

**U.S. Department of Labor**

Mine Safety and Health Administration  
3837 S. US Hwy. 25E  
Barbourville, Kentucky 40906-9206



November 18, 2010

Mr. Johnny Smiddy  
Superintendent  
Mine No. 14  
National Coal Corporation  
130 Coal Street  
Huntsville, TN 37756

Dear Mr. Smiddy:

In accordance with Section 104(e) of the Federal Mine Safety and Health Act of 1977 (Mine Act) and 30 CFR Part 104, the Mine Safety and Health Administration (MSHA) has conducted a pattern of violation (POV) screening of compliance records for the 12 months ending August 31, 2010 and of accident and employment records for the 12 months ending June 30, 2010, for the Mine No. 14, MSHA ID No. 40-03272. A POV screening is used to determine if Section 104(e) is applicable to a particular mine. If implemented, Section 104(e) requires all subsequent violations designated as Significant and Substantial (S&S) be issued as closure orders with all persons withdrawn from the affected area except those necessary to correct the violation. An operator can be removed from Section 104(e) sanctions only after an inspection of the entire mine results in no significant and substantial violations.

This letter is your notification that a potential pattern of violations exists at the Mine No. 14. This notification is based upon the initial screening and pattern criteria review, which were conducted in accordance with 30 C.F.R. §§ 104.2 and 104.3. A *Screening Criteria Results* report is enclosed. This report details the methodology used for the initial screening and pattern criteria review and summarizes your mine's performance relative to the criteria.

Prior to MSHA implementing Section 104(e) sanctions at the Mine No. 14, you are provided the opportunity, not to exceed 20 days from the date of this notification, to take any or all of the following steps:

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

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

Provide a written plan to me indicating that you will institute a corrective action program to avoid repeated significant and substantial violations at the operation. Guidance on what constitutes an appropriate corrective action program is contained in the enclosed document entitled *Pattern of Violations Procedures Summary*.

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

Mine No. 14 was issued 8.34 S&S violations per 100 inspection hours during the 12-month review period. If the Mine No. 14 implements an appropriate corrective action program, the mine must maintain an S&S rate of 4.88 or lower during the evaluation period (i.e., within the top 50th percentile of similar type mines for the 12-month review period). If a corrective action program is not implemented, the mine must maintain an S&S rate of 3.68 or lower during the evaluation period (i.e., within the top 35th percentile of similar type mines). Therefore, I encourage you to implement a corrective action program as soon as practicable. An explanation of these rates, as well as guidelines for an appropriate corrective action program, are contained in the enclosed document entitled *Pattern of Violations Procedures Summary*. Absent mitigating circumstances, the Mine No. 14 must meet one of these goals to avoid being issued a pattern of violations notice during this POV review cycle.<sup>1</sup>

Whether or not you implement a corrective action program, MSHA will conduct a complete inspection of the Mine No. 14. This inspection may start as soon as December 9, 2010. I will analyze the results of this complete inspection and other on-site enforcement activities conducted during the corrective action period to evaluate whether the Mine No. 14 has effectively controlled the occurrence of S&S violations during the review period.

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

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

this notification. If you choose not to implement a program to reduce S&S violations, I will submit the report of the evaluation to the Administrator within 60 days from the date of this notification.

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

Within 30 days of receipt of my report to the Administrator, the Administrator will issue a decision as to whether the Mine No. 14 is to be issued a Notice of a Pattern of Violations. A copy of the decision will be provided to you.

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

Following issuance of a Notice of Pattern of Violations, I will initiate appropriate inspection activities to ensure that the Mine No. 14 is inspected in its entirety during the following 90-day time frame and each succeeding inspection cycle until the Pattern of Violation order is terminated.

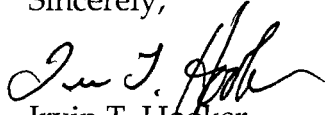
If upon any inspection after the issuance of the Pattern of Violations Notice an authorized representative finds any violation of a mandatory health or safety standard which could significantly and substantially contribute to the cause and effect of a safety or health hazard, the inspector shall issue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

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

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

Please contact me at 606-546-5123 if you have any questions regarding this matter. Additional mitigating information, requests for a conference and/or a written plan to institute a corrective action program should be sent to me at: 3837 S US HWY 25E, Barbourville, KY 40906.

Sincerely,

A handwritten signature in cursive script, appearing to read "Irvin T. Hooker".

