

U. S. Department of Labor

Mine Safety and Health Administration
100 Bluestone Road
Mount Hope, WV 25880-1000



August 25, 2011

Mr. Don L. McKenzie
Safety Director
Eagle #1 Mine
Rhino Eastern LLC
P.O. Box 260
Bolt, WV 25877

Dear Mr. McKenzie:

In accordance with the Mine Safety and Health Administration's (MSHA) Pattern of Violations Procedures Summary (POV Procedures Summary), on November 19, 2010 MSHA notified Rhino Eastern LLC that a Potential Pattern of Violations existed at Eagle #1 Mine, Mine ID 46-08758. Following this notification, you were provided a reasonable opportunity to respond, including a review of documents, and the opportunity to provide additional information as well as right to submit a written request for a conference with the District Manager. You also submitted a corrective action program to reduce the amount of significant and substantial (S&S) violations issued at your mine.

We reviewed the progress of your program and concluded that Eagle #1 Mine achieved the target for its rate of S&S violations during the Pattern of Violations (POV) evaluation period set forth pursuant to regulation in MSHA's POV Procedures Summary, and as stated in MSHA's PPOV notification letter to you dated March 15, 2011. By achieving the targeted rate of S&S violations your mine was not considered for a Pattern of Violations notice pursuant to section 104(e)(1) of the Mine Act at that time. However, in accordance with the POV Procedures Summary, MSHA has continued to monitor Eagle #1 Mine for long term compliance, and has determined that the mine is not making a good faith effort to eliminate violations and has reverted back to PPOV status.

MSHA's Pattern of Violations Procedures Summary addresses this situation: mines that have received PPOV notifications; met the applicable requirements to terminate those notices; then reverted back to the pattern that caused the initial notification. In these cases, according to the POV Procedures Summary, mines shall be considered for further PPOV/POV actions.

This letter is your notification that a potential pattern of violations again exists at the Eagle #1 Mine. This notification is based upon a review of the mine's S&S issuance rates after the evaluation period that ended in March 2011. The S&S issuance rate since that time is 24.77 violations per 100 inspection hour, which is a 243% increase over the S&S rate goal established in your November 2010 corrective action program. In addition, the mine also exhibits a potential pattern of violations using the most current enforcement and injury data and PPOV criteria.

Prior to MSHA implementing Section 104(e) sanctions at the Eagle #1 Mine, you are once again 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 program 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 (Appendix B – Guidelines for Corrective Action Programs)*.

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 under the regulations.

As mentioned, your previous corrective action program (CAP) did not result in long-term improvements at your mine; appropriate CAPs must lead to long-term safety improvements at your mine. Under MSHA's Pattern of Violations Procedures Summary, mines with appropriate CAPs must meet certain S&S reduction benchmarks within certain timeframes, while mines without appropriate CAPs must meet other, more stringent, benchmarks.

Consistent with Procedures summary, MSHA will require you to reduce your S&S issuance rate to 3.81, which is the current rate for the top 35% of all underground bituminous coal mines, within 50 days from the date of the PPOV notice. MSHA will work with you to establish an appropriate CAP with benchmarks and goals and may allow an additional period, not exceed 90 days, to determine whether the program effectively reduces the recurrence of S&S violations at the mine. See 30 C.F.R. § 104.4(a)(4). I encourage you to implement an effective corrective action program with long-term goals for reducing violations beyond the goals established by MSHA under the POV Procedures. As stated in the POV Procedures summary, abandonment of corrective action programs after meeting the short-term POV goals will be a qualitative factor considered in later POV screenings and enhanced enforcement activity.

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 October 1, 2011. 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 and are given an additional 90 days, but do not achieve a rate of S&S violations at or below the applicable levels set forth in the paragraph above, in accordance with 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.

In both cases, a copy of the report of evaluation will be provided to you and the representative of the miners if applicable 10 days before the report is sent to the Administrator. Both you and the miners' representative, where applicable, will have 10 days from the receipt of the report to submit written comments to the Administrator.

Within 30 days of receipt of 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 and the representative of the miners if applicable.

If the Administrator decides to issue a Notice of Pattern of Violations, I will issue the Notice of Pattern of Violations to you. A copy of the notice will also be provided to the representative of miners, where applicable.

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.

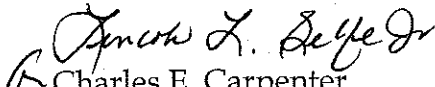
Termination of a Pattern of Violations notice shall occur when an inspection of the entire mine results in no significant and substantial violations or no withdrawal order is issued by MSHA in accordance with section 104(e)(1) of the Act within 90 days of the issuance of the pattern letter.

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, Mount Hope, WV 25880.

Sincerely,


Charles E. Carpenter
District Manager
District 4

Attachment

Cc: Representative of Miners (if applicable)

MSHA Mine ID: 46-08758

Mine: Eagle #1

Operator: Rhino Eastern LLC

Controller: Rhino Resource Partners LP

Mine Status: Active

Mine Status Date: November 12, 2008

% S&S: 41.7%

% Elevated: 4.7%

% S&S Neg>Mod: 13.1%

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
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: Rhino Resource Partners LP

Mine Status: Active

Mine Status Date: November 12, 2008

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Cumulative During
Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg >Mod Count
39	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: Rhino Resource Partners LP

Mine Status: Active

Mine Status Date: November 12, 2008

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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

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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

