

**U. S. Department of Labor**

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

Denial



JAN 21 2009

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 third submittal of the certified annual ventilation map, and received by MSHA on December 15, 2008, for the subject mine. The third submittal of the ventilation map, does not provide the required information, pursuant to 30 CFR, Section 75.372, and is hereby denied. Please refer to the discrepancies marked on the attached map, which provide the basis for the denial.

An accurate and acceptable ventilation map, addressing the deficiencies noted on the map, picked up at this office on January 14, 2009, should be resubmitted to this office within three (3) days, as required by the enforcement action taken on January 15, 2009. When submitting your new maps, the maps must be current and up to date at the time of submission.

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

Cc: Mt. Hope Field Office (3 incl.)/ Files/nlc

SUPERVISORY ACKNOWLEDGEMENT

Initials *RLC 1/20* Date *1/20*



JAN 21 2009

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

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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, appearing to read "Robert G. Hardman".

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



# Performance Coal Company

P.O. Box 69

Naoma, WV

25140

December 12, 2008

**Mr. Robert G. Hardman  
Mine Safety and Health Administration  
100 Bluestone Road  
Mt. Hope, WV 25880**

**Re: Upper Big Branch Mine  
MSHA ID 46-08436  
State Permit U-3042-92  
Ventilation Revision**

Dear Sir:

Enclosed for your review and approval, please find three (3) copies of the Annual Ventilation Map for Upper Big Branch Mine. An overlay map attachment is also included.

If you should have any questions or require any additional information, please feel free to contact me at your convenience.

At this time, Performance Coal Company, Inc. does not have a miners' representative at this mining operation.

Respectfully Submitted,  
Performance Coal Company

Matthew Walker  
Mine Engineer

MSHA  
MOUNT HOPE, WV  
DEC 15 2008  
RECEIVED  
VENTILATION

*Eric Lilly 1/14/09*

## 75.372 Annual Ventilation Map Checklist – Revised December 2004

Company Name Peabody Energy Coal Company Mine Name Upper Big Branch Mine MSHA ID # 46-08436  
 Annual map due date 4/14/08 Date annual map received 12-15-08

- 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 *1" = 500'*
  - 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
- SEE MAP*  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
- SEE MAP*  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
- SEE MAP*  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 *060-0, Two MMU's have same no. 070-0*
- Location of all escapeways
- N/A*  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)
- N/A*  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.