

U. S. Department of Labor

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



OCT 16 2009

Mr. Berman Cornett
Safety Director
Performance Coal Company
P.O. Box 69
Naoma, WV 25140

Dear Mr. Cornett:

Subject: Supplement (6th) to the Roof-Control Plan, Upper Big Branch
Mine-South, I.D. No. 46-08436, Performance Coal Company,
Montcoal, Raleigh County, West Virginia,
Permit No. 4-RC-11-94-12307-11, approved October 25, 2005

Your supplement, received on October 14, 2009, to the roof-control plan, for a Block Shearing Plan, has been reviewed and cannot be approved as submitted. On February 17, 2009, a letter was sent informing you that the submitted plan update was denied and of the deficiencies in the submittal. Additionally, on August 21, 2009, a letter informing you that your plan was inadequate and contained several deficiencies was sent to you. Both of these letters informed you that no additional roof control plan supplement would be approved until an updated roof control plan for this mine was approved. To date these deficiencies have never been addressed.

This letter provides you with an opportunity to address the aforementioned deficiencies to the roof-control plan or the appropriate enforcement action may be taken. Please respond within 10-days from receipt of this letter.

Should you have any questions concerning this matter, please contact Don Winston at this office at (304) 877-3900 Extension 130.

Sincerely,

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

Enclosure

cc: Mount Hope Field Office (1 encl.)
Lee Barker (1 encl.)
Files/cls



Performance Coal Company

P.O. Box 69

Naoma, WV

25140

October 13, 2009

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

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

Dear Sir:

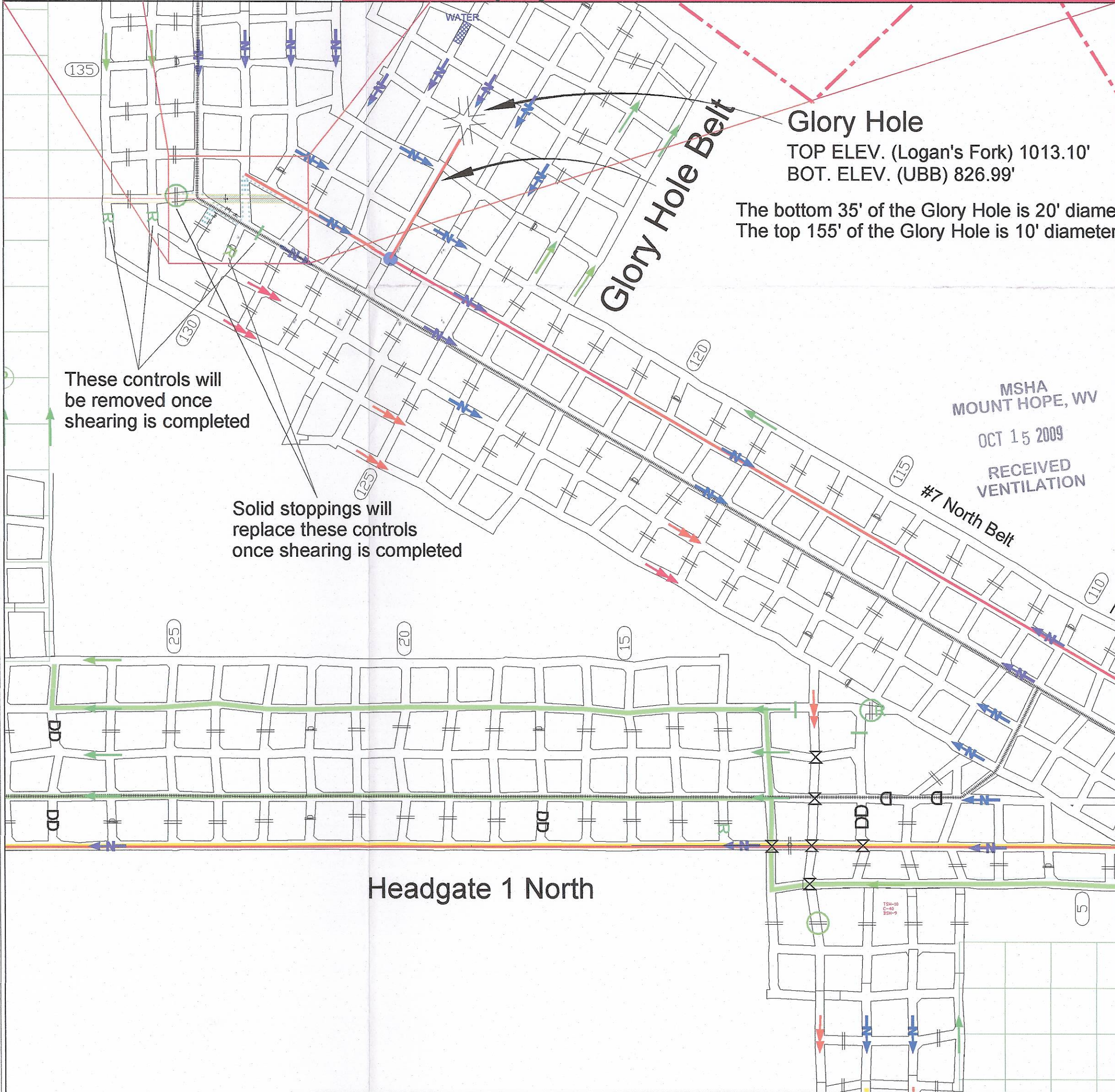
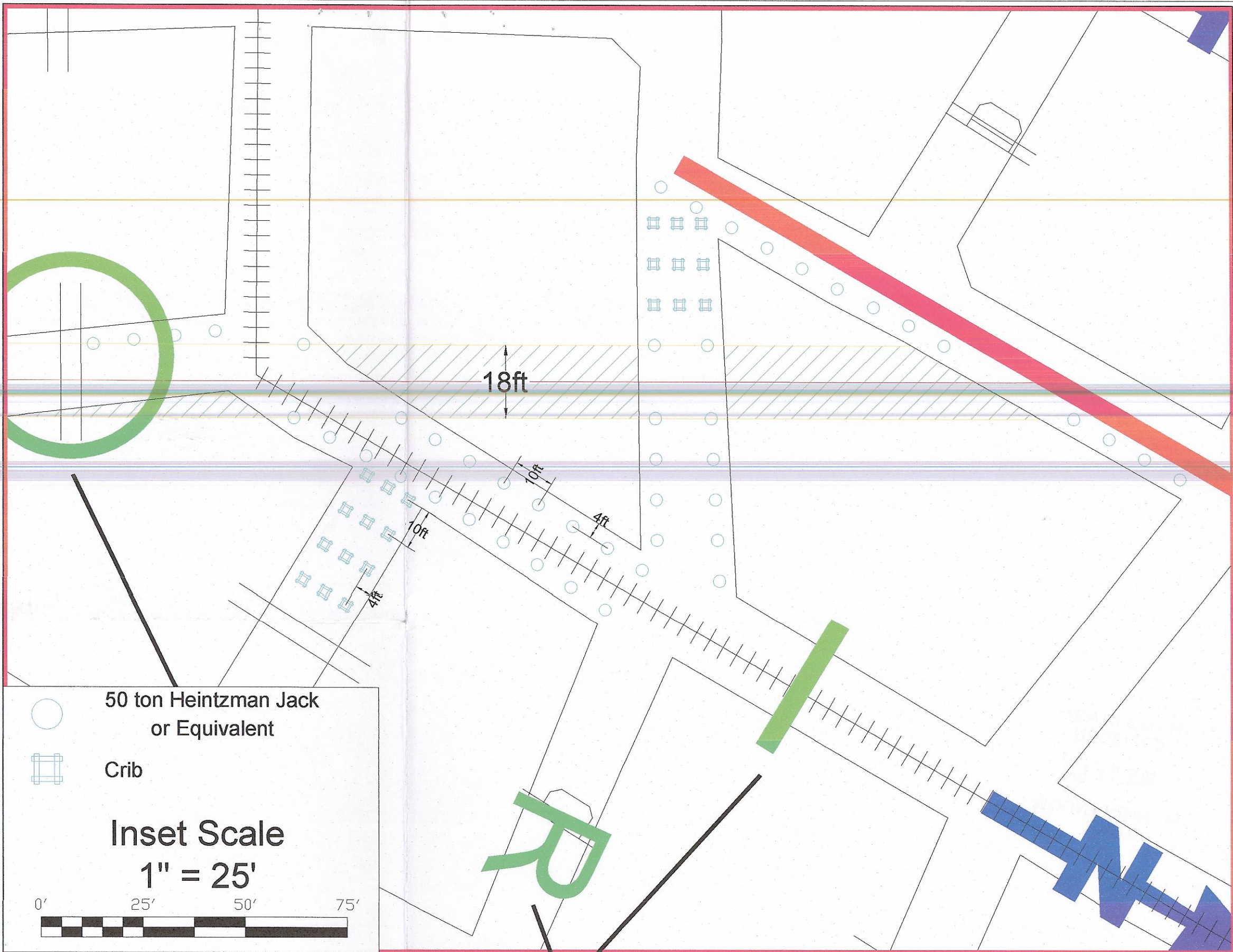
Enclosed for your review and approval please find the block shear plan for the Upper Big Branch Mine.

