

U. S. Department of Labor

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

Denial



JUL 21 2009

Mr. Chris Blanchard  
President  
Performance Coal Company  
POB 69  
Naoma, WV 25140

Dear Mr. Blanchard:

Subject: Mine Ventilation Plan, Section 75.370(a)(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 on October 8, 2008. The revision consists of an inventory and alternate seal sampling frequency in response to the Final Rule for Sealing of Abandoned Areas effective April 18, 2008. The revision includes sampling procedures and other seal-related data. It also includes a map showing seal locations and sampling points.

This revision cannot be approved. Please see the deficiencies noted on a copy of your plan and included with this letter. As well, sampling results included with the submittal show approximately seventy-five percent of the samples submitted from both the North and South Sealed Areas recorded as 'ingassing'. Under those conditions, the sealed atmospheres of the mine cannot be appropriately evaluated. Please complete further evaluation as addressed in 75.336(a) (2) and provide additional sampling locations or take other necessary actions needed for the appropriate evaluation.

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 (3incl.)/ Files/nlc

SUPERVISORY ACKNOWLEDGEMENT

Initials Date  
RLC 7/20/09

cc: Mount Hope Field Office  
Ventilation Department  
Files/dac

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



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Mr. Chris Blanchard  
President  
Performance Coal Company  
POB 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



*MSHA's Copy*

# Performance Coal Company

P.O. Box 69

Naoma, WV 25140

*Please note that:*

- Sample results indicate Seal #5 has a sample tube. Map and chart show sample tube in Seal #1.*
- Map and sample results indicate sample tube in Seal #44. The chart shows the sample location in Seal #46.*
- 75% of the sample results provided indicated ingassing seals.*

October 8, 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:

Please find for your review and approval, the attached Alternative Seal Sampling Protocol for the subject mine.

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.  
Matthew Walker  
Mine Engineer

MSHA  
MOUNT HOPE, WV

OCT 08 2008

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Mine ID: 46-   
Operator Name:   
Mine Name:

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Alternate Seal Sampling Protocol - Ventilation Plan Revision

Submitted by:

Matth Walk  
Signature

Title

Date

Does this mine have a miner's representative? Yes  No   
If yes, has this plan been discussed with the miner representative? Yes  No

- 1. Sampling Procedures** - Samples will be taken using an MSHA approved detector and pump with capabilities necessary to draw and analyze samples from the atmosphere behind seals and from boreholes if applicable. An airtight connection from the sample tube to the pump/detector will be made. Adequate purge times for each sampling location will be calculated and made available to certified persons conducting sampling.
- 2. 14-Day Baseline** - Baseline analysis for existing seals has been completed. For newly constructed seals, sampling will be initiated the day following seal completion and will continue for the timeframe specified in the approved seal plan. The 14-day baseline analysis will be established by daily sampling after the sealed area is inert or the trend reaches equilibrium.
- 3. MSHA Notification** - If withdrawal of miners is necessary due a atmospheric sampling indicating  $\geq 10\%$  oxygen and 4.5 - 17 % methane behind any sealed area with one or more < 120 psi rated seal installed, the District Manager for MSHA will be immediately notified.
- 4. Continuous Monitoring?** Yes  No  If yes, List details.

Mine ID: 46-08436  
 Operator Name: Performance Coal Company  
 Mine Name: Upper Big Branch

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Alternate Seal Sampling Protocol - Ventilation Plan Revision

5. Sealed Area, Seal Type, and Sampling Protocol

Sealed Area Name	Seal Set Name and Number in Set	Rating (psi)	Construction Type	Sampling Location	Sampling Frequency	Affected Area of Withdrawal
Sealed Area - South	Seal Set 1 - 9	20-psi	Micon	#1 Seal	At least every 7 days	Entire Mine
	Seal Set 2 - 3	20-psi	Micon	#10 Seal	At least every 7 days	Entire Mine
	Seal Set 3 - 8	20-psi	Strata Packsetter	#13 Seal	At least every 7 days	Entire Mine
	Seal Set 4 - 5	20-psi	Strata Packsetter	#21 Seal	At least every 7 days	Entire Mine
	Seal Set 5 - 7	20-psi	Strata Packsetter	#26 Seal	At least every 7 days	Entire Mine
Sealed Area - North	Seal Set 6 - 5	20-psi	Mitchell-Barrett	#33 Seal	At least every 7 days	Entire Mine
	Seal Set 7 - 3	20-psi	Mitchell-Barrett	#38 Seal	At least every 7 days	Entire Mine
	Seal Set 8 - 3	20-psi	Mitchell-Barrett	#43 Seal	At least every 7 days	Entire Mine
	Seal Set 9 - 3	20-psi	Mitchell-Barrett	#46 Seal	At least every 7 days	Entire Mine
	Seal Set 10 - 3	20-psi	Mitchell-Barrett	#47 Seal	At least every 7 days	Entire Mine
	Seal Set 11 - 3	20-psi	Mitchell-Barrett	#50 Seal	At least every 7 days	Entire Mine

Mine ID: 46-08436  
 Operator Name: Performance Coal Company  
 Mine Name: Upper Big Branch

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Alternate Seal Sampling Protocol - Ventilation Plan Revision

6. Sealed Area, Seal Type, and Sampling Protocol (continued)

Sealed Area Name	Seal Set Name and Number in Set	Rating (psi)	Construction Type	Sampling Location	Sampling Frequency	Affected Area of Withdrawal
Sealed Area - North	Seal Set 12 - 3	20-psi	Mitchell-Barrett	#53 Seal	At least every 7 days	Entire Mine
(continued)	Seal Set 13 - 6	20-psi	Mitchell-Barrett	#56 Seal	At least every 7 days	Entire Mine
	Seal Set 14 - 1	20-psi	Mitchell-Barrett	#62 Seal	At least every 7 days	Entire Mine
	Seal Set 15 - 2	20-psi	Mitchell-Barrett	#63 Seal	At least every 7 days	Entire Mine

Date: 10/4/2008

Seal Number:	CH <sub>4</sub> :	O <sub>2</sub> :	CO:
5	0	4.5	0
10		Ingassing	
13		Ingassing	
21		Ingassing	
26		Ingassing	
33		Ingassing	
38		Ingassing	
43		Ingassing	
44		Ingassing	
47		Ingassing	
50		Ingassing	
53		Ingassing	
56		Ingassing	
62		Ingassing	
63		