Controller: Rhino Resource Partners LP

Mine Status: Active

Mine Status Date: November 12, 2008

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% Elevated: 4.7%

% S&S Neg>Mod: 13.1%

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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		
167	7228053	09/01/10 - 13:10	75.360(a)(1)	104(a)	C	N	U	N	10	M	2			
168	8119801	09/01/10 - 13:25	75.360(a)(1)	104(a)	C	N	U	N	10	M	3			
169	6620141	09/02/10 - 11:00	75.372(a)(1)	104(a)	C	N	U	N	1	M	1			
170	8112043	09/07/10 - 11:15	75.363(b)	104(a)	C	N	N	N	1	M	1			
171	8112044	09/14/10 - 10:10	77.1110	104(a)	C	N	U	N	1	M	1			
172	8112045	09/14/10 - 10:40	77.513	104(a)	C	N	U	N	1	M	1			
173	8112047	09/14/10 - 13:25	77.512	104(a)	C	Y	R	L	1	M	1	76		
174	8092097	10/06/10 - 06:30	70.210(b)	104(a)	C	N	N	N	1	L	1			
175	8092098	10/06/10 - 07:25	75.380(d)(7)(iv)	104(a)	C	N	U	F	8	M	4			
176	8092099	10/06/10 - 07:50	75.503	104(a)	C	N	U	F	1	M	10			
177	8092100	10/06/10 - 08:00	75.370(a)(1)	104(a)	C	Y	R	P	3	M	11	77		
178	8092101	10/06/10 - 08:00	75.362(a)(2)	104(a)	C	Y	R	P	1	M	1	78		
179	8110486	10/07/10 - 16:00	75.220(a)(1)	104(a)	C	N	U	L	1	M	12			
180	8110487	10/07/10 - 16:18	75.370(a)(1)	104(d)(2)	O	Y	R	P	1	H	12	79	8	14
181	8110488	10/07/10 - 17:00	75.220(a)(1)	104(a)	C	Y	R	L	1	M	13	80		
182	8110489	10/07/10 - 18:05	75.1722(b)	104(a)	C	Y	R	L	1	M	5	81		
183	8110490	10/12/10 - 08:15	75.220(a)(1)	104(a)	C	N	U	L	1	M	14			
184	8110492	10/12/10 - 10:17	75.1714-2(b)	104(a)	C	N	U	L	1	M	1			
185	8110491	10/12/10 - 11:00	75.604(b)	104(a)	C	N	U	L	1	M	3			
186	8110493	10/12/10 - 12:15	75.370(a)(1)	104(a)	C	N	N	N	0	L	13			
187	8110495	10/13/10 - 07:50	75.1712-3	104(a)	C	N	U	L	1	M	1			
188	8110494	10/13/10 - 08:30	75.508	104(a)	C	N	U	L	1	M	1			
189	8110496	10/13/10 - 13:47	75.202(a)	104(a)	C	Y	R	P	1	M	12	82		
190	8110497	10/13/10 - 14:05	75.380(d)(1)	104(a)	C	N	U	L	1	M	3			

MSHA Mine ID: 46-08758

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191	8110499	10/18/10 - 07:15	48.7(a)	104(a)	C	Y	R	L	2	M	1	83		
192	8110498	10/18/10 - 08:28	75.904	104(a)	C	N	U	L	1	M	3			
193	8110500	10/18/10 - 12:15	75.211(d)	104(a)	C	N	U	L	1	M	1			
194	8110503	10/19/10 - 14:15	75.370(a)(1)	104(a)	C	N	U	L	1	M	14			
195	8110501	10/19/10 - 15:25	75.370(a)(1)	104(a)	C	N	U	L	1	M	15			
196	8110502	10/19/10 - 15:40	75.370(a)(1)	104(a)	C	N	U	L	1	L	16			
197	8110504	10/19/10 - 18:05	75.362(d)(1)(ii)	104(a)	C	N	U	L	1	M	1			
198	8110506	10/26/10 - 08:55	77.205(b)	104(a)	C	N	U	L	1	M	1			
199	8110507	10/26/10 - 09:00	77.205(e)	104(a)	C	Y	R	L	1	M	1	84		
200	8110508	10/26/10 - 09:45	75.1722(b)	104(a)	C	Y	R	P	1	M	6	85		
201	8110509	10/26/10 - 10:03	75.515	104(a)	C	N	U	L	1	L	4			
202	8110510	10/28/10 - 08:50	75.400	104(a)	C	N	U	L	1	M	8			
203	8110511	10/28/10 - 09:50	75.204(c)(1)	104(a)	C	Y	R	L	1	M	1	86		
204	8110512	10/28/10 - 11:30	75.400	104(a)	C	N	U	L	1	M	9			
205	8110515	10/30/10 - 08:15	48.26(b)(7)	104(a)	C	Y	R	L	1	M	1	87		
206	8110513	10/30/10 - 08:39	75.312(g)(1)	104(a)	C	N	N	N	0	L	3			
207	8110517	10/31/10 - 20:30	75.706	104(a)	C	N	U	L	1	M	1			
208	8110516	10/31/10 - 21:05	75.363(b)	104(a)	C	N	N	N	0	L	2			
209	8110518	11/02/10 - 08:35	75.400-2	104(a)	C	N	U	L	1	M	2			
210	8110519	11/04/10 - 09:15	75.220(a)(1)	104(a)	C	Y	R	L	1	M	15	88		
211	8110520	11/04/10 - 09:55	75.1107-9(c)	104(a)	C	N	U	L	1	M	1			
212	8123001	11/04/10 - 12:10	75.220(a)(1)	104(a)	C	Y	R	P	2	M	16	89		
213	8123003	11/15/10 - 11:08	77.400(a)	104(a)	C	Y	R	P	1	M	3	90		
214	8123004	11/15/10 - 16:30	48.9(a)	104(a)	C	N	N	N	0	L	1			
215	8123005	11/15/10 - 17:05	48.29(a)	104(a)	C	N	N	N	0	L	1			
216	8123007	11/16/10 - 10:10	77.1104	104(a)	C	N	U	L	1	M	1			
217	8123008	11/16/10 - 10:40	77.1606(c)	104(a)	C	N	U	L	1	M	1			
218	8123016	11/30/10 - 05:40	75.403	104(a)	C	N	U	L	1	L	1			
219	8123017	11/30/10 - 06:03	75.403	104(a)	C	Y	R	L	2	M	2	91		
220	8123018	11/30/10 - 06:37	75.403	104(a)	C	N	U	L	1	M	3			
221	8123025	11/30/10 - 08:20	75.512	104(a)	C	N	N	N	0	L	5			
222	8123022	11/30/10 - 09:55	75.380(d)(7)(i)	104(a)	C	N	U	L	1	M	3			
223	8123019	11/30/10 - 10:21	75.1101-1(b)	104(a)	C	N	U	L	1	M	2			
224	8123020	11/30/10 - 10:35	75.1101-1(b)	104(a)	C	N	U	L	1	M	3			
225	8123023	11/30/10 - 10:45	75.400	104(a)	C	Y	R	L	1	M	10	92		
226	8123024	11/30/10 - 11:00	75.515	104(a)	C	N	U	L	1	M	5			
227	8123021	11/30/10 - 12:00	75.400	104(a)	C	N	U	L	2	M	11			
228	8105985	01/10/11 - 11:30	75.512	104(a)	C	N	U	L	1	M	6			

