

Name of applicant or person Ranger Fuel Corporation  
Address P.O. Box 966  
City Beckley State WV Zip 25801  
Telephone Number 304-252-8681  
FEIN 55-0454470 Social Security No. N/A

Permit Number O-9-85 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Ranger Fuel Corporation  
Operator Name(If different from Permittee) \_\_\_\_\_  
MSHA No. N/A Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number EM-90 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Ranger Fuel Corporation  
Operator Name(If different from Permittee) \_\_\_\_\_  
MSHA No. 46-03981 Date MSHA No. Issued 08-Feb-84  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number S-66-82 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Ranger Fuel Corporation  
Operator Name(If different from Permittee) \_\_\_\_\_  
MSHA No. N/A Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number S-147-78 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Ranger Fuel Corporation  
Operator Name(If different from Permittee) \_\_\_\_\_  
MSHA No. N/A Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number U-5030-93 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Ranger Fuel Corporation  
Operator Name(If different from Permittee) Dale Coal Inc  
MSHA No. Pending Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number U-5018-90 State/Regulatory Authority WV DEP

Name of applicant or person Ranger Fuel Corporation  
Address P.O. Box 966  
City Beckley State WV Zip 25801  
Telephone Number 304-252-8681  
FEIN 55-0454470 Social Security No. N/A

Applicant/Permittee Name Ranger Fuel Corporation  
Operator Name(If different from Permittee) Par-U Mining&Development  
MSHA No. 46-08017 Date MSHA No. Issued 01-Apr-91  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number O-6027-87 State/Regulatory Authority WV DEP  
Applicant/Permittee Name River Point Processing, Inc.  
Operator Name(If different from Permittee)   
MSHA No. 46-06694 Date MSHA No. Issued 01-Aug-85  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number  State/Regulatory Authority   
Applicant/Permittee Name   
Operator Name(If different from Permittee)   
MSHA No.  Date MSHA No. Issued   
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Name of applicant or person Sea B Mining Company  
Address P.O. Box 58  
City Jewell Ridge State VA Zip 24622  
Telephone Number 703-881-8421  
FEIN 54-1289911 Social Security No. N/A

Permit Number 1200663 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-01488 Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1200664 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-02253 Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1200658 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. N/A Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1200662 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-04889 Date MSHA No. Issued 02-Nov-77  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1200662 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-04947 Date MSHA No. Issued 15-May-78  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1200662 State/Regulatory Authority VA DMLR

Name of applicant or person Sea B Mining Company  
Address P.O. Box 58  
City Jewell Ridge State VA Zip 24622  
Telephone Number 703-881-8421  
FEIN 54-1289911 Social Security No. N/A

Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-06606 Date MSHA No. Issued 27-Sep-90  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1300852 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. N/A Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1201329 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-01251 Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1201328 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-02854 Date MSHA No. Issued 13-Jan-73  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1201332 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-01898 Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1201331 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company

Name of applicant or person Sea B Mining Company  
Address P.O. Box 58  
City Jewell Ridge State VA Zip 24622  
Telephone Number 703-881-8421  
FEIN 54-1289911 Social Security No. N/A

Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-04286 Date MSHA No. Issued 01-Mar-76  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1401335 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee) Lick Branch Mining Inc.  
MSHA No. 44-00251 Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1201330 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-01485 Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1201327 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-02241 Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1301337 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-03442 Date MSHA No. Issued 23-Feb-73  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1201326 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_

Name of applicant or person Sea B Mining Company  
Address P.O. Box 58  
City Jewell Ridge State VA Zip 24622  
Telephone Number 703-881-8421  
FEIN 54-1289911 Social Security No. N/A

MSHA No. 44-02690 Date MSHA No. Issued 17-Sep-71  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1301326 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-03168 Date MSHA No. Issued 12-Apr-72  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 0201964 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. Pending Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1301336 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-03441 Date MSHA No. Issued 23-Feb-73  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1201334 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-05541 Date MSHA No. Issued 10-Nov-80  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1201342 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-05502 Date MSHA No. Issued 12-Sep-80

Name of applicant or person Sea B Mining Company  
Address P.O. Box 58  
City Jewell Ridge State VA Zip 24622  
Telephone Number 703-881-8421  
FEIN 54-1289911 Social Security No. N/A

Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1201333 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)   
MSHA No. 44-05729 Date MSHA No. Issued 01-Sep-81  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1201409 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee) Lick Branch Mining Inc.  
MSHA No. 44-06702 Date MSHA No. Issued 19-Apr-93  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1201413 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)   
MSHA No. N/A Date MSHA No. Issued   
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1200675 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)   
MSHA No. 44-03479 Date MSHA No. Issued 01-Jul-74  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1200663 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)   
MSHA No. 44-01488 Date MSHA No. Issued 19-Oct-87  
Ownership/Control relationship to applicant Wholly owned subsidiary

Name of applicant or person Sea B Mining Company  
Address P.O. Box 58  
City Jewell Ridge State VA Zip 24622  
Telephone Number 703-881-8421  
FEIN 54-1289911 Social Security No. N/A

Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1200663 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-01488 Date MSHA No. Issued 10-Dec-92  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1200662 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-06606 Date MSHA No. Issued 01-Sep-90  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1200662 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee) Double R Coal Co Inc  
MSHA No. 44-06606 Date MSHA No. Issued 15-Apr-92  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1201331 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-04286 Date MSHA No. Issued 26-Jul-88  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1201342 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-05502 Date MSHA No. Issued 06-Sep-89  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant

Name of applicant or person Sea B Mining Company  
Address P.O. Box 58  
City Jewell Ridge State VA Zip 24622  
Telephone Number 703-881-8421  
FEIN 54-1289911 Social Security No. N/A

Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1201342 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee) Shenandoah Coal Co Inc  
MSHA No. 44-05502 Date MSHA No. Issued 08-Jun-92  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1201333 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-05729 Date MSHA No. Issued 01-Aug-81  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1201333 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-05729 Date MSHA No. Issued 25-Oct-89  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1201409 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee) Lick Branch Mining Corp  
MSHA No. 44-06702 Date MSHA No. Issued 01-Jul-92  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number 1200675 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 44-03479 Date MSHA No. Issued 22-Aug-89  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Name of applicant or person Sea B Mining Company  
Address P.O. Box 58  
City Jewell Ridge State VA Zip 24622  
Telephone Number 703-881-8421  
FEIN 54-1289911 Social Security No. N/A

Permit Number 0202037 State/Regulatory Authority VA DMLR  
Applicant/Permittee Name Sea B Mining Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. Not Issued Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Name of applicant or person Sewell Coal Company  
Address P.O. Box 75  
City Lookout State WV Zip 25686  
Telephone Number 304-792-6200  
FEIN 55-0364537 Social Security No. N/A

Permit Number EM-102 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Sewell Coal Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 46-01477 Date MSHA No. Issued 13-Apr-73  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number EM-111 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Sewell Coal Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 46-01478 Date MSHA No. Issued 13-Apr-73  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number P-642 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Sewell Coal Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 46-03224 Date MSHA No. Issued 13-Apr-73  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number U-9-84 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Sewell Coal Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 1211WV40073-02 Date MSHA No. Issued 13-Apr-73  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number R-644 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Sewell Coal Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 1211WV40047-01 Date MSHA No. Issued 13-Apr-73  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number P-653 State/Regulatory Authority WV DEP

Name of applicant or person Sewell Coal Company  
Address P.O. Box 75  
City Lookout State WV Zip 25686  
Telephone Number 304-792-6200  
FEIN 55-0364537 Social Security No. N/A

Applicant/Permittee Name Sewell Coal Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 46-03252 Date MSHA No. Issued 13-Apr-73  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number EM-112 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Sewell Coal Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. N/A Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number U-3068-86 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Sewell Coal Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. Not Started Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number P-652 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Sewell Coal Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. N/A Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number P-677 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Sewell Coal Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 46-02290 Date MSHA No. Issued 13-Apr-73  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number R-707 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Sewell Coal Company

Name of applicant or person Sewell Coal Company  
Address P.O. Box 75  
City Lookout State WV Zip 25686  
Telephone Number 304-792-6200  
FEIN 55-0364537 Social Security No. N/A

Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. N/A Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number U-3066-86 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Sewell Coal Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. Not Issued Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number U-9-84 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Sewell Coal Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 46-03859 Date MSHA No. Issued 13-Apr-73  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number EM-95 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Sewell Coal Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 46-01477 Date MSHA No. Issued 13-Apr-73  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number EM-109 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Sewell Coal Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 46-01478 Date MSHA No. Issued 13-Apr-73  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number H-652 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Sewell Coal Company  
Operator Name(If different from Permittee)\_\_\_\_

Name of applicant or person Sewell Coal Company  
Address P.O. Box 75  
City Lookout State WV Zip 25686  
Telephone Number 304-792-6200  
FEIN 55-0364537 Social Security No. N/A

MSHA No. N/A Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number R-671 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Sewell Coal Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 1211WV40047-01 Date MSHA No. Issued 13-Apr-73  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number R-690 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Sewell Coal Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 1211WV40047-01 Date MSHA No. Issued 13-Apr-73  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number S-119-80 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Sewell Coal Company  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. N/A Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number P-653 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Sewell Coal Company  
Operator Name(If different from Permittee) Holcomb Energy Inc  
MSHA No. 46-03252 Date MSHA No. Issued 18-Feb-83  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number \_\_ State/Regulatory Authority\_  
Applicant/Permittee Name \_\_\_\_  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. \_\_ Date MSHA No. Issued \_\_\_\_\_

Name of applicant or person Sewell Coal Company  
Address P.O. Box 75  
City Lookout State WV Zip 25686  
Telephone Number 304-792-6200  
FEIN 55-0364537 Social Security No. N/A

Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number R-715 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Sewell Coal Company  
Operator Name(If different from Permittee)   
MSHA No. N/A Date MSHA No. Issued   
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Name of applicant or person Vandalia Resources, Inc.  
Address POB 7 No. 83 Adena Drive  
City Mt. Carbon State WV Zip 25139  
Telephone Number 304-442-5448  
FEIN 61-1233476 Social Security No. N/A

Permit Number S-6019-89 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Vandalia Resources, Inc.  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 46-08133 Date MSHA No. Issued 28-Jan-92  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number O-3059-87 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Vandalia Resources, Inc.  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 46-06497 Date MSHA No. Issued 18-Dec-89  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number U-6023-88 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Vandalia Resources, Inc.  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 46-07786 Date MSHA No. Issued 24-Oct-89  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number U-6014-89 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Vandalia Resources, Inc.  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 46-08133 Date MSHA No. Issued 28-Jan-92  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number O-3033-91 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Vandalia Resources, Inc.  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 46-08172 Date MSHA No. Issued 27-Apr-92  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number O-6021-88 State/Regulatory Authority WV DEP

Name of applicant or person Vandalia Resources, Inc.  
Address POB 7 No. 83 Adena Drive  
City Mt. Carbon State WV Zip 25139  
Telephone Number 304-442-5448  
FEIN 61-1233476 Social Security No. N/A

Applicant/Permittee Name Vandalia Resources, Inc.  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. Not Issued Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number SMA-3010-92 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Vandalia Resources, Inc.  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. Not Issued Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number SMA-3009-92 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Vandalia Resources, Inc.  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. Not Issued Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number SMA-3022-92 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Vandalia Resources, Inc.  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. Not Issued Date MSHA No. Issued \_\_\_\_\_  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number O-6021-89 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Vandalia Resources, Inc.  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 1211WV4640202-03 Date MSHA No. Issued 30-Sep-88  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number S-73-85 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Vandalia Resources, Inc.