Irvin T. Hooker  
District Manager

Enclosures

## Screening Criteria Results for Pattern of Violations

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

<b>Overall Results</b>  <div style="font-size: 1.5em; font-weight: bold; color: red; text-align: center;">PPOV</div>
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Does the mine meet Initial Criteria 1 (30 CFR §104.2) ? - **YES**  
 Does the mine meet Initial Criteria 2 (30 CFR §104.2) ? - **NO**  
 Does the mine meet Final Order Criteria (30 CFR §104.3) ? - **YES**

**DISTRICT 07**    Jacksboro TN Field Office  
**Mine ID:**        40-03272  
**Mine Status:**    Active (on screening date)  
**Mine Name:**     Mine No. 14  
**Mine Type:**      Underground Coal  
**Controller:**     National Coal Corporation  
**Operator:**       National Coal Corporation

<b>Query Run Date</b>
Oct-18-2010

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

	Criteria	Criteria Description		Does the Mine Meet the Criteria?
<b>Initial Criteria 1</b>	<b>1</b>	At least 50 citations/orders for significant and substantial (S&S) violations issued in the most recent 12 months.	75 <b>YES</b>	<b>YES</b> This mine meets all four Initial Criteria 1
	<b>2</b>	A rate of eight or more S&S citations/orders issued per 100 inspection hours during the most recent 12 months, or <i>75 S&amp;S C/O's were issued during 899.75 inspection hours.</i>	8.34 <b>YES</b>	
		The degree of negligence for at least 25 percent of the S&S citations/orders issued during the most recent 12 months is "high" or "reckless disregard." <i>11 of the 75 S&amp;S C/O's issued were either high or reckless disregard.</i>	14.7% <b>NO</b>	
	<b>3</b>	At least 0.5 elevated citations and orders [under section 104(b); 104(d); 104(g); or 107(a) of the Mine Act] issued per 100 inspection hours during the most recent 12 months. <i>11 elevated C/O's were issued during 899.75 inspection hours.</i>	1.22 <b>YES</b>	
<b>4</b>	The Injury Severity Measure (SM) for the mine is greater than the overall Industry SM for all mines in the same mine type and classification over the most recent 12 months. <i>The mines SM of 844.2 is more than the industry SM of 541.4.</i>	844.2 <b>YES</b>		
<b>Initial Criteria 2</b>	<b>1</b>	At least 100 S&S citations/orders issued in the most recent 12 months. <i>75 S&amp;S C/O's were issued.</i>	75 <b>NO</b>	<b>NO</b> This mine does not meet both Initial Criteria 2
	<b>2</b>	At least 40 elevated citations and orders [under section 104(b); 104(d); 104(g); or 107(a) of the Mine Act] issued during the most recent 12 months. <i>11 elevated C/O's were issued.</i>	11 <b>NO</b>	
<b>Final Order Criteria</b>	<b>1</b>	At least 5 S&S citations/orders of the same standard that became final orders of the commission during the most recent 12 months, or <i>9 C/O's of standard 72.630(b) became final orders.</i>	9 <b>YES</b>	<b>YES</b> This mine meets at least one of the Final Order Criteria
	<b>2</b>	At least 2 S&S unwarrantable failure citations/orders [104(d)] became final orders of the commission during the most recent 12 months. <i>5 unwarrantable failure C/O's became final orders.</i>	5 <b>YES</b>	

