



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 and received by MSHA on September 25, 2009. The ventilation revision is to modify phase two of the previously approved revision for the longwall panel (approved August 06, 2009). The revision is to build two (2) box checks, one along #6 belt and one along the longwall belt, and to dump the belt air into the return after the No. 1 Crossover cut through is completed and overcasts are constructed. In addition intake air would be introduced into the longwall belt at break 13.

The revision, as submitted, cannot be approved and is hereby denied. Please refer to the attached marked-up copy of the revision map and narrative, which notes the deficiencies found upon review. The introduction of intake air to the longwall belt at Break 13 is a point feed regulator and the ventilation revision must address the requirements of 30 CFR 75.350(c), (d).

Please be advised the requirements of 30 CFR 75.350(b) state: "The use of air from a belt air course to ventilate a working section, or an area where mechanized mining equipment is being installed or removed, shall be permitted only when evaluated and approved by the district manager in the mine ventilation plan." A ventilation revision, justifying the use of belt air to ventilate a working section, should be submitted to this office within ten (10) days, after the receipt of this letter or be subject to appropriate enforcement action.

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



Denial



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President
Performance Coal Company
POB 69
Naoma, WV 25140

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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

SUPERVISORY ACKNOWLEDGEMENT

Initials *gm* Date *11/20/09*



Performance Coal Company

P.O. Box 69

Naoma, WV

25140

September 25, 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 modify phase two of the previously approved revision for the longwall ventilation system.

Under this revision, two box checks will be constructed, one between 82 and 83 break along #6 North Belt and the other will be constructed between 11 and 12 break on the longwall belt. Controls will be removed and installed as shown to allow the belt air to be dumped into the return once the No. 1 Crossover cut through is completed and overcasts are constructed. The belt air will be coursed into the return and across to the No. 1 Tailgate where it will travel to the return shaft. This revision is limited to the changes shown for phase two. All previously approved plan contents will be adhered to.

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

SEP 25 2009

RECEIVED
VENTILATION

