

U. S. Department of Labor

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



FEB 06 2008

Mr. Chris Blanchard
President
Performance Coal Company
P. O. Box 69
Naoma, WV 25140

Dear Mr. Blanchard:

Subject: Mine Ventilation Plan, Section 75.3335(b)(1), 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 a revision to the ventilation plan, submitted to this office and dated December 18, 2007, for the ingassing sealed areas of the subject mine, as required by the mine's alternative protocol plan, in response to the Emergency Temporary Standard (ETS), effective May 22, 2007.

Your revision cannot be approved and is hereby denied. The method of sampling proposed does not provide an effective means to evaluate the atmosphere of the sealed areas. The affected areas referenced on Page 4 of the submittal are not shown as indicated. The submittal contains water evaluations, but the mine map does not show the impounded water or elevations. Therefore, the impact of the impounded water on the sealed areas cannot be determined. Your request should be resubmitted as soon as possible and include a finite date for achieving and maintaining compliance with the Emergency Temporary Standard. A Resubmittal is expected within 14 days, after receipt of this letter, detailing the procedures and locations to effectively evaluate the atmosphere in the sealed areas.

Should you have any questions concerning this matter, please contact Joseph C. Mackowiak at (304) 877-3900/Ext. 115.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert G. Hardman", is written over the word "Sincerely,".

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

Attachments

Sampling Protocol for Sealed Atmosphere Evaluation
For Ingassing Seals

Date of Plan: December 17, 2007
Company Name: Performance Coal Company, Inc
Mine Name: Upper Big Branch Mine
MSHA ID: 46 – 08436
Seam Name: Eagle Seam

A. Procedure for Sampling Sealed Atmospheres that Ingass:

The mine operator shall have a certified person, as defined in 75.100, monitor the atmospheres of sealed areas behind all mine seals constructed prior to May 22, 2007 and for seals designed for 50 psi overpressure. This certified person shall be trained in the sampling procedures included in this protocol, before they conduct sampling and annually thereafter. Sealed atmospheres will be sampled for methane and oxygen concentrations (% Volume CH₄ and % Volume O₂) with an approved detector capable of reading 0%-30% oxygen and 0%-100% methane. Equipment currently being used includes the following: rubber and plastic tubing and Industrial Scientific ATX-620. All measurement devices will be maintained according to the manufacturers' recommendations and shall be calibrated with a known standard gas at least once every 31 days. A record of this calibration shall be kept at the mine office. The following procedure will be used to sample the sealed atmospheres:

- a. When arriving at the seal with the sample tube, the certified person will examine the sample tube to determine if it is in proper condition to take a sample.
- b. The certified person will then determine if the seal is outgassing by opening the cap or valve on the sample tube and determining direction of airflow.
- c. If the seal is outgassing as verified above, a sample can be taken (proceed to e. below). If the seal is ingassing, a note of the time and date will be made and no sample will be taken from the seal. A sample will be taken at the designated outgassing seal location.
- d. A certified person shall travel to the designated outgassing seal location and sample the atmosphere that is exiting the sealed location.
- e. At the designated outgassing seal location, the certified person will read and record the methane and oxygen concentrations in percent (%), along with the seal area identification location, time, and date.
- f. The certified person will date, time, and initial the area.
- g. The certified person shall record the results of the examinations including: seal identification location, oxygen concentration in percent, and methane concentration in percent and sign the examination record.
- h. In the event a non-designated outgassing seal is outgassing, the certified person shall read and record the methane and oxygen concentrations in percent (%), along with the seal area identification location, time and date. The seal will be examined on the following weekly examination and if it continues to outgas, the seal will be designated as an outgassing seal.
- i. In the event a designated outgassing seal ingasses during a weekly examination, a note of the time and date will be made and no sample will be taken from the seal. On the next scheduled sampling period if the seal is ingassing and no other seal is outgassing, daily examinations of the seals will be done until a seal of the sealed area outgases. If no seal outgases in 14 days of examination then an alternative plan for evaluation will be submitted to the district manager for approval.

B. Location of Sampling Points:

The location of sealed areas and sampling points are shown on the attached map. The mine currently contains fifteen sets of seals. All sampling points will be clearly marked underground.

