	L	10	M	1	57		
133	8112017	07/25/10 - 15:50	75.220(a)(1)	104(a)	C	Y	H	P	1	M	8	58		
134	8112018	08/03/10 - 09:30	75.370(a)(1)	104(a)	C	N	N	N	6	M	8			
135	8112019	08/03/10 - 11:00	75.202(a)	104(a)	C	Y	H	P	1	M	9	59		
136	8112020	08/03/10 - 12:00	75.220(a)(1)	104(a)	C	Y	R	L	1	M	9	60		
137	8112021	08/03/10 - 12:45	75.202(a)	104(a)	C	Y	R	P	1	M	10	61		
138	8112022	08/03/10 - 13:45	75.807	104(a)	C	Y	R	P	1	M	1	62		
139	8112023	08/03/10 - 14:30	75.1731(a)	104(a)	C	Y	R	L	1	M	4	63		
140	8112024	08/03/10 - 16:10	75.1731(a)	104(a)	C	Y	H	L	1	M	5	64		
141	8112025	08/09/10 - 10:00	75.360(g)	104(a)	C	N	U	N	14	M	6			
142	8112026	08/09/10 - 11:00	75.360(a)(1)	104(d)(1)	C	Y	H	P	3	H	1	65	2	8
143	8112027	08/09/10 - 11:05	75.360(g)	104(d)(1)	O	Y	R	P	3	H	7	66	3	9
144	8112028	08/11/10 - 00:15	75.360(g)	104(d)(1)	O	N	U	N	8	H	8		4	
145	8112029	08/11/10 - 01:30	75.202(a)	104(d)(1)	O	Y	H	P	3	H	11	67	5	10
146	8112030	08/17/10 - 11:20	75.1731(a)	104(a)	C	Y	R	L	2	M	6	68		
147	8112031	08/17/10 - 12:00	75.1731(a)	104(a)	C	Y	R	L	2	M	7	69		
148	8112032	08/17/10 - 14:05	75.1600-2(e)	104(a)	C	N	U	N	10	M	1			
149	8112033	08/18/10 - 13:30	75.370(a)(1)	104(d)(1)	O	Y	H	F	1	H	9	70	6	11
150	8112034	08/23/10 - 10:45	75.1403	104(a)	C	Y	R	L	1	M	3	71		
151	8112035	08/23/10 - 12:25	75.220(a)(1)	104(a)	C	N	U	N	7	M	10			
152	8112036	08/23/10 - 12:35	75.514	104(a)	C	N	N	N	1	M	1			

MSHA Mine ID: 46-08758  
 Mine: Eagle #1  
 Operator: Rhino Eastern LLC  
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Percent S&S: 45.7%  
 Percent Elevated: 4.3%  
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Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Cumulative During Review Period			
											Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg >Mod Count
153	8112037	08/23/10 - 12:45	75.220(a)(1)	104(a)	C	N	U	N	1	M	11			
154	8112038	08/23/10 - 13:20	75.380(d)(1)	104(a)	C	N	U	N	7	M	2			
155	8112039	08/25/10 - 09:30	75.1100-2(f)	104(a)	C	N	U	N	1	M	1			
156	8112040	08/25/10 - 09:40	75.370(a)(1)	104(a)	C	N	U	N	1	M	10			
157	8070510	08/25/10 - 10:21	75.512	104(a)	C	N	U	L	1	L	4			
158	8112041	08/25/10 - 11:15	75.523-3(c)(2)	104(a)	C	N	U	N	1	M	2			
159	8070511	08/25/10 - 11:30	75.503	104(a)	C	N	U	L	2	M	8			
160	8112042	08/25/10 - 13:25	75.503	104(a)	C	N	U	N	1	M	9			
161	8070512	08/25/10 - 13:36	75.517	104(a)	C	Y	R	F	1	L	5	72		
162	8070514	08/27/10 - 02:10	75.360(f)	104(a)	C	N	U	L	8	H	3			
163	8070513	08/27/10 - 23:20	75.333(d)(3)	104(d)(1)	O	Y	R	L	8	H	1	73	7	12
164	8070515	08/31/10 - 09:41	75.516	104(a)	C	N	U	L	8	M	1			
165	8070516	08/31/10 - 10:14	75.1101-1(b)	104(a)	C	Y	R	F	8	H	1	74		13
166	8070517	08/31/10 - 10:20	75.1101-3	104(a)	C	Y	R	F	8	M	1	75		

Type of Issuance

- C Citation
- O Order

Significant and Substantial

- N No
- Y Yes

Likelihood

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

Injury or Illness could reasonably be expected to be

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

Negligence

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

These Type Actions are Elevated issues

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

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

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