**Note: This mine has not been identified for a PPOV review before.**

MSHA Mine ID: 40-03272

Mine: Mine No. 14

Operator: National Coal Corporation

Controller: National Coal Corporation

Mine Status: Active

Mine Status Date: 04/08/2008

Month	Inspector Hours Worked	Calendar Days AR(s) at Mine	Citations and Orders Issued During the 12 Month Review Period							Cumulative		
			Non S&S	S&S	Elevated				Total	S&S C/O's	per 100 Inspection Hours	
					104	104	104	107			S&S C/O's	Elevated C/O's
					(b)	(d)	(g)	(a)				
Sep 2009	16.50	4	2	0	0	0	0	0	0	0.0%	0.00	0.00
Oct 2009	108.50	12	24	13	0	1	0	0	1	33.3%	10.40	0.80
Nov 2009	42.25	7	3	0	0	0	0	0	0	31.0%	7.77	0.60
Dec 2009	95.75	10	6	2	0	0	0	0	0	30.0%	5.70	0.38
Jan 2010	53.50	5	3	1	0	0	0	0	0	29.6%	5.06	0.32
Feb 2010	15.75	3	2	1	0	0	0	0	0	29.8%	5.12	0.30
Mar 2010	130.00	13	23	7	0	0	1	0	1	27.6%	5.19	0.43
Apr 2010	96.00	9	24	9	0	3	0	0	3	27.5%	5.91	0.90
May 2010	99.25	12	13	9	1	1	0	0	2	29.6%	6.39	1.06
Jun 2010	51.00	7	7	11	0	0	0	0	0	33.1%	7.48	0.99
Jul 2010	108.25	8	8	14	0	3	0	0	3	36.8%	8.20	1.22
Aug 2010	83.00	11	7	8	0	1	0	0	1	38.1%	8.34	1.22
Totals	899.75	101	122	75	1	9	1	0	11			

Inspection hours are from the inspectors Weekly Activity in IPAL.

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

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

MSHA Mine ID: 40-03272

Mine: Mine No. 14

Operator: National Coal Corporation

Controller: National Coal Corporation

Mine Status: Active

Mine Status Date: April 08, 2008

Percent S&S: 38.1%  
 Percent Elevated: 5.6%  
 Percent Neg>Mod: 5.6%

Cumulative During Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg >Mod Count
1	8342802	09/15/09 - 09:00	75.403	104(a)	C	N	U	F	2	L	1			
2	8342803	09/15/09 - 09:10	75.403	104(a)	C	N	U	F	2	L	2			
3	8323761	10/06/09 - 07:30	77.1109(a)	104(a)	C	N	U	L	1	M	1			
4	8323762	10/06/09 - 10:00	72.630(b)	104(a)	C	N	U	N	1	M	1			
5	8323763	10/06/09 - 10:45	75.1715	104(a)	C	N	U	L	11	M	1			
6	8323764	10/07/09 - 08:00	75.512	104(a)	C	Y	R	L	1	M	1	1		
7	8323765	10/07/09 - 08:05	75.1107-5	104(a)	C	Y	R	L	1	M	1	2		
8	8323766	10/07/09 - 08:45	75.400	104(a)	C	N	U	N	11	M	1			
9	8323767	10/07/09 - 09:15	72.630(b)	104(a)	C	Y	R	L	11	M	2	3		
10	8323768	10/07/09 - 09:20	75.1107-4(a)(2)(i)	104(a)	C	N	U	L	2	M	1			
11	8323769	10/07/09 - 09:30	75.400	104(a)	C	N	U	L	2	M	2			
12	8323770	10/07/09 - 09:35	75.503	104(a)	C	N	U	N	1	M	1			
13	8323771	10/07/09 - 10:00	75.1714-3	104(a)	C	N	U	L	1	M	1			
14	8323772	10/07/09 - 10:30	75.1713-7(c)	104(a)	C	N	U	N	1	M	1			
15	8323773	10/07/09 - 10:35	75.516-2(a)	104(a)	C	N	U	L	1	M	1			
16	8323774	10/07/09 - 11:00	75.400	104(a)	C	N	U	N	1	M	3			
17	8323775	10/07/09 - 11:45	75.1725	104(a)	C	Y	R	L	11	M	1	4		
18	8323776	10/07/09 - 12:00	75.362(g)(2)	104(d)(2)	O	Y	R	L	11	H	1	5	1	1
19	8335404	10/13/09 - 10:55	75.333(h)	104(a)	C	N	U	N	1	M	1			
20	8335405	10/13/09 - 11:10	72.630(b)	104(a)	C	Y	H	P	2	M	3	6		
21	8323777	10/13/09 - 11:50	75.902	104(a)	C	N	U	L	1	M	1			
22	8335406	10/13/09 - 12:00	75.370(a)(1)	104(a)	C	Y	H	P	1	M	1	7		
23	8323778	10/14/09 - 09:30	75.523-3(b)(4)	104(a)	C	Y	R	L	2	M	1	8		
24	8323779	10/14/09 - 10:30	75.503	104(a)	C	N	U	L	1	M	2			
25	8323780	10/14/09 - 10:40	75.1722(a)	104(a)	C	N	U	L	1	M	1			
26	8323781	10/14/09 - 13:00	75.503	104(a)	C	N	U	L	1	M	3			
27	8323782	10/14/09 - 13:15	75.1107-1(a)	104(a)	C	N	U	L	1	M	1			
28	9865954	10/15/09 - 07:55	70.208(a)	104(a)	C	N	U	P	3	H	1			
29	9865955	10/15/09 - 08:04	70.208(a)	104(a)	C	N	U	P	3	H	2			
30	8323783	10/15/09 - 10:00	75.512	104(a)	C	N	U	L	1	M	2			
31	8335407	10/15/09 - 10:55	75.606	104(a)	C	Y	R	L	1	M	1	9		
32	8335408	10/15/09 - 11:20	75.1720(a)	104(a)	C	Y	R	P	2	M	1	10		
33	8335409	10/15/09 - 13:45	75.380(d)(7)(iv)	104(a)	C	N	U	L	8	M	1			
34	8335410	10/15/09 - 17:15	62.130(a)	104(a)	C	Y	R	P	1	M	1	11		
35	8323784	10/20/09 - 09:45	75.902	104(a)	C	N	U	L	1	M	2			
36	8323785	10/20/09 - 11:45	75.1502(a)	104(a)	C	N	U	L	12	M	1			
37	8323786	10/21/09 - 10:00	75.1722(a)	104(a)	C	Y	R	L	1	M	2	12		
38	8401446	10/28/09 - 16:00	77.512	104(a)	C	Y	R	L	1	M	1	13		

