

Denial



DEC 04 2009

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

Dear Mine Operator:

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 November 30, 2009, and received by MSHA on November 30, 2009. The ventilation revision requests to reroute the return off of MMU 029-0, down the left side of North Glory Mains, crossing overcasts on Headgate 1 North and up the Tailgate 1 North isolated return (not a part of the longwall ventilation air courses); change the number 3 entry of the Headgate 1 North to a return air course common with the worked out area inby the location of the longwall; and to convert the number 3 entry of Headgate 1 North to an additional intake air course common with the existing primary escapeway outby the longwall face; and revised face sketches for both longwall gate road development and the longwall face.

The revision cannot be approved as submitted. The submittal contains numerous errors and discrepancies which are detailed on the marked-up copy of the submitted map. The errors and discrepancies include: ventilation controls shown conflict with ventilation plan revisions which were approved on September 4, 2009, October 29, 2009, and November 13, 2009; roof falls which impede travel and which eliminate the potential for compliance with 30 CFR 75.384 for the 2nd longwall panel in the district are not shown nor addressed; water accumulations within the active areas and within adjacent areas are not shown; a means for compliance with 30 CFR 75.334(c) is not provided (additional information is requested due to the recent shut-down resulting from blocked air courses due to water); actual air readings are not provided despite production has been on-going since September, 2009; belt air from the development section is shown to be ventilating the longwall face; and belt air from the number 1 entry

SUPERVISOR 1 ENTRY CROWN EDGEMONT

Initials *Jan* Date *12/4/09*

of the Headgate 1 North does not meet the requirements of newly promulgated regulations (December 2008).

In addition, the submittal does not clarify how the return stopping line shown on the longwall face sketch is to be traveled or maintained, adequate details if the air courses are to become common or if the return stopping line is to be reconstructed. Measuring Points (MP) shown on the face sketch must also be checked for proper air direction. Furthermore, the gate road development face sketch (3-entry) contains a statement, "Number of entries may vary provided the ventilation scheme does not change." which is inappropriate for the projections and system shown on the attached maps.

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

Sincerely,

/s/ ROBERT G. HARDMAN

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

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



DEC 04 2009

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

Dear Mine Operator:

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 November 30, 2009, and received by MSHA on November 30, 2009. The ventilation revision requests to reroute the return off of MMU 029-0, down the left side of North Glory Mains, crossing overcasts on Headgate 1 North and up the Tailgate 1 North isolated return (not a part of the longwall ventilation air courses); change the number 3 entry of the Headgate 1 North to a return air course common with the worked out area inby the location of the longwall; and to convert the number 3 entry of Headgate 1 North to an additional intake air course common with the existing primary escapeway outby the longwall face; and revised face sketches for both longwall gate road development and the longwall face.

The revision cannot be approved as submitted. The submittal contains numerous errors and discrepancies which are detailed on the marked-up copy of the submitted map. The errors and discrepancies include: ventilation controls shown conflict with ventilation plan revisions which were approved on September 4, 2009, October 29, 2009, and November 13, 2009; roof falls which impede travel and which eliminate the potential for compliance with 30 CFR 75.384 for the 2nd longwall panel in the district are not shown nor addressed; water accumulations within the active areas and within adjacent areas are not shown; a means for compliance with 30 CFR 75.334(c) is not provided (additional information is requested due to the recent shut-down resulting from blocked air courses due to water); actual air readings are not provided despite production has been on-going since September, 2009; belt air from the development section is shown to be ventilating the longwall face; and belt air from the number 1 entry



SECTION A: GENERAL INFORMATION

DATE RECEIVED FROM: OPERATOR MAIL OTHER 12/3/09 RECEIVED BY: _____

MSIS Plan Tracking No. 9500/B6A10

PLAN TYPE: REVISION-REROUTE THE RETURN OFF OF THE MMU 029-0 SECTION AND MAKE THE RETURN ENTRIES INBY THE LW COMMON

COMPANY NAME: PERFORMANCE COAL CO.