Name of applicant or person Vandalia Resources, Inc.  
Address POB 7 No. 83 Adena Drive  
City Mt. Carbon State WV Zip 25139  
Telephone Number 304-442-5448  
FEIN 61-1233476 Social Security No. N/A

Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 46-07012 Date MSHA No. Issued 17-Nov-86  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number O-6013-88 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Vandalia Resources, Inc.  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 1211WV4640202-02 Date MSHA No. Issued 30-Sep-88  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number U-6018-86 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Vandalia Resources, Inc.  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 46-07288 Date MSHA No. Issued 28-Apr-87  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number U-6037-86 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Vandalia Resources, Inc.  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 46-07266 Date MSHA No. Issued 11-Mar-87  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number U-6022-88 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Vandalia Resources, Inc.  
Operator Name(If different from Permittee)\_\_\_\_  
MSHA No. 46-07786 Date MSHA No. Issued 24-Oct-89  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number O-3059-87 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Vandalia Resources, Inc.  
Operator Name(If different from Permittee) KCC Incorporated

Name of applicant or person Vandalia Resources, Inc.  
Address POB 7 No. 83 Adena Drive  
City Mt. Carbon State WV Zip 25139  
Telephone Number 304-442-5448  
FEIN 61-1233476 Social Security No. N/A

MSHA No. 46-06497 Date MSHA No. Issued 04-Feb-93  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number U-6018-86 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Vandalia Resources, Inc.  
Operator Name(If different from Permittee) Double S Mining, Inc.  
MSHA No. 46-07288 Date MSHA No. Issued 19-Nov-90  
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number SMA-2004-94 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Vandalia Resources, Inc.  
Operator Name(If different from Permittee)   
MSHA No. Pending Date MSHA No. Issued   
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number SMA-2006-94 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Vandalia Resources, Inc.  
Operator Name(If different from Permittee)   
MSHA No. Pending Date MSHA No. Issued   
Ownership/Control relationship to applicant Wholly owned subsidiary  
Location in Organization Structure Below Applicant  
Percent of Ownership N/A Beginning Date of Ownership N/A

Name of applicant or person Vantage Mining Company  
Address P.O. Box 58  
City Jewell Ridge State VA Zip 24622  
Telephone Number 703-881-8421  
FEIN 54-1289908 Social Security No. N/A

Permit Number P-727 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Vantage Mining Company  
Operator Name(If different from Permittee)   
MSHA No. 46-03323 Date MSHA No. Issued 07-Nov-85  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number EM-75 State/Regulatory Authority WV DEP  
Applicant/Permittee Name Vantage Mining Company  
Operator Name(If different from Permittee)   
MSHA No. 46-01939 Date MSHA No. Issued 05-Feb-91  
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

Permit Number  State/Regulatory Authority   
Applicant/Permittee Name   
Operator Name(If different from Permittee)   
MSHA No.  Date MSHA No. Issued   
Ownership/Control relationship to applicant N/A  
Location in Organization Structure N/A  
Percent of Ownership N/A Beginning Date of Ownership N/A

# ATTACHMENT

4

## Violation History for Castle Gate Holding Company & Affiliate Companies

LOCATION : AMAX COAL COMPANY / AYRSHERE

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
3/5/97 IN-DONR N70306	AYRSHERE S-00004 12-01031 1973	Failure to utilize proper mining and reclamation methods and sediment control practices to retain sediment within the disturbed area.	Stabilize the area by mulching and seeding.	5/1/97 Pending Assessed:

LOCATION : AMAX COAL COMPANY / CASTLE GATE

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
5/22/95 UT-DOGM 95-41-1-1	CASTLE GATE ACT/007/004 42-00165 1986	Failure to submit blast design for operations conducted within 500 feet of underground mine.	Submit blast design information in timely manner and as required.	6/2/95 Terminated: 6/13/95 Assessed:
11/27/95 UT-DOGM 95-41-3-1	CASTLE GATE ACT/007/004 42-00165 1986	Failure to conduct water monitoring in accordance with the approved mining and reclamation plan.	1. Sample B-22 spring in accordance with plan; 2. Move sign for B-22 to where the spring is; 3 Alter report summary forms reflecting correct description of site.	1/31/95 Terminated: 1/17/96 Assessed:
1/3/97 UT-DOGM 97-41-1-3	CASTLE GATE ACT/007/004 42-00165 1986	1.Failure to locate/maintain/construct sediment control/drainage control; 2.Failure to control non-coal waste; 3.Failure to conduct mining within hydrologic balance.	1.Maintain design plan; 2. Control non-coal waste; 3. Maintain silt fence and build sediment trap.	4/30/97 Pending Assessed:

LOCATION : AMAX COAL COMPANY / CHINOOK

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
5/16/95 IN-DONR N50516	CHINOOK S-00039 12-00322 1969	Failure to complete backfilling and grading of overburden within time restraints.	Complete the required backfilling and grading.	8/14/95 Terminated: 8/15/95 Assessed: \$900.00
4/18/96 IN-DONR N60418	CHINOOK S-00039 12-00322 1969	Failure to meet applicable federal and state effluent standards.	Meet applicable federal and state effluent limitations.	6/13/96 Terminated: 8/27/96 Assessed:
12/9/96 IN-DONR N61209	CHINOOK S-00039 12-00322 1969	Failure to complete backfilling and grading of overburden deposits and achieve contemporaneous reclamation.	Complete reclamation.	6/6/97 Pending Assessed: \$800.00
4/10/96 IN-DONR N60410	CHINOOK S-00063 12-00322 1969	Failure to protect stockpiled and replaced soil material.	Remove topsoil from unstable location; stabilize unprotected areas establishing vegetative cover.	7/9/96 Terminated: 7/11/96 Assessed:
5/13/96 IN-DONR N60513	CHINOOK S-00063 12-00322 1969	Failure to remove topsoil prior to disturbance.	Remove subsoil and subsoil material that has been placed upon the topsoil.	5/13/96 Terminated: 7/11/96 Assessed:
11/22/96 IN-DONR N61125	CHINOOK S-00063 12-00322 1969	Failure to conduct blasting within maximum air overpressure limit.	Conduct blasting within maximum air overpressure limit of 133.0.	11/25/96 Terminated: 11/25/96 Assessed: \$800.00
3/11/97 IN-DONR N70311	CHINOOK S-00063 12-00322 1969	Failure to complete backfill and reclamation on overburden.	Complete reclamation; submit revised post mine land use permit; reclaim 2 of 3 gob disposal areas.	8/29/97 Pending Assessed:

LOCATION : AMAX COAL COMPANY / WABASH

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
9/25/95 IL-DOMM 30-3-95	WABASH 39 11-00877 1973	Diesel oil spilled into sediment pond 001 then discharged into channel and continued off permit area.	Remove and dispose of discharged diesel oil.	9/28/95 Terminated: 9/28/95 Assessed:
9/12/95 IN-DNR N50912	WABASH U-00001 11-00877 1973	Failure to mine according to plan.	Identify where coal pillar removal has exceeded approved plan; submit for approval monitoring plan for subsidence.	Terminated: 4/12/96 Assessed:

LOCATION : AYRSHIRE LAND COMPANY / PENNDIANA

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
10/17/95 IN-DONR N51017	PENNDIANA (to AMAX CO S-00256 12-02061 1990	1. Failure to conduct airblast monitoring; 2. Failure to flag vicinity of charged holes.	1. Conduct airblast monitoring; 2. Conspicuously flag charged holes.	11/13/95 Pending Assessed:

Wednesday, April 08, 1998

NOVS

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INDIANA

LOCATION : BEECH COAL COMPANY / SYCAMORE

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
5/3/95 IN-DONR N50503	SYCAMORE (to Beech Coal) S-00222 12-02063 1990	Failure to pass all surface drainage from the disturbed area through an approved siltation structure.	Route all surface drainage from the disturbed area through an approved siltation structure.	5/9/95 Terminated: 5/9/95 Assessed:

LOCATION : BUCKHORN PROCESSING COMPANY

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
10/27/95 KY-DSMRE 061023	BULAN LOADOUT 897-6006 15-04442 6/10/77	Excess suspended solids entering creek.	Stop excess solids entering into creek.	10/27/95 Terminated: 10/27/95 Assessed:
10/27/95 KY-DSMRE 610148	BULAN LOADOUT 897-6006 15-04442 6/10/77	Failure to meet effluent limitations.	Operate within effluent limitations.	10/30/95 Terminated: 10/30/95 Assessed:
9/15/95 KY-DSMRE 610196	BULAN LOADOUT 897-6006 15-04442 6/10/77	Failure to meet effluent limitations.	Take actions to prevent discharge from exceeding maximum allowable effluent limitations.	9/16/95 Terminated: 9/16/95 Assessed:

LOCATION : Bentley Coal Company

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
6/10/96 WV-DEP 6	BENTLEY O-2023-88 46-07592 10/13/88	Failed to maintain drainage control.	Repair diversion ditch #1 under beltline.	6/28/96 Terminated: 6/28/96 Assessed: \$420.00
1/24/96 WV-DEP 10	BENTLEY S-2017-87 46-07204 9/24/86	Failed to meet effluent limits set forth in NPDES permit.	Meet effluent limits.	1/29/96 Terminated: 1/29/96 Assessed: \$806.00
3/1/96 WV-DEP 11	BENTLEY S-2017-87 46-07204 9/24/86	Failed to meet effluent limits set forth in NPDES permit.	Meet effluent limits.	3/8/96 Terminated: 3/7/96 Assessed: \$712.00
4/19/96 WV-DEP 12	BENTLEY S-2017-87 46-07204 9/24/86	Failed to prevent blasted material from leaving the permit area.	Clean up material off of permit area.	6/21/96 Terminated: 6/21/96 Assessed: \$700.00
5/9/95 OSMRE 95-112-036-01	BENTLEY IDLE S-75-81 46-06367 8/25/81	Failed to meet effluent limits.	Treat water to achieve compliance.	6/1/95 Terminated: 6/1/95
6/10/96 WV-DEP 9	BENTLEY U-2009-88 46-07591 10/13/88	Failed to stabilize coal refuse surface and slopes.	Repair erosion on refuse and clean out sediment ditch #3.	6/28/96 Terminated: 6/28/96 Assessed: \$420.00

LOCATION : COLORADO YAMPA COAL COMPANY

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
3/7/96 CO-DMG C-96-004	ECKMAN PARK MINE 1 & C-81-071 05-00302 3/15/73	Failure to submit 1994 annual hydrology report as required by permit and rule.	Submit a full and complete 1994 annual hydrology report.	3/31/96 Terminated: 3/28/96 Assessed: \$750.00
8/1/97 CO-DMG CV-97-012	ECKMAN PARK MINE 1 & C-81-071 05-00302 3/15/73	Failure to conduct the second quarter 1997 pond inspections as required.	Conduce second quarter pond inspections and submit them to Division of Minerals and Geology.	8/31/97 Terminated: 8/15/97 Assessed: \$1,000.00

LOCATION : CYPRUS CUMBERLAND COAL CORPORATION

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
3/3/98 KY-DSMRE KY0082694	LAUREL BRANCH 15-05358 2/28/73	Permit No. 866-5047: Failure to report spill or by-pass; Degradation of water of Kentucky; Failure to properly operate/maintain pollution elimination system.	Cease discharge of discolored water immediately; other to be determined by Enforcement Branch, Div. of Water, Kentucky.	3/9/98 Pending Assessed:
5/9/94 KY-DSMRE 210027	TOM FORK CONTOUR 807-0033 15-03320 2/27/73	Slide off permit area.	Remedial measures ongoing.	Pending Assessed:
3/24/94 KY-DSMRE 028108	JOB #7 807-0097 15-05358 2/28/73	Slide off permit on increment #1 at northern end of diversion D4.	Remedial measures ongoing.	Pending Assessed:
6/13/97 KY-DSMRE 210260	JOB #7 807-0097 15-05358 2/28/73	Off permit disturbance for an access road.	Remediate disturbance.	7/10/97 Terminated: 8/11/97 Assessed:
5/31/96 KY-DSMRE 210405	JOB #7 807-0097 15-05358 2/28/73	Discharge at sediment Pond 1-FIA; off permit disturbance at increment No. 1; sediment level exceeds clean out level.	Provide sediment control; regrade and stabilize disturbance; remove sediment debris.	6/30/96 Terminated: 9/30/96 Assessed:
8/27/97 KY-DSMRE 210621	JOB #7 807-0097 15-05358 2/28/73	Off permit disturbance for an access road.	Remediate disturbance.	9/27/97 Terminated: 10/2/97 Assessed:
9/6/95 KY-DSMRE 210264	CY HOSKINS CONTOUR 807-0202 15-03320 2/27/73	Flyrock permitted to leave boundary.	Control Flyrock.	9/12/95 Terminated: 9/12/95 Assessed:
4/17/97 KY-DSMRE 210706	CY HOSKINS CONTOUR 807-0202 15-03320 2/27/73	Flyrock off permit.	Rock bound up and returned to permit area.	5/13/97 Terminated 5/13/97 Assessed: \$900.00
9/23/97 KY-DSMRE 610515	PINE MOUNTAIN WASHE 866-5047 15-15682 7/15/86	Disturbed excess underground area not permitted.	Amend permit to include underground area.	10/24/97 Terminated: 10/24/97 Assessed:
7/31/97 OSM 97-081-061-002	TVA K057 15-05358 2/28/73	Failure to prevent spoil placement on the downslope and off the permit.	Stabilize slope and permit area.	Terminated: 8/29/97 Assessed:

LOCATION : CYPRUS CUMBERLAND COAL CORPORATION

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
6/6/96 OSM 96-081-136-005	TVA K057 15-05358      2/28/73	Allowing surface drainage to discharge over fill outslopes.	Contain Water.	8/6/96 Terminated: 7/12/96 Assessed:
1/30/98 OSM 98-081-136-001	TVA K057 15-05358      2/28/73	Failure to prevent spoil placement on the downslope of the No. 9 seam.	Stablize soil on downslope	Pending Assessed:      \$2,970.00

LOCATION : CYPRUS CUMBERLAND RESOURCES CORPORATION

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
2/27/97 PA-DER (BMR) 01-97	CUMBERLAND MINE 30831303 36-05018 6/7/93	GVBH site 35-1 was within 300 feet of an occupied dwelling.	Move borehole and reclaim site.	Terminated: 2/27/97 Assessed:

LOCATION : CYPRUS EMERALD RESOURCES CORPORATION

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
8/15/95 PA-DER (BMR) 06-95	EMERALD #1 30841307 36-05466      9/12/77	Ditches along the CC silo road were filled with sediment.	Clean ditches and remove sediment.	Terminated: 8/15/95 Assessed:

LOCATION : CYPRUS PLATEAU MINING CORPORATION

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
6/24/96 UT-DOGM 96-26-1-1	STAR POINT ACT/007/006 42-00171 4/11/77	Failure to conduct refuse pile operations as approved and to meet performance standards on refuse pile.	Comply with refuse performance standards to effect proper drainage and control.	6/28/96 Terminated: 6/20/96 Assessed:
6/13/97 UT-DOGM 97-26-3-4	STAR POINT ACT/007/006 42-00171 4/11/77	Failure to maintain sediment control; failure to control erosion; failure to store non-coal waste; failure to maintain diversions.	Repair/cleanout sediment; repair/control erosion; remove all non-coal waste; remove sediment/regrade/re-establish ditch.	8/15/97 Terminated: 8/14/97 Assessed:
12/20/95 UT-DOGM N95-26-4-1	STAR POINT ACT/007/006 42-00171 4/11/77	Failure to maintain siltation structure and road drainage.	Clean sediment traps; maintain road drainage; repair road ruts.	12/21/95 Terminated: 12/21/95 Assessed:
3/27/97 UT-DOGM N97-26-1-1	STAR POINT ACT/007/006 42-00171 4/11/77	Failure to meet Utah Coal Rules performance standards on the maintenance of diversions.	Maintain diversions to meet design standards.	4/28/97 Terminated: 4/2/97 Assessed:
12/17/96 UT-DOGM 96-46-1-1	WILLOW CREEK MINE ACT/007/038 42-02113 1/10/95	Failure to conduct mining operations to minimize hydrologic disturbance.	Reduce water elevation in pond to one foot below elevation of haul road.	12/17/96 Terminated: 12/17/96 Assessed:
6/20/96 UT-DOGM 96-41-1-1	WILLOW CREEK MINE ACT/007/038 42-02113 1/10/95	Failure to conduct operations to minimize hydrologic disturbance within and outside permit area.	After the fact violation; remediation not practical.	Pending Assessed:
8/2/96 UT-DOGM 96-44-1-1	WILLOW CREEK MINE ACT/007/038 42-02113 1/10/95	Failure to conduct mining and reclamation operations to minimize disturbances to hydrologic balance.	Reestablish flow to portion of Willow Creek at quantity comparable to existing flow upstream portion.	9/12/96 Pending Assessed:
8/27/96 UT-DOGM 96-46-3-1	WILLOW CREEK MINE ACT/007/038 42-02113 1/10/95	Failure to properly control non-coal waste.	Clean up non-coal waste; Provide containers in area.	9/11/96 Pending Assessed:
12/9/96 UT-DOGM 96-46-4-3	WILLOW CREEK MINE ACT/007/038 42-02113 1/10/95	Failure to maintain ditch; Failure to maintain drainage.	Reinstall Ditch CAD-7 according to specifications; promote positive drainage of material toward diversions.	1/9/97 Terminated: 1/9/97 Assessed:
3/27/97 UT-DOGM 97-46-1-3	WILLOW CREEK MINE ACT/007/038 42-02113 1/10/95	Failure to maintain diversions/surface drainage ditches from obstructions; failure to control non-coal waste/trash; failure to properly construct sediment control measures.	Remove all trash, machinery, dirt, and other obstructions from ditches; clean up entire minesite; repair silt fence.	4/2/97 Pending Assessed:

LOCATION : CYPRUS PLATEAU MINING CORPORATION

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
7/4/97 UT-DOGM 97-46-5-1	WILLOW CREEK MINE ACT/007/038 42-02113      1/10/95	Failure to meet terms and conditions of permit; Failure to obtain Division approval to divert water from underground workings back into mine.	Submit amendment to permit and obtain division approval.	12/24/97 Terminated: 12/19/97 Assessed:

LOCATION : CYPRUS SHOSHONE COAL CORPORATION

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
8/14/97 WY-DEQ PWS ID#5601097	SHOSHONE 48-01186      6/7/78	Water system exceeds total coliform MCL for months of July through September.	Post notice at each water faucet at mine and publish notice in newspaper that facility has exceed the maximum contaminant level for total coliform.	9/1/97 Terminated: 9/19/97 Assessed:
6/17/96 WY-DEQ 100453	SHOSHONE 477-T3 48-01186      6/7/78	Failure to maintain sediment control; failure to protect topsoil in order to sustain vegetation.	Remove coal from drainage ditch; Reconstruct control berm and ditch; Remove coal chunks from topsoil stockpile.	6/17/97 Terminated 6/24/97 Assessed:
8/25/97 WY-DEQ 100850	SHOSHONE 477-T3 48-01186      6/7/78	Disposal of unauthorized non-mine generated refuse.	Properly remove and dispose of unauthorized refuse in permitted landfill.	8/29/97 Terminated: 9/12/97 Assessed:

LOCATION : Cannelton Industries, Inc./Indian Creek

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
10/23/96 WV-DEP 3	INDIAN CREEK IDLE D-101-82 46-04747 1975	Failed to submit annual certified inspection report on sediment control structures.	Conduct inspection and submit certified report on sediment control structures.	11/15/96 Terminated: 11/15/96 Assessed: \$648.00
12/10/96 WV-DEP 4	INDIAN CREEK IDLE D-101-82 46-04747 1975	Failed to meet effluent limits.	Treat to meet limits.	2/28/97 Terminated: 2/28/97 Assessed: \$746.00
6/28/95 WV-DEP 25	INDIAN CREEK O-36-82 REFUSE N/A	Failed to update Emergency Response Plan.	Update plan.	8/7/95 Terminated: 8/7/95 Assessed: \$361.00
2/6/96 WV-DEP 26	INDIAN CREEK O-36-82 REFUSE N/A	Failed to follow permit conditions to establish positive drainage to abutment ditches on refuse dam.	Repair underdrains to carry seepage to abutment ditches.	9/5/96 Terminated: 8/28/96 Assessed: \$801.00
2/6/96 WV-DEP 27	INDIAN CREEK O-36-82 REFUSE N/A	Failed to maintain access road to decant inlet at back of impoundment.	Grade access road to remove erosion and tire ruts and clear road of downed trees.	4/6/96 Terminated: 4/6/96
1/19/96 WV-DEP 19	INDIAN CREEK O-37-82 46-05992 4/19/79	Failure to clean sump when sediment exceeded 60% of design capacity.	Clean sump to restore 100% of design capacity.	1/31/96 Terminated: 1/30/96
2/15/96 WV-DEP 20	INDIAN CREEK O-37-82 46-05992 4/19/79	Failed to prevent additional contributions of suspended solids to stream flow outside of the permit area.	Maintain sump to prevent contributions of suspended solids to stream flow.	2/22/96 Terminated: 2/22/96
5/21/96 WV-DEP 14	INDIAN CREEK IDLE S-79-84 46-08091 9/04/91	Failed to maintain drainage control structures.	Clean out ditches 9B & F and repair outslope berm on diversion ditch to pond# 1.	6/25/96 Terminated: 6/21/96 Assessed: \$619.00
5/21/96 WV-DEP 15	INDIAN CREEK IDLE S-79-84 46-08091 9/04/91	Failed to stabilize backfill and eliminate highwall to ensure stability of backfill with a static safety factor of 1.3.	Backfill highwall to ensure static safety factor of 1.3 and eliminate all highwall.	7/17/96 Terminated: 7/17/96 Assessed: \$701.00
7/1/97 WV-DEP 16	INDIAN CREEK IDLE S-79-84 46-08091 9/04/91	Failed to stabilize backfill and eliminate highwall to ensure stability of backfill with a static safety factor of 1.3.	Backfill highwall to ensure static safety factor of 1.3 and eliminate all highwall.	5/15/97 Terminated: 5/15/97 Assessed: \$1,060.00

LOCATION : Cannelton Industries, Inc./Indian Creek

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
4/28/95 WV-DEP 16	INDIAN CREEK IDLE U-30-85 46-07282 4/22/87	Failed to initiate final backfilling and regrading operations within 180 days of completion of mining operations.	Begin final backfilling and regrading operations at Sandlick Portal.	5/12/95 Terminated: 5/12/95 Assessed: \$900.00
4/28/95 WV-DEP 4	INDIAN CREEK IDLE U-43-85 46-08091 9/04/91	Failed to achieve 1.3 static safety factor & prevent slide at top of spoil at 1-A Portal.	Repair, stabilize seed & mulch slide area to achieve 1.3 static safety factor & prevent slides.	7/6/95 Terminated: 7/6/95 Assessed: \$950.00
4/16/97 WV-DEP 20	INDIAN CREEK IDLE UO-356 46-08091 9/04/91	Failed to protect off-site areas from damage from mining in that slumping, sliding, and settling occurred in area west of the portal and above the pipeline bench.	Repair, stabilize, establish surface drainage and seed and mulch area west of portal and above pipeline bench.	5/1/97 Terminated: 5/1/97 Assessed: \$80.00

LOCATION : Cannelton Industries, Inc./Kanawha

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
6/2/97 WV-DEP 26	DUNN COAL & DOCK 4-81 46-08110 11/21/91	Failed to prevent off-site damage from a slide due to mining operations.	Remove slide material from road and Hughes Creek, complete contour cut on North Ridge.	6/26/97 Terminated: 6/26/97 Assessed: \$3,750.00
3/24/95 WV-DEP 14	DUNN COAL & DOCK 4-81 46-08110 11/21/91	Placed spoil on the downslope in advance of the lowest seam being mined.	Remove downslope material.	5/25/95 Terminated: 4/14/95 Assessed: \$340.00
4/14/95 WV-DEP 15	DUNN COAL & DOCK 4-81 46-08110 11/21/91	Failed to maintain effluent limitation with discharge of Manganese of more than 1 ppm.	Maintain discharge within the effluent limits.	4/14/95 Terminated: 4/14/95 Assessed: \$440.00
6/1/95 WV-DEP 16	DUNN COAL & DOCK 4-81 46-08110 11/21/91	Failed to pass runoff from all disturbed areas through approved sediment control.	Provide temporary sediment control to area above 2 North Portal.	7/8/95 Terminated: 6/14/95 Assessed: \$850.00
8/7/95 WV-DEP 17	DUNN COAL & DOCK 4-81 46-08110 11/21/91	Failed to maintain effluent limits.	Maintain effluent limits.	8/12/95 Terminated: 8/12/95 Assessed: \$1,200.00
8/10/95 WV-DEP 18	DUNN COAL & DOCK 4-81 46-08110 11/21/91	Failed to maintain sediment control structure.	Remove material from sediment control structure.	11/16/95 Terminated: 11/16/95 Assessed: \$1,200.00
8/10/95 WV-DEP 19	DUNN COAL & DOCK 4-81 46-08110 11/21/91	Failed to pass runoff from all disturbed areas through approved sediment control.	Provide temporary sediment control to area above 2 North Portal.	8/31/95 Terminated: 8/31/95 Assessed: \$1,412.00
9/24/96 WV-DEP 20	DUNN COAL & DOCK 4-81 46-08110 11/21/91	Failed to maintain drainage at pond #1, pond leaked causing slide below pond and off bonded area.	Repair leak in pond, repair slide area and submit an IBR to bond all off permit disturbance.	12/23/96 Terminated: 12/23/97 Assessed: \$480.00
12/2/96 WV-DEP 21	DUNN COAL & DOCK 4-81 46-08110 11/21/91	Failed to prevent off-site damage from a slide due to mining operations.	Clean all loose material from Hughes Cr. and sediment ditches. Stabilize material and sediment ditch. Submit IBR to bond off-site area.	3/3/97 Terminated: 3/3/97 Assessed: \$980.00
2/10/97 WV-DEP 22	DUNN COAL & DOCK 4-81 46-08110 11/21/91	Failed to prevent off-site damage from a slide due to mining operations.	Clean material from downslope, re-establish sediment control.	3/29/97 Terminated: 3/29/97 Assessed: \$1,160.00