MSHA Mine ID: 40-03272  
 Mine: Mine No. 14  
 Operator: National Coal Corporation  
 Controller: National Coal Corporation  
 Mine Status: Active  
 Mine Status Date: April 08, 2008

Percent S&S: 38.1%  
 Percent Elevated: 5.6%  
 Percent Neg>Mod: 5.6%

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Cumulative During Review Period			
											Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg >Mod Count
39	8323787	10/29/09 - 16:35	50.10	104(a)	C	N	U	L	1	M	1			
40	8403617	11/05/09 - 11:20	75.1107-16(b)	104(a)	C	N	U	L	1	M	1			
41	8403619	11/05/09 - 11:30	75.523-2(a)	104(a)	C	N	R	N	1	M	1			
42	8323788	11/24/09 - 12:00	75.1722(b)	104(a)	C	N	U	L	1	M	1			
43	8323789	12/01/09 - 13:00	77.404(a)	104(a)	C	N	U	L	1	M	1			
44	8401455	12/03/09 - 10:30	75.503	104(a)	C	N	U	N	1	M	4			
45	8401457	12/03/09 - 11:55	75.1720(a)	104(a)	C	N	U	L	3	M	2			
46	8401456	12/03/09 - 12:05	75.509	104(a)	C	N	U	L	3	M	1			
47	8401458	12/03/09 - 12:30	75.900	104(a)	C	Y	R	L	1	M	1	14		
48	8342896	12/07/09 - 10:35	75.370(a)(1)	104(a)	C	N	U	P	2	M	2			
49	8342897	12/07/09 - 11:45	75.370(a)(1)	104(a)	C	N	U	P	4	L	3			
50	8342910	12/15/09 - 13:35		103(k)	O									
51	8401465	12/15/09 - 16:00	75.523	104(a)	C	Y	R	L	1	M	1	15		
52	8401471	01/13/10 - 15:30	75.380(d)(1)	104(a)	C	Y	R	L	2	M	1	16		
53	8401473	01/25/10 - 13:45	77.904	104(a)	C	N	U	L	1	M	1			
54	8401474	01/25/10 - 14:00	77.903	104(a)	C	N	U	L	1	M	1			
55	8401475	01/25/10 - 14:15	77.505	104(a)	C	N	U	L	1	M	1			
56	8342946	02/24/10 - 06:15	75.333(d)(3)	104(a)	C	N	U	L	4	M	1			
57	8342947	02/24/10 - 08:40	75.370(a)(1)	104(a)	C	N	U	L	4	M	4			
58	8342948	02/24/10 - 09:55	75.220(a)(1)	104(a)	C	Y	R	P	1	M	1	17		
59	8342956	03/02/10 - 14:05	75.1725(a)	104(a)	C	N	U	P	1	M	1			
60	8342957	03/02/10 - 14:10	75.503	104(a)	C	N	U	L	1	M	5			
61	8342958	03/02/10 - 16:55	75.503	104(a)	C	N	U	L	2	M	6			
62	8342959	03/02/10 - 17:30	75.400	104(a)	C	Y	R	L	12	M	4	18		
63	8342969	03/10/10 - 11:45	75.351(o)(1)(iii)	104(a)	C	N	U	F	12	M	1			
64	8342970	03/10/10 - 12:30	75.380(f)(5)(ii)	104(a)	C	N	U	L	12	M	1			
65	8342971	03/10/10 - 12:40	75.220(a)(1)	104(a)	C	N	U	F	2	M	2			
66	8342972	03/11/10 - 16:15	75.1725(a)	104(a)	C	N	U	L	1	M	2			
67	8342973	03/11/10 - 18:10	75.1100-3	104(a)	C	N	U	L	2	M	1			
68	8342974	03/11/10 - 18:50	75.503	104(a)	C	N	U	P	3	M	7			
69	8342975	03/11/10 - 19:00	75.606	104(a)	C	Y	R	F	1	M	2	19		
70	8342976	03/15/10 - 12:30	75.380(d)(7)(vii)(B)	104(a)	C	N	U	F	12	M	1			
71	8342977	03/15/10 - 13:00	75.202(a)	104(a)	C	Y	R	P	1	M	1	20		
72	8400509	03/16/10 - 10:00	75.503	104(a)	C	N	N	N	2	L	8			
73	8400510	03/16/10 - 10:00	75.220(a)(1)	104(a)	C	Y	O	L	1	M	3	21		
74	8342979	03/17/10 - 09:10	49.50(a)	104(a)	C	N	U	N	34	M	1			
75	8342980	03/17/10 - 13:15	75.211(d)	104(a)	C	Y	R	P	1	M	1	22		
76	8342981	03/17/10 - 14:15	75.1713-7(a)	104(a)	C	N	U	L	1	M	1			