MINE NAME: UBB Mine-South I.D. NO: 46-08436

FIELD OFFICE: Mt. Hope Mt. Carbon Summersville Princeton Pineville Madison
 Logan

PLAN SUMMARY / COMMENTS

SECTION B: ON-SITE REVIEW (IF APPLICABLE)

ON-SITE REVIEW CONDUCTED: YES, NO DATE OF REVIEW: _____

METHANE LIBERATION RATE (IF APPLICABLE): 10.3 (spot) CFD DATE OF SAMPLE: _____

COMMENTS: _____

• COMMENTS RECEIVED FROM MINER'S REPRESENTATIVE? YES NO NO REPRESENTATIVE
(See reverse)

SECTION C: PLAN COORDINATION and REVIEW

PLAN COORDINATED WITH (WHEN APPLICABLE): Please date and initial

ADM FOR ENF LEM 12-4-09 FO SUPV N/A CMI ASSIGNED TO MINE N/A

HEALTH _____ VENT _____ ROOF _____ TRAINING _____

STATE _____ TECH SUPPORT _____ OTHER _____

COMMENTS: _____

RUSH - gm

SECTION D: DISTRICT REVIEW

DISTRICT SPECIALIST: DATE REVIEWED: 12/4 INITIALS: gm

RECOMMENDATION: APPROVAL DISAPPROVAL ACKNOWLEDGEMENT WAIVER GRANTED WAIVER DENIED FWD TO TS CONCUR WITH STATE OTHER

SPECIALIST SUPERVISOR: DATE REVIEWED: 12/4 INITIALS: gm

RECOMMENDATION: APPROVAL DISAPPROVAL ACKNOWLEDGEMENT WAIVER GRANTED WAIVER DENIED FWD TO TS CONCUR WITH STATE OTHER

ASSISTANT DM (TECHNICAL): DATE REVIEWED: 12/4/09 INITIALS: mawfark

RECOMMENDATION: APPROVAL DISAPPROVAL ACKNOWLEDGEMENT WAIVER GRANTED WAIVER DENIED FWD TO TS CONCUR WITH STATE OTHER

DISTRICT MANAGER: DATE: 12/4/2009 INITIALS: [Signature]

APPROVED DISAPPROVED ACKNOWLEDGED WAIVER GRANTED WAIVER DENIED FWD TO TS CONCUR WITH STATE OTHER

SECTION E: DISTRIBUTION OF APPROVED PLANS

NOTE: FIELD OFFICE - RETURN ORIGINAL TRANSMITTAL SHEET TO ENGINEERING SERVICES

TRACKING DATES (IF APPLICABLE): MSIS 1 SCANNED _____ UMF _____
(In -- out)

PROVIDED TO OPERATOR & DISTRICT FILE: DATE: _____ INITIALS: _____

NOTIFICATION OF APPROVAL:

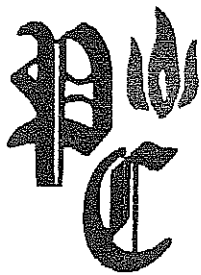
ASSISTANT DM (ENFORCEMENT) NOTIFIED BY - INITIALS: _____ DATE: _____ PHONE EMAIL IN PERSON

FIELD OFFICE SUPERVISOR NOTIFIED BY - INITIALS: _____ DATE: _____ PHONE EMAIL IN PERSON

INSPECTOR NOTIFIED BY - INITIALS: _____ DATE: _____ PHONE EMAIL IN PERSON

SUPERVISORY ACKNOWLEDGEMENT

Initials Date



Performance Coal Company

P.O. Box 69

Naoma, WV

25140

December 3, 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:

Attached for your review and approval is a ventilation revision for Performance Coal Company's Upper Big Branch Mine (46-08436). This revision is to reroute the return off of the MMU 029-0 section and make the return entries inby the longwall common. — *this is not shown on the accompanying map.*

A drawing is attached showing the controls to be removed and installed for this revision. The return off of MMU 029-0 will be routed down the left side North Glory Mains where it will cross overcasts on Headgate 1 North and be sent up Tailgate 1 North to the return shaft. The previous return entry will be made common with the belt along the #2 Crossover and with the longwall intake along Headgate 1 North. EP-LW1 will now include the #3 entry. A point feed regulator will be added at the #1 Crossover on Headgate 1 North. A face sketch is also included showing mining with the #1 entry containing the belt. This scheme will be used to mine Headgate 2 North. This revision is limited to the changes shown. All previously approved plan contents will be adhered to. — *this plan conflicts with previous approvals granted September, October 29, 2009 and November 13, 2009.*

This mine currently has no miner's representative. If you have any questions or comments on this matter, feel free to contact me at your convenience.