LOCATION : Cannelton Industries, Inc./Kanawha

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
3/3/97 WV-DEP 23	DUNN COAL & DOCK 4-81 46-08110 11/21/91	Failed to prevent off-site damage from a slide due to mining operations.	Clean all material from downslope & Hughes Creek. Activate equipment to establish a contour cut on Stockton level from both ends of North Ridge & continue until contour is complete.	6/9/97 Terminated: 6/2/97 Assessed: \$1,340.00
5/30/97 WV-DEP 24	DUNN COAL & DOCK 4-81 46-08110 11/21/91	Failed to keep reclamation current in accordance with the approved plan.	Complete necessary reclamation activities to bring operation current with the plan.	10/24/97 Terminated: 10/24/97 Assessed: \$1,379.00
5/30/97 WV-DEP 25	DUNN COAL & DOCK 4-81 46-08110 11/21/91	Failed to maintain drainage control.	Seal breach in berm and seed out slopes.	6/16/97 Terminated: 6/16/97 Assessed: \$1,600.00
6/26/97 WV-DEP 27	DUNN COAL & DOCK 4-81 46-08110 11/21/91	Failed to prevent off-site damage from a slide due to mining operations.	Finish cleaning loose material from downslope, seed all affected areas, clean sediment build-up from Hughes Creek	10/24/97 Terminated: 10/24/97 Assessed: \$2,140.00
6/26/97 WV-DEP 28	DUNN COAL & DOCK 4-81 46-08110 11/21/91	Failed to properly dispose of acid toxic material in that acid/toxic material was placed in valley fill #4.	Remove all acid/toxic material from the confines of the valley fill & dispose of in accordance with the approved plan.	6/30/97 Terminated: 6/30/97 Assessed: \$1,606.00
11/13/97 WV-DEP 29	DUNN COAL & DOCK 4-81 46-08110 11/21/91	Failed to prevent off-site damage from a slide due to mining operations.	Clean all material from downslope & Hughes Creek.	12/1/97 Terminated: 12/1/97 Assessed: \$1,763.00
2/6/98 WV-DEP 30	DUNN COAL & DOCK 4-81 46-08110 11/21/91	Failed to protect off-site areas from damage caused by slide due to mining operations.	Clean all material from downslope & Hughes Creek.	2/9/98 Terminated: 2/9/98
2/8/96 WV-DEP 19	KANAWHA IDLE 45-77 46-08110 11/21/91	Failed to properly maintain haul road so as to contain drainage.	Clean sumps to restore 100% capacity grade road & clean ditches.	2/13/96 Terminated: 2/13/96 Assessed: \$760.00
1/5/98 WV-DEP 20	KANAWHA 45-77 46-08110 11/21/91	Failed to protect offsite areas from damages caused by mining operations.	Clean sumps, ditches & berms to allow drainage to flow as designed.	1/7/98 Terminated: 2/6/98
9/21/95 WV-DEP 42	LADY DUNN PLANT O-75-82 46-03317 3/20/73	Failed to clean sediment control structure when sediment accumulation exceeds 60% design capacity.	Clean sediment control structures to restore 100% design capacity.	9/26/95 Terminated: 9/26/95 Assessed: \$812.00

LOCATION : Cannelton Industries, Inc./Kanawha

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
9/21/95 WV-DEP 43	LADY DUNN PLANT O-75-82 46-03317 3/20/73	Failed to maintain effluent limits as set forth in NPDES Permit.	Maintain effluent limits.	9/21/95 Terminated: 9/21/95 Assessed: \$1,356.00
10/17/95 WV-DEP 44	LADY DUNN PLANT O-75-82 46-03317 3/20/73	Failed to control fugitive dust from roads.	Adequately water roads for dust control.	10/24/95 Terminated: 10/17/95 Assessed: \$1,140.00
12/18/95 WV-DEP 45	LADY DUNN PLANT O-75-82 46-03317 3/20/73	Failed to properly maintain drainage system of pond 10, short circuiting.	Clean pond 10 & associated sump to 100% of design capacity. Repair pipe below pond 10.	12/19/95 Terminated: 12/19/95 Assessed: \$1,297.00
12/21/95 WV-DEP 46	LADY DUNN PLANT O-75-82 46-03317 3/20/73	Located part of mining operation off of the bonded area.	Submit IBR to include road segment onto bonded area.	1/19/96 Terminated: 1/19/96 Assessed: \$697.00
1/3/96 WV-DEP 47	LADY DUNN PLANT O-75-82 46-03317 3/20/73	Failed to protect offsite areas from affects of mining operation.	Clean road and adjacent area.	1/4/96 Terminated: 1/4/96 Assessed: \$1,497.00
3/27/96 WV-DEP 48	LADY DUNN PLANT O-75-82 46-03317 3/20/73	Failed to control fugitive dust from the stockpile area.	Water all traffic areas in and around the stockpile area.	3/28/96 Terminated: 3/28/96 Assessed: \$1,213.00
3/27/96 WV-DEP 49	LADY DUNN PLANT O-75-82 46-03317 3/20/73	Failed to maintain effluent limits.	Treat all water to achieve effluent limits.	3/28/96 Terminated: 3/28/96 Assessed: \$1,600.00
10/7/96 WV-DEP 50	LADY DUNN PLANT O-75-82 46-03317 3/20/73	Failed to prevent black water discharge from slurry line break.	Repair slurry line, clean ponds, inspect line for integrity.	10/11/96 Terminated: 10/11/96 Assessed: \$1,740.00
1/28/97 WV-DEP 51	LADY DUNN PLANT O-75-82 46-03317 3/20/73	Failed to maintain effluent limits at outlet 012.	Treat water in pond #8 to meet effluent limits.	1/28/97 Terminated: 1/28/97 Assessed: \$1,000.00
3/6/97 WV-DEP 52	LADY DUNN PLANT O-75-82 46-03317 3/20/73	Failed to protect off-site areas from damage caused by slide due to mining operation.	Clean all material from downslope, stabilize slope & seed. Re-establish section of flume #1 that failed.	7/11/97 Terminated: 7/11/97 Assessed: \$800.00

LOCATION : Cannelton Industries, Inc./Kanawha

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
12/12/97 WV-DEP 53	LADY DUNN PLANT O-75-82 46-03317 3/20/73	Failed to protect offsite areas from damages caused by mining operations.	Acceleration lane cleaned Sprays have been upgraded to deliver more volume.	12/15/97 Terminated: 12/15/97 Assessed: \$1,198.00
12/18/95 WV-DEP 26	LADY DUNN PLANT S-127-82 REFUSE N/A	Failed to properly construct drainage system in accordance with the approved plan.	Construct all drainage systems in accordance with the approved plan or modify plan to conform to existing conditions.	2/16/96 Terminated: 2/14/96 Assessed: \$720.00
8/14/96 WV-DEP 27	LADY DUNN PLANT S-127-82 REFUSE N/A	Failed to maintain drainage control by allowing short circuiting from benches along edge ditches.	Reestablish all benches with a 2% slope & 20' width to drain water to edge ditches, reestablish drainage above beltline, clean underdrain at outlet, & riprap sections of edge ditch.	10/14/96 Terminated: 10/17/96 Assessed: \$1,226.00
2/27/98 WV-DEP 28	LADY DUNN PLANT S-127-82 REFUSE N/A	Failed to construct refuse area in accordance with the approved plan.	Place refuse in a controlled manner to achieve compaction, control drainage, and ensure stability.	3/13/98 Pending
9/15/95 WV-DEP 1	DUNN COAL & DOCK S-3014-91 46-07738 8/10/89	Failed to provide temporary sediment control in advance of mining activity.	Install and certify temporary sediment control.	10/15/95 Terminated: 10/15/95 Assessed: \$914.00
6/27/97 WV-DEP 2	DUNN COAL & DOCK S-3014-91 46-07738 8/10/89	Ceased mining for a period of more than 30 days without first obtaining inactive status.	File for inactive status, reactivate operations, or reclaim all disturbance.	7/28/97 Terminated: 7/28/97 Assessed: \$1,221.00
3/27/95 WV-DEP 34	DUNN COAL & DOCK S-6-84 46-08110 11/21/91	Failed to protect offsite areas from damages caused by mining operations.	Clean road.	4/4/95 Terminated: 4/4/95 Assessed: \$1,062.00
6/1/95 WV-DEP 35	DUNN COAL & DOCK S-6-84 46-08110 11/21/91	Failed to pass all runoff from disturbed areas through approved sediment control	Install temporary sediment control on point Northeast of Riffle Hollow.	7/8/95 Terminated: 6/14/95 Assessed: \$750.00
6/14/95 WV-DEP 36	DUNN COAL & DOCK S-6-84 46-08110 11/21/91	Failed to maintain an approved haulroad system.	Clean all sumps 80% or more full.	7/14/95 Terminated: 6/29/95 Assessed: \$812.00
5/17/96 WV-DEP 37	DUNN COAL & DOCK S-6-84 46-08110 11/21/91	Failed to maintain temporary sediment control.	Re-establish temporary sediment ditch and remove rock and debris from below ditch. Seed area.	5/31/96 Terminated: 5/31/96 Assessed: \$1,060.00

LOCATION : Cannelton Industries, Inc./Kanawha

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
8/26/96 WV-DEP 38	DUNN COAL & DOCK S-6-84 46-08110 11/21/91	Failed to protect off site areas in that shot material went off of bonded area.	Remove rock and spoil from the downslope, reclaim affected area, & submit an IBR to add the area to the permit.	9/30/96 Terminated: 9/30/96 Assessed: \$1,311.00
12/2/96 WV-DEP 39	DUNN COAL & DOCK S-6-84 46-08110 11/21/91	Placed material on the downslope with a steepness greater than 20 degrees.	Remove all material below the mining cut back to original ground. Establish permanent ditches & certify. Seed all affected areas.	6/16/97 Terminated: 6/16/97 Assessed: \$1,411.00
7/11/97 WV-DEP 40	DUNN COAL & DOCK S-6-84 46-08110 11/21/91	Failed to maintain an approved haulroad system.	Clean all sumps 80% or more full.	7/14/97 Terminated: 7/14/97 Assessed: \$1,231.00
10/14/97 WV-DEP 41	DUNN COAL & DOCK S-6-84 46-08110 11/21/91	Placed material on the downslope with a steepness greater than 20 degrees.	Remove all material below the mining cut back to original ground. Establish permanent ditches & certify. Seed all affected areas.	10/28/97 Terminated: 10/28/97 Assessed: \$860.00
12/16/97 WV-DEP 42	DUNN COAL & DOCK S-6-84 46-08110 11/21/91	Placed material on the downslope with a steepness greater than 20 degrees.	Remove all material below the mining cut back to original ground. Establish permanent ditches & certify. Seed all affected areas.	1/14/98 Terminated: 1/14/98
12/18/95 WV-DEP 15	LADY DUNN PLANT S-70-85 46-08110 11/21/91	Failed to maintain drainage system at sediment ditch #2.	Clean all material from sediment ditch #2 to restore 100% of design capacity.	12/19/95 Terminated: 12/19/95 Assessed: \$852.00
2/22/96 WV-DEP 41	KANAWHA IDLE S-88-83 46-08110 11/21/91	Failed to protect off-site areas from damage caused by slides.	Submit IBR to bond all off-site damage. Remove fallen trees, regrade & seed area.	5/22/96 Terminated: 5/22/96 Assessed: \$630.00
11/8/96 WV-DEP 4	STOCKTON U-3042-91 46-06051 9/11/79	Failed to maintain drainage control by allowing coal from stockpile to block drainage ditch.	Clean debris from drainage ditch to remove obstruction and return full capacity.	11/13/96 Terminated: 11/13/96 Assessed: \$788.00
3/19/97 WV-DEP 5	STOCKTON U-3042-91 46-06051 9/11/79	Failed to maintain drainage control by allowing blockage in drainage ditches.	Clean debris from drainage ditch to remove obstruction and return full capacity.	5/4/97 Terminated: 5/2/97 Assessed: \$600.00