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229	9969061	01/12/11 - 08:00	70.207(a)	104(a)	C	N	U	N	5	M	2			
230	8105988	01/13/11 - 09:45	75.333(c)(2)	104(a)	C	N	U	N	1	M	1			
231	8105989	01/13/11 - 09:50	75.333(h)	104(a)	C	N	U	L	1	M	3			
232	8105990	01/19/11 - 11:00	75.370(a)(1)	104(a)	C	N	U	P	2	M	17			
233	8105992	01/25/11 - 11:30	75.400	104(a)	C	N	U	L	1	M	12			
234	8105993	01/25/11 - 12:00	75.1725(a)	104(a)	C	Y	R	L	1	M	3	93		
235	8105994	01/25/11 - 12:50	75.1106-3(a)(2)	104(a)	C	Y	R	F	1	M	1	94		
236	8105995	01/25/11 - 13:15	75.512	104(a)	C	N	U	P	1	M	7			
237	8105996	01/28/11 - 10:30	77.408	104(a)	C	Y	R	L	1	M	1	95		
238	8105997	02/02/11 - 13:00	75.1202-1(b)(3)	104(a)	C	N	N	N	1	M	1			
239	8105998	02/07/11 - 13:00	75.334(a)(1)	104(a)	C	N	U	N	10	L	1			
240	8106001	02/10/11 - 09:50	75.1712-3	104(a)	C	N	U	N	68	M	2			
241	8106002	02/14/11 - 05:30	75.204(c)(1)	104(a)	C	N	U	L	1	M	2			
242	8106003	02/14/11 - 06:00	75.1107-13(g)	104(a)	C	N	U	L	1	L	1			
243	8106005	02/17/11 - 09:30	77.1713(d)	104(a)	C	N	U	N	1	M	1			
244	8106006	02/24/11 - 09:45	75.403	104(a)	C	N	U	N	10	L	4			
245	8123176	02/24/11 - 16:30	72.630(b)	104(a)	C	N	U	P	2	M	7			
246	8123177	02/24/11 - 16:30	75.503	104(a)	C	N	U	F	7	M	11			
247	8106008	02/24/11 - 17:00	77.208(d)	104(a)	C	Y	R	L	1	M	2	96		
248	8106009	03/03/11 - 17:00	70.101	104(a)	C	Y	R	P	5	M	1	97		
249	8125116	03/18/11 - 12:15	75.1716-1	104(d)(1)	C	Y	H	F	19	H	1	98	9	15
250	8119809	03/18/11 - 13:00	75.1725(a)	104(a)	C	Y	R	L	2	M	4	99		
251	8125117	03/18/11 - 13:08		107(a)	O								10	
252	8119808	03/18/11 - 13:10		107(a)	O								11	
253	8125118	03/18/11 - 13:35	75.313(c)(2)	104(a)	C	N	U	L	1	M	1			
254	8119810	03/18/11 - 14:25	75.311(f)	104(a)	C	N	U	P	20	M	1			
255	8123191	04/13/11 - 08:30	75.370(a)(1)	104(a)	C	Y	R	P	2	M	18	100		
256	8123192	04/13/11 - 09:00	75.606	104(a)	C	N	U	F	1	M	1			
257	8123195	04/26/11 - 07:50	75.370(a)(1)	104(a)	C	N	U	F	1	M	19			
258	8123196	04/26/11 - 08:05	75.370(a)(1)	104(a)	C	N	U	P	6	M	20			
259	8115922	05/05/11 - 18:00	75.604(b)	104(a)	C	Y	R	P	1	M	4	101		
260	8131164	05/05/11 - 18:50	75.1100-3	104(a)	C	N	N	N	1	M	2			
261	8131165	05/05/11 - 19:00	75.220(a)(1)	104(a)	C	N	U	L	1	M	17			
262	8125793	05/05/11 - 19:10	75.370(a)(1)	104(a)	C	N	U	P	4	H	21			
263	8115923	05/05/11 - 19:20	75.517	104(a)	C	Y	R	P	1	M	6	102		
264	8125794	05/05/11 - 19:20	75.370(a)(1)	104(a)	C	N	U	P	4	H	22			
265	8127527	05/05/11 - 19:25	75.320(a)	104(a)	C	N	U	N	1	M	1			
266	8115924	05/05/11 - 19:30	75.512	104(a)	C	N	U	L	1	M	8			

