

U. S. Department of Labor

SEP 17 2009

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



Denial

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, 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 map, requesting to drill a dewatering hole into the subject mine, and convert the No. 4 entry of the No. 1 North Headgate to an intake aircourse. The revision, dated September 8, 2009, was received by MSHA on September 11, 2009. The submitted map and plan, as submitted, does not provide the required information, pursuant to 30 CFR, Section 75.371 and 75.372, and cannot be approved. Furthermore, the proposed plan does not comply with the base mine ventilation plan approved on August 6, 2009. Please refer to the discrepancies marked on the attached map and plan, which provide the basis for denial of the ventilation map.

Additionally, citations were issued at the mine on September 15, 2009 for missing ventilation controls which compromised the isolation of the primary (intake) escapeway for the longwall mining section. In response to these conditions, pursuant to 30 CFR 75.370, additional provisions are being requested by the District Manager in the form of safety precautions to ensure the primary escapeway is not compromised in the future, and an inventory of equipment that is provided with automatic fire suppression or will be attended in the intake escapeway (to ensure compliance with 30 CFR 75.380(f)(3)).

Should you have any questions concerning this matter, please contact the Ventilation Department 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 (3 copies)
Files/nlc

SUPERVISORY ACKNOWLEDGEMENT

Copy typed to letters 9/16/09
Initials *RL* Date *9/17/09*
RL 9/17/09

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Sincerely,

A handwritten signature in black ink, which appears to read "Robert G. Hardman", is written over a horizontal line.

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