LOCATION : Cannelton Industries, Inc./Pocahontas

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
12/15/95 WV-DEP 12	POCAHONTAS O-79-82 46-03303 3/19/73	Trucks tracking mud and water onto highway.	Maintain road and trucks to prevent tracking material onto highway.	12/18/95 Terminated: 12/18/95 Assessed: \$595.00
5/30/96 WV-DEP 13	POCAHONTAS O-79-82 46-03303 3/19/73	Failed to control spillage from coal trucks.	Road cleaned and trucks tarped.	6/3/96 Terminated: 6/3/96 Assessed: \$590.00
6/3/96 WV-DEP 14	POCAHONTAS O-79-82 46-03303 3/19/73	Failed to keep reclamation current.	Remove concrete structure & reclaim area at Big Four loadout.	8/15/96

LOCATION : Cyprus Kanawha Corporation

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
1/5/96 WV-DEP 7	ARMSTRONG CREEK H-25 46-07058 4/10/89	Failed to maintain a haulroad surface in a manner that controls erosion & siltation.	Grade haulroad and surface with a durable material.	4/2/96 Terminated: 4/2/96 Assessed: \$400.00
5/6/96 WV-DEP 6	ARMSTRONG CREEK IDL I-686 46-03115 4/10/89	Failed to properly maintain haulroads and ditches.	Clean all material off of haulroads and clean all ditches.	5/20/96 Terminated: 5/20/96
5/13/96 WV-DEP 2	ARMSTRONG CREEK IDL O-47-85 46-05145 4/10/89	Failed to submit request for extension of approved inactive status within 30 days of expiration.	Obtain approval for extension of inactive status.	6/27/96 Terminated: 6/27/96 Assessed: \$574.00
5/13/96 WV-DEP 7	ARMSTRONG CREEK IDL O-48-85 46-05145 4/10/89	Failed to submit request for extension of approved inactive status within 30 days of expiration.	Obtain approval for extension of inactive status.	6/27/96
10/15/96 WV-DEP 1	ARMSTRONG CREEK S-3007-95 46-07058 4/10/89	Company allowed contractor to blast for pond construction prior to completion of pre-blast surveys.	Cease all blasting until pre-blast surveys are completed and approved.	10/29/96 Terminated: 10/29/96 Assessed: \$1,069.00
10/17/96 WV-DEP 2	ARMSTRONG CREEK S-3007-95 46-07058 4/10/89	Failed to properly provide initial public notice of blasting operations.	Publish blasting ad.	11/1/96 Terminated: 10/29/96
12/4/96 WV-DEP 3	ARMSTRONG CREEK S-3007-95 46-07058 4/10/89	Failed to protect the hydrologic balance. Contractor pumping water causing siltation below pond.	Cease pumping until energy dissapator is installed.	12/4/96 Terminated: 12/4/96 Assessed: \$1,456.00
3/3/97 WV-DEP 4	ARMSTRONG CREEK S-3007-95 46-07058 4/10/89	Failed to follow approved plan in sediment pond construction.	Submit and obtain approval for permit revision.	8/6/97 Terminated: 8/6/97 Assessed: \$725.00
3/19/97 WV-DEP 5	ARMSTRONG CREEK S-3007-95 46-07058 4/10/89	Failed to pass all runoff from disturbed area through sediment structure.	Construct sump in ditch from pond cleaning road.	3/24/97 Terminated: 3/24/97
5/23/95 WV-DEP 1	ARMSTRONG CREEK S-3041-91 46-07058 4/10/89	Excess spoil was placed in an improper manner.	Remove all timber and place spoil in a controlled manner.	7/26/95 Terminated: 7/26/95 Assessed: \$701.00

LOCATION : Cyprus Kanawha Corporation

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
10/15/96 WV-DEP 2	ARMSTRONG CREEK S-3041-91 46-07058 4/10/89	Failed to keep blasting records current daily.	Keep blasting records current daily.	10/17/96 Terminated: 10/17/96 Assessed: \$506.00
11/7/96 WV-DEP 3	ARMSTRONG CREEK S-3041-91 46-07058 4/10/89	Failed to accurately record required information on blast record.	Record information accurately in blast records.	11/12/96 Terminated: 11/12/96 Assessed: \$419.00
12/3/96 WV-DEP 4	ARMSTRONG CREEK S-3041-91 46-07058 4/10/89	Failed to properly construct temporary sediment control system in accordance with approved plan.	Construct temporary sediment ditch.	7/2/97 Terminated: 7/2/97 Assessed: \$1,006.00
12/3/96 WV-DEP 5	ARMSTRONG CREEK S-3041-91 46-07058 4/10/89	Failed to protect off-site areas from damage from surface mining operations.	Clean up all material off bonded area and seed the area.	7/2/97 Terminated: 7/2/97 Assessed: \$1,331.00
3/13/97 WV-DEP 6	ARMSTRONG CREEK S-3041-91 46-07058 4/10/89	Failed to protect off-site areas from damage from surface mining operations.	Clean up all material off bonded area and seed the area.	10/24/97 Terminated: 10/24/97 Assessed: \$981.00
3/13/97 WV-DEP 7	ARMSTRONG CREEK S-3041-91 46-07058 4/10/89	Failed to properly construct temporary sediment control system in accordance with approved plan.	Construct temporary sediment ditch.	10/24/97 Terminated: 10/24/97 Assessed: \$1,431.00
8/5/97 WV-DEP 8	ARMSTRONG CREEK S-3041-91 46-07058 4/10/89	Allowed spoil material to be placed on the downslope where the natural ground slope exceeds 20 degrees.	Clean up all downslope material in Unknown Branch area and seed area disturbed.	9/4/97 Terminated: 9/4/97
2/18/98 WV-DEP 9	ARMSTRONG CREEK S-3041-91 46-07058 4/10/89	Failed to minimize disturbance to the hydrologic balance in that you caused a condition not allowable in state waters. Suspended solids in Unknown Branch.	Stabilize slide in Unknown Branch, treat water so that it does not cause a condition not allowable in state waters.	3/20/98 Pending
5/9/95 WV-DEP 22	ARMSTRONG CREEK S-3043-87 46-07058 4/10/89	Failed to control dust from the surface of a haulroad.	Road watered to control dust.	5/9/95 Terminated: 5/9/95 Assessed: \$577.00
5/26/95 WV-DEP 23	ARMSTRONG CREEK S-3043-87 46-07058 4/10/89	Failed to control dust from the surface of a haulroad.	Control dust.	6/12/95 Terminated: 6/12/95 Assessed: \$765.00

LOCATION : Cyprus Kanawha Corporation

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
7/25/96 WV-DEP 24	ARMSTRONG CREEK S-3043-87 46-07058 4/10/89	Failed to protect off-site areas from damage from slides during surface mining operations.	Clean up material, stabilize area, and seed all disturbance.	8/22/96 Terminated: 8/22/96 Assessed: \$578.00
2/3/97 WV-DEP 25	ARMSTRONG CREEK S-3043-87 46-07058 4/10/89	Failed to protect off-site areas from damage from slides during surface mining operations.	Clean up material, stabilize area, and seed all disturbance.	5/2/97 Terminated: 5/2/97 Assessed: \$1,200.00
2/21/97 WV-DEP 26	ARMSTRONG CREEK S-3043-87 46-07058 4/10/89	Failed to conduct blasting operations to prevent casting material beyond the permit limits.	Clean up material, stabilize area, and seed all disturbance.	5/2/97 Terminated: 5/2/97 Assessed: \$1,411.00
1/13/98 WV-DEP 27	ARMSTRONG CREEK S-3043-87 46-07058 4/10/89	Failed to minimize disturbance to the hydrologic balance in that a discharge caused conditions not allowable in state waters.	Clean sumps.	1/20/98 Terminated: 1/20/98
1/13/98 WV-DEP 28	ARMSTRONG CREEK S-3043-87 46-07058 4/10/89	Failed to properly maintain the Chilton Haulroad.	Remove all mud from road. Clean all sumps. Clean & re-establish all ditch lines. Surface road with a durable material.	3/20/98 Pending
2/20/96 WV-DEP 19	ARMSTRONG CREEK IDL S-3065-87 46-07386 4/10/89	Failed to maintain haulroad # 5.	Grade road and clean all ditches & sumps.	3/31/96 Terminated: 3/21/96 Assessed: \$500.00
5/26/97 WV-DEP 39	ARMSTRONG CREEK S-6020-89 46-07058 4/10/89	Failed to pass all run-off through sediment control structure.	Pass all run-off through sediment control structure.	5/26/97 Terminated: 5/26/97 Assessed:
5/1/95 WV-DEP 24	ARMSTRONG CREEK S-6020-89 46-07058 4/10/89	Discharge from disturbed area caused a violation of applicable water quality standards, discoloration of Paint Creek.	Prevent discoloration of Sycamore Hollow & Paint Creek while cleaning pond.	5/1/95 Terminated: 5/1/95 Assessed: \$1,269.00
6/13/95 WV-DEP 25	ARMSTRONG CREEK S-6020-89 46-07058 4/10/89	Failed to maintain effluent limits.	Maintain effluent limits and perform maintenance necessary to insure compliance.	7/13/95 Terminated: 7/13/95 Assessed: \$1,260.00
7/10/95 WV-DEP 26	ARMSTRONG CREEK S-6020-89 46-07058 4/10/89	Allowed flyrock & blasted material to go beyond the bounds of the permit area.	Clean up all material, seed all disturbance, submit permit modification to bond all disturbance.	9/25/95 Terminated: 9/25/95 Assessed: \$1,142.00

LOCATION : Cyprus Kanawha Corporation

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
8/8/95 WV-DEP 27	ARMSTRONG CREEK S-6020-89 46-07058 4/10/89	Failed to maintain effluent limits.	Maintain all effluent limits.	10/6/95 Terminated: 10/6/95 Assessed: \$1,010.00
8/10/95 WV-DEP 28	ARMSTRONG CREEK S-6020-89 46-07058 4/10/89	Allowed flyrock & blasted material to go beyond the bounds of the permit area.	Clean up all material, seed all disturbance.	11/10/95 Terminated: 10/31/95 Assessed: \$1,201.00
9/22/95 WV-DEP 29	ARMSTRONG CREEK S-6020-89 46-07058 4/10/89	Failed to minimize disturbance to hydrologic balance; discharge caused discoloration of receiving stream.	Eliminate discoloration of receiving stream.	10/6/95 Terminated: 10/6/95 Assessed: \$1,120.00
9/28/95 WV-DEP 30	ARMSTRONG CREEK S-6020-89 46-07058 4/10/89	Failed to maintain effluent limits.	Maintain all effluent limits.	10/12/95 Terminated: 10/12/95 Assessed: \$1,295.00
3/19/96 WV-DEP 31	ARMSTRONG CREEK S-6020-89 46-07058 4/10/89	Failed to properly maintain infrequently used access road to pond 6.	Grade access road, clean all sumps and ditch lines.	6/13/96 Terminated: 6/13/96 Assessed: \$1,501.00
4/19/96 WV-DEP 32	ARMSTRONG CREEK S-6020-89 46-07058 4/10/89	Failed to protect off site areas from damage from slides.	Stabilize & seed all disturbance to off site areas.	6/13/96 Terminated: 6/13/96 Assessed: \$2,391.00
9/9/96 WV-DEP 33	ARMSTRONG CREEK S-6020-89 46-07058 4/10/89	Failed to protect off site areas from damage from slides.	Clean up material that slid onto permit S-3019-86. Seed entire area.	9/23/96 Terminated: 9/23/96 Assessed: \$995.00
12/2/96 WV-DEP 34	ARMSTRONG CREEK S-6020-89 46-07058 4/10/89	Failed to clean out a sediment control structure when the accumulation reaches 60% of design capacity.	Clean Pond #6 to 100% capacity.	8/6/97 Terminated: 10/2/97 Assessed: \$960.00
3/1/97 WV-DEP 35	ARMSTRONG CREEK S-6020-89 46-07058 4/10/89	Failed to maintain effluent limits.	Maintain all effluent limits.	3/10/97 Terminated: 3/10/97 Assessed: \$1,540.00
3/19/97 WV-DEP 36	ARMSTRONG CREEK S-6020-89 46-07058 4/10/89	Failed to protect off site areas from damage from slides.	Clean up all material, seed all disturbance, submit permit modification to bond all disturbance.	5/23/97 Terminated: 5/23/97 Assessed: \$1,468.00

