The mine operator did not submit the required five (5) additional respirable dust sample/samples during the September/October 2009 bimonthly sampling cycle on the Mechanized Mining Unit 064-0, as shown in the attached Advisory No. 0208 dated November 9, 2009.
This Mechanized Mining Unit (MMU) 064-0 has been placed in abandoned status, therefore this citation is hereby terminated.
---ADVISORY OF NONCOMPLIANCE, FAILURE TO SUBMIT---
(MECHANIZED MINING UNIT-DESIGNATED OCC)
ADVISORY NO 0208

NOV 09, 2009
PERFORMANCE COAL COMPANY
UPPER BIG BRANCH MINE-SOUTH

CURRENT BIMONTHLY SAMPLING CYCLE NOV-DEC 2009

IN ACCORDANCE WITH 30 CFR 70, FIVE (5) DESIG OCC SAMPLES ARE REQUIRED DURING THE BIMONTHLY CYCLE SEP-OCT 2009, FOR THE MECHANIZED MINING UNIT IDENTIFIED ABOVE. ACCORDING TO MSHA RECORDS, THE FOLLOWING SAMPLES WERE RECEIVED.

<table>
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<tr>
<th>CASSETTE NO.</th>
<th>DATE</th>
<th>SAMPLING START TIME</th>
<th>MRE EQUIV</th>
<th>CONCENTRATION</th>
<th>PRODUCTION</th>
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FOOTNOTES:
- SEP = SAMPLE REQUIRED
- OCT = SAMPLE REQUIRED
- V = VOID SAMPLE
- A = ACCREDITED

---0401-081-08436---B---A
PERFORMANCE COAL COMPANY
UPPER BIG BRANCH MINE-SOUTH
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NAOMA, WV 25140