

U. S. Department of Labor

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

Denial



NOV 20 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 October 2, 2009, and received by MSHA on October 5, 2009, which includes a revised face sketch which was resubmitted on November 12, 2009. The ventilation revision requests to add an additional face sketch for 3-entry gateroad development which has the belt aircourse located in the number 1 entry flowing outby.

The revision cannot be approved as submitted. The face sketch does not provide adequate safety precautions regarding the usage of line curtain. Specifically, the Headgate 2 Section will utilize large crosscut and entry spacing (centers), which will require extensive line curtain distances which can approach 160 to 180 feet in length. The 3-entry development system shown on the submitted face sketch will require a roof bolting machine, a scoop, and a continuous mining machine in each face. Subsequently persons will be working and traveling in each of the faces which are being ventilated by line curtain. Shuttle car haulage is being utilized on the active section, and if shuttle car change out occurs in the last open crosscut, face ventilation will be interrupted due to the equipment hauling through the line curtain.

30 CFR 75.330(c) states, when the line brattice or any other face ventilation control device is damaged to an extent that ventilation of the working face is inadequate, production activities in the working place shall cease until necessary repairs are made and adequate ventilation is restored. Because ventilation via line curtain will be interrupted when each piece of equipment hauls through the curtain, causing the curtain to raise and short circuit the air, the submitted face sketch will not allow production to continue while haulage is being conducted. Additionally haulage through the last open crosscut is likely to tear down the

SUPERVISORY ACKNOWLEDGEMENT

RC 11/20/09
Initials Jm 11/20/09 Date

curtain. Haulage is necessary for production to commence, therefore the system as submitted conflicts with the requirements of the regulation.

In addition, the mine and the 2 Headgate North section liberates substantial amounts of methane and interruptions to the face ventilation in any entry will create an ignition hazard to miners.

It is recommended that the face sketch be resubmitted with an additional safety precaution which will require shuttle car change out one crosscut outby the last open crosscut. This safety precaution will reduce the likelihood that face ventilation is interrupted in an entry, will prevent line curtain from being torn down, and will also decrease the likelihood that a miner could be struck by moving equipment which is traveling through curtains while turning which highly reduces operator visibility.

Additional safety precautions in lieu of the recommendation will also be acceptable, provided they ensure adequate ventilation and safety of miners.

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

Sincerely,

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

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

U. S. Department of Labor

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



NOV 20 2009

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

Eris Liff
picked up by
11/20/09

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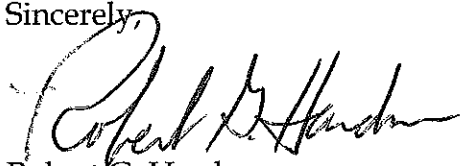
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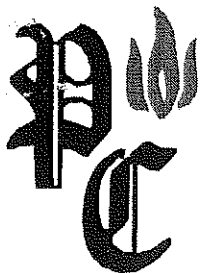
Additional safety precautions in lieu of the recommendation will also be acceptable, provided they ensure adequate ventilation and safety of miners.

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". The signature is fluid and cursive, with a large initial "R" and "H".

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



Performance Coal Company

P.O. Box 69

Naoma, WV

25140

October 2, 2009

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

MSHA
MOUNT HOPE, WV

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

OCT 05 2009

RECEIVED
VENTILATION

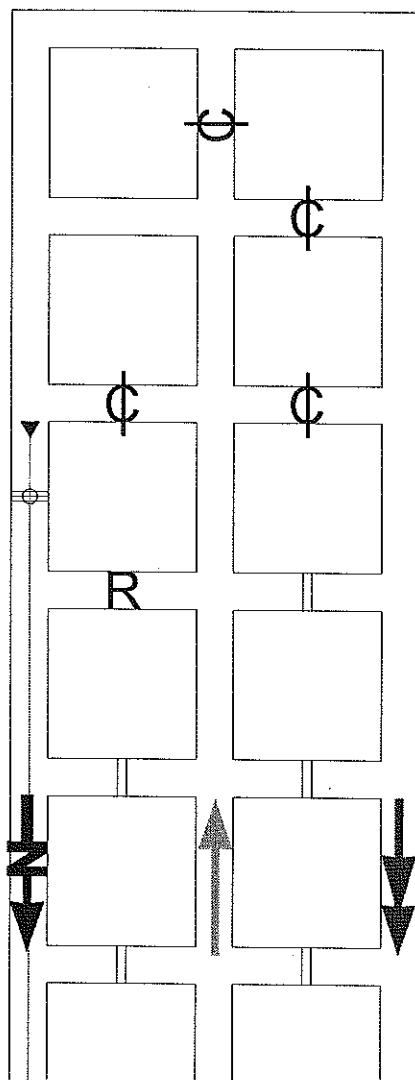
Dear Sir:

Please find the enclosed ventilation revision for your review and approval. This revision is to add an additional typical face sketch to the Ventilation Base Plan. The face sketch to be added is to show development of the longwall gateroads with the belt in the #1 entry.

This mine currently has no miner's representative. If you have any questions or comments, feel free to contact me at (304) 854-3516.

Respectfully Submitted,
Performance Coal Company, Inc.


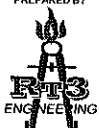
Eric Lilly
Mine Engineer



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

- * The curtains shown will be firmly attached to the mine roof using fly boards. These curtains will be run-thru type curtains.
- * Number of entries may vary provided the ventilation scheme does not change.

MSHA
 MOUNT HOPE, WV
 NOV 12 2009
 RECEIVED
 VENTILATION

	PERFORMANCE COAL COMPANY, INC. P.O. BOX 69, NAOMA, WV 25140		
	UPPER BIG BRANCH MINE		
PREPARED BY 	M.S.H.A. ID No. 46-08436		WV ID No. U-3042-92
	Date: 10/01/09	SCALE: NA	DWG No. 1 of 1
	DRAWN BY: RL 3 Staff		
	CHECKED BY:		
Face Ventilation Typical Gateroad Development			
VENTILATION BASE PLAN			