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267	8125795	05/05/11 - 19:30	75.1715	104(a)	C	N	U	L	11	M	1			
268	8123153	05/05/11 - 19:35	75.400	104(a)	C	Y	R	L	3	M	13	103		
269	8127528	05/05/11 - 19:35	75.360(f)	104(d)(1)	O	Y	R	L	10	H	4	104	12	16
270	8125796	05/05/11 - 19:45	77.1606(a)	104(a)	C	N	U	P	1	M	1			
271	8125797	05/05/11 - 19:55	77.1104	104(a)	C	Y	R	P	1	H	2	105		17
272	8125798	05/05/11 - 20:00	77.1710(d)	104(a)	C	N	U	L	1	M	1			
273	8131166	05/05/11 - 20:05	75.400	104(a)	C	Y	R	P	1	M	14	106		
274	8123154	05/05/11 - 20:15	75.503	104(a)	C	N	U	L	1	M	12			
275	8127529	05/05/11 - 20:15	75.220(a)(1)	104(a)	C	Y	R	P	1	M	18	107		
276	8125799	05/05/11 - 20:25	77.1102	104(a)	C	N	U	L	1	M	1			
277	8127530	05/05/11 - 20:40	75.604(b)	104(a)	C	Y	R	F	1	M	5	108		
278	8125800	05/05/11 - 20:50	75.312(h)	104(a)	C	N	N	N	1	H	1			
279	8123156	05/05/11 - 21:10	75.1725(a)	104(a)	C	Y	R	P	1	M	5	109		
280	8131167	05/05/11 - 21:15	75.512	104(a)	C	Y	H	F	1	M	9	110		
281	8123155	05/05/11 - 21:20	75.503	104(a)	C	N	U	L	1	M	13			
282	8115925	05/05/11 - 22:00	75.400	104(a)	C	Y	R	P	1	M	15	111		
283	8127531	05/05/11 - 22:00	75.1505(a)(3)	104(a)	C	Y	H	F	10	H	1	112		18
284	8123157	05/05/11 - 23:30	75.512-2	104(a)	C	N	N	N	0	M	1			
285	8115927	05/10/11 - 08:40	75.1403-6(b)(1)	104(a)	C	N	U	L	1	M	1			
286	8115928	05/10/11 - 13:30	75.220(a)(1)	104(a)	C	Y	R	F	5	M	19	113		
287	9969151	05/11/11 - 08:00	70.207(a)	104(a)	C	N	U	N	5	M	3			
288	8124708	06/02/11 - 06:00	75.1715	104(a)	C	N	N	N	1	M	2			
289	8124709	06/02/11 - 06:08	75.360(g)	104(a)	C	N	N	N	0	M	9			
290	8124710	06/02/11 - 06:10	75.360(g)	104(a)	C	N	N	N	0	M	10			
291	8124713	06/02/11 - 07:35	75.380(d)(7)(iii)	104(a)	C	Y	R	F	16	M	1	114		
292	8124714	06/02/11 - 07:45	75.333(h)	104(a)	C	N	U	P	1	M	4			
293	8124715	06/02/11 - 07:55	75.202(a)	104(a)	C	Y	R	P	1	M	13	115		
294	8124717	06/02/11 - 08:23	75.370(a)(1)	104(a)	C	Y	R	P	3	M	23	116		
295	8124716	06/02/11 - 08:33	75.360(f)	104(d)(1)	O	N	N	N	0	H	5		13	
296	8124719	06/02/11 - 08:47	75.601	104(a)	C	N	U	F	1	M	1			
297	8124718	06/02/11 - 08:48	75.601	104(a)	C	N	U	F	1	M	2			
298	8124720	06/02/11 - 08:50	75.601	104(a)	C	N	U	F	1	M	3			
299	8124721	06/02/11 - 08:52	75.601	104(a)	C	N	U	F	1	M	4			
300	8124722	06/02/11 - 09:24	48.6	104(g)(1)	O	Y	R	P	1	M	1	117	14	
301	8124723	06/02/11 - 09:27	75.333(e)(1)(ii)	104(a)	C	N	U	P	1	M	1			
302	8124724	06/03/11 - 08:38	75.1712-6(a)	104(a)	C	N	N	N	1	M	1			
303	8124725	06/03/11 - 08:50	75.220(a)(1)	104(a)	C	Y	R	F	1	M	20	118		
304	8124726	06/03/11 - 09:02	75.1100-3	104(a)	C	N	U	P	1	M	3			

