



Denial

MAR 23 2010

Mr. Chris Blanchard
President
Performance Coal Company
130 Frontier Street
Montcoal, WV 25140

APR 02 2010

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, submitted to this office and dated March 5, 2010. The revision requests to install an exhausting mine fan at the new Eunice portals. The fan specifications have been included. The revision addresses the verification changes needed to develop entries parallel to Ellis Mains once the Track Mains have been developed. It also shows installing and removing controls to change #6 entry of Ellis Mains from an intake air course to a return air course between the surface and LBB2 #4. Intake air will enter the mine at Track Mains and through #1 entry of Ellis Mains.

This revision is denied. Please refer to the attached marked-up copy of the map and narrative, which notes the deficiencies.

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

Sincerely,

for ROBERT G. HARDMAN

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

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

SUPERVISORY ACKNOWLEDGEMENT

RLC 3/23/10
Initials RM 3/23/10 Date



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130 Frontier Street
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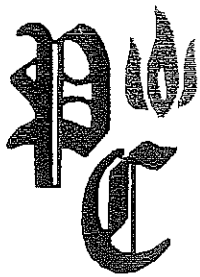
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Sincerely,

A handwritten signature in black ink, reading "Robert G. Hardman", is written over a faint, larger version of the same name.

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



Performance Coal Company

P.O. Box 69

Naoma, WV

25140

March 5, 2010

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 needed to install an exhausting fan on Ellis Mains and to begin mining entries parallel to Ellis Mains after the Track Mains have been developed. This revision is shown in two phases.

Phase one shows the ventilation controls to be installed and removed to extend LBB2#4 to the North and to mine entries parallel to Ellis Mains to the surface. During this phase the number six entry of Ellis mains will be converted from an intake to a return between the surface and LBB2#4. Intake air will enter the mine at Track Mains and entry one of Ellis Mains.

The phase two map shows the ventilation controls for mining entries parallel with Ellis Mains between LBB2#4 and Parallel North Mains.

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
MAR 05 2010
RECEIVED
VENTILATION