



Denial

DEC 11 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 a revision to the ventilation plan, dated October 13, 2009, and received by MSHA on October 15, 2009, for the subject mine. The revision shows ventilation controls to be installed and removed to revise the ventilation scheme in order to move the #4 Section from Left No. 1 Panel to No. 16 Panel.

The revision, as submitted, cannot be approved. Please refer to the attached marked-up copy of the revision map and narrative, 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,

RG ROBERT G. HARDMAN

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

cc: Mt. Hope Field Office
Inspector
Field Office Supervisor
Files/nlc

SUPERVISORY ACKNOWLEDGEMENT

RG 12/11/09
Initials *gm* 12/11/09 Date



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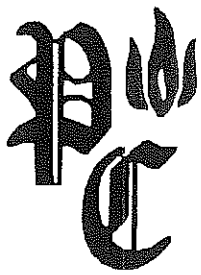
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Sincerely,

A handwritten signature in cursive script, appearing to read "Robert G. Hardman", is written over a printed name.

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



Performance Coal Company

P.O. Box 69

Naoma, WV

25140

October 13, 2009

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

MSHA
MOUNT HOPE, WV

OCT 15 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 the enclosed ventilation revision for your review and approval. This revision is to move the #4 Section from its current location along the Left No.1 Panel to the No. 16 Panel. The ventilation scheme for mining the No. 16 Panel and for ventilating the worked out areas in the south are shown on the attached map. Controls will be constructed and removed in the sequence shown on the map.

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
COPY