

Denial



JUL 14 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 a revision to the ventilation plan, dated July 10, 2009, and received by MSHA on July 14, 2009, for the subject mine. The revision requests to convert the Number one (1) entry of the MMU-029 (previously MMU-040), which is mining the Headgate entries to a proposed ventilation shaft to facilitate the ventilation of a new longwall mining unit from a return aircourse to an intake aircourse separate from the primary escapeway.

The revision, as submitted, cannot be approved and is hereby denied. The submitted revision map and narrative, contains the following deficiencies:

- Directional arrows indicating ventilating air current direction are not given at the regulator or the overcasts proposed near the ventilation shaft.
- A description of the dewatering borehole installation, including whether mining will be conducted into the hole, or if the hole will be drilled after the area has been mined. The size of the hole is not specified. If mining will be conducted into the borehole please provide safety precautions to prevent methane ignition and possible water inundation to the active section.
- A typical face sketch has not been approved in the methane-dust control portion of the ventilation plan which shows a separate isolated intake air course up to the working section.
- The revision does not propose a means to effectively address the amount of intake air which is lost from the beginning of the proposed longwall panel to the working section. The last approved ventilation revision (April 27, 2009) requires separate intake air courses which contain approximately 140,000 cfm when combined. On July 8, 2009, the active section (which contains MMU-040) had only 5,437 cfm in the last

SUPERVISORY ACKNOWLEDGEMENT

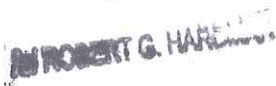
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open crosscut (per citation 8072754). The difference in ventilating air current available to the active section indicates the current means of ventilation within this portion of the mine is ineffective. Additionally, the revision indicates that 11,000 cfm is present in the right return air course which increases substantially to approximately 86,100 cfm at the portal area. Significant leakage within this aircourse also indicates the ventilation circuit in this portion of the mine is ineffective.

The conditions described above appear to be contributing to low air volumes and velocities on the active mining section as described in citation 6612462, issued July 13, 2009, in which only 1400 cfm was present at the end of the line curtain when the continuous mining machine was operating in the 2-Left crosscut. Additionally, a 104(b) order was issued due to the low air volumes available on the active section for the purpose of ventilation.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "ROBERT G. HARDMAN".

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

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



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Big Branch Mine-South, I.D. No. 46-08436, Performance
Coal Company, Montcoal, Raleigh County, West Virginia

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Performance Coal Company

P.O. Box 69

Naoma, WV

25140

July 10, 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:

Please find the enclosed ventilation revision for our Upper Big Branch Mine for your review and approval. This revision is to convert the continuous miner section mining on the No. 1 North Headgate from split ventilation to sweep ventilation. The ventilation scheme is shown on the attached maps.

The stopping line between the No. 1 and No. 2 entries will be kept intact and each intake split will be traveled in its entirety each week.

During the drilling of the shaft a minimum of 9,000 CFM will be maintained at the bottom of the shaft in accordance with the approved shaft plan.

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

MSHA
MOUNT HOPE, WV

JUL 14 2009

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VENTILATION