The mine operator did not submit a valid respirable dust sample during the November/December 2009 bimonthly sampling cycle on the MMU 062-0, as shown in the attached Advisory No. 0212 dated January 7, 2010.
Section I—Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation [✓] [☐]

2. Dated (Original Issue) Mo Da Yr 01/12/2010

3. Citation/Order Number 9968823 - 01

4. Served To
Chris Blanchard

5. Operator
PERFORMANCE COAL COMPANY

6. Mine
UPPER BIG BRANCH MINE-SOUTH

7. Mine ID 46-08436

Section II—Justification for Action

Additional time will be granted to allow the operator to collect the respirable dust samples on the mechanized mining unit 062-0 MMU.

Section III—Subsequent Action Taken

8. Extended To A. Date Mo Da Yr 02/11/2010

B. Time (24 Hr. Clock) 0800

C. Vacated [☐] D. Terminated [☐] E. Modified [☐]

Section IV—Inspection Data

9. Type of Inspection T02

10. Event Number 9832268

AR Number 24025

12. Date Mo Da Yr 01/28/2010

13. Time (24 Hr. Clock) 1255

MSHA Form 7000-3a, Mar 85 (revised)
The mechanized mining unit is currently in non-producing status; additional time will be granted to allow the operator to collect abatement samples.
This Mechanized Mining Unit (MMU) 062-0 has been in non-producing status until 1/26/2010. Additional time is granted to allow the Operator to collect the required samples.
The mechanized mining unit 062-0 (MMU) has been in non-producing status beginning 01/26/2010 through 02/26/2010. The operator has began collecting abatement respirable dust samples, additional time will be granted to allow this to be completed and process.
The operator has collected the respirable dust samples for the mechanized mining unit 062-0 MMU to satisfy the requirements of the bi-monthly cycle. The Pittsburg lab is processing these cassettes and estimate release date is 03/30/2010. Additional time will be granted for this to be release.
The operator has collected five (5) valid respirable dust samples on the 062-0 MMU to satisfied this requirement. The average dust concentration is 0.587 mg/m³. This is within the applicable standard of 1.7 mg/m³; therefore this citation is terminated.
---REPORT OF COMPLIANCE---
(MECHANIZED MINING UNIT-DESIG OCC)

APR 05, 2010

PERFORMANCE COAL COMPANY
UPPER BIG BRANCH MINE-SOUTH

MINE I.D. 46-08436
MECHANIZED MINING UNIT I.D. 062-0
DESIGNATED OCCUPATION 036, CONTINUOUS MINER OPERATOR

CURRENT BIMONTHLY SAMPLING CYCLE MAR-APR 2010


<table>
<thead>
<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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<tbody>
<tr>
<td>51064985</td>
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AVG. CONC. 0.587 NORM. PROD. 00969*

APPLICABLE STANDARD 1.7

---0401-081-46-08436---U ---A
PERFORMANCE COAL COMPANY
UPPER BIG BRANCH MINE-SOUTH
ATTN: CHRIS BLANCHARD
POB 69
NAOMA WV 25140

THIS IS A COPY OF A MESSAGE Mailed TO THE OPERATOR. THE MMU DESIGNATED OCCUPATION IS IN COMPLIANCE FOR THE CURRENT CYCLE.
---ADVISORY OF NONCOMPLIANCE, FAILURE TO SUBMIT---
(MECHANIZED MINING UNIT-DESIG OCC)
ADVISORY NO 0212

脱离日期：2010年1月7日

PERFORMANCE COAL COMPANY
UPPER BIG BRANCH MINE-SOUTH

MECHANIZED MINING UNIT I.D. 062-0
DESIGNATED OCCUPATION
036, CONTINUOUS MINER OPERATOR

CURRENT BIMONTHLY SAMPLING CYCLE JAN-FEB 2010

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

<table>
<thead>
<tr>
<th>CASSETTE NO.</th>
<th>DATE</th>
<th>SAMPLING START TIME (24-HR CLOCK)</th>
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<th>PRODUCTION</th>
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---FOOTNOTES---
X=SAMPLE ACCREDITED
V=VOID SAMPLE
S=SAMPLE REQUIRED

---0401---081---46-08436---B ---A
PERFORMANCE COAL COMPANY
UPPER BIG BRANCH MINE-SOUTH
ATTN:CHRIS BLANCHARD
POB 69
NAOMA WV 25140

98332268