LOCATION : Cyprus Kanawha Corporation

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
3/19/97 WV-DEP 37	ARMSTRONG CREEK S-6020-89 46-07058 4/10/89	Failed to maintain effluent limits.	Maintain all effluent limits. Originally written as Cessation Order, converted to NOV 3/25/97.	5/23/97 Terminated: 3/24/97 Assessed:
3/24/97 WV-DEP 38	ARMSTRONG CREEK S-6020-89 46-07058 4/10/89	Failed to maintain effluent limits.	Maintain all effluent limits.	5/28/97 Terminated: 5/28/97 Assessed: \$1,981.00
6/1/97 WV-DEP 40	ARMSTRONG CREEK S-6020-89 46-07058 4/10/89	Failed to maintain effluent limits.	Maintain all effluent limits.	6/9/97 Terminated: 6/9/97 Assessed: \$1,698.00
5/26/97 WV-DEP 41	ARMSTRONG CREEK S-6020-89 46-07058 4/10/89	Failed to pass all run-off through sediment control structure.	Pass all run-off through sediment control structure.	5/26/97 Terminated: 5/26/97 Assessed: \$2,156.00
6/12/96 WV-DEP 12	ARMSTRONG CREEK IDL UO-570 Abandoned N/A	Failed to clean out a sediment control structure when accumulation reaches 60% of the design capacity.	Clean out sediment accumulation to restore 100% design capacity.	7/11/96 7/11/96
6/12/96 WV-DEP 13	ARMSTRONG CREEK IDL UO-570 Abandoned N/A	Failed to maintain effluent limits.	Maintain all effluent limits.	7/11/96 Terminated: 7/11/96 Assessed:
6/12/96 WV-DEP 14	ARMSTRONG CREEK IDL UO-570 Abandoned N/A	Failed to maintain access road to Pond #1.	Clean all sumps and repair access road to Pond #1.	7/11/96 Terminated: 7/11/96 Assessed: \$943.00

LOCATION : KENTUCKY PRINCE MINING COMPANY

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
9/29/93 KY-DSMRE 037456	ROWDY 897-0270 15-12419      6/26/80	Contemporaneous reclamation.	Reclaim to meet the standards.	Pending Assessed:
4/6/93 KY-DSMRE 037455	ROWDY 897-0284 15-12419      6/26/80	Slide off permit area.	Repair and bond area.	Pending Assessed:

LOCATION : LOST MOUNTAIN MINING COMPANY

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
10/3/95 KY-DSMRE 610143	JOB 1 497-0043 15-13937 2/22/83	Slide material has started to move once again.	Stabilize slide material.	9/3/96 Terminated: 9/4/96 Assessed:
1/16/96 KY-DSMRE 96-081-061-001	JOB 1 497-0043 15-13937 2/22/83	Alleged slide off permit.	Held in abeyance. Agreed order setting hearing.	5/31/96 Pending Assessed:
4/7/97 KY-DSMRE 610443	HAULROAD 497-7005 15-13937 2/22/83	Erosion along access road; Improper non-coal waste disposal.	Control erosion; Cease disposal of non-coal waste over hill.	6/7/97 Terminated: 6/19/97 Assessed:
3/13/96 KY-DSMRE 610255	JOB 6W 897-0283 15-13937 2/22/83	Slide off permit area northwest of BB26.	Stabilize, seed and mulch slide area; bring slide material within permit area.	8/12/96 Terminated: 7/9/96 Assessed:
4/8/97 KY-DSMRE 610444	JOB 6W 897-0283 15-13937 2/22/83	Sump on slope above HF#3; Backfill slumped on southeast side; slide above Pond #5; Gully in backfill below slope.	Fix sump; Regrade backfill slump; repair slide area; eliminate gully.	7/8/97 Terminated: 6/19/97 Assessed:
10/18/95 KY-DSMRE 611044	JOB 6W 897-0283 15-13937 2/22/83	Spillway blocked causing riprap to wash out resulting in erosion.	Clear obstruction to spillway and reconstruct riprap.	11/18/95 Terminated: 11/18/95 Assessed:
10/15/96 KY-DSMRE CO#061083	JOB 6W 897-0316 15-13937 2/22/83	1. Provide acceptable drinking water; 2. Re-establish and maintain long-term water supply.	Completed all required remedial measures. Cessation Order will be vacated based on agreement with Field Services.	12/16/96 Pending Assessed:
5/24/95 KY-DSMRE 610094	JOB 6W 897-0316 15-13937 2/22/83	Material placed in manner that caused a natural slide by excessive rainfall causing material to leave permitted area.	Move material back to permitted area; stabilize, seed & mulch slide area; bring disturbance associated with slide under permit.	8/17/95 Terminated: 8/17/95 Assessed:
3/6/96 KY-DSMRE 610216	JOB 6W 897-0316 15-13937 2/22/83	Mining activities have affected 5A water source.	Correct mining activities so as not to affect water source.	10/4/96 Terminated: 12/18/96 Assessed:
3/15/96 KY-DSMRE 610256	JOB 6W 897-0316 15-13937 2/22/83	Slide off permit area above Dam #3.	Stabilize slide and return materials to permitted area.	8/12/96 Terminated: 7/16/96 Assessed:

LOCATION : LOST MOUNTAIN MINING COMPANY

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
3/5/97 KY-DSMRE 610296	JOB 7 897-0329 15-13937      2/22/83	Pond RFI exceeded cleanout capacity.	Stabilize pond and cleanout.	6/4/97 Terminated: 5/19/97 Assessed:

LOCATION : Maple Meadow Mining Company

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
3/8/96 WV-DEP P300496-1	MAPLE MEADOW PROSP Prospecting N/A	Failed to follow approved plan.	Reclaim additional disturbance.	3/22/96 Terminated: 3/22/96
12/8/95 WV-DEP 7	MAPLE MEADOW O-58-83 46-04847 10/20/75	Failed to maintain haulroad to meet performance standards.	Re-establish proper drainage on haulroad at refuse area.	1/5/96 Terminated: 1/5/96 Assessed: \$750.00
12/8/95 WV-DEP 8	MAPLE MEADOW O-58-83 46-04847 10/20/75	Failed to grade refuse in accordance with performance standards.	Regrade refuse to establish drainage in accordance with the approved plan.	1/5/96 Terminated: 1/5/96 Assessed: \$756.00
2/15/96 WV-DEP 9	MAPLE MEADOW O-58-83 46-04847 10/20/75	Failed to meet effluent limits.	Meet effluent limits.	2/23/96 Terminated: 2/23/96 Assessed: \$1,440.00
2/15/96 WV-DEP 10	MAPLE MEADOW O-58-83 46-04847 10/20/75	Failed to clean out a sediment control structure when accumulation reaches 60% of the design capacity.	Clean out sediment accumulation to restore 100% design capacity.	4/15/96 Terminated: 4/15/96 Assessed: \$1,540.00
3/22/96 WV-DEP 11	MAPLE MEADOW O-58-83 46-04847 10/20/75	Placed combustible material in coal refuse disposal area.	Remove the four tires from the refuse area.	3/26/96 Terminated: 3/26/96
4/9/96 WV-DEP 12	MAPLE MEADOW O-58-83 46-04847 10/20/75	Failed to maintain edge ditch D as per approved plan.	Fill &/or grade edge ditch D so as to conform to plan.	4/19/96 Terminated: 4/19/96 Assessed: \$1,494.00
2/27/97 WV-DEP 13	MAPLE MEADOW O-58-83 46-04847 10/20/75	Failed to construct and/or maintain working edge ditches as per approved plan.	Construct and maintain edge ditches on refuse area as per approved plan.	3/28/97 Terminated: 3/28/97 Assessed: \$763.00
2/27/97 WV-DEP 14	MAPLE MEADOW O-58-83 46-04847 10/20/75	Failed to comply with the terms of the permit regarding the placement & grading of refuse.	Regrade refuse to establish drainage from the working surface to the edge ditches in accordance with the approved plan.	3/28/97 Terminated: 3/28/97 Assessed: \$1,000.00
2/27/97 WV-DEP 15	MAPLE MEADOW O-58-83 46-04847 10/20/75	Failed to maintain haulroad/access road to pond 8 to meet the performance standards.	Surface haulroad/access road to & around pond 8 with durable non-toxic material.	3/11/97 Terminated: 3/11/97 Assessed: \$1,100.00

LOCATION : Maple Meadow Mining Company

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
11/6/97 WV-DEP 16	MAPLE MEADOW O-58-83 46-04847 10/20/75	Failed to control fugitive dust from haulroad.	Control fugitive dust on haulroad.	11/6/97 Terminated: 11/6/97 Assessed: \$1,228.00
2/26/98 WV-DEP 17	MAPLE MEADOW O-58-83 46-04847 10/20/75	Failed to maintain working edge ditches B & C as per approved permit.	Reconstruct &/or maintain working edge ditches B & C of refuse as per approved permit.	3/26/98 Pending
2/26/98 WV-DEP 18	MAPLE MEADOW O-58-83 46-04847 10/20/75	Failed to comply with the terms & conditions of the permit, all applicable performance standards of the Act & regulations. (Placement & grading of refuse)	Re-grade refuse to establish drainage from the working area to the edge ditches.	3/26/98 Pending
2/26/98 WV-DEP 19	MAPLE MEADOW O-58-83 46-04847 10/20/75	Failed to follow method of operations &/or permit conditions in that amendment is not being added as per approved application.	Construct bin adjacent to the plant & mechanical feeder so as to distribute amendment to the plant's coal refuse belt in a proportional manner.	3/26/98 Pending
2/26/98 WV-DEP 20	MAPLE MEADOW O-58-83 46-04847 10/20/75	Have placed &/or allowed coal mine refuse material from activities located outside of your permitted area to be disposed of in your permitted area without approval by the director.	Cease placement or obtain approval from the director to place coal mine refuse material other than Beckley seam refuse in the pile.	3/26/98 Pending
11/6/97 WV-DEP 6	MAPLE MEADOW U-91-83 46-03374 8/07/72	Failed to control fugitive dust from haulroad.	Control fugitive dust on haulroad.	11/6/97 Terminated: 11/6/97 Assessed: \$928.00

LOCATION : SKYLINE COAL COMPANY

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
12/5/95 TN-OSMRE 95-091-120-004	BIG BRUSH CREEK 2846 40-02947 (Pit #1)987	Rills and gullies.	Seed and mulch areas.	Terminated: 5/28/96 Assessed:
9/24/92 TN-OSMRE 92-092-082-14	PINE RIDGE 2876 40-02998 1988	Failure to conduct mining in manner to minimize disruption to hydrologic balance.	Install wells; pumpback system and perform such other acts to facilitate a final solution to this problem.	Pending Assessed:
6/18/93 TN-OSMRE 93-28	PINE RIDGE 2876 40-02998 1988	BB-10 pump back not operating.		Pending Assessed:
12/29/93 TN-OSMRE 93-82	PINE RIDGE 2876 40-02998 1988	Leaking embankment at Basin 002 Pine Ridge.	Fix leak.	Pending Assessed:
2/14/94 TN-OSMRE 94-15	PINE RIDGE 2876 40-02998 1988	Elevated Manganese at Basin 003 Pine Ridge.		Pending Assessed:
5/9/94 TN-OSMRE 94-53	PINE RIDGE 2876 40-02998 1988	Elevated Manganese in Basin 001 Pine Ridge.		5/26/94 Pending Assessed:
5/10/94 TN-OSMRE 94-57	PINE RIDGE 2876 40-02998 1988	Discharge at 003.		Pending Assessed:
7/7/94 TN-OSMRE 94-71	PINE RIDGE 2876 40-02998 1988	Reissue of 94-57.		Pending Assessed:
4/5/95 TN-OSMRE 95-57	PINE RIDGE 2876 40-02998 1988	Basin 001 discharge .5 GPM high manganese.		Pending Assessed:
4/5/95 TN-OSMRE 95-58	PINE RIDGE 2876 40-02998 1988	Basin 001 Manganese at 4.43.		Pending Assessed:

LOCATION : SKYLINE COAL COMPANY

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
1/30/96 TN-OSMRE 96-091-100-001	PINE RIDGE 2876 40-02998 1988	pH too low.	Shut pond valve and treat the pond to raise the pH.	Terminated: 1/31/96 Assessed:
5/8/95 TN-OSMRE 95-81	BIG BRUSH CREEK 2895 40-02947 (Pit #1)987	Seep J.		Pending Assessed:
5/29/97 TN-OSMRE 97-90-043-003	BIG BRUSH CREEK 2895 40-02947 (Pit #1)987	Failure to provide sediment control measures to prevent runoff outside permit area.	Place straw bales below pond and construct berms and ditch with permit area.	6/30/97 Pending Assessed:
5/20/92 TN-OSMRE 92-38	GLADY FORK 2896 40-02947 (Pit #2)987	Wastewater discharge data did not comply with NPDES permit.	Long term plan to be submitted.	Pending Assessed:
3/28/94 TN-OSMRE 94-34	GLADY FORK 2896 40-02947 (Pit #2)987	Suspended solids at Basin 005 Gladly Fork.		4/12/94 Pending Assessed:
4/12/94 TN-OSMRE 94-41	GLADY FORK 2896 40-02947 (Pit #2)987	Discharge violation at 002 Gladly Fork.		4/29/94 Pending Assessed:
4/29/94 TN-OSMRE 94-49	GLADY FORK 2896 40-02947 (Pit #2)987	Elevated Iron and Manganese in Basins 002 and 003 Gladly Fork.		Pending Assessed:
4/29/94 TN-OSMRE 94-51	GLADY FORK 2896 40-02947 (Pit #2)987	Elevated Iron and Manganese in Basins 002 and 003 Gladly Fork.		5/24/94 Pending Assessed:
5/16/94 TN-OSMRE 94-58	GLADY FORK 2896 40-02947 (Pit #2)987	Suspended solids at Basing 005 Gladly Fork.		6/2/94 Pending Assessed:
5/12/94 TN-OSMRE 94-60	GLADY FORK 2896 40-02947 (Pit #2)987	Leaking spillway at 002A.		6/2/94 Pending Assessed:

LOCATION : SKYLINE COAL COMPANY

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
5/12/94 TN-OSMRE 94-61	GLADY FORK 2896 40-02947 (Pit #2)987	Seep #2 (F-5) flowing.		5/30/94 Pending Assessed:
5/12/94 TN-OSMRE 94-62	GLADY FORK 2896 40-02947 (Pit #2)987	Seeps below OW11ABC.		6/2/94 Pending Assessed:
4/14/94 TN-OSMRE 94-73	GLADY FORK 2896 40-02947 (Pit #2)987	Reissue of 94-49, 94-51 and 94-60.		Pending Assessed:
4/6/95 TN-OSMRE 95-59	GLADY FORK 2896 40-02947 (Pit #2)987	Seep 2.		Pending Assessed:
9/28/95 TN-OSMRE 95-91-120-003	GLADY FORK 2896 40-02947 (Pit #2)987	Sediment in Sp. Branch Road crossing.	Repaid ditches and install riprap and silt fence.	10/31/95 Terminated: 12/27/95 Assessed: \$1,500.00
6/23/97 TN-OSMRE 97-90-100-002	GLADY FORK 2896 40-02947 (Pit #2)987	Failure to maintain drainage control; sediment in ditches; unauthorized discharge.	Clean out ditches; seed and revegetate disturbed areas; prevent further discharges.	7/2/97 Terminated: 7/2/97 Assessed:
2/9/98 TN-OSMRE 98-90-043-001	BIG BRUSH CREEK NO. 2 2959 40-02947 1987	Failure to notify in writing residents/owners of property located within 1/2 mile of permit area to request preblasting survey.	Notify and provide proof of notification of residents of blasting.	2/18/98 Terminated: 2/17/98 Assessed:

LOCATION : STAR FIRE MINING COMPANY

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
8/3/95 KY-DSMRE 610087	JOB 5 460-0080 15-13936 2/23/83	1) Failure to achieve vegetation around SS#5; 2) off permit area when constructing silt str. #7, #8 and #9.	Revegetate as needed and perform construction within permit limits.	10/4/95 Terminated: 10/23/95 Assessed:
2/27/96 KY-DSMRE 610232	JOB 5 460-0080 15-13936 2/23/83	Allowed material to be placed beyond permitted area behind SS#3.	Return material to permitted area; stabilize and revegetate area.	7/1/96 Terminated: 7/1/96 Assessed:
10/9/95 KY-DSMRE 610282	JOB 5 460-0080 15-13936 2/23/83	Water Quality		10/11/95 Terminated: 10/11/95 Assessed:
4/29/97 KY-DSMRE 610391	JOB 5 460-0080 15-13936 2/23/83	Seed and mulch on Turner property; diversion ditches need construction.	Seed and mulch Turner property; Construct diversion ditches between SS#3 and SS#7.	7/28/97 Terminated: 7/28/97 Assessed:
4/25/97 KY-DSMRE 610395	JOB 5 460-0080 15-13936 2/23/83	Rocks allowed to leave permit area.	Contain rocks within permit area.	6/2/97 Terminated: 5/29/97 Assessed:
5/2/97 KY-DSMRE 610478	JOB 5 460-0080 15-13936 2/23/83	Failure to maintain surface and truck ramp; fugitive dust.	Control dust and maintain surface and truck ramp.	7/2/97 Terminated: 6/25/97 Assessed:
7/28/97 KY-DSMRE 610480	JOB 5 460-0080 15-13936 2/23/83	Material placed below permitted area.	Remove material off unpermitted area.	8/28/97 Terminated: 8/1/97 Assessed:
8/25/97 KY-DSMRE 610481	JOB 5 460-0080 15-13936 2/23/83	Allowed Rock to leave permitted area.	Return rock to permitted area.	8/25/97 Terminated: 8/25/97 Assessed:
1/5/96 KY-DSMRE 610220	HAULROAD 497-7004 15-13936 2/23/83	1. Durable Surface; 2. Material hauled onto route 1087.	Completed all remedial measures immediately.	1/12/96 Terminated: 1/12/96 Assessed:
8/4/95 KY-DSMRE 610167	JOB 5 860-0003 15-13936 2/23/83	Failure to achieve vegetation on area around BB#5.	Revegetate as needed.	9/25/95 Terminated: 9/25/95 Assessed:

LOCATION : STAR FIRE MINING COMPANY

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Adm'n. Proceedings
12/11/96 KY-DSMRE 610393	JOB 5 860-0047 15-13936 2/23/83	Dam #2-Kitchen fork discharge has exceeded water limitations - iron +10.0.	Bring discharges within limitations.	12/16/96 Terminated: 12/16/96 Assessed:
4/10/97 KY-DSMRE 610440	JOB 5 860-0047 15-13936 2/23/83	Unconsolidated material in hollow fill.	Consolidate material	4/24/97 Terminated: 4/24/97 Assessed:
11/16/95 Div.AirQual. 610218	JOB 7 860-0157 15-13936 2/23/83	Tracking material onto a paved road.	Control materials covering road from trucks.	11/28/95 Terminated: 11/30/96 Assessed:
11/27/96 KY-DSMRE 610280	JOB 7 860-0157 15-13936 2/23/83	Bare areas on Jake's Branch Hollowfill and Schoolhouse Branch Hollowfill.	Reseed and Revegetate.	12/27/96 Terminated: 12/17/96 Assessed:
8/3/95 KY-DSMRE 610088	JOB 5 860-0234 15-13936 2/23/83	Failure to backfill, grade, seed & mulch pit area on far end of dragline area bordering river coal co and 460-0080 and 860-0047.	Perform backfilling, grading, seeding and mulching as needed.	2/19/96 Terminated: 2/1/96 Assessed:
3/11/97 KY-DSMRE 610441	JOB 5 860-0234 15-13936 2/23/83	1. Backfill, grade, etc. spoil area; 2. Failed to backfill, etc. timely; 3. Regrade, seed, etc. permit area; 4. Allowed material to leave area; 5. Failed to follow brush disposal plan.	Backfill, grade, seed and mulch all areas; follow approved brush disposal plan.	8/27/97 Terminated: 9/16/97 Assessed:
11/13/97 KY-DSMRE 610525	JOB 5 860-0234 15-13936 2/23/83	Rocks off permit; failure to pass surface disturbance thru sediment pond; spoil and debris below bench; failure to remove timber; failure to maintain natural berm.	Make all corrections as necessary to terminate NOV.	4/15/98 Terminated: 12/13/97 Assessed:

LOCATION : TWENTYMILE COAL COMPANY

NOV Date Issuing Agency NOV No.	Mine Name Permit Number MSHA ID / Date	Nature of Violation	Remedial Measures	Abatement Date Violation Status Admin. Proceedings
4/27/95 CO-DMG C-95-010	FOIDEL CREEK C-82-056 05-03836 9/27/83	Failure to pass underground mine water discharge through a sediment pond or treatment facility.	Immediately cease discharging water; clean up coal find, deposited sediment; repair area with topsoil and reseed.	7/11/95 Terminated: 6/29/95 Assessed: \$1,250.00
4/27/95 CO-DMG C-95-011	FOIDEL CREEK C-82-056 05-03836 9/27/83	Failure to minimize disturbance of prevailing hydrologic balance.	Cleaned Coal from ditch, creek bank, road, and road ditch; reinstall berms; replace rock filter; clear culverts repair using topsoil and reseed.	7/11/95 Terminated: 4/17/95 Assessed: \$1,750.00
2/21/96 CO-DMG C-96-001	FOIDEL CREEK C-82-056 05-03836 9/27/83	Failure to maintain/control erosion and water ponding on haulroads	Restore, rehabilitate and maintain roads/surface to meet design criteria of permit.	4/5/96 Terminated: 3/29/96 Assessed: \$1,600.00
2/21/96 CO-DMG C-96-002	FOIDEL CREEK C-82-056 05-03836 9/27/83	Failure to minimize disturbance; to construct/maintain and certify Pond E relocation.	Eliminate short circuit; submit and implement technical revision to Pond E.	5/17/96 Terminated: 5/16/96 Assessed: \$1,850.00
3/7/96 CO-DMG C-96-003	FOIDEL CREEK C-82-056 05-03836 9/27/83	Failure to submit annual hydrology report as required by permit and code.	Submit a full and complete report no later than 3/29/96.	3/29/96 Terminated: 3/28/96 Assessed: \$600.00
5/22/96 CO-DMG C-96-012	FOIDEL CREEK C-82-056 05-03836 9/27/83	Failure to construct and maintain approved surface drainage control system at #7 North Escape Shaft.	Restore drainage control; repair silt fence; repair gullies; clean sediment below silt fence.	8/16/96 Terminated: 6/11/96 Assessed: \$1,150.00
8/8/97 CO-DMG CV-97-011	FOIDEL CREEK C-82-056 05-03836 9/27/83	Implementing a revision prior to receiving final approval; failure to conduct mining activities in accordance with approved mine plan.	Cease coal extraction activities in area covered by permit revision #4 until approval granted; submit complete technical revision application to revise permit.	8/20/97 Terminated: 8/11/97 Assessed: \$10,000.00

# ATTACHMENT

5

Bill of Sale and Assignment and  
Assumption Agreement  
between  
Amax Coal Company  
&  
Castle Gate Holding Company

BILL OF SALE AND  
ASSIGNMENT AND ASSUMPTION AGREEMENT

This BILL OF SALE AND ASSIGNMENT AND ASSUMPTION AGREEMENT, dated as of June 1, 1998 (the "Agreement"), between AMAX COAL COMPANY, a Delaware corporation ("Assignor"), and CASTLE GATE HOLDING COMPANY, a Delaware corporation ("Assignee").

WITNESSETH:

WHEREAS, Assignee is a wholly owned subsidiary of Assignor; and

WHEREAS, contemporaneous herewith, Assignee, Blackhawk Coal Company, and Cyprus Amax Minerals Company are entering into that certain Substitute Performance Agreement dated June 1, 1998; and

WHEREAS, Assignor is the owner of a former coal mine located in Carbon County, Utah and all associated assets and liabilities (the "Mine"); and

WHEREAS, Assignor participates in numerous activities related to, directly or indirectly, the final closure of the Mine (the "Business"); and

WHEREAS, as means of capital contribution, Assignor wishes to convey and transfer to Assignee, and Assignee desires to accept and assume, the Mine and the Business, including, but not limited to:

- (a) The real property rights of access associated with the Mine;
- (b) All working capital, current assets, including without limitation, all cash and, to the extent that the same may exist, all certificates of deposit, accounts receivable, claims, prepaid expenses, deferred charges, advances and deposits associated with the Mine; and
- (c) All work in progress and raw materials of the Mine; and
- (d) All facilities, buildings, structures, fixed assets and equipment of the Mine, if any; and
- (e) All trademarks and other marks and, to the extent that the same may exist, all inventions, patents and any copyrights, and registrations thereof, all applications for any of the foregoing and all trade names relating to the Mine and the Business; and
- (f) All right, title and interest in, to and under all contracts, agreements, leases, licenses, permits, bonds, orders, approvals,

authorizations, commitments of understandings to which Assignor is a party or entitled to any right or interest relating to the Mine and the Business, including, without limitation, those set forth on Exhibit A;

(g) All trade secrets, processes, specifications, designs, drawings and technology used at or relating primarily to the Mine; and

(h) All maps, geologic data, drawings, engineering information, books, records and other data used at or relating primarily to the Mine or the Business; and

(i) All past, present and future causes of action and claims of any kind of Assignor against any other party, or by any party against Assignor, related primarily to the Mine or the Business, including, without limitation, those set forth on Exhibit B; and

(j) The obligation to make all filings and to pay, and the right to seek and receive refunds, credits and offsets for, any and all taxes, fees, and assessments related to the past, present and future operation of the Business; and

(k) All other current assets and obligations, and non-current assets and obligations, of Assignor relating to the Mine and the Business, including, without limitation, those set forth on Exhibit C.

