

U. S. Department of Labor

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

Denial



SEP 03 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 a revision to the ventilation plan, submitted and received by MSHA on September 3, 2009. The revision requests to change the intake air course from Birchtown Portals to the junction of Parallel North Mains from an intake air course to a neutral air course; construct three regulators on the intake overcasts in order to force air to intake from the Ellis Mains; bring neutral air in at the portals; show the actual location of a set of doors, a stopping, and a regulator constructed out by the approved location. Citation number 6612937 was issued to the operator when the operator implemented a ventilation change that was not approved by the District Manager.

The revision, as submitted, cannot be approved and is hereby denied. Please refer to the attached marked-up copy of the revision map, which notes the deficiencies found upon review. Citation number 6612937 will be terminated upon approval of the ventilation revision by the District Manager.

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		
REC 9/3/09		
Initials	gm	Date
	9/3/09	



SEP 03 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 a revision to the ventilation plan, submitted and received by MSHA on September 3, 2009. The revision requests to install a set of doors between breaks 9 and 11 on the No. 1 Tailgate in order to correct neutral air outby the longwall face.

The revision, as submitted, cannot be approved and is hereby denied. Please refer to the attached marked-up copy of the revision map, which notes the deficiencies found upon review. The ventilation revision approved on August 06, 2009, requires the District Manager to be notified when the exhausting fan is placed in service, and the results of the ventilation change. Since the exhausting fan has been placed in service and communication with mine officials indicates the areas affected have been examined, please provide the results as required in the August 06, 2009 ventilation revision.

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

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

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

Dear Sir:

Please find the attached ventilation revision for your review and approval. Note, three intake regulators were built on the intake overcasts in order to force air to intake from the Ellis Mains and to bring neutral air in at the portals. Also, the number three entry of the Ellis Mains has been converted to a neutral air course due to the portal being blocked by material from the excavation of the highwall. This entry will be reopened and converted back into an intake entry within approximately 6 weeks. When the entry is reopened the regulator between entries one and two will be replaced by a solid stopping to separate the entries:

Also shown on this revision is the actual location of a set of doors, a stopping, and a regulator that were constructed outby the approved location. The ventilation scheme in this area is the same as it was approved on the revision dated August 6, 2009.

There is currently no miner's representative at the Upper Big Branch Mine. This plan will be posted at the mine office at time of submittal. If you have any questions or comments, feel free to contact me at (304) 854-3516.

Respectfully Submitted,
Performance Coal Company, Inc.

Eric Lilly
Mine Engineer

MSHA
MOUNT HOPE, WV

SEP 03 2009

RECEIVED
VENTILATION