

U. S. Department of Labor

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



Demas

DEC 09 2009

Mr. Chris Blanchard
President
Performance Coal Company
POB 69
Naoma, WV 25140

Dear Mine Operator:

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 the ventilation revision dated December 7, 2009,
and received by MSHA on December 8, 2009.

The ventilation revision requests to route a travelable return aircourse from the
active MMU-029 into a common entry with MMU-040; make the #3 headgate
entry a common intake aircourse with the existing primary escapeway; provide
dewatering information; and project a future gateroad.

The revision cannot be approved as submitted. The ventilation scheme shown
does not indicate that an isolated, tailgate entry will be available or reestablished
for the 2nd longwall panel. The submittal letter indicates a future tailgate entry
will be maintained travelable as required by 75.215; however the statements and
ventilation scheme provided does not comply with the existing base plan and
ignores the additional requirements of 75.334, definition of active workings,
75.384, and the examination requirements of 75.364.

Additionally, the submittal letter requests that the August 6, 2009 approval be
honored in respect to ventilation with belt air. A verbal request was provided for
a ventilation revision subsequent to new belt air regulations on August 6, 2009,
and the current longwall plan was approved as a courtesy to allow additional
time to develop and submit a plan. To date this request has not been answered.
An additional written request was sent dated November 20, which also has not
been addressed. Subsequently, another written notice was provided on
December 4, 2009, which also has resulted in no additional information provided
to justify the usage of belt air. A review of the mine map indicates that return
aircourses are available which could be utilized to modify the current belt air

SUPERVISORY ACKNOWLEDGEMENT

PK 12/9/09

Initials *gm 12/9* Date

scheme and ventilating air current quantities are also available to accomplish the removal of belt air without creating hazards to miners working on the longwall face.

In order to assure that the requirements for the usage of belt air are available to you, a copy of the regulations accompanies this correspondence.


The submittal also does not provide information as to whether the isolated return split will be traveled in by the longwall face, back towards the common entries out by the longwall tailgate EP-LW3, or the specifics regarding the reconstruction of stoppings which separate the number 2 and number 3 entries as shown on the face sketch.

The submittal contains numerous power boreholes in the return air courses of the longwall and miner sections, one of which is within the worked out area. Information contained within the plan revision is insufficient to allow approval. Furthermore, electrical power internal to worked out areas cannot be approved. Additional comments have been placed on the submitted maps which further address these hazards.

Furthermore, the projections for the MMU-029 section indicates that ventilating air current will travel off of the active section 5.11 miles to the bleeder fan. Please provide pressure drops, height, width, distance, and calculations to assure this working section can be adequately ventilated. The distance that ventilating air current must travel appears that it will restrict the ventilating air current beyond the system's capacity. Please be reminded that this mine is on a 103(i) inspection schedule due to its methane liberation and inadequate ventilation on a working section is both an ignition and explosion hazard.

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 (3incl.)/ Files/nlc

U. S. Department of Labor

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



DEC 09 2009

Eric Hill
12-9-09

Mr. Chris Blanchard
President
Performance Coal Company
POB 69
Naoma, WV 25140

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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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The ventilation revision requests to route a travelable return aircourse from the active MMU-029 into a common entry with MMU-040; make the #3 headgate entry a common intake aircourse with the existing primary escapeway; provide dewatering information; and project a future gateroad.

The revision cannot be approved as submitted. The ventilation scheme shown does not indicate that an isolated, tailgate entry will be available or reestablished for the 2nd longwall panel. The submittal letter indicates a future tailgate entry will be maintained travelable as required by 75.215; however the statements and ventilation scheme provided does not comply with the existing base plan and ignores the additional requirements of 75.334, definition of active workings, 75.384, and the examination requirements of 75.364.

Additionally, the submittal letter requests that the August 6, 2009 approval be honored in respect to ventilation with belt air. A verbal request was provided for a ventilation revision subsequent to new belt air regulations on August 6, 2009, and the current longwall plan was approved as a courtesy to allow additional time to develop and submit a plan. To date this request has not been answered. An additional written request was sent dated November 20, which also has not been addressed. Subsequently, another written notice was provided on December 4, 2009, which also has resulted in no additional information provided to justify the usage of belt air. A review of the mine map indicates that return aircourses are available which could be utilized to modify the current belt air

scheme and ventilating air current quantities are also available to accomplish the removal of belt air without creating hazards to miners working on the longwall face.

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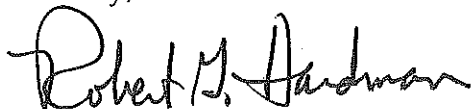
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Furthermore, the projections for the MMU-029 section indicates that ventilating air current will travel off of the active section 5.11 miles to the bleeder fan. Please provide pressure drops, height, width, distance, and calculations to assure this working section can be adequately ventilated. The distance that ventilating air current must travel appears that it will restrict the ventilating air current beyond the system's capacity. Please be reminded that this mine is on a 103(i) inspection schedule due to its methane liberation and inadequate ventilation on a working section is both an ignition and explosion hazard.

