

Denial

U. S. Department of Labor

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



SEP 29 2006

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

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 *second* submittal 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 additional 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 second submittal of the revision is shown on two (2) portions of the mine map, labeled Map No. 1 and Map No. 2, dated September 22, 2006, and submitted with the revision request.

The second submittal of the revision, as submitted, cannot be approved and is hereby denied. Please refer to the attached marked-up copies of the revision maps that notes the deficiencies found upon review.

Should you have any questions concerning this matter, please contact William 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

Attachments

SUPERVISORY ACKNOWLEDGEMENT
Initials BE Date 9-29-06
PC
Date

U. S. Department of Labor

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



SEP 29 2006

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

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 *second* submittal 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 additional 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 second submittal of the revision is shown on two (2) portions of the mine map, labeled Map No. 1 and Map No. 2, dated September 22, 2006, and submitted with the revision request.

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

Sincerely,

A handwritten signature in cursive script that reads "Robert G. Hardman".

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

Attachments



Performance Coal Company

P.O. Box 69

Naoma, WV

25140

MSHA COPY

September 4, 2006

Mr. Robert G. Hardman
Acting District Manager
Mine Safety and Health Administration
100 Bluestone Road
Mt. Hope, West Virginia 25880-0112

Provide dug.
of SEAL const.
w/ per 75.335(a)(1)

Responsible pers.
@ mine to
certify const.

Plan needs to
include the
addition of
rock dust 200'
Inby/outby seals

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 46-0100) has received approval to permanently seal the remaining longwall gob and bleeder. The plan of driving additional entries to access four EP's behind the longwall. A plan of a portion of the mine showing the locations of the proposed thirty two (32) underground seals.

The first map shows the ventilation as is but with the 23 "A" seals already installed will not affect ventilation. The second map shows the proposed changes to be made of the "B" seals and while the remaining seal is being built. This change will affect ventilation in North Mains and along the entire main entries to make North Mains ventilation with air going from right to left. The return will be directed past the seals and directed to the outside.

Also, plan
needs to address
projectiles (removal)
w/ 1000' of seals
& removal of
conductive objects

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

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) will be built at the same time as the adjacent seals with an opening left in the size of the EP opening at that location such that the EP can continue to take the same amount of air that was flowing through it prior to that seal being started. Seals with a designation of (C), will be partially built when the (a) seals are built. After the (a) seals are built, seal (C) will be completed as the North Mains air change is started. When the air change takes place, no one will be underground except those assisting with the air change in accordance with 75.324.

After ^{w/ 1 week} all seals are
complete & vent. chg.
made, an updated
map w/ new air
readings & fan data
will be subm to MSHA

Seals with a
Commitment
to idle
N. Mains
section

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.

The Jarrell's Branch fan and the main portal fan will be cut back as the (b) seals are completed. When the underground seals have been completed, the Jarrell's Branch fan will be removed and the top of the shaft will be sealed with a 6" reinforced concrete cap. This work will be completed within 60 days of the seal completion. After the fan housing is removed, a steel plate will be put over the shaft and secured until the seal capping is started.



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 are two maps of a portion of the mine showing the locations of the proposed thirty two (32) underground seals. The first map shows the ventilation as is but with the 23 "A" seals already built. These seals will not affect ventilation. The second map shows the proposed changes to be made after completion of the "B" seals and while the remaining seal is being built. 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 underground seals will be constructed in accordance with 75.335a1.

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 equivalent to the size of the EP opening at that location such that the EP can continue to take at least the same 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. When this ventilation change takes place, no one will underground except those assisting with the change in accordance with 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.

The Jarrell's Branch fan and the main portal fan will be cut back as the (b) seals are completed. When the underground seals have been completed, the Jarrell's Branch fan will be removed and the top of the shaft will be sealed with a 6" reinforced concrete cap. This work will be completed within 60 days of the seal completion. After the fan housing is removed, a steel plate will be put over the shaft and secured until the seal capping is started.

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. The vertical turbine pump in the HG 15 longwall gob will be removed and the borehole will be grouted to the surface.

Several boreholes for power and water monitoring have been drilled into the mine. All but one of these holes have been cemented from 10' above the eagle coal seam to the surface. The one hole that remains open will be cemented to the surface when sealing is completed.

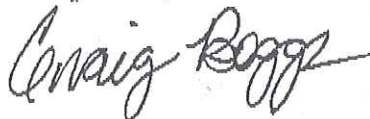
Performance Coal is committed to completing the seals in a timely manner and will be worked on continuously on work days. We have hired a contractor who will provide 8 workers and a foreman who is experienced and trained in the building of conventional seals.

Construction of the "A" seals will start on September 27, 2006. It is also estimated that it will take nine (9) manshifts to build each seal equating to 1 seal every 1.5 days. With this schedule, the first 10 seals should be completed by October 17th. The next ten should be completed by November 7th. The last three "A" seals and what portions of the "B" seals that can be built without affecting ventilation should be completed by November 28th. Completion of the "B" seals, making the ventilation change in North Mains and the building of the "C" seal should be completed by December 6th. MSHA will be given regular updates on the work progress, no less often than every 2 weeks.

All EP's will be examined daily except for the ones at the mouth of Headgate 15 and Headgate 16. These two EP's will be examined every shift. If the quantity or quality of air at any EP changes significantly, immediate steps will be taken to determine the cause of the change and it will be corrected before work commences.

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,



Craig Boggs
President
Performance Coal Co.



Craig
To: Greg Boggs
President- Elk Run Coal Co.

Subject: Seal Installation:

Our company will be providing contract labor to build seals at Performance Coal Co. Upper Branch Mine. Our management has experience in building Barrett- Mitchell seals and will be performing the work according to the plan submitted by mine management and MSHA and West Virginia state law. All work will be inspected and approved by the Upper Branch Mine management.

Should you have any questions please contact me.

Sincerely,

Jim Gump
Safety Director
David Stanley Consultants LLC.
Phone # 304-376-0054

CORPORATE OFFICES / 152 ROUSH CIRCLE / FAIRMONT, WV 26544
PHONE 304-534-3871 / FAX 304-534-3917

OFFICE LOCATIONS IN: ILLINOIS, PENNSYLVANIA, OHIO, INDIANA, KENTUCKY