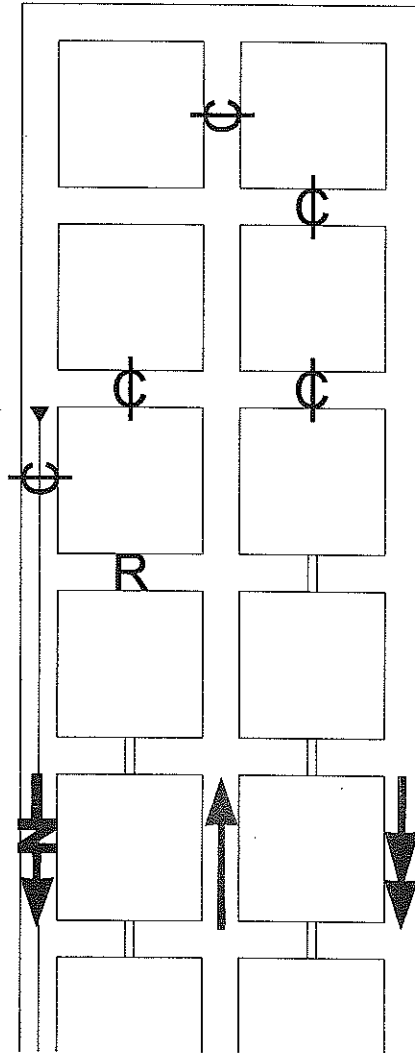
Respectfully Submitted,
Performance Coal Company, Inc.

Matthew Walker
Mine Engineer

MSHA
MOUNT HOPE, WV

DEC 03 2009

RECEIVED
VENTILATION



MSMA
MOUNT HOPE, WV

REC 03 2009

RECEIVED
VENTILATION

- Intake Air
- Return Air
- Secondary Intake Air
- || Permanent Stopping
- ▼ Belt Tailpiece
- R Regulator
- C Curtain
- ⊕ Box Check

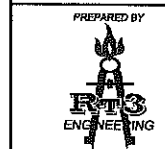
*not acceptable
statement for a
longwall plan.*

* Where any equipment will run through ventilation controls, they shall be substantially constructed as follows: Fly boards shall be installed rib to rib and fly pads will be installed overlapping so that a double thickness of ventilation material is achieved.

* No shuttle car will travel through line curtain ventilating the face.

* Number of entries may vary provided the ventilation scheme does not change.

	PERFORMANCE COAL COMPANY, INC. P.O. BOX 68, NAOMA, WV 25140		
	UPPER BIG BRANCH MINE		
M.S.H.A. ID No. 46-08438	WV ID No. U-3042-92		
Date: 11/20/09	SCALE: NA	DWG No. 1 of 1	
DRAWN BY: RL 3 Staff	CHECKED BY:		
Face Ventilation Typical Gateroad Development			
VENTILATION PLAN			