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Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Cumulative During Review Period			
											Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg >Mod Count
77	8342982	03/17/10 - 14:25	75.1714-6	104(a)	C	N	U	F	12	M	1			
78	8357086	03/17/10 - 18:17	75.214(a)	104(a)	C	N	U	N	2	M	1			
79	8342983	03/19/10 - 12:50	75.333(b)(5)	104(a)	C	N	U	F	1	M	1			
80	8342984	03/19/10 - 14:55	75.364(h)	104(a)	C	N	U	L	2	M	1			
81	8357087	03/22/10 - 12:04	75.1101-8	104(a)	C	N	U	L	2	M	1			
82	8357088	03/22/10 - 12:50	75.1100-2(b)	104(a)	C	N	U	L	2	M	1			
83	8342985	03/22/10 - 13:40	48.31(b)	104(g)(1)	O	N	U	L	1	M	1		2	
84	8342986	03/22/10 - 15:30	75.507-1(a)	104(a)	C	N	U	L	1	M	1			
85	8342987	03/22/10 - 16:45	75.203(e)	104(a)	C	Y	R	F	2	H	1	23		2
86	8342988	03/23/10 - 18:25	75.209(f)	104(a)	C	N	U	N	1	M	1			
87	8401511	03/24/10 - 14:05	75.520	104(a)	C	N	U	L	1	M	1			
88	8357089	03/24/10 - 16:05	75.523-2	104(a)	C	Y	R	L	1	M	1	24		
89	8343403	04/14/10 - 15:15	75.403	104(a)	C	N	U	F	12	M	3			
90	8343404	04/14/10 - 15:55	75.403	104(a)	C	N	U	F	12	M	4			
91	8343405	04/14/10 - 16:00	75.403	104(a)	C	N	U	F	2	M	5			
92	8343406	04/14/10 - 16:10	75.403	104(a)	C	N	U	F	2	M	6			
93	8343410	04/19/10 - 09:50	75.203(a)	104(d)(1)	C	Y	R	P	1	H	1	25	3	3
94	8401512	04/19/10 - 10:30	75.342(a)(4)	104(a)	C	N	U	L	2	M	1			
95	8343411	04/19/10 - 10:35	75.370(a)(1)	104(d)(1)	O	Y	R	P	2	H	5	26	4	4
96	8343412	04/19/10 - 11:50	75.604(b)	104(a)	C	N	U	F	1	M	1			
97	8400527	04/19/10 - 12:00	75.1200	104(a)	C	N	U	N	1	M	1			
98	8400528	04/19/10 - 12:10	75.364	104(a)	C	N	U	N	1	M	1			
99	8343413	04/19/10 - 13:00	75.807	104(a)	C	N	U	F	1	M	1			
100	8343414	04/19/10 - 13:15	75.400	104(a)	C	N	U	L	2	M	5			
101	8401513	04/19/10 - 13:15	75.1719-1	104(a)	C	N	U	L	1	M	1			
102	8343415	04/19/10 - 13:35	75.203(e)	104(d)(1)	O	Y	R	P	1	H	2	27	5	5
103	8343416	04/19/10 - 14:55	75.362(b)	104(a)	C	Y	R	P	1	M	1	28		
104	8401514	04/20/10 - 09:15	75.503	104(a)	C	N	U	L	1	M	9			
105	8401515	04/20/10 - 10:30	75.503	104(a)	C	N	U	L	1	M	10			
106	8343273	04/20/10 - 11:15	75.1702-1	104(a)	C	N	U	L	3	M	1			
107	8401516	04/20/10 - 11:15	75.503	104(a)	C	N	U	L	1	M	11			
108	8343274	04/20/10 - 11:30	75.1702-1	104(a)	C	N	U	L	3	M	2			
109	8343275	04/20/10 - 12:05	75.1502	104(a)	C	Y	R	L	25	M	1	29		
110	8343276	04/20/10 - 12:55	75.1504(b)(3)(i)	104(a)	C	Y	R	L	20	M	1	30		
111	8343277	04/20/10 - 14:20	75.1502(c)(2)	104(a)	C	Y	R	L	2	M	1	31		
112	8343417	04/20/10 - 14:20	75.159	104(a)	C	N	U	N	4	M	1			
113	8343418	04/21/10 - 11:00	75.1101-10	104(a)	C	N	U	L	2	M	1			
114	8343419	04/21/10 - 11:10	75.1722(c)	104(a)	C	N	U	P	1	M	1			

