

U. S. Department of Labor

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



SEP 05 2008

Mr. Chris Blanchard
President
Performance Coal Company
P. O. Box 69
Naoma, WV 25140

Denial

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 a revision to the ventilation plan, submitted to this office and received July 8, 2008, showing the proposed ventilation, and the controls to be installed and removed, in order to move the 041-0 MMU to 1 North Headgate and ventilate the new section with sweep air, while continuing to ventilate the Old North Mains section with split ventilation. The revision is shown on a portion of the mine map, dated July 2, 2008, and submitted with the request.

The revision cannot be approved as submitted and is hereby denied. Please refer to the attached copy of the submittal map which has been marked-up with corrections and comments that need addressed prior to re-submittal.

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

Sincerely,

ROBERT G. HARDMAN

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

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

SUPERVISORY ACKNOWLEDGEMENT

Initials

RC 9/4/08

9/4/08

Date



SEP 05 2008

Mr. Chris Blanchard
President
Performance Coal Company
P. O. Box 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 a revision to the ventilation plan, submitted to this office and received July 8, 2008, showing the proposed ventilation, and the controls to be installed and removed, in order to move the 041-0 MMU to 1 North Headgate and ventilate the new section with sweep air, while continuing to ventilate the Old North Mains section with split ventilation. The revision is shown on a portion of the mine map, dated July 2, 2008, and submitted with the request.

The revision cannot be approved as submitted and is hereby denied. Please refer to the attached copy of the submittal map which has been marked-up with corrections and comments that need addressed prior to re-submittal.

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", written in a cursive style.

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



Performance Coal Company

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

MSHA copy

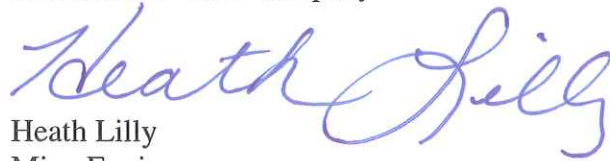
Re: Performance Coal Company
Upper Big Branch Mine
MSHA ID: 46-08436
State ID: U-3042-92
Ventilation Revision

Dear Sir:

Please find the attached ventilation revision for your review and approval. This ventilation revision is to move mmu 041-0 onto 1 north head gate while continuing to mine Old North Mains. Sweep ventilation will be used to ventilate 1 north head gate while the Old North Mains section will continue to run on split ventilation. A drawing is attached showing the air directions while both sections are mining. The drawing also shows controls that will be added and removed.

At this time, Performance Coal Company does not have a miner's representative at this operation. If you have any questions or concerns, please feel free to contact me at your convenience. (304) 854-1761

Respectfully submitted,
Performance Coal Company



Heath Lilly
Mine Engineer

RECEIVED
VENTILATION
08 2008
MSHA
MOUNT HOPE, WV