

U. S. Department of Labor

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

Denial



SEP 04 2009

Mr. Chris Blanchard
President
Performance Coal Company
POB 69
Naoma, WV 25140

Dear Mr. Blanchard:

Subject: Mine Ventilation Plan, Section 75.370, 30 CFR 75, Upper Big Branch Mine-South, I.D. No. 46-08436, Performance Coal Company, Montcoal, Raleigh County, West Virginia

This will acknowledge receipt of the ventilation revision dated and received by MSHA on September 02, 2009. The ventilation revision requests to drill a dewatering hole into the No. 1 Entry in by Break No. 131. An 8-inch pilot hole will be drilled initially and then reamed out to a diameter of 20 inches.

The revision, as submitted, cannot be approved and is hereby denied. Please refer to the attached marked-up copy of the revision map and narrative, which notes the deficiencies found upon review.

Should you have any questions concerning this matter, please contact the Ventilation Department at (304) 877-3900/Ext. 142.

Sincerely,

/s/ Richard J. Kline

Robert G. Hardman
District Manager
Coal Mine Safety and Health, District 4

Cc: Mt. Hope Field Office (3incl.)/ Files/nlc

SUPERVISORY ACKNOWLEDGEMENT

Initials RC 9/4/09 Date
Jim 9/3



SEP 04 2009

Mr. Chris Blanchard
President
Performance Coal Company
POB 69
Naoma, WV 25140

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Sincerely,

A handwritten signature in black ink, appearing to read "Robert G. Hardman".

Robert G. Hardman
District Manager
Coal Mine Safety and Health, District 4



Performance Coal Company

P.O. Box 69

Naoma, WV

25140

September 2, 2009

Mr. Robert G. Hardman
Mine Safety and Health Administration
100 Bluestone Road
Mount Hope, WV 25880

MSHA
MOUNT HOPE, WV
SEP 02 2009
RECEIVED
VENTILATION

Re: Performance Coal Company
Upper Big Branch Mine
MSHA ID: 46-08436
State ID: U-3042-92
Borehole Plan

Dear Sir,

Performance Coal Company will be drilling a dewatering hole into the Upper Big Branch Mine in the area of the exhausting fan shaft (see location on map). An 8-inch pilot hole will be drilled initially and then reamed out to a diameter of 20 inches. When the hole reaches to within 100ft of the coal seam the area will be dangered off for a radius of 50ft. When the hole reaches to within 25ft of the coal seam no one will be allowed within 200ft of the bottom of the proposed hole location. Methane will be monitored continuously at the top of the hole.

Performance Coal Company Inc. does not have a miners representative at this time. If you have any questions or concerns feel free to contact me at (304) 854-3508.

Respectfully Submitted
Performance Coal Company

Matthew Walker

Matthew Walker
Mine Engineer

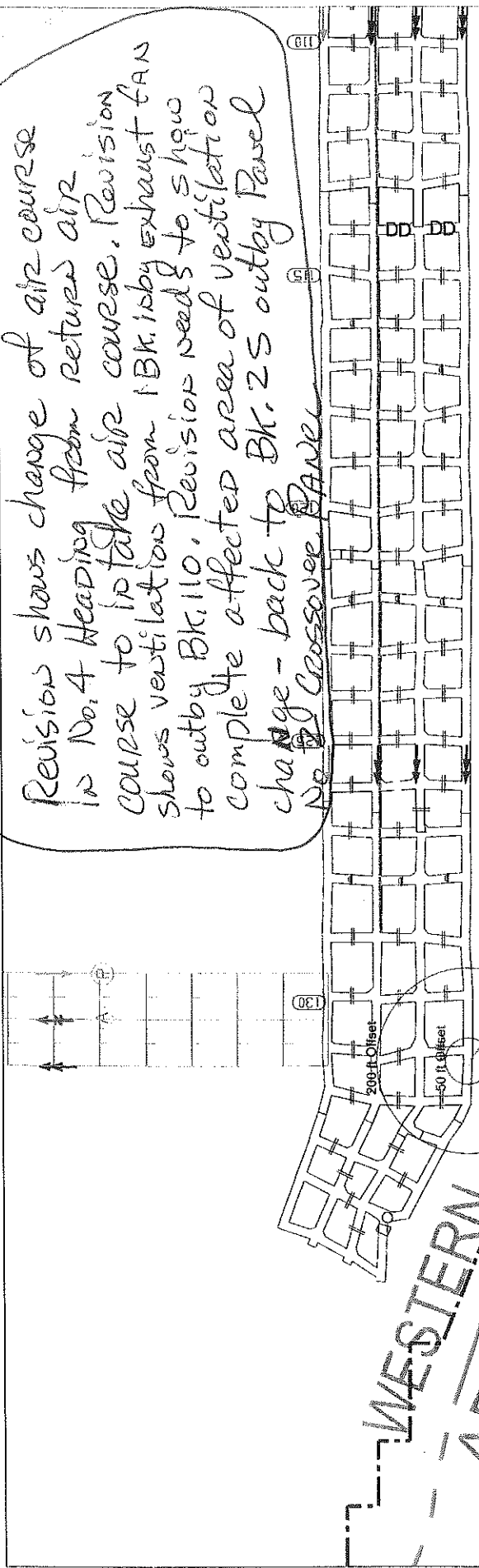
Note:

Include in safety

precautions: (1) Drill hole will
cut through under 75,324
or be regulated.

(2) Bottom of hole must be
fire bressed prior to cut thru.

Revision shows change of air course in No. 4 heading from return air course to intake air course. Revision shows ventilation from Bk. 10 by exhaust fan to outby Bk. 110. Revision needs to show complete affected area of ventilation change - back to Bk. 25 outby Panel No. 2 Crossover Panel.



PROPOSED DEWATERING HOLE LOCATION

WESTERN ADVERSE LOCATION

PERFORMANCE COAL COMPANY
P.O. BOX 69, NAOMA, WV 25140

UPPER BIG BRANCH MINE

M.S.H.A. ID No. 46-08436
WV ID No. U-3042-92

DATE: 09-02-2009
DRAWN BY: Ri. 3 Staff
SCALE: 1"=200'
DWG No. 1 of 1
CHECKED BY: EL

MSH
COUNTY OF, W
SEP 02 2009
RECEIVED
VENTILATION
PREPARED BY
RTS ENGINEERING

LEGEND

INTAKE AIR	PROPOSED STOPPINGS
SECONDARY INTAKE AIR	AUGER WORKS
RETURN AIR	FAN
PROPERTY LINES	OVERCAST
200' TEST DRILL LINE	AIRLOCK DOOR
100' COVER BOUNDARY	REGULATOR
APPROVED MINE LIMIT LINE	WATER
TRACK	STREAM
RAILROAD	INTERMITTENT STREAM
MAN DOOR	POWER LINES
ACTIVE OR INACTIVE GAS WELL	ROADS
PLUGGED GAS WELL	TRAILS
PERMANENT STOPPINGS	GAS LINES
	CORE HOLE

EL 9/3/09