



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,

A handwritten signature in cursive script that reads "Robert G. Hardman".

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:

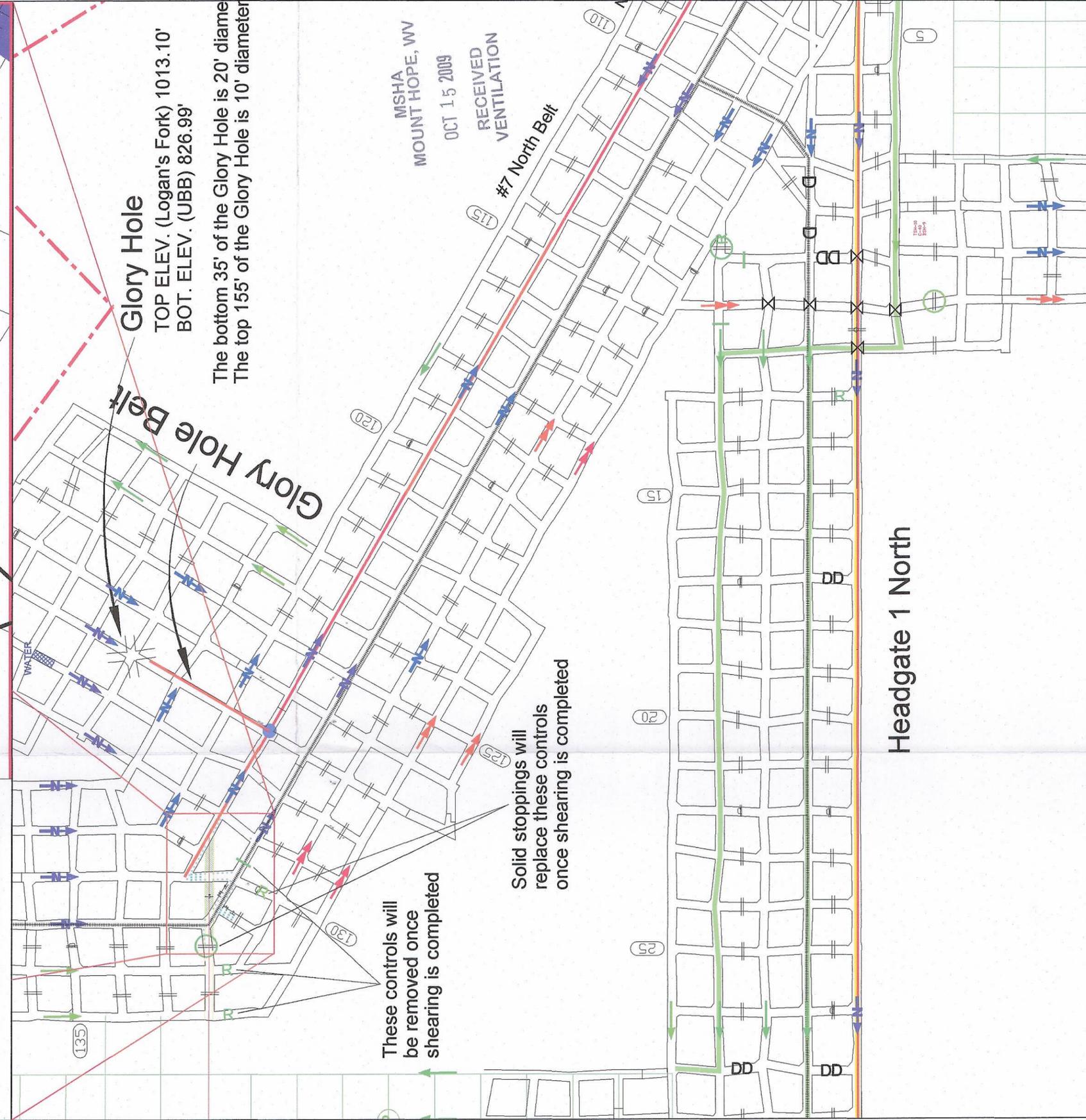
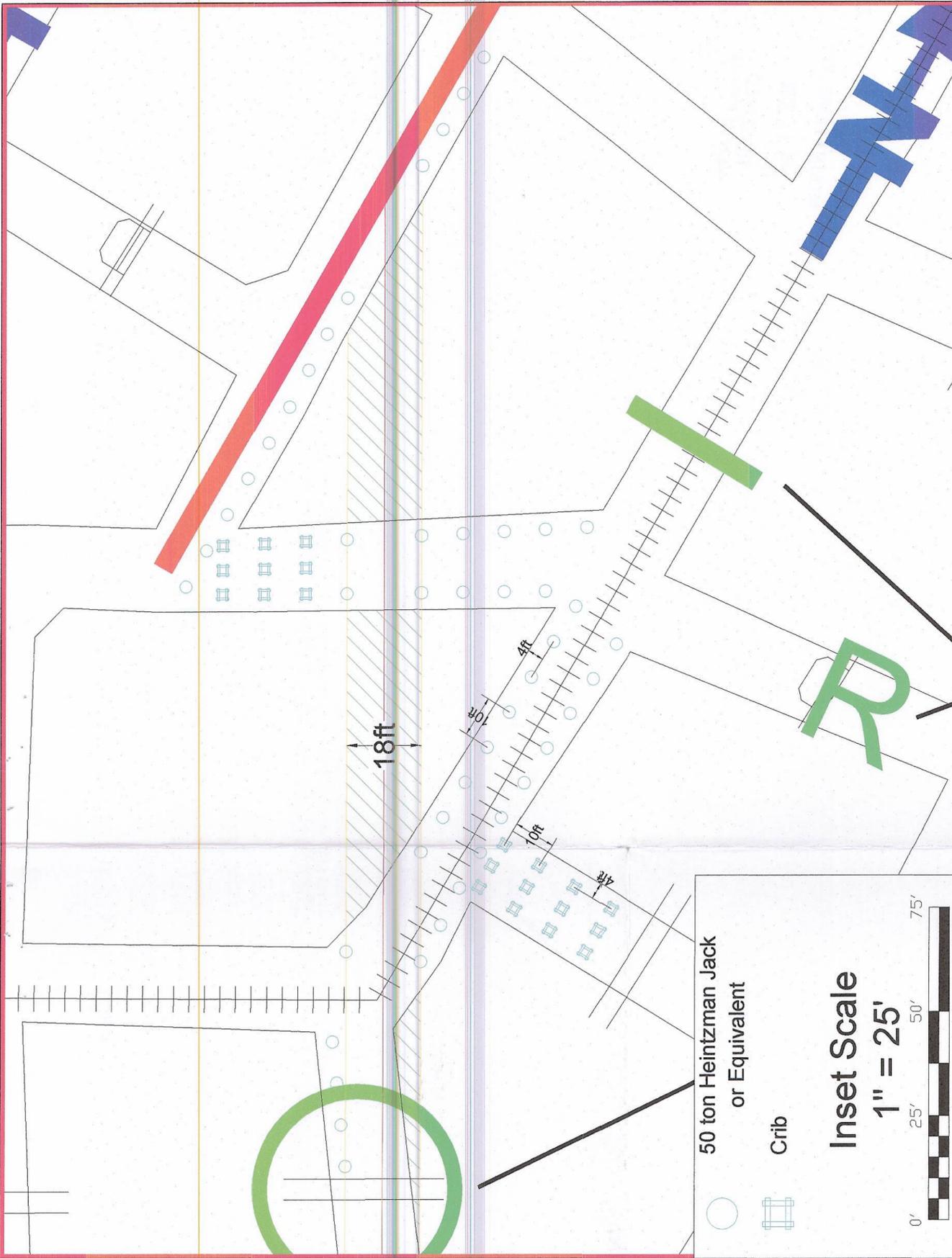
Enclosed for your review and approval please find the block shear plan for the Upper Big Branch Mine.