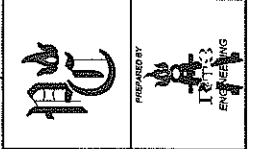
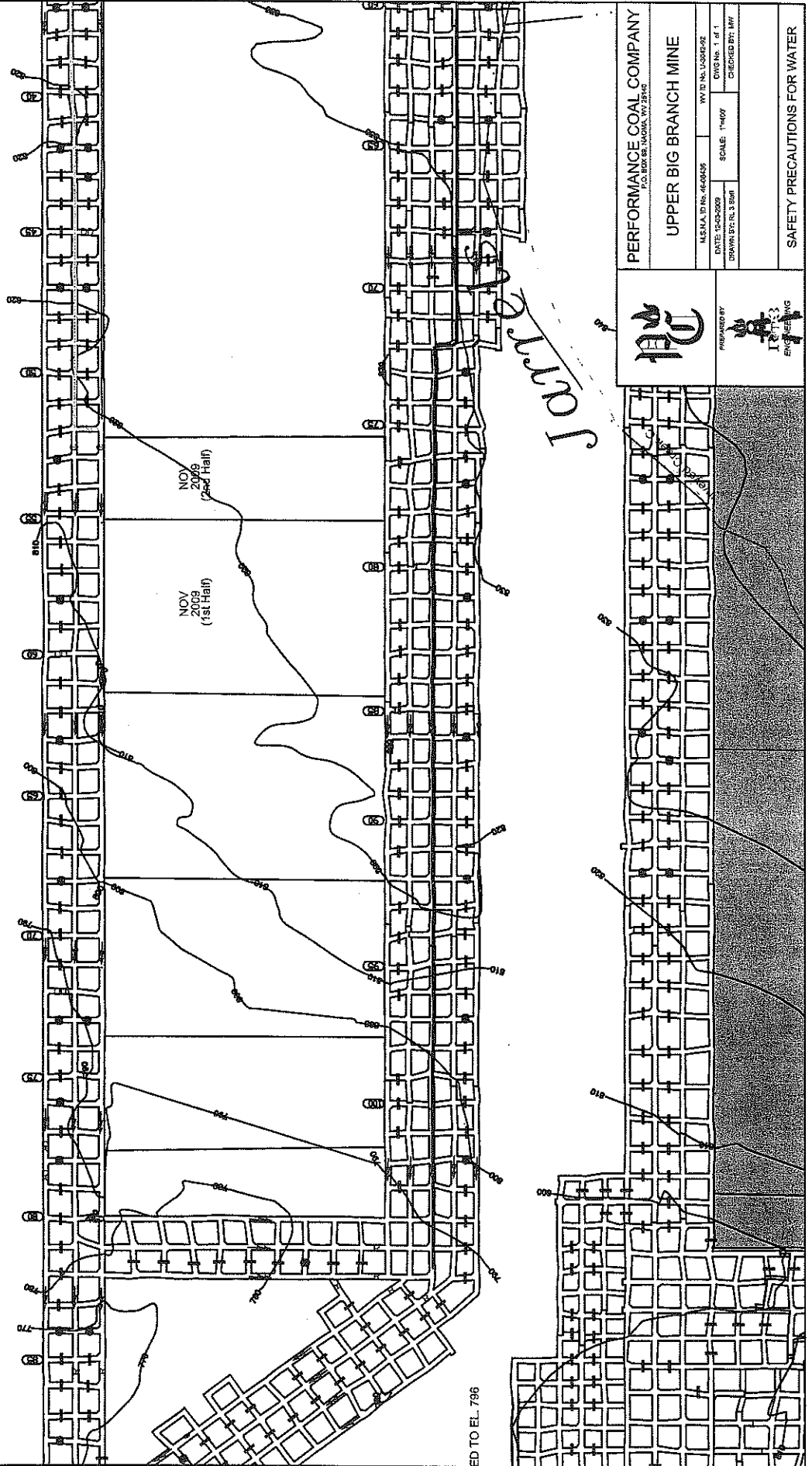
Safety Precautions:

1. GENERALLY, WATER GRAVITY FLOWS TO THE BACK OF THE LONGWALL PANELS TO THE VERTICAL TURBINE PUMP LOCATED AT BREAK 131.
2. IF WATER BUILDS UP, AIR PUMPS OR OTHER PERMISSIBLE PUMPS WILL BE UTILIZED TO PUMP THE WATER TO THE VERTICAL TURBINE PUMP.

