

U. S. Department of Labor

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



Denial

DEC 07 2006

Mr. Craig Boggs
President
Performance Coal Company
P. O. Box 69
Naoma, WV 25140

Dear Mr. Boggs:

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 a revision to the ventilation plan, submitted to this office and dated October 11, 2006, which shows the ventilation of new mining projections for the lower Big Branch area of the subject mine. The proposed revision is shown on a portion of the mine map, dated October 11, 2006, and submitted with the request.

The revision, as submitted, cannot be approved and is hereby denied. Please refer to the attached marked-up copy of the revision map, which notes the deficiencies found upon review. The map indicates that the area will be pillared, but does not depict the sequence of mining or the location of evaluation points that will be utilized to evaluate the bleeder system for the projected panels and submains.

Should you have any questions concerning this matter, please contact William L. Ross 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
Inspector
Field Office Supervisor (Letter Only)
Files/dac

SUPERVISORY ACKNOWLEDGEMENT
Initials BR
Date 12-6-06
11/14/06

U. S. Department of Labor

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Sincerely,

A handwritten signature in black ink, reading "Robert G. Hardman", is written over the typed name.

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



Performance Coal Company

P.O. Box 69

Naoma, WV

25140

October 11, 2006

Mr. Robert G. Hardman
Acting District Manager
Mine Safety and Health Administration
100 Bluestone Road
Mt. Hope, West Virginia 25880-0112

RE: Performance Coal Company - Upper Big Branch Mine-South
Federal I.D. 46-08436, State I. D. U-3042-92 – Ventilation Plan

Dear Mr. Hardman:

Performance Coal Company, Upper Big Branch Mine-South (ID 46-08436), is submitting new projections and ventilation scheme for the Lower Big Branch section as shown on the attached map of a portion of the mine.

Your timely review and approval of this revision would be greatly appreciated. If you have any questions, or require further information, please call me at (304) 854-1761.

Respectfully Submitted,

Performance Coal Co.
George T. Levo
Mining Engineer

