

U. S. Department of Labor

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



Denial

MAY 30 2006

Mr. Craig Boggs
President
Performance Coal Company
P. O. Box 69
Naoma, WV 25140

Dear Mr. Boggs:

Subject: Mine Ventilation Plan, Section 75.370, 30 CFR, Upper Big Branch Mine-South, I.D. No. 46-08436, Performance Coal Company, Montcoal, Raleigh County, West Virginia

This will acknowledge receipt of the annual ventilation map, dated May 12, 2006, and received by MSHA on May 19, 2006, for the subject mine. The ventilation map, as submitted, does not provide the required information, pursuant to 30 CFR, Section 75.372, and cannot be approved. Please refer to the discrepancies marked on the attached map, which provide the basis for denial of the ventilation map.

An accurate and acceptable ventilation map, addressing the deficiencies noted, should be resubmitted to this office within ten (10) days, after receipt of this letter, or be subject to a violation for operating without an approved ventilation plan.

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

Sincerely,

/S/ JESSE P. COLE

Jesse P. Cole
District Manager
Coal Mine Safety and Health, District 4

cc: Mt. Hope Field Office
Field Office Supervisor (Letter Only)
Inspector
Files/dac

Initials

lbc/rsc 5/30/06

Date

SUPERVISOR

U. S. Department of Labor

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



MAY 30 2006

Mr. Craig Boggs
President
Performance Coal Company
P. O. Box 69
Naoma, WV 25140

Dear Mr. Boggs:

Subject: Mine Ventilation Plan, Section 75.370, 30 CFR, Upper Big
Branch Mine-South, I.D. No. 46-08436, Performance Coal
Company, Montcoal, Raleigh County, West Virginia

This will acknowledge receipt of the annual ventilation map, dated May 12, 2006, and received by MSHA on May 19, 2006, for the subject mine. The ventilation map, as submitted, does not provide the required information, pursuant to 30 CFR, Section 75.372, and cannot be approved. Please refer to the discrepancies marked on the attached map, which provide the basis for denial of the ventilation map.

An accurate and acceptable ventilation map, addressing the deficiencies noted, should be resubmitted to this office within ten (10) days, after receipt of this letter, or be subject to a violation for operating without an approved ventilation plan.

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

Sincerely,

A handwritten signature in cursive script that reads "Jesse Cole".

Jesse P. Cole
District Manager
Coal Mine Safety and Health, District 4

← ← ← efb 4/06
Mr. Craig Boggs
President
Performance Coal Company
P. O. Box 69
Naoma, WV 25140

Denial

Dear Mr. Boggs:

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 annual ventilation map, dated May 15, 2006, and submitted with accompanying letter dated May 19, 2006, for the subject mine. The annual ventilation map, as submitted does not provide the required information, pursuant to 30 CFR Section 75.372, and cannot be approved. Please refer to the comments addressed on the attached map which provides the basis for the denial of the plan.

An acceptable ventilation map, addressing the deficiencies noted on the attached map, should be resubmitted to this office within (10) days, after receipt of this letter or be subject to a violation for operating without an approved plan.

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

Sincerely,

Jesse P. Cole
District Manager
Coal Mine Safety and Health, District 4

HAND RECEIVED
DENIAL LETTER COPY
MARKED UP MAP.
EXTENSION CITATION
NO. 7236951

5-24-06

Jesse P. Cole



Performance Coal Company

P.O. Box 69

Naoma, WV

25140

May 19, 2006

Mr. Jesse P. Cole
District Manager
Mine Safety and Health Administration
100 Bluestone Road
Mt. Hope, West Virginia 25880-0112

RE: Performance Coal Company - Upper Big Branch Mine-South
Federal I.D. 46-08436, State I. D. U-3042-92 – Ventilation Plan

Dear Mr. Cole:

Performance Coal Company, Upper Big Branch Mine-South (ID 46-08436), is submitting three copies of the annual ventilation map for your review and approval. Maps are attached.

Your timely review and approval of this revision would be greatly appreciated. If you have any questions, or require further information, please call me at (304) 854-1761.