Branch

MSHA
MOUNT HOPE, WV
DEC 03 2009

RECEIVED
VENTILATION



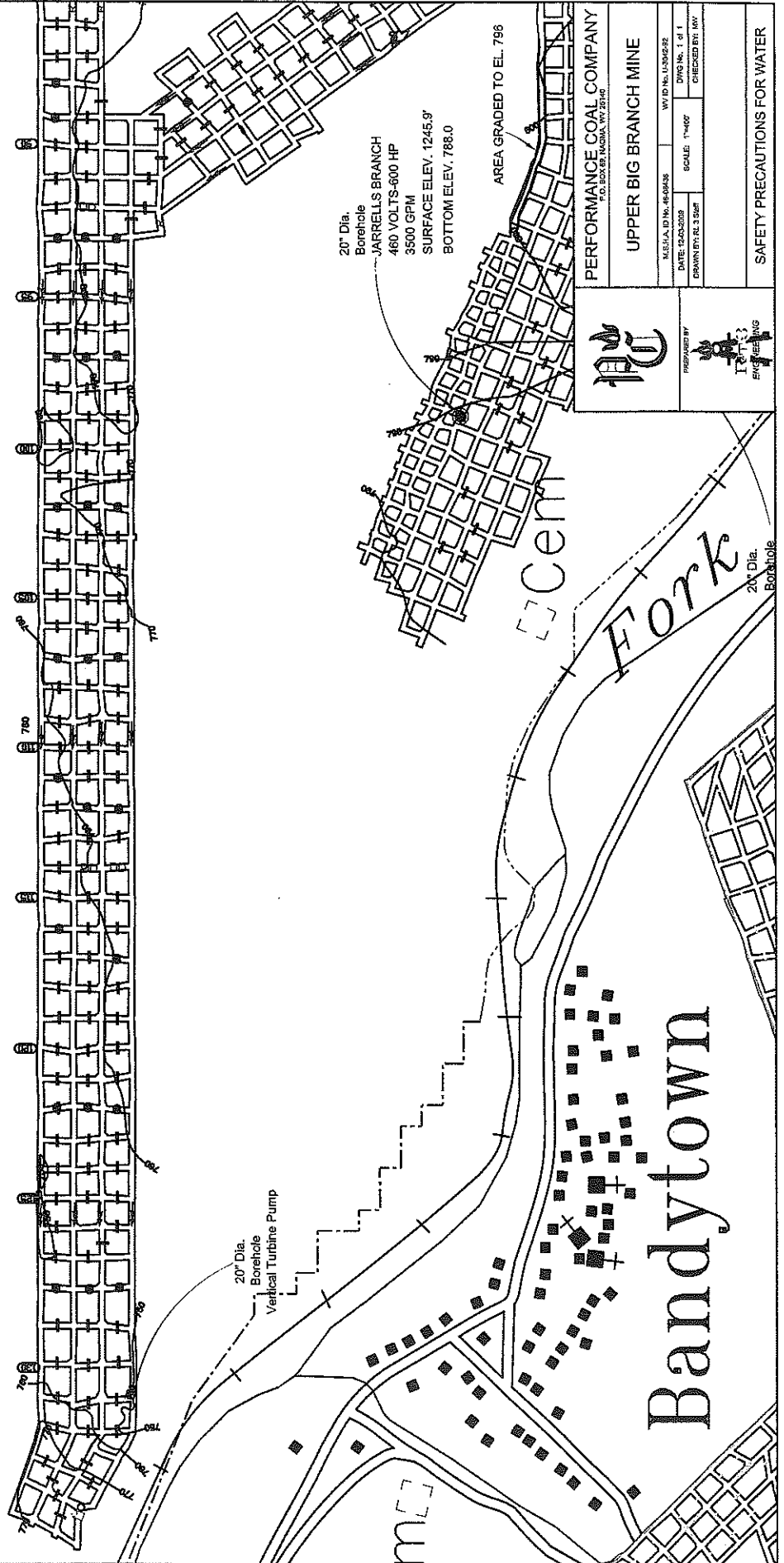
SAFETY PRECAUTIONS:

1. GENERALLY, WATER GRAVITY FLOWS TO THE BACK OF THE LONGWALL PANELS TO THE VERTICAL TURBINE PUMP LOCATED AT BREAK 131.
2. IF WATER BUILDS UP, AIR PUMPS OR OTHER PERMISSIBLE PUMPS WILL BE UTILIZED TO PUMP THE WATER TO THE VERTICAL TURBINE PUMP.

MSHA
BANDY TOWN, WV

DEC 03 2009

RECEIVED
VENTILATION



PERFORMANCE COAL COMPANY
1000 S. 10th St., Mingo, WV 26040
PREPARED BY
I. R. ...
ENGINEERING

PERFORMANCE COAL COMPANY		UPPER BIG BRANCH MINE	
MSHA ID No. 4049438	WV ID No. L13042-82	SAFETY PRECAUTIONS FOR WATER	
DATE 12-03-2009	DWG No. 1 of 1		
DRAWN BY: R. J. SMITH	SCALE: 1"=400'		
		CHECKED BY: AW	

TYPICAL LONGWALL FACE VENTILATION

Performance Coal Company

Upper Big Branch Mine 46-08436 (U-3042-92)

No. 1 North Panel (Belt Air)