(all such assets and liabilities hereinafter called "the Transferred Assets And Liabilities").

NOW THEREFORE, in consideration of the premises and the mutual agreements and covenants contained herein, and for \$10.00 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows:

SECTION 1. Transfer and Assignment. Assignor hereby sells, assigns, transfers, conveys, sets over and delivers to Assignee, and Assignee hereby accepts the sale, assignment, transfer, conveyance, set over and delivery of, all of Assignor's present and future right, title and interest in and to the Transferred Assets and Liabilities.

SECTION 2. Assumption. From and after the date of this Agreement, Assignee hereby assumes and agrees to be bound by all of the terms of, and shall undertake all of the obligations and liabilities of any kind of, Assignor related to the Transferred Assets and Liabilities and shall thereafter be deemed to be owner of the Transferred Assets and Liabilities, and all references to Assignor contained in or associated with the Transferred Assets and Liabilities

shall be deemed to be references to Assignee. ALL THE "TRANSFERRED ASSETS AND LIABILITIES" ARE TRANSFERRED FROM ASSIGNOR TO ASSIGNEE AS-IS, WHERE-IS, WITHOUT ANY EXPRESS OR IMPLIED REPRESENTATIONS OR WARRANTIES OF ANY KIND OR CHARACTER, INCLUDING, BUT NOT LIMITED TO, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, DESIGN, CONDITION AND VALUE.

SECTION 3. Notice to Third Party; Further Assurances. Assignor and Assignee shall give notice to any necessary third party of, and seek the consent of any necessary third party to, the assignment and transfer of the Transferred Assets and Liabilities. The parties hereto agree to cooperate with one another and execute such further documents and instruments and take any and all such other actions as shall be necessary to give effect to the assignments and transfers and assumptions of assets and liabilities contemplated hereby.

SECTION 4. Appointment. Assignor hereby constitutes and appoints Assignee the true and lawful attorney of Assignor, with full power of substitution for Assignor, and in its name and stead or otherwise, by and on behalf of and for the benefit of Assignee: (a) to institute and prosecute from time to time in the name of Assignor or otherwise, but at the expense and for the benefit of Assignee, any and all proceedings at law, in equity, before agencies or otherwise, which Assignee may deem proper in order to collect, reduce to possession, assert or enforce any and all rights or obligations hereby sold, assigned, transferred, conveyed, set over and delivered; (b) to defend, prosecute or compromise any and all claims with respect to such rights or obligations, and (c) to do all such acts and things in relation to the matters set forth in clauses (a) and (b) of this Section 4 as Assignee shall deem desirable; and Assignor further declares that the appointment made and the powers hereby granted are coupled with an interest and are and shall be irrevocable by Assignor or by its dissolution or in any manner or for any reason.

SECTION 5. Consents of Third Parties. To the extent that the transfer to or assumption by Assignee of the Transferred Assets and Liabilities that otherwise might be deemed to be transferred or assumed hereby shall require the consent of another party thereto, this Agreement shall not constitute a transfer or assumption of same if such transfer or assumption would constitute a breach, violation or termination thereof or affect adversely Assignor's ability to convey such interest to Assignee without impairment, until such time as an appropriate consent of such third party is obtained. In such case, Assignor will cooperate with Assignee in any lawful and economically feasible arrangement sufficient to allow or cause Assignee to receive the economic equivalent of Assignor's interest in the benefits, and Assignee shall accept the burdens of and agree to perform the obligations, related to the Transferred Assets and Liabilities, including performance by Assignee or Assignor as agent for the other, so that Assignee shall receive the economic equivalent of Assignor's assumption of

such burdens and obligations. Should it be necessary in order to accomplish the intent of this Agreement for Assignee to obtain any new or revised permit, or any approval for the transfer of an existing permit, then until such is obtained, Assignor hereby grants to Assignee the right to operate the Mine under the existing permits.

SECTION 6. Notice. Unless otherwise provided in accordance with the Transferred Assets and Liabilities, the address for Assignee for purposes of notices related to the Transferred Assets and Liabilities shall be:

Castle Gate Holding Company  
Attn: President  
9100 East Mineral Circle  
Englewood, CO 80112  
Telephone: (303) 643-5000  
Facsimile: (303) 643-5181

SECTION 7. Counterparts. This Agreement may be executed in one or more counterparts and by different parties hereto on separate counterparts, each complete set of which, when so executed and delivered by all parties, shall be an original, but all such counterparts shall together constitute but one and the same instrument.

SECTION 8. No Third Party Beneficiaries. Nothing in this Agreement shall confer any rights upon any person or entity other than the parties hereto and each such party's respective successors and permitted assigns.

SECTION 9. Successors and Assigns. The terms of this Agreement shall be binding upon, and shall inure to the benefit of, the parties hereto and their respective successors and permitted assigns.

SECTION 10. Amendment; Waivers, etc. No amendment, modification or discharge of this Agreement, and no waiver hereunder, shall be valid or binding unless set forth in writing and duly executed by the party against whom enforcement of the amendment, modification, discharge or waiver is sought. Any such waiver shall constitute a waiver only with respect to the specific matter described in such writing and shall in no way impair the rights of the party granting such waiver in any other respect or at any other time.

SECTION 11. Governing Law. THIS ASSIGNMENT SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF UTAH WITHOUT GIVING EFFECT TO THE DOCTRINE OF CONFLICTS OF LAWS.

SECTION 12. Entire Agreement. This Agreement, together with any exhibits hereto, constitutes the entire agreement and supersedes all prior agreements and understandings, both written and oral, between the parties hereto with respect to the subject matter hereof.

SECTION 13. Headings. The headings contained in this Agreement are for purposes of convenience only and shall not affect the meaning or interpretation of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed and delivered by their respective authorized representatives as of the date first written above.

AMAX COAL COMPANY

By: Frank J. Wood

Name: FRANK J. WOOD

Title: VICE PRESIDENT

CASTLE GATE HOLDING COMPANY

By: Randall J. Scott

Name: Randall J. Scott

Title: President

# ATTACHMENT

6

Certificate of Insurance  
for  
Castle Gate Holding Company

# Certificate of Insurance

Attachment 6

**TO:** State of Utah  
**Address:** Division of Oil, Gas and Mining  
 1594 West North Temple, Suite 1210  
 P.O. Box 145801  
 Salt Lake City, UT 84114-5801

**Date:** April 14, 1998  
**Re:** Castle Gate Mines  
 Castle Gate Holding Company,  
 Permit No. ACT/007/004, Folder No. 4  
 Carbon County, Utah  
 Fax to: Johnny Pappas - 435-472-4780

This is to certify that the policies designated below are in force on the date borne by this Certificate.

**NAME OF INSURED:** Cyprus Amax Minerals Company et al including Castle Gate Holding Company  
 9100 East Mineral Circle  
**Address:** Englewood, CO 80112

TYPE OF INSURANCE	POLICY #	POLICY PERIOD	POLICY LIMITS / VALUES
A) Commercial General Liability -Claims Made Retro Date: Other States 4/1/94 Wyoming 4/1/86	RMGL1135325	07/01/97 - 07/01/98	\$ 6,000,000 General Aggregate \$ 6,000,000 Products/Completed Operations Aggregate \$ 1,000,000 Personal and Advertising Injury \$ 1,000,000 Each Occurrence \$ 1,000,000 Fire Damage (Any One Fire) \$ 10,000 Medical Expense (Any One Person)
B) Auto Liability	RMCA3207268	07/01/97 - 07/01/98	\$ 2,000,000 CSL Each Occurrence
C) Workers' Compensation Employers' Liability	OC-01611905	09/01/97 - 09/01/98	WC: Statutory EL: \$1,000,000 Each Accident \$1,000,000 Disease - Policy Limit \$1,000,000 Disease - Each Employee
D) Excess Workers' Compensation	EX357	09/01/97 - 09/01/98	Statutory Excess of a Self Insured Retention: \$1,000,000 any one occurrence
Commercial General Liability includes X, C, U Coverage.			

This certificate of insurance neither affirmatively nor negatively amends, extends or alters the coverage afforded by those policy(ies) numbered above and issued by companies listed below.

Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will ~~provide~~ mail ~~45~~ days written notice to the above named certificate holder ~~in accordance with such notice shall constitute~~ ~~in accordance with such notice shall constitute~~

**SEVERAL LIABILITY NOTICE (LSW 1001)**

The subscribing insurers' obligations under contracts of insurance to which they subscribe are several and not joint and are limited solely to the extent of their individual subscriptions. The subscribing insurers are not responsible for the subscription of any co-subscribing insurer who for any reason does not satisfy all or part of its obligations.

**INSURANCE COMPANY(IES) ISSUING COVERAGE:**  
 A)B) National Union Fire Insurance Company of Pittsburgh, PA  
 C)D) Old Republic Insurance Co.



*Aon Risk Services  
 Natural Resources  
 Group*

*Aon Risk Services of Texas, Inc.  
 2000 Bering Drive, Suite 900 • Houston, Texas 77057-3790  
 tel: (713) 430-6000 • fax: (713) 430-6590*

By Steve S. McKinnon

# ATTACHMENT

7

Notice of Application  
for  
Permit Transfer

**NOTICE OF APPLICATION  
FOR TRANSFER, ASSIGNMENT OR SALE OF A PERMIT  
by Castle Gate Holding Company**

Notice is hereby given that Castle Gate Holding Company, 9100 East Mineral Circle, Englewood, Colorado 80112, has filed an application with the Utah Department of Natural Resources, Division of Oil, Gas & Mining for transfer of Permit ACT/007/004 to operate under the provisions of the Utah Coal Mining and Reclamation Act pursuant to R645-303-300 of the Utah Coal Program Regulations. The present permittee under the permit is Amax Coal Company. The permit transfer is necessary due to the proposed restructuring of Cyprus Amax Minerals Company's coal business. The permit area is located in Carbon County, Utah as follows:

Township 12 South, Range 9 East, SLBM - Section 22: Portions of SE1/4 SW1/4 and S1/2 SE 1/4; Section 26: Portions W1/2; Section 27: All except portions of NW1/4 and NW1/4 NW1/4 SW1/4; Section 28: All except portions of SE1/4 SE1/4 NE1/4, SE1/4, and SW1/4; Section 29: All except N1/2 NW1/4, NW1/4 NE1/4, and portions of S1/2 NE1/4, and N1/2 SE 1/4; Section 30 all except N1/2 N1/2; Section 31; Section 32; Section 33; Section 34; Section 35: Portions of N1/2, W1/2 SW1/4, and SE 1/4.

Township 13 South, Range 9 East, SLBM - Section 1: Portions of the NW1/4 NW 1/4; Section 2: Portions of NE1/4 and NW1/4; Section 3: NW1/4 and portions of NE1/4, SE1/4, and SW1/4; Section 4: N1/2 and portions of SE1/4 and SW 1/4; Section 5: NE1/4 and portions of NW1/4, SE1/4 and SW1/4; Section 6: N1/2 and portions SW1/4 and SE1/4; Section 8: Portion of NE1/4; Section 9: Portions of NE1/4, NW1/4, and SW1/4; Section 10: Portions of NE1/4 and NW1/4.

The permit area is shown on the following U.S. Geological Survey 7.5-minute maps: Standardville, Kyune, Matt's Summit, Helper, and Deadman Canyon.

Any person having an interest which is or may be adversely effected by a decision on the transfer, assignment or sale of the permit rights, including an official of any federal, state or local government agency, may submit written comments within thirty (30) days of the date of this publication to:

Utah Department of Natural Resources  
Division of Oil, Gas & Mining  
1594 West North Temple, Suite 1210  
Salt Lake City, Utah 84114-5801