MSHA Mine ID: 46-08758

Mine: Eagle #1

Operator: Rhino Eastern LLC

Controller: Rhino Resource Partners LP

Mine Status: Active

Mine Status Date: November 12, 2008

% S&S: 41.7%

% Elevated: 4.7%

% S&S Neg>Mod: 13.1%

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
305	8124727	06/03/11 - 09:05	75.503	104(a)	C	N	U	F	1	M	14			
306	8124728	06/03/11 - 09:12	75.517	104(a)	C	Y	R	F	1	M	7	119		
307	8124729	06/03/11 - 09:24	75.1600-2(b)	104(a)	C	N	U	P	8	M	1			
308	8124730	06/03/11 - 09:30	75.1100-2(b)	104(a)	C	N	U	P	1	M	4			
309	8124731	06/03/11 - 09:48	75.360(f)	104(a)	C	N	U	F	1	M	6			
310	8124734	06/03/11 - 09:57	75.1101-1(a)	104(a)	C	N	U	P	1	M	3			
311	8124732	06/03/11 - 10:08	75.360(f)	104(a)	C	N	U	F	1	M	7			
312	8124733	06/03/11 - 10:15	75.360(f)	104(a)	C	N	U	F	1	M	8			
313	8124736	06/07/11 - 08:11	75.518	104(a)	C	Y	R	F	1	M	1	120		
314	8124737	06/07/11 - 08:35	75.503	104(a)	C	N	U	F	1	M	15			
315	8124738	06/07/11 - 08:42	75.518	104(a)	C	Y	R	F	1	M	2	121		
316	8124739	06/07/11 - 09:00	75.370(a)(1)	104(a)	C	Y	H	P	1	L	24	122		
317	8124741	06/07/11 - 09:18	75.503	104(a)	C	N	U	F	2	M	16			
318	8124742	06/07/11 - 09:40	75.1713-7(b)	104(a)	C	N	U	P	1	M	1			
319	8124743	06/08/11 - 07:48	75.503	104(a)	C	N	U	F	1	M	17			
320	8124744	06/08/11 - 08:12	75.503	104(a)	C	N	U	F	1	M	18			
321	8124745	06/08/11 - 08:35	75.220(a)(1)	104(a)	C	Y	R	P	1	M	21	123		
322	8124746	06/08/11 - 09:15	75.1403	104(a)	C	N	U	P	1	M	4			
323	4222773	06/14/11 - 11:30	48.3(c)	104(a)	C	N	U	N	80	M	1			
324	4222776	06/14/11 - 11:56	48.26	104(a)	C	Y	R	L	1	H	1	124		19
325	4222775	06/14/11 - 12:45	45.4(b)	104(a)	C	N	U	N	3	M	1			
326	4900597	06/14/11 - 13:35	48.3(g)	104(a)	C	Y	R	P	10	M	1	125		
327	4900599	06/14/11 - 14:30	48.9(a)	104(a)	C	N	U	P	21	H	2			
328	8124748	06/15/11 - 07:15	75.220(a)(1)	104(a)	C	Y	R	F	1	M	22	126		
329	8124755	06/15/11 - 08:00	75.1403	104(a)	C	N	U	P	1	M	5			
330	8124749	06/15/11 - 08:07	75.202(a)	104(a)	C	Y	R	F	1	L	14	127		
331	8124750	06/15/11 - 08:22	75.1505(b)	104(a)	C	Y	R	F	8	M	1	128		
332	8124751	06/15/11 - 08:50	75.1725(a)	104(a)	C	Y	H	F	2	M	6	129		
333	8124752	06/15/11 - 09:08	75.604(b)	104(a)	C	Y	R	F	1	M	6	130		
334	8124753	06/15/11 - 09:35	75.517	104(a)	C	Y	R	F	1	M	8	131		
335	8124754	06/15/11 - 09:51	75.503	104(a)	C	N	U	F	2	M	19			
336	8124756	06/15/11 - 10:50	75.1103-8(c)	104(a)	C	N	U	F	8	M	1			
337	8124757	06/15/11 - 11:05	75.1103-4(b)	104(a)	C	N	U	F	1	M	1			
338	8124758	06/15/11 - 12:02	77.1004(b)	104(a)	C	Y	R	P	1	M	1	132		
339	8124759	06/16/11 - 08:15	75.364(h)	104(a)	C	N	N	N	0	M	1			
340	8124760	06/16/11 - 08:30	75.1715	104(a)	C	N	N	N	0	M	3			
341	8135321	06/16/11 - 08:52	75.1103-4(b)	104(b)	O								15	
342	8135322	06/16/11 - 09:20	48.27	104(g)(1)	O	Y	R	F	1	H	1	133	16	20