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Sincerely,



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



Performance Coal Company

P.O. Box 69

Naoma, WV

25140

December 07, 2009

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

MSHA
MOUNT HOPE, WV

DEC 08 2009

RECEIVED
VENTILATION

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

Dear Sir:

Please find attached a ventilation revision to route the travelable return from the active MMU 029-0 into a common entry with MMU 040-0. This revision will also make the #3 entry of the longwall headgate common with the bleeder air of the longwall. Prior to activation of the longwall section in the second Northern longwall panel this future tailgate entry will be maintained travelable as required by 75.215.

and isolated to comply with 75.384, active workings, 75.364(a)(2) and 75.334.

Please also find as a part of this revision, the bottom contour elevations in the bleeders of the active longwall. This will also show the dewatering system in place to handle future inflows of water and to keep ventilation uninterrupted.

Your office has expressed reservation about the use of belt air to ventilate the working longwall face. This revision continues to show belt air coursing to the longwall section. These air directions were approved on August 06, 2009 by your office on a submittal turned in on August 06, 2009. This submittal and approval date were significantly after the change in belt air standards, and Performance Coal asks that these approvals be honored for the current longwall panel. The current longwall panel was developed in good faith and a ventilation system designed upon the use of belt air, which was approved by MSHA. The next longwall panel in the eastern area of the mine proposes coursing longwall belt air outby and pending approval of your office, the ventilation shall be set up for that scenario during development. Furthermore, any additional longwall panels in the Northern reserve area of the mine shall be designed to meet any additional criteria that MSHA specifies.

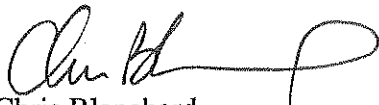
verbal notice provided on this date,
written notice provided November 20 from District Manager.
I ask for your prompt review of this submittal and if this submittal cannot be approved as submitted then for an immediate conference with you and any members of your staff.

Additional written notice provide December 4th, 2009.

A copy of the regulations have been attached to this denial.

There is currently no miner's representative at the Upper Big Branch Mine. This plan will be posted at the mine office.

Respectfully Submitted,

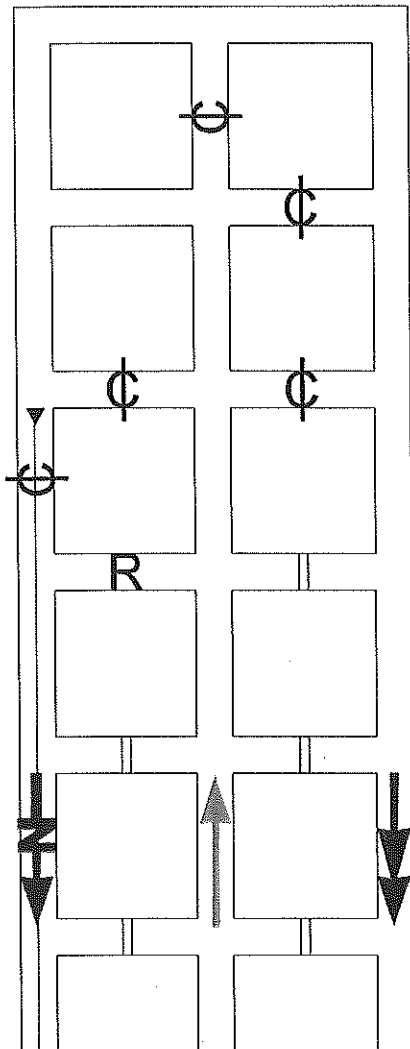


Chris Blanchard
Performance Coal Company
President

MSHA
MOUNT HOPE, WV

DEC 08 2009

RECEIVED
VENTILATION



MSHA
MOUNT HOPE, WV

DEC 08 2009

RECEIVED
VENTILATION

- Intake Air
- ↔ Return Air
- ↔ Secondary Intake Air
- || Permanent Stopping
- ▼ Belt Tailpiece
- R Regulator
- ⊘ Curtain
- ⊕ Box Check

Describe safety precautions to be used to prevent checks from being torn down.

* No shuttle cars will travel through line curtain that is ventilating the face.



PERFORMANCE COAL COMPANY, INC.
P.O. BOX 69, NAOMA, WV 25140

UPPER BIG BRANCH MINE

M.S.H.A. ID No. 46-08436

WV ID No. U-3042-92

Date: 11/30/09

SCALE: NA

DWG No. 1 of 1

DRAWN BY: RL 3 SW/T

CHECKED BY:

Face Ventilation Typical
Gateroad Development

VENTILATION PLAN



PREPARED BY

R.T.S.
ENGINEERING