MSHA Mine ID: 40-03272

Mine: Mine No. 14

Operator: National Coal Corporation

Controller: National Coal Corporation

Mine Status: Active

Mine Status Date: April 08, 2008

Percent S&S: 38.1%

Percent Elevated: 5.6%

Percent Neg>Mod: 5.6%

Cumulative During Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Cumulative During Review Period			
											Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg >Mod Count
115	8343420	04/21/10 - 14:20	50.20	104(a)	C	N	N	N	0	M	1			
116	8343421	04/21/10 - 14:25	50.20	104(a)	C	N	N	N	0	M	2			
117	8343422	04/21/10 - 14:30	50.20	104(a)	C	N	N	N	0	M	3			
118	8401518	04/26/10 - 18:15	75.701	104(a)	C	Y	R	L	1	M	1	32		
119	8401519	04/26/10 - 19:01	75.902-2	104(a)	C	Y	R	L	1	M	1	33		
120	8343425	04/29/10 - 09:00	50.20	104(a)	C	N	N	N	0	M	4			
121	8400533	04/30/10 - 10:30	77.701-2(a)(1)	104(a)	C	N	U	N	1	M	1			
122	8401521	05/03/10 - 18:45	75.503	104(a)	C	N	U	L	1	M	12			
123	8401522	05/03/10 - 19:45	75.503	104(a)	C	N	U	L	1	M	13			
124	8343130	05/06/10 - 11:00	75.220(a)(1)	104(d)(1)	O	Y	H	P	3	R	4	34	6	6
125	8343131	05/06/10 - 11:10	75.503	104(a)	C	N	U	L	2	M	14			
126	8400537	05/07/10 - 15:10	75.364	104(a)	C	N	U	N	1	M	2			
127	8400538	05/07/10 - 15:40	75.333(h)	104(a)	C	N	U	N	1	M	2			
128	8343132	05/10/10 - 10:45	75.1101-1(b)	104(a)	C	N	U	L	6	M	1			
129	8343133	05/10/10 - 11:20	75.400	104(a)	C	Y	R	P	6	M	6	35		
130	8343134	05/10/10 - 11:30	75.520	104(a)	C	N	U	L	1	M	2			
131	8343135	05/10/10 - 11:45	75.220(a)(1)	104(a)	C	Y	R	L	1	M	5	36		
132	8343136	05/10/10 - 12:15	72.630(b)	104(a)	C	Y	R	P	1	M	4	37		
133	8343137	05/10/10 - 12:35	72.630(b)	104(a)	C	Y	R	P	2	M	5	38		
134	8343138	05/10/10 - 13:00	75.400	104(a)	C	Y	R	L	9	M	7	39		
135	8343139	05/10/10 - 13:30	72.630(b)	104(a)	C	Y	R	P	2	H	6	40		7
136	8343429	05/11/10 - 09:50	75.1714-3(b)	104(a)	C	N	U	F	1	M	1			
137	8343436	05/18/10 - 17:00	75.503	104(a)	C	N	U	P	2	M	15			
138	8343437	05/20/10 - 19:15	75.807	104(a)	C	Y	R	F	1	M	2	41		
139	8343438	05/20/10 - 20:15	75.402	104(a)	C	N	U	L	2	M	1			
140	8343439	05/20/10 - 21:00	72.630(b)	104(b)	O								7	
141	8343440	05/27/10 - 09:35	75.1714-3(a)	104(a)	C	N	U	F	1	M	1			
142	8343441	05/27/10 - 11:05	75.1505(b)	104(a)	C	N	U	F	12	M	1			
143	8343442	05/27/10 - 11:15	75.503	104(a)	C	N	U	L	2	M	16			
144	8343443	05/27/10 - 15:45	75.523-3(b)(3)	104(a)	C	Y	R	P	1	M	1	42		
145	8343444	06/08/10 - 09:50	75.604(b)	104(a)	C	Y	R	L	1	M	2	43		
146	8343445	06/08/10 - 10:55	75.523	104(a)	C	N	U	L	1	M	2			
147	8343447	06/21/10 - 19:50	75.220(a)(1)	104(a)	C	Y	R	P	2	M	6	44		
148	8343397	06/28/10 - 10:15	77.404(a)	104(a)	C	Y	R	P	1	M	2	45		
149	8343399	06/28/10 - 10:30	77.404(a)	104(a)	C	Y	R	P	1	M	3	46		
150	8343601	06/28/10 - 10:45	77.404(a)	104(a)	C	Y	R	P	1	M	4	47		
151	8343603	06/28/10 - 11:00	77.404(a)	104(a)	C	Y	R	P	1	M	5	48		
152	8343605	06/28/10 - 11:05	77.404(a)	104(a)	C	Y	R	P	1	M	6	49		