MSHA Mine ID: 46-08758

Mine: Eagle #1

Operator: Rhino Eastern LLC

Controller: Rhino Resource Partners LP

Mine Status: Active

Mine Status Date: November 12, 2008

% S&S: 41.7%

% Elevated: 4.7%

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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
343	8135323	06/16/11 - 10:02	77.208(e)	104(a)	C	Y	R	P	1	M	1	134		
344	8135324	06/20/11 - 06:58	77.1000	104(a)	C	N	U	P	1	M	1			
345	8135325	06/20/11 - 07:50	77.400(a)	104(a)	C	Y	R	P	1	M	4	135		
346	8135326	06/20/11 - 08:03	75.517	104(a)	C	Y	R	F	1	M	9	136		
347	8135327	06/20/11 - 09:02	75.202(a)	104(a)	C	Y	R	F	1	M	15	137		
348	8135328	06/20/11 - 09:24	75.503	104(a)	C	N	U	F	1	M	20			
349	8135329	06/20/11 - 10:26	75.1722(a)	104(a)	C	Y	R	P	1	M	6	138		
350	8135330	06/20/11 - 10:37	75.1100-3	104(a)	C	Y	R	P	1	M	4	139		
351	8135332	06/21/11 - 09:05	75.1724	104(a)	C	Y	R	P	1	M	1	140		
352	8135331	06/21/11 - 09:28	75.220(a)(1)	104(a)	C	Y	R	F	1	M	23	141		
353	8135333	06/22/11 - 10:03	75.1107-16(c)	104(a)	C	N	N	N	0	M	1			
354	8135344	06/27/11 - 04:14		103(k)	O									
355	8135345	06/27/11 - 06:05	75.202(a)	104(a)	C	Y	R	F	1	M	16	142		
356	8135346	06/27/11 - 06:15	75.370(a)(1)	104(a)	C	Y	R	P	1	M	25	143		
357	8135347	06/27/11 - 06:30	75.1106-3(a)(2)	104(a)	C	N	U	F	1	M	2			
358	8135348	06/28/11 - 08:37	75.342(a)(4)	104(a)	C	N	U	F	2	M	1			
359	8135349	06/28/11 - 11:00	75.342(a)(4)	104(a)	C	N	U	F	2	M	2			
360	8135350	06/28/11 - 11:30	75.1100-3	104(a)	C	Y	R	F	1	M	5	144		
361	8135351	06/28/11 - 11:43	75.1100-3	104(a)	C	Y	R	F	1	M	6	145		
362	8135352	06/28/11 - 13:10	75.333(d)(3)	104(a)	C	N	U	P	1	M	2			
363	8123228	08/09/11 - 07:40	72.630(b)	104(a)	C	N	U	P	2	M	8			
364	8123227	08/09/11 - 08:00	75.370(a)(1)	104(d)(2)	O	Y	R	P	6	H	26	146	17	21
365	8135362	08/09/11 - 09:10	75.220(a)(1)	104(a)	C	Y	R	F	1	M	24	147		
366	8135363	08/09/11 - 09:18	75.220(a)(1)	104(a)	C	Y	R	F	1	M	25	148		
367	8135364	08/09/11 - 09:25	75.220(a)(1)	104(a)	C	Y	R	F	1	M	26	149		
368	8135365	08/09/11 - 09:35	75.202(a)	104(a)	C	Y	R	F	1	M	17	150		
369	8135366	08/09/11 - 09:48	75.202(a)	104(a)	C	Y	R	F	1	M	18	151		
370	8135367	08/09/11 - 09:48	75.202(a)	104(a)	C	Y	R	F	1	M	19	152		
371	8135368	08/09/11 - 10:28	75.380(d)(7)(vi)	104(a)	C	N	U	P	1	M	1			
372	8135369	08/09/11 - 10:45	75.1600-3(a)(1)	104(a)	C	N	U	F	10	M	3			
373	8135370	08/09/11 - 11:14	75.1103-4(b)	104(a)	C	Y	R	F	1	M	3	153		
374	8135371	08/09/11 - 11:17	75.807	104(a)	C	N	U	F	1	M	2			
375	8135372	08/09/11 - 11:29	75.1403	104(a)	C	Y	R	P	1	M	6	154		
376	8135373	08/09/11 - 11:40	75.202(a)	104(a)	C	Y	R	F	1	M	20	155		
377	8135374	08/09/11 - 11:48	75.1100-2(b)	104(a)	C	Y	R	P	1	M	5	156		
378	8135375	08/09/11 - 12:15	75.1107-4(c)	104(a)	C	Y	R	P	1	M	1	157		
379	8135376	08/10/11 - 07:22	75.360(g)	104(a)	C	N	N	N	0	M	11			
380	8135377	08/10/11 - 07:30	75.360(g)	104(a)	C	N	N	N	0	M	12			

MSHA Mine ID: 46-08758

Mine: Eagle #1

Operator: Rhino Eastern LLC

Controller: Rhino Resource Partners LP

Mine Status: Active

Mine Status Date: November 12, 2008

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381	8135378	08/10/11 - 09:18	75.601-1	104(a)	C	N	U	F	1	M	1			
382	8135379	08/10/11 - 09:35	75.517	104(a)	C	Y	R	F	1	M	10	158		
383	8135380	08/10/11 - 10:50	75.400	104(a)	C	N	U	F	1	M	16			
384	8135381	08/10/11 - 10:57	75.333(e)(1)(ii)	104(a)	C	N	U	P	1	M	2			
385	8135382	08/10/11 - 12:40	75.380(d)(7)(iv)	104(a)	C	Y	R	F	20	M	5	159		
386	8135383	08/10/11 - 12:50	75.312(e)	104(a)	C	N	N	N	0	L	1			
387	8135388	08/16/11 - 08:28	75.380(d)(7)(i)	104(a)	C	Y	R	P	6	M	4	160		
388	8135389	08/18/11 - 07:40	75.370(a)(1)	104(a)	C	N	N	N	0	M	27			
389	8135390	08/18/11 - 08:40	75.202(a)	104(a)	C	Y	R	F	1	M	21	161		
390	8135391	08/18/11 - 09:08	75.380(d)(1)	104(a)	C	N	U	F	1	M	4			
391	8135392	08/18/11 - 09:18	75.1505(a)(3)	104(a)	C	Y	R	F	6	M	2	162		
392	8135393	08/18/11 - 09:25	75.360(f)	104(d)(2)	O	N	U	F	6	H	9		18	
393	8135394	08/18/11 - 09:37	75.380(d)(7)(vi)	104(a)	C	N	U	F	1	M	2			
394	8135395	08/18/11 - 09:40	75.1505(a)(2)	104(a)	C	Y	R	F	6	M	1	163		
395	8135396	08/18/11 - 09:52	75.380(d)(7)(i)	104(a)	C	Y	R	F	6	M	5	164		
396	8135397	08/18/11 - 10:40	75.1107-4(b)	104(a)	C	Y	R	F	1	M	1	165		
397	8135398	08/18/11 - 10:43	75.1403	104(a)	C	N	U	F	1	M	7			
398	8135399	08/18/11 - 11:05	75.503	104(a)	C	N	U	F	1	M	21			
399	8135400	08/19/11 - 09:35	75.380(d)(1)	104(a)	C	N	U	P	6	M	5			
400	8135402	08/19/11 - 10:02	75.503	104(a)	C	N	U	F	1	M	22			
401	8135403	08/19/11 - 11:00	75.1600-3(a)(2)	104(a)	C	N	U	F	6	M	1			
402	8135404	08/22/11 - 08:45	77.1104	104(a)	C	N	U	F	1	M	3			
403	8135405	08/22/11 - 08:47	77.505	104(a)	C	N	U	L	1	M	1			
404	8135407	08/22/11 - 08:50	77.205(b)	104(a)	C	Y	R	P	1	M	2	166		
405	8135406	08/22/11 - 08:52	77.400(d)	104(a)	C	Y	R	F	1	M	1	167		
406	8135408	08/22/11 - 10:07	75.370(a)(1)	104(a)	C	N	U	F	1	M	28			
407	8135409	08/22/11 - 10:20	75.220(a)(1)	104(d)(2)	O	Y	H	F	1	R	27	168	19	22
408	8135410	08/22/11 - 11:14	75.601-1	104(a)	C	N	U	F	1	M	2			
409	8135411	08/22/11 - 12:02	75.1107-9(a)(1)	104(a)	C	N	U	P	1	M	1			



