

U. S. Department of Labor

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



Denial

OCT 27 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, dated September 30, 2008, initially received by MSHA on October 02, 2008, and resubmitted on October 14, 2008, for the subject mine. The proposed revision is to install a fan at the Upper Big Branch South Portals and add a third miner section on East Mains (MMU 060 and MMU 061) shown on a portion of the mine map, dated October 10, 2008, 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.

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

Sincerely,

/s/ Richard J. Kline

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

cc: Mt. Hope Field Office
Inspector
Field Office Supervisor (Letter Only)
Files/nlc

SUPERVISORY ACKNOWLEDGEMENT

Initials RLK 10/23/08 Date gm 10/23

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Sincerely,

A handwritten signature in black ink, appearing to read "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 10, 2008

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

MSHA
MOUNT HOPE, WV

OCT 14 2008

RECEIVED
VENTILATION

RE: Upper Big Branch
MSHA ID: 46-08436
Ventilation Revision

Dear Sir:

Please find for your review and approval, the attached ventilation revision for the Upper Big Branch Mine. This revision is to install a fan at the UBB South portals and add a third miner section on East Mains.

A drawing is attached showing the location of the proposed fan and the ventilation for the startup of the East Mains section. The new section will utilize split air. MMU 060-0 and MMU 061-0 will be activated for this section. Proposed air readings and fan specifications are included on the drawing.

At this time, Performance Coal Company does not have a miners' representative at this location. If you should have any further questions or need additional information please feel free to contact me at 304-854-1761.

Respectfully submitted,
Performance Coal Co.

Matthew Walker
Mine Engineer