C. Procedure to Establish a 14-Day Baseline Analysis of Methane and Oxygen:

A 14-day baseline analysis of oxygen and methane concentrations will be established for each sealed area. Daily samples will be taken at each sampling pipe in each seal until the baseline is established and at the surface locations. For newly constructed seals, seal sampling will begin the day following completion of seal construction. The atmosphere behind new seals will be sampled at the beginning of each shift until the seals reach their full design strength. The baseline shall be established after the atmosphere in the sealed area is inert or the trend reaches equilibrium. The following procedure will be used to establish the baseline analysis:

- a. The sampling procedures in Section A from above will be used for baseline analysis.
- b. Sampling will be attempted once every twenty-four (24) hours until fourteen (14) outgassing samples are taken. This baseline sampling will be done during any day the mine is scheduled to work.
- c. If the seals do not outgas during the 14 days, an alternative monitoring plan will be developed and included in the protocol.
- d. Samples will be taken from both sample pipes in each seal. If baseline sampling results indicate that samples from both sample pipes in each seal are similar, then only one sample pipe will be designated for sampling. Similarly, if baseline sampling results indicate that samples taken behind all of the seals in a set of seals are similar, then only one seal will be designated for sampling. Any revisions to the designated sampling locations will be addressed in a revision to the sampling protocol.
- e. The baseline sampling must continue as set forth in the ETS and records kept as required until the baseline is established, or it is verified that the seals will not outgas.

D. Frequency of Sampling:

After the 14-day baseline sampling is completed, standard weekly sampling will start no more than seven (7) days later. Standard sampling will use the procedures described in Section A (sampling procedures) from above and the frequency of standard sampling will be weekly (not to exceed every seven (7) days) and taken while seals are outgassing or as defined in Section A.

E. Size and Conditions of the Sealed Area:

The Mine contains 2 sealed area and fifteen sets of seals. These sealed areas are known as the South Longwall Bleeder Seals and the North Longwall Bleeder Seals.

The South area was sealed in 2003 with 5 sets of seals with the number of seals per set being as follows:

Set 1:	9
Set 2	3
Set 3	8
Set 4	5
Set 5	7

In set 1, seal #5 has a .5" copper sample pipe (designated Outgassing Seal) and seal #9 has a 4" water trap
In set 2, seal #10 has a .5" copper sample pipe (designated Outgassing Seal) and seal #12 has a 4" water trap

In set 3, seal #13 has a .5" copper sample pipe and seal #20 has a 4" water trap

In set 4, seal #21 has a .5" copper sample pipe and seal #25 has a 4" water trap

In set 5, seal #26 has a .5" copper sample pipe and seal #32 has a 4" water trap

The South seals are a mixture of both Micon and Strata Packsetter seals.

Eleven drift openings have been sealed in this area. There are no open boreholes or unsealed air shafts in this area. The water in the sealed area is kept pumped down by a vertical turbine pump with the water level at the pump maintained by automatic controls such that the water level at the pump is roofed at all times.

Water level will be maintained at or above elevation 943'. There is no water buildup at the seal locations. Gaswells are shown on the map.

The South area has been extensively mined by longwall and continuous miner room and pillar. The nearest gob area is at least 700' from the seals.

The South sealed area is 6' to 8' in height.

There is no bottom mining in this area. There is extensive mining in the coal seams above this mine: Powellton-170' above, Lower Cedar Grove-350' above, Upper Cedar Grove-425' above, Hernshaw-640' above, Winifrede-720' above, Coalburg-820' above, and 5-Block-1075' above.

There are no restrictions in the area of the seals.

The sealed area is approximately 4,000 acres.

North sealed area:

The North area was sealed late 2006/early 2007 and completed on or about April 1, 2007. The area contains 10 sets of seals with a total of 32 seals. The seals are numbered sequentially from south to north and then west.

Seal numbers by set:

Set 6: 5 seals
Set 7: 3 seals
Set 8: 3 seals
Set 9: 3 seals
Set 10: 3 seals
Set 11: 3 seals
Set 12: 3 seals
Set 13: 6 seals
Set 14: 1 seal
Set 15: 2 seals

Each set of seals has a sample pipe in the seal of highest elevation in each set. Each set has a water trap installed in the seal of lowest elevation in each set. Several additional water traps were also installed so that the seals will not impound water in the future. Water trap and sample pipe information are as follows:

Set 6: one (1) 6" trap in #37 seal, .5 inch sample pipe in #33 seal (designated Outgassing Seal)
Set 7: one (1) 6" trap in #40 seal, .5 inch sample pipe in #38 seal
Set 8: one (1) 6" trap in #41 seal, .5 inch sample pipe in #43 seal
Set 9: one (1) 6" trap in #44 seal, .5 inch sample pipe in #46 seal
Set 10: one (1) 6" trap in #49 seal, .5 inch sample pipe in #47 seal
Set 11: one (1) 6" trap in #52 seal, .5 inch sample pipe in #50 seal
Set 12: one (1) 6" trap in #53, 54 and 55 seals, .5 inch sample pipe in #53 seal
Set 13: one (1) 8" trap in #56, 57, 58, 59, 60 and 61 seals, .5 inch sample pipe in #56 seal
Set 14: two (2) 8" traps in #62 seal, .5 inch sample pipe in #62 seal
Set 15: two (2) 8" traps in #63 and 64 seals, .5 inch sample pipe in #63 seal

The North seals are Mitchell- Barrett seals.

There are no open boreholes, unsealed air shafts or open portals in this area. The water in the sealed area is kept pumped down by three (3) vertical turbine pumps with the water level at the pump maintained by automatic controls such that the water level at the pump is roofed at all times. Minimum water elevations are as follows:

West Fork	924'
Jarrell's Branch #1	797'
Jarrell's Branch #2	799'

There is no water buildup at the seal locations. Gaswells are shown on the map.

The Upper Big Branch Mine is ventilated using a blowing fan.

There is no undermining. There is extensive mining in the coal seams above this mine: Powellton-170' above, Lower Cedar Grove-350' above, Upper Cedar Grove-425' above, Hernshaw-640' above, Winifrede-720' above, Coalburg-820' above, and 5-Block-1075' above.

The North area has been extensively mined by longwall and continuous miner room and pillar. The nearest gob area is at least 250' from the seals.

The North sealed area is 7' to 9' in height.

There is no bottom mining in this area.

There are no restrictions in the area of the seals.

The sealed area is approximately 3,875 acres.

F. Use of Atmospheric Monitoring Systems:

At this time, an Atmospheric Monitoring Systems (AMS) shall not be used for the sampling protocol in this mine. A revision to the protocol will be approved by the District Manager before using an Atmospheric Monitoring System.

G. Actions To Be Taken:

The affected area for each set of seals is shown on the attached map. The affected area for seal sets 1 and 5 is shown in blue. The affected area for seal sets 2, 3, and 4 is the entire mine. The affected area for seal set 6 is shown in red. Action will be taken when the oxygen concentration reaches 10.0% or greater and the methane concentrations are between 3.0% and 20.0%. MSHA will be notified anytime that action is required under any of the three action levels.

If the oxygen concentration is 10.0% or greater and:

The methane concentration is 3.0% or greater but less than 4.5%:

- a. Two additional samples will be taken at one-hour intervals. If the concentration remains between 3.0% and 4.5%, the sampling frequency will be increased to every shift.
- b. A revision to the protocol action plan containing a timeline to restore the atmosphere to an inert state will be submitted to MSHA and/or a 120 psi seal design in compliance with the ETS will be submitted.
- c. The revision to the protocol action plan will be submitted to the District Manager within 5 days.

The methane concentration is 4.5% or greater but less than 17.0%:

- a. Two additional samples will be taken at one-hour intervals. All persons shall be withdrawn from the affected area except for those persons referred to in Section 104C of the act. Sampling frequency shall be increased to every shift.
- b. A revision to the protocol action plan containing the means/methods, safety precautions, and a timeline to restore the atmosphere to an inert state will be submitted to MSHA and/or a 120 psi seal design in compliance with the ETS will be submitted.
- c. The revision to the protocol action plan will be submitted to the District Manager within 5 days.

The methane concentration is 17.0% to 20.0%:

- a. Two additional samples will be taken at one-hour intervals. If the concentration remains between 17.0% and 20.0%, the sampling frequency will be increased to every shift.
- b. A revision to the protocol action plan containing a timeline to restore the atmosphere to an inert state will be submitted to MSHA and/or a 120 psi seal design in compliance with the ETS will be submitted.
- c. The revision to the protocol action plan will be submitted to the District Manager within 5 days.

A revision to this plan will be submitted and approved before any changes to the approved protocol will occur.

Sampling Protocol for Sealed Atmosphere Evaluation
For Ingassing Seals

Date of Plan: December 17, 2007
Company Name: Performance Coal Company, Inc
Mine Name: Upper Big Branch Mine
MSHA ID: 46 – 08436
Seam Name: Eagle Seam

A. Procedure for Sampling Sealed Atmospheres that Ingass:

The mine operator shall have a certified person, as defined in 75.100, monitor the atmospheres of sealed areas behind all mine seals constructed prior to May 22, 2007 and for seals designed for 50 psi overpressure. This certified person shall be trained in the sampling procedures included in this protocol, before they conduct sampling and annually thereafter. Sealed atmospheres will be sampled for methane and oxygen concentrations (% Volume CH₄ and % Volume O₂) with an approved detector capable of reading 0%-30% oxygen and 0%-100% methane. Equipment currently being used includes the following: rubber and plastic tubing and Industrial Scientific ATX-620. All measurement devices will be maintained according to the manufacturers' recommendations and shall be calibrated with a known standard gas at least once every 31 days. A record of this calibration shall be kept at the mine office. The following procedure will be used to sample the sealed atmospheres:

- a. When arriving at the seal with the sample tube, the certified person will examine the sample tube to determine if it is in proper condition to take a sample.
- b. The certified person will then determine if the seal is outgassing by opening the cap or valve on the sample tube and determining direction of airflow.
- c. If the seal is outgassing as verified above, a sample can be taken (proceed to e. below). If the seal is ingassing, a note of the time and date will be made and no sample will be taken from the seal. A sample will be taken at the designated outgassing seal location.
- d. A certified person shall travel to the designated outgassing seal location and sample the atmosphere that is exiting the sealed location.
- e. At the designated outgassing seal location, the certified person will read and record the methane and oxygen concentrations in percent (%), along with the seal area identification location, time, and date.
- f. The certified person will date, time, and initial the area.
- g. The certified person shall record the results of the examinations including: seal identification location, oxygen concentration in percent, and methane concentration in percent and sign the examination record.
- h. In the event a non-designated outgassing seal is outgassing, the certified person shall read and record the methane and oxygen concentrations in percent (%), along with the seal area identification location, time and date. The seal will be examined on the following weekly examination and if it continues to outgas, the seal will be designated as an outgassing seal.
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- a. The sampling procedures in Section A from above will be used for baseline analysis.
- b. Sampling will be attempted once every twenty-four (24) hours until fourteen (14) outgassing samples are taken. This baseline sampling will be done during any day the mine is scheduled to work.
- c. If the seals do not outgas during the 14 days, an alternative monitoring plan will be developed and included in the protocol.
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The sealed area is approximately 4,000 acres.

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The North seals are Mitchell- Barrett seals.

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If the oxygen concentration is 10.0% or greater and:

The methane concentration is 3.0% or greater but less than 4.5%:

- Two additional samples will be taken at one-hour intervals. If the concentration remains between 3.0% and 4.5%, the sampling frequency will be increased to every shift.
- A revision to the protocol action plan containing a timeline to restore the atmosphere to an inert state will be submitted to MSHA and/or a 120 psi seal design in compliance with the ETS will be submitted.
- The revision to the protocol action plan will be submitted to the District Manager within 5 days.

Not shown

The methane concentration is 4.5% or greater but less than 17.0%:

- a. Two additional samples will be taken at one-hour intervals. All persons shall be withdrawn from the affected area except for those persons referred to in Section 104C of the act. Sampling frequency shall be increased to every shift.
- b. A revision to the protocol action plan containing the means/methods, safety precautions, and a timeline to restore the atmosphere to an inert state will be submitted to MSHA and/or a 120 psi seal design in compliance with the ETS will be submitted.
- c. The revision to the protocol action plan will be submitted to the District Manager within 5 days.

The methane concentration is 17.0% to 20.0%:

- a. Two additional samples will be taken at one-hour intervals. If the concentration remains between 17.0% and 20.0%, the sampling frequency will be increased to every shift.
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- c. The revision to the protocol action plan will be submitted to the District Manager within 5 days.

A revision to this plan will be submitted and approved before any changes to the approved protocol will occur.