AUG 23 2011

CMS&H Memo No. HQ-11-029-A (PRT-104)

MEMORANDUM FOR CHARLES CARPENTER

District Manager
District 4, Coal Mine Safety and Health

FROM: KEVIN G. STRICKLIN
Administrator for
Coal Mine Safety and Health

A handwritten signature in black ink, appearing to read "Kevin G. Stricklin", is written over the typed name and title of the sender.

SUBJECT: Pattern of Violations Follow-up Review

In accordance with the Mine Safety and Health Administration's (MSHA) Pattern of Violations Procedures Summary (Appendix B - Guidelines for Corrective Action Programs), the Office of Assessments has been monitoring the violation history at the mines identified as exhibiting a potential pattern of violations (PPOV) in October 2010. MSHA did not issue a Pattern of Violations notice to Rhino Eastern LLC - Eagle #1 Mine (Mine ID 46-08758) after the mine successfully reduced its Significant & Substantial (S&S) rates to the goal established in its corrective action program. However, after the evaluation period ending in March 2011, the S&S issuance rate at this mine increased substantially. This mine also exhibits a potential pattern of violations using the most current enforcement and injury data and PPOV criteria.

I am providing this information to you because, based on this data, I have determined that this mine is not making a good faith effort to eliminate violations and has reverted back to a PPOV status. MSHA's Pattern of Violations Procedures Summary addresses this situation: mines that have received PPOV notifications; met the applicable requirements to terminate those notices; then reverted back to the pattern that caused the initial notification. In these cases, according to the Procedures, mines shall be considered for further PPOV/POV actions.

Attached is the supporting data showing the increased S&S issuance rates, as well as the most recent data generated using the PPOV Monitoring Tool.

Please respond with any facts about this mine relevant to whether there are mitigating circumstances I should consider in determining whether a PPOV notification to this mine operator should be delayed or otherwise not issued. The Pattern of Violations Procedures Summary (attached), and in particular Appendix A, contains specific guidance on providing detailed information about any possible mitigating circumstances.

Please be mindful of the sensitive nature of this process. The identity of mines under consideration for PPOV notification should not be made public until the completion of the review process. The Office of Public Affairs will be responsible for making this information available to the public.

Please contact Jay Mattos at (202) 693-9702 if you have any questions concerning the material provided.

Attachments

- Pattern of Violations Procedures Summary
- Screening Criteria Results 40-03333
- S&S Rates by Month

Pattern of Violations Screening Criteria - 2010

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

Initial Screening Criteria (30 CFR § 104.2)

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

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

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

Or,

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

1. At least 100 S&S citations/orders **issued** in the most recent 12 months.
2. At least 40 elevated citations and orders [issued under section 104(b); 104(d); 104(g); or 107(a) of the Mine Act] **issued** during the most recent 12 months.

Pattern Criteria Screening (30 CFR § 104.3)

30 CFR § 104.3 requires that one of the following pattern criteria be met: (1) a history of repeated S&S violations of a particular standard; (2) a history of repeated S&S violations of standards related to the same hazard; or (3) a history of repeated S&S violations caused by unwarrantable failure to comply. Only citations and orders that are final may be considered in determining if these criteria have been met.

For a pattern of violations review, mines identified during the initial screening must have at least five S&S citations of the same standard that became **final orders** of the commission during the most recent 12 months **OR** at least two S&S unwarrantable failure violations that became **final orders** of the commission during the most recent 12 months.

¹ Severity Measure is the number of lost workdays per 200,000 employee-hours. The Severity Measure formula is number of lost workdays x 200,000 divided by the number of employee hours. Office worker and contractor hours and lost workdays are excluded. Lost workdays consist of days away from work and days of restricted work activity, or statutory days charged as prescribed from a table of standard charges, e.g., 6,000 days for a fatality or permanent total disability. Only statutory days are used in the fatality and disability cases.

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

There are six mine types and classifications used to calculate the Severity Measure for pattern of violation screenings: underground coal mines; surface coal mines; surface coal facilities; underground metal and nonmetal mines; surface metal and nonmetal mines; and surface metal and nonmetal facilities. The Severity Measures for CY 2005-2009 are:

Mine Type and Classification	Severity Measure (SM) CY 2005-2009
Facility Coal	171.7
Facility M/NM	194.9
Surface Coal	170.1
Surface M/NM	176.0
Underground Coal	541.4
Underground M/NM	327.3

Monthly Monitoring Tool for Pattern of Violations

The following criteria are used to perform the initial screening required under 30 CFR §104.2 and 30 CFR §104.3. This on-line tool provides an evaluation of a mine's potential of being considered for a PPOV. This data is refreshed monthly. When MSHA runs a PPOV screening, and 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.

These results are preliminary and do not necessarily reflect complete injury data. Accidents without return to work information will be calculated as lost or restricted work days from the time of the injury to the report run date. This calculation assumes a five day work week and excludes Federal holidays.