Respectfully Submitted,

Performance Coal Co.
George T. Levo
Mining Engineer



75.372 Annual Ventilation Map Checklist – Revised December 2004

Company Name Performance Coal Mine Name Upper Big Branch MSHA ID # 46-08436
 Annual map due date _____ Date annual map received 5-19-06

*George Lebo
Wendell Wells*

- Certified (sealed and signed) accurate by a registered engineer or registered land surveyor
- Name of individual responsible for information on map not obtained by certifying engineer or surveyor - such as air quantities, qualities or direction commonly obtained by mine personnel
- The map or map legend must at least indicate the following:
 - 1) the mine name, company name and MSHA identification number
 - 2) map scale - not less than 100 or more than 500 feet to the inch
 - 3) description of the map symbols used to identify escapeways, mine fans, air flow, or any other item on the map designated by a symbol
- Direction and quantity of air: 1) entering and leaving each split, 2) in the LOC of each set of entries and rooms, and 3) at the intake end of each pillar line (including longwall and shortwall)
- Entry height, velocity and air direction at or near the midpoint of each belt flight (where the height and width of the belt entry is representative)
- All areas of the mine including sealed and unsealed worked-out areas
- Projections for at least 12 months of development showing proposed ventilation controls, bleeder systems, anticipated intake and return air courses, belt entries and escapeways
- The direction of air flow in all underground areas of the mine
- Location and designation of air courses changed from intake to return for the purpose of ventilating structures, areas or installations required to be ventilated to return air and for the ventilation of seals
- Location of all permanent ventilation controls – stoppings, overcasts, undercasts, regulators, seals, airlock doors, and any other door
- Location of proposed seals for each worked-out area
- Location of all known mine works (same coalbed) within 1000' of existing or *projected* works – this may be shown on a separate mine map with a scale no greater than 1"=2000'
- Location (and 4 digit MMU #) of all active working sections
- Location of all escapeways
- Locations of existing methane drainage systems
- Locations of all AMS (atmospheric monitoring system) sensors, including all CO sensors or smoke sensors as required by Subpart D (Ventilation)
- Location of point-feed regulators as per 75.350(d)(5)
- Location of all known overlying and underlying mine workings on the mine property (and the distance between them)
- Location of all known oil and gas wells and drill holes that penetrate the coalbed being mined
- Location and description of all main and back-up mine fans - specifications including size, type, model #, manufacturer, operating pressure, motor HP and RPM required
- Location of all surface openings and the direction and quantity of airflow at each
- The dimensions, depth and length of each shaft and slope
- Elevations provided at the following locations:
 - 1) at the top and bottom of slopes and shafts
 - 2) elevation contour lines (whole numbers, max. of 10' intervals unless otherwise approved)
- Any other information used to depict and explain the requirements of the 75.371 plan contents

*SEE
MAP NOTES*

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MAP NOTES*

Note: Three (3) copies of an up-to-date map are required to be submitted to the District Manager at intervals not exceeding 12 months. The map required by 75.1200 may be used to satisfy the requirements for the 75.372 ventilation map, provided that all the information listed above is contained on the map.



Performance Coal Company

P.O. Box 69

Naoma, WV

25140

May 1, 2006

Mr. Jesse P. Cole
District Manager
Mine Safety and Health Administration
100 Bluestone Road
Mt. Hope, West Virginia 25880-0112

RE: Performance Coal Company - Upper Big Branch Mine-South
Federal I.D. 46-08436, State I. D. U-3042-92 – Ventilation Plan

Dear Mr. Cole:

Performance Coal Company, Upper Big Branch Mine-South (ID 46-08436), is submitting three copies of the annual ventilation map for your review and approval. Maps are attached.

Your timely review and approval of this revision would be greatly appreciated. If you have any questions, or require further information, please call me at (304) 854-1761.

Respectfully Submitted,

Performance Coal Co.
George T. Levo
Mining Engineer

Returned to
Operator on 5-11-06
G. Levo for
Corrections —
MAPS due on
5-19-06 per
Citation BR

MSHA
MT. HOPE FIELD OFFICE

MAY 01 2006

RECEIVED
VENTILATION