RECEIVED
EP VENTILATION

DEC 03 2009

SOLID COAL

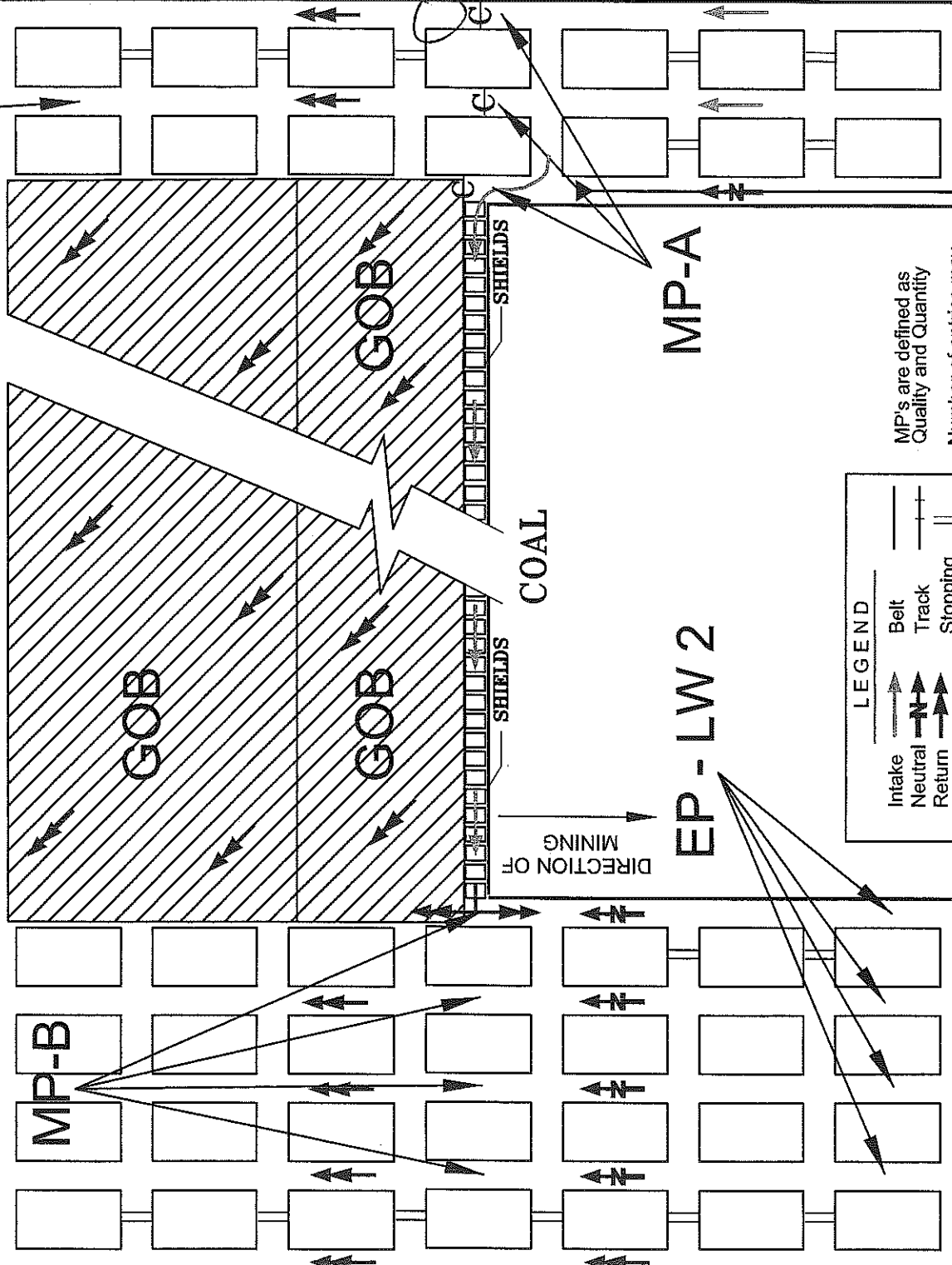
SOLID COAL

SOLID COAL

SOLID COAL

SOLID COAL

SOLID COAL



LEGEND

- ↑ Intake
- ↑ Neutral
- ↑ Return
- ⊖ Curtain
- Belt
- Track
- Stopping

MP's are defined as Quality and Quantity
 Number of entries may vary as long as ventilation scheme stays the same.

Not to Scale

*Hand are to be reconstructed
 Can this return split be traveled into the long wall face?
 MP will be required*

- 1) Face sketch
 - 2) Mine controls match 10/29 & previous revisions
 - 3) Volumes @ each split/regulator
 - 4) Bottom Contours - ~~foot~~
 - 5) location of roof falls
 - 6) location of water accumulations.
 - 7) Commitment on ~~o~~ No 2nd panel.
 - 8) Reason(s) why common air is necessary.
 - 9) location of 2 ways into bleeder system
(how will this be done?)
- 10) Pump locations + size - minimum pump size
+ locations. → 75.334(L)