MSHA Mine ID: 40-03272

Mine: Mine No. 14

Operator: National Coal Corporation

Controller: National Coal Corporation

Mine Status: Active

Mine Status Date: April 08, 2008

Percent S&S: 38.1%

Percent Elevated: 5.6%

Percent Neg>Mod: 5.6%

Cumulative During Review Period

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg >Mod Count
153	8343607	06/28/10 - 11:20	77.404(a)	104(a)	C	Y	R	P	1	M	7	50		
154	8401558	06/30/10 - 16:30	75.333(h)	104(a)	C	N	U	L	1	M	3			
155	8401559	06/30/10 - 17:05	75.503	104(a)	C	N	U	L	1	M	17			
156	8401560	06/30/10 - 17:10	75.400	104(a)	C	Y	R	L	1	M	8	51		
157	8401561	06/30/10 - 17:20	75.1725(a)	104(a)	C	Y	R	L	2	M	3	52		
158	8401562	06/30/10 - 17:40	75.503	104(a)	C	N	U	L	1	M	18			
159	8401563	06/30/10 - 17:50	75.1100-3	104(a)	C	N	U	L	1	M	2			
160	8401564	06/30/10 - 18:00	75.503	104(a)	C	N	U	L	1	M	19			
161	8401565	06/30/10 - 18:10	75.1100-3	104(a)	C	N	U	L	1	M	3			
162	8401566	06/30/10 - 18:20	75.400	104(a)	C	Y	R	L	1	M	9	53		
163	8335478	07/01/10 - 10:50	75.220(a)(1)	104(a)	C	Y	R	P	2	M	7	54		
164	8335479	07/01/10 - 11:10	75.202(a)	104(d)(2)	O	Y	H	P	1	H	2	55	8	8
165	8335480	07/01/10 - 12:20	75.211(c)	104(a)	C	Y	R	P	1	M	1	56		
166	8335481	07/01/10 - 13:30	72.630(a)	104(d)(2)	O	Y	H	P	2	H	1	57	9	9
167	8335482	07/01/10 - 13:35	75.370(a)(1)	104(a)	C	Y	R	P	1	M	6	58		
168	8403795	07/01/10 - 15:00	75.220(a)(1)	104(a)	C	Y	R	L	1	M	8	59		
169	8335484	07/01/10 - 15:45	75.360(f)	104(d)(2)	O	Y	H	P	2	H	1	60	10	10
170	9866051	07/06/10 - 15:40	70.101	104(a)	C	Y	H	P	10	M	1	61		
171	8343467	07/20/10 - 11:15	75.503	104(a)	C	N	U	L	1	M	20			
172	8343468	07/20/10 - 12:20	75.333(c)	104(a)	C	N	U	L	1	M	1			
173	8343469	07/20/10 - 13:05	75.202(a)	104(a)	C	Y	R	L	1	M	3	62		
174	8403818	07/20/10 - 13:59	75.202(a)	104(a)	C	Y	R	L	1	M	4	63		
175	8335485	07/21/10 - 09:50	75.370(a)(1)	104(a)	C	Y	R	P	1	M	7	64		
176	8335486	07/21/10 - 10:20	75.370(a)(1)	104(a)	C	Y	R	P	2	M	8	65		
177	8343476	07/28/10 - 10:00	75.333(b)(3)	104(a)	C	N	U	L	1	M	1			
178	8343477	07/28/10 - 11:45	75.333(b)(2)	104(a)	C	N	U	L	5	M	1			
179	8343478	07/28/10 - 11:50	75.1731(b)	104(a)	C	N	U	F	5	M	1			
180	8343479	07/28/10 - 11:55	75.202(a)	104(a)	C	Y	R	P	1	M	5	66		
181	8343480	07/28/10 - 12:05	75.1731(a)	104(a)	C	N	U	F	5	M	1			
