



Denial

DEC 03 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 and submitted to MSHA on November 30, 2009. The ventilation revision is to reroute a portion of the return from the #1 Section (MMU 029-0) down North Glory Mains to mix with the return off the #2 Section and flow down Tailgate 1 North to the exhausting ventilation fan.

The revision, as submitted, cannot be approved and is denied. Please refer to the attached marked-up copy of the revision map, which notes the deficiencies found upon review. This submittal does not meet the requirements of 75.364(b) for the #2 Headgate Section, in that the current return air course cannot be traveled in its entirety. A citation is issued for this condition, which requires actions for abatement.

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 (3incl.)/ Files/nlc

SUPERVISORY ACKNOWLEDGEMENT

Initials

Date



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President
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Naoma, WV 25140

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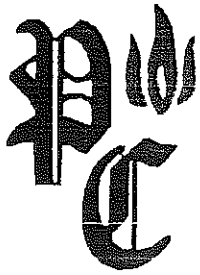
Should you have any questions concerning this matter, please contact the Ventilation Department at (304) 877-3900/Ext. 142.

Sincerely,

A handwritten signature in black ink that reads "Robert G. Hardman".

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

A handwritten signature in black ink, followed by the date "12/3/9".



Performance Coal Company

P.O. Box 69

Naoma, WV

25140

November 30, 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

Dear Sir:

Please find the attached ventilation revision for your review and approval. This revision is needed to reroute a portion of the return from the #1 section (MMU 029-0) down North Glory Mains to mix with the return off the #2 Section. The return will flow down Tailgate 1 North to the exhausting ventilation fan.

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

NOV 30 2009

RECEIVED
VENTILATION