Additional roof support will be installed in the area of the block being sheared prior to shearing. The additional support will include cribs and 50-ton Heintzman jacks or equivalent. Support locations are shown on the attached map.

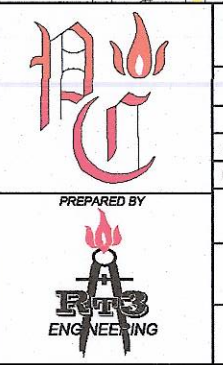
If you have any questions or comments, feel free to contact me at (304) 854-3516.

Respectfully Submitted,
Performance Coal Company, Inc.

Eric Lilly
Mine Engineer



INTAKE AIR	BOX CHECK	FAN	ROADS
SECONDARY INTAKE AIR	ACTIVE OR INACTIVE GAS WELL	SEALS	GAS LINES
RETURN AIR	PROPOSED GAS WELL	PROPOSED BELT HEAD	CORE HOLE
PRIMARY ESCAPEWAY	PLUGGED GAS WELL	BELT HEAD	PROPOSED PRIMARY ESCAPEWAY
ALTERNATE ESCAPEWAY	PERMANENT STOPPINGS	OVERCAST	PROPOSED ALTERNATE ESCAPEWAY
PROPOSED BELT	PROPOSED STOPPINGS	AIRLOCK DOOR	50 TON HEINTZMAN JACK OR EQUIVALENT
EXISTING BELT	AUGER WORKS	ADJACENT MINING COAL CONTOURS	CRIB
PROPERTY LINES	AUGER AREA	WATER	CONTROLS TO BE REMOVED
200' TEST DRILL LINE	CHECK CURTAIN	STREAM	PROPOSED REGULATOR
100' COVER BOUNDARY	PROPOSED SEALS	INTERMITTENT STREAM	Controls areas posted by mine foreman's information
APPROVED MINE LIMITS	RAILROAD		
TRACK	POWER LINES		
MAN DOOR			



PERFORMANCE COAL COMPANY P.O. BOX 69, NAOMA, WV 25140	
UPPER BIG BRANCH MINE	
M.S.H.A. ID No. 48-08438	WV ID No. U-3042-92
Date: 10-13-09	DWG No. 1 of 1
DRAWN BY: RT. 3 Staff	CHECKED BY:
BLOCK SHEAR PLAN	
HEADGATE 2 NORTH BLOCK SHEAR	