182	8343481	07/28/10 - 13:15	75.1103-4(a)(1)(iii)	104(a)	C	Y	R	F	5	M	1	67		
183	8343482	07/28/10 - 14:20	75.333(b)(2)	104(a)	C	N	U	L	1	M	2			
184	8343483	07/30/10 - 11:45	75.1714-3(a)	104(a)	C	N	U	F	1	M	2			
185	8401578	08/01/10 - 08:15	77.508	104(a)	C	N	U	L	1	M	1			
186	8401579	08/01/10 - 14:00	77.701	104(a)	C	Y	R	L	1	M	1	68		
187	8401580	08/01/10 - 14:15	77.516	104(a)	C	N	U	L	1	M	1			
188	8343501	08/11/10 - 09:25	77.513	104(a)	C	N	U	L	1	M	1			
189	4582802	08/11/10 - 10:15	75.503	104(a)	C	N	U	L	1	M	21			
190	8343502	08/13/10 - 10:10	75.202(a)	104(a)	C	Y	R	L	1	M	6	69		

MSHA Mine ID: 40-03272  
 Mine: Mine No. 14  
 Operator: National Coal Corporation  
 Controller: National Coal Corporation  
 Mine Status: Active  
 Mine Status Date: April 08, 2008

Percent S&S: 38.1%  
 Percent Elevated: 5.6%  
 Percent Neg>Mod: 5.6%

Issuance	Citation No.	Date/Time Issued	30 CFR	Type Action	Type	S&S	Likelihood	Injury/Illness	Persons Affected	Negligence	Cumulative During Review Period			
											Same Standard Cited Count	S&S Count	Elevated Count	S&S Neg >Mod Count
191	8401589	08/17/10 - 14:45	75.807	104(a)	C	N	U	N	1	L	3			
192	8343506	08/17/10 - 20:20	75.1722(c)	104(a)	C	Y	R	P	1	M	2	70		
193	8401594	08/25/10 - 12:30	75.523-2	104(a)	C	Y	R	L	1	M	2	71		
194	8405133	08/31/10 - 12:30	75.517	104(a)	C	Y	R	L	2	M	1	72		
195	8405134	08/31/10 - 12:40	75.400	104(a)	C	Y	R	L	2	M	10	73		
196	8343517	08/31/10 - 12:50	75.202(a)	104(a)	C	Y	R	P	1	M	7	74		
197	8405135	08/31/10 - 13:30	75.400	104(a)	C	N	U	L	1	M	11			
198	8343518	08/31/10 - 14:20	75.1714-3(a)	104(a)	C	N	U	F	2	M	3			
199	8343519	08/31/10 - 15:40	75.202(a)	104(d)(2)	O	Y	R	L	1	H	8	75	11	11

Type of Issuance

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- C Citation
- O Order

Significant and Substantial

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- N No
- Y Yes

Likelihood

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

Injury or Illness could reasonably be expected to be

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

Negligence

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

These Type Actions are Elevated issues

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

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

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