

1st Denial

U. S. Department of Labor

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



MAY 16 2008

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, 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 April 15, 2008, and received by MSHA on May 8, 2008, 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 the Ventilation Department at (304) 877-3900/Ext 142.

Sincerely,

ROBERT G. HARDMAN

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

Attachments

cc: Mt. Hope Field Office
Field Office Supervisor
Inspector
Files/trm

SUPERVISORY ACKNOWLEDGEMENT
Initials: RBM
Date: 5-16-08
RBMS/PR 5/16/08



MAY 16 2008

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, 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 April 15, 2008, and received by MSHA on May 8, 2008, 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 the Ventilation Department at (304) 877-3900/Ext 142.

Sincerely,

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

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

Attachments

75.372 Annual Ventilation Map Checklist - Revised December 2004

Company Name Performance Coal Co Mine Name Upper Big Branch Mine MSHA ID # 4608436
 Annual map due date _____ Date annual map received _____

- 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 with 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

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 9, 2008

Mr. Robert G. Hardman
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 submitting three copies of the annual ventilation map for your review and approval. Maps are attached along with an overlay map.

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

*need mining
rep statement.*

Respectfully Submitted,

Performance Coal Co.
George T. Levo
Mining Engineer



*matt walker
3515*