Overall
Results

YES

Does the mine meet either Initial Criteria 1 or 2 (30 CFR §104.2)? - Yes

Does the mine meet either Final Order Criteria (30 CFR §104.3)? - Yes

Data Last Refreshed

18-Aug-2011

Mine ID: 4606758
Mine Status: Active (As of Last Data Refresh Date)
Mine Name: Eagle #1
Mine Type: Underground
Controller: Rhino Resource Partners LP
Operator: Rhino Eastern LLC

Four QTR Part 50 Data Range
1st QTR: 01-Jul-2010
4th QTR: 30-Jun-2011
12 Month Enforcement Range
Start Date: 01-Aug-2010
End Date: 31-Jul-2011

Criteria	Criteria Description	Does the Mine Meet the Criteria?
Initial Criteria 1	1 At least 50 citations/orders for significant and substantial (S&S) violations issued in the most recent 12 months	87 Yes
	A rate of eight or more S&S citations/orders issued per 100 inspection hours during the most recent 12 months <i>87 S&S C/O's were issued during 672 inspection hours.</i>	12.9 Yes
	OR	
	2 The degree of negligence for at least 25 percent of the S&S citations/orders issued during the most recent 12 months is "high" or "reckless disregard." <i>13 of the 87 S&S C/O's issued were either high or reckless disregard.</i>	14.9% NO
Initial Criteria 2	3 At least 0.5 elevated citations and orders (under section 104(b); 104(d); 104(g); or 107(a) of the Mine Act) issued per 100 inspection hours during the most recent 12 months. <i>15 elevated C/O's were issued during 672 inspection hours.</i>	2.23 Yes
	4 The Injury Severity Measure (SM) for the mine is greater than the overall Industry SM for all mines in the same mine type and classification over the most recent 12 months. <i>The mine's SM of 8,020.6 is more than the 5 year industry SM of 576.6.</i>	8,020.6 Yes
Note: This SM is not Final. Accidents without return to work information assume that the worker has lost or restricted work days from the time of the injury and these days are included in the SM calculation.		
7	At least 100 S&S citations/orders issued in the most recent 12 months.	87 NO

NO

Initial Criteria 2	87 S&S C/O's were issued.		This mine does not meet both Initial Criteria 2
	2	At least 40 elevated citations and orders [under section 104(b); 104(d); 104(g); or 107(a) of the Mine Act] issued during the most recent 12 months. 15 elevated C/O's were issued.	15 No
Final Order Criteria	1	At least 5 S&S citations/orders of the same standard that became final orders of the commission during the most recent 12 months 4 C/O's of standard 75.1722(a) became final orders OR	4 No YES This mine meets at least one of the Final Order Criteria
	2	At least 2 S&S unwarrantable failure citations/orders [104(d)] that became final orders of the commission during the most recent 12 months. 5 unwarrantable failure C/O's became final order.	5 Yes

8/19/2011

MSHA Mine ID: 46-08758

Mine: Eagle #1

Operator: Rhino Eastern LLC

Controller: Rhino Resource Partners LP

Mine Status: Active

Mine Status Date: 11/12/2008

	Month	Inspector Hours Worked	Citations and Orders Issued By Month							Monthly S&S C/O's per 100 Inspection Hours	Cumulative S&S C/O's per 100 Inspection Hours
			Non S&S	S&S	Elevated						
					104 (b)	104 (d)	104 (g)	107 (a)	Total		
12 Month Review Period Leading up to PPOV Issuance	Sep 2009	11.50	2	5	0	0	0	0	0	43.48	43.48
	Oct 2009	20.50	5	3	0	0	0	0	0	14.63	25.00
	Nov 2009	81.25	12	5	0	0	0	0	0	6.15	11.48
	Dec 2009	12.25	4	1	0	0	0	0	0	8.16	11.16
	Jan 2010	6.75	1	0	0	0	0	0	0	0.00	10.59
	Feb 2010	50.50	18	13	0	0	0	0	0	25.74	14.77
	Mar 2010	30.50	2	2	0	0	0	0	0	6.56	13.60
	Apr 2010	40.00	6	4	0	0	0	0	0	10.00	13.03
	May 2010	88.25	19	10	1	0	0	0	1	11.33	12.59
	Jun 2010	12.00	0	0	0	0	0	0	0	0.00	12.16
	Jul 2010	63.50	4	15	0	0	0	0	0	23.62	13.91
	Aug 2010	102.50	16	17	0	6	0	0	6	16.59	14.44
Sep 2010	43.50	6	1	0	0	0	0	0	2.30	2.30	
Oct 2010	89.00	24	11	0	1	0	0	1	12.36	9.06	
Nov 2010	52.00	14	5	0	0	0	0	0	9.62	9.21	
Dec 2010	5.00	0	0	0	0	0	0	0	0.00	8.97	
Evaluation Quarter	Jan 2011	42.00	7	3	0	0	0	0	0	7.14	7.14
	Feb 2011	72.50	9	1	0	0	0	0	0	1.38	3.49
	Mar 2011	5.00	0	1	0	1	0	2	3	20.00	4.18
Since PPOV Evaluation *	Apr 2011	36.00	5	3	0	0	0	0	0	8.33	8.33
	May 2011	52.50	16	13	0	1	0	0	1	24.76	18.08
	Jun 2011	169.00	41	32	1	1	2	0	4	18.93	18.64
	Jul 2011	3.00	0	0	0	0	0	0	0	0.00	18.43
	Aug 2011	14.00	16	20	0	2	0	0	2	142.86	24.77

* Data current through: August 18, 2011