

U. S. Department of Labor

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

Denial



DEC 01 2009

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 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 19, 2009, received by MSHA on October 28, 2009, for the subject mine. The proposed revision shows the ventilation controls to be installed/removed to show the ventilation scheme for the future mining and ventilation for the LBB#5 Panel, shows proposed escapeways, Intake and Alternate.

The revision is denied. 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,

/s/ 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

LEC/RJK 12/1/09
Initials JM 11/30 Date



DEC 01 2009

Mr. Chris Blanchard
President
Performance Coal Company
P. O. Box 69
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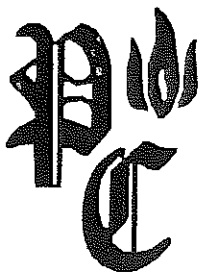
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Sincerely,

A handwritten signature in black ink that reads "Robert G. Hardman". The signature is written in a cursive style with a large initial "R".

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



Performance Coal Company

P.O. Box 69

Naoma, WV

25140

October 19, 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

MSHA
MOUNT HOPE, WV

OCT 23 2009

RECEIVED
VENTILATION

*Redo letter to
match Plan*

Dear Sir:

Please find the enclosed ventilation revision for our Upper Big Branch Mine for your review and approval. This revision is needed to begin mining the LBB #5 Panel. The ventilation scheme to be used when mining this panel is shown on the attached 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