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



		PERFORMANCE COAL COMPANY P.O. BOX 69, NACHA, WV 25140
		UPPER BIG BRANCH MINE M.S.H.A. ID No. 46-0430 WY ID No. U3049-02
Date: 10-13-09	SCALE: 1"=200'	DWG No. 1 of 1
DRAWN BY: RL 3 SHF	CHECKED BY:	
PREPARED BY 		BLOCK SHEAR PLAN HEADGATE 2 NORTH BLOCK SHEAR

INTAKE AIR SECONDARY INTAKE AIR RETURN AIR PRIMARY ESCAPEWAY ALTERNATE ESCAPEWAY PROPOSED BELT EXISTING BELT PROPERTY LINES 200' TEST DRILL LINE 100' COVER BOUNDARY APPROVED LINE LIMITS TRACK MAN DOOR	BOX CHECK ACTIVE OR INACTIVE GAS WELL PLUGGED GAS WELL PERMANENT STOPPINGS PROPOSED STOPPINGS AUGER WORKS AUGER AREA CHECK CURTAIN PROPOSED SEALS RAILROAD POWER LINES	ROAD GAS LINES CORE HOLE ESCAPEWAY ESCAPEWAY ALTERNATE 50 TON HEINTZMAN JACK CRIB CONTROLS TO BE REMOVED PROPOSED REGULATOR WATER STREAM INTERMITTENT STREAM <p><small>Circle marks made by mine owner's information</small></p>
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