

U. S. Department of Labor

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



Denial

SEP 26 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 a revision to the ventilation plan, submitted to this office and dated September 4, 2006, requesting to permanently seal the Jarrell's Branch longwall bleeder and gob, in lieu of driving addition entries to access the location of four (4) evaluation points located behind the mined-out longwall Panel 15A and 16A, as per a previous revision approved by letter dated August 8, 2006. The revision shows the location and sequence of seals to be constructed and the proposed ventilation change to take place once the seals are complete. The seals are proposed to be solid concrete block constructed as per Section 75.335(a)(1). The proposed revision is shown on a portion of the mine map, dated August 29, 2006, and submitted with the revision request.

The revision, as submitted, cannot be approved and is hereby denied. Please refer to the attached marked-up copy of the revision map which notes the deficiencies found upon review. Additionally, the revision narrative should be more concise in reference to the time frame for completing the sealing project.

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/ ROBERT G. HARDMAN

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

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

Supervisory Acknowledgement
Initials BRG-26-OC
Date

U. S. Department of Labor

Mine Safety and Health Administration
100 Bluestone Road
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SEP 26 2006

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President
Performance Coal Company
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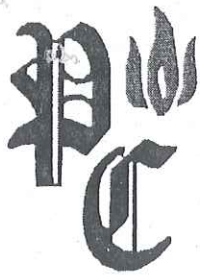
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Sincerely,

A handwritten signature in cursive script, reading "Robert G. Hardman", is written over a horizontal line.

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



Performance Coal Company

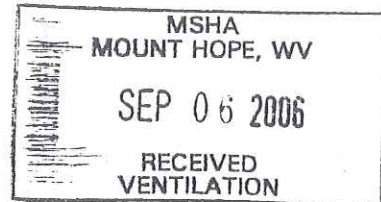
P.O. Box 69

Naoma, WV

25140

September 4, 2006

Mr. Robert G. Hardman
Acting 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. Hardman:

Performance Coal Company, Upper Big Branch Mine-South (ID 46-08436), is requesting approval to permanently seal the remaining longwall gob and bleeder. This is to be done in lieu of driving additional entries to access four EP's behind the longwall. Attached is a map of a portion of the mine showing the locations of the proposed thirty two (32) underground seals. During completion of the last seal, a ventilation change will take place. This change will change the ventilation in North Mains and along the entire main entries to make North Mains sweep ventilation with air going from right to left. The return will be directed past the newly built seals and directed to the outside. The attached map also shows the ventilation changes to be made after completion of the seals.

The underground seals will be constructed in accordance with 75.335a1.

EQUIVALENT
SIZE

Seals are numbered sequentially from south to north and then to the west. Seals with a designation of (a), can be built at any time and in any order. Seals with a designation of (b), can be built at the same time as the adjacent seals with an opening left in the seal at least twice the size of the EP opening at that location such that the EP can continue to take the amount of air that was flowing through it prior to that seal being started. The seal with the designation of (c), will be partially built when the (a) seals are built. After completion of the (b) seals, seal (c) will be completed as the North Mains air change is started. ← VENT. CHANGE WILL OCCUR AS REQUIRED BY 30CFR, 75.324

(The stoppings just outby seals 1 through 5 in the #1 entry on the mains will be removed prior to the building of seals 1 through 4 to avoid creating a dead air space.) → SEE MAP NOTE ABOUT SEALS (A)1 THRU (A)4

The Jarrell's Branch fan and the main portal fan will be cut back as the (b) seals are completed.

The Jarrell's Branch and West Fork vertical turbine pumps will continue to operate after the seals are completed. The water level control bubbler systems on these pumps will be adjusted so that when each pump cuts off at its low level setting, the water at the bottom of the pump will be roofed. → WILL THE JARRELL'S BR. FAN BE REMOVED & THE SHAFT SEALED?
→ WHAT ABOUT THE OTHER PUMPS IN GOB? REMOVED & SEALED?

Performance Coal is committed to completing the seals in a timely manner and will be worked on continuously on work days. We have tentatively hired a contractor who has promised to provide a minimum of 6 workers with as many as 8 workers most of the time.

It is estimated that it will take two weeks to get MSHA approval and get a contract with the seal contractor so work should commence on or about September 16, 2006. It is also estimated that it will take nine (9) manshifts to build each seal. With 6 workers, that will equate to 1 seal 1.5 days. With this schedule, work should be completed in 48 work days or by Thanksgiving. MSHA will be given regular updates on the work progress, no less often than every 2 weeks.

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,

A handwritten signature in cursive script that reads "Craig Boggs".

Craig Boggs ←
President
Performance Coal Co.