

U. S. Department of Labor

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

Denial



NOV 24 2008

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 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 the office March 25, 2008, and dated March 24, 2008, requesting an alternative means of evaluation for an ingassing sealed area.

Due to a new Final Rule, promulgated April 18, 2008, which became effective, October 20, 2008, this revision cannot be approved and is hereby denied. The new Final Rule requires atmospheres with seals constructed less than 120 psi to be sampled at least every 24 hours, whether ingassing or outgassing [30CFR 75.336 (a)(1)(i) through (iii)]. Daily sampling must continue until different sampling locations and frequencies are submitted and approved by the District Manager.

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

Sincerely,

/s/ 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

for DSM 11-20-08
Initials Date

U. S. Department of Labor

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



NOV 24 2008

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

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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 that reads "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

March 24, 2008

Mr. Robert G. Hardman
MSHA District 4
100 Bluestone Road
Mount Hope, WV 25880

Re: Performance Coal Co.
Upper Big Branch Mine
MSHA ID: 46-08436
Ventilation Revision
Sampling Protocol for Sealed Atmosphere Evaluations

Dear Sir:

Enclosed for your review and approval, please find the attached Sampling Protocol for Sealed Atmosphere Evaluation for the subject mine (3 copies). This plan is to comply with an approved seal plan requiring submittal of an updated sampling protocol. Should you have any questions concerning this matter, please contact me at your convenience.

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,
Performance Coal Co.

George T. Levo
Mining Engineer

MSHA
MOUNT HOPE, WV

MAR 25 2008

RECEIVED
VENTILATION

Sampling Protocol for Sealed Atmosphere Evaluation

Date of Plan: March 25, 2008
Company Name: Performance Coal Company, Inc
Mine Name: Upper Big Branch Mine
MSHA ID: 46 - 08436
Seam Name: Eagle Seam

Procedure for Sampling Sealed Atmospheres:

See currently approved protocol.

Location of Sampling Points:

The locations of sealed areas and sampling points are shown on the attached map. The mine currently contains 64 seals that are divided into two sealed areas containing 9 seal groups. All sampling points will be clearly marked underground.

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

See currently approved protocol.

Frequency of Sampling:

See currently approved protocol.

Sealed areas information:

The sealed areas have been divided into the following groups:

- First sealed area, south: Seals 1 through 12.
- Second sealed area, south: Seals 13 through 32.
- First sealed area, north: Seals 33 through 37.
- Second sealed area, north: Seals 38 through 40.
- Third sealed area, north: Seals 41 through 46.
- Fourth sealed area, north: Seals 47 through 49.
- Fifth sealed area, north: Seals 50 through 52.
- Sixth sealed area, north: Seals 53 through 61.
- Seventh sealed area, north: Seals 62 through 64.

During the weekly examination, all seals with sample pipes will be examined. If at least one seal in that group outgases, a sample shall be withdrawn and will be representative of that seal group. If no seal in a group outgases, it will be noted and reexamined during the next weekly exam. If any group of seals does not outgas on two consecutive weekly exams, sampling of that group will switch to a daily sample for fourteen (14) days. If after the fourteen (14) days of daily sampling with no seal in that group outgassing, immediate steps will be taken to contact Massey Energy's horizontal drilling crew to mobilize them. If they are not readily available, outside contractors will be contacted. Work will be initiated as soon as possible to drill a horizontal hole through a barrier block and into that sealed area group. This will allow sampling of the sealed air atmosphere through tubing pipe in the horizontal hole using an Industrial Scientific ATX-620 vacuum pump.

The vacuum pump has an output of 0.5 liters per minute. The volume of 0.5 inch diameter pipe is 2.35 cubic inches per foot of tubing. One half liter is 30.5 cubic inches or 13 feet per minute. If any group of seals starts outgassing, sampling may revert to any sample pipe in that seal group. See the attached map for tentative horizontal drill hole locations.

Mobilization time will be approximately 7-10 day. During the time the driller is mobilizing and subsequently drilling, daily sampling of ingassing seals will continue until the necessary holes are drilled even though they may start to outgas during drilling. Mining will not cease during the drilling process.

Purge times for newly drill sample holes:

<u>Seal Group Number</u>	<u>Pipe length</u>	<u>Pipe Diameter</u>	<u>Purge time (min. +25%)</u>
1	650'	0.5"	63 min.
2	800'	0.5"	77 min.
3	420'	0.5"	40 min.
4	1,365'	0.5"	131 min.
5	1,415'	0.5"	136 min.
6	1,220'	0.5"	117 min.
7	850'	0.5"	82 min.
8	1,450'	0.5"	139 min.
9	120'	0.5"	12 min.

Size and Conditions of the Sealed Area:

See currently approved protocol for detailed information on the North and South seals.

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.

Actions To Be Taken:

See currently approved protocol.

Drilling Procedures:

Ventilation controls will be installed or adjusted to cause air flow such as to prevent miners from being exposed during the drilling.

A certified person will check the air flow direction and quality prior, during and after the drill through. The certified person sampling the atmosphere behind the seal will have a secondary methane, CO and Low oxygen device.

A 3.8 inch diameter hole of a depth of 10 feet will be drilled into the coal rib. This hole will then be reamed out to large enough of a diameter so that a pipe can be grouted into it and equipped with a well head and packer and valve. Another pipe with a valve will be Teed off and used for drainage of cuttings and drilling water. The main valve will be opened and drilling will resume with the 3.8 inch bit inserted through the packing and valve. When the hole cuts

through into the sealed area, the drill steel and bit will be removed. A 0.5 inch diameter pipe will be installed the length of the hole and will be grouted for at least the first 10 feet. The 0.5 inch diameter will be equipped with a valve and fittings for connecting the vacuum pump.

Once the drill equipment is on site, It will take app. one shift to get drilling equipment underground and another shift to get set up on the first hole. Drilling time for each hole will be three shifts with another shift to move between holes and set up again. The driller is estimating 35-40 shifts barring a major breakdown. This total is for all nine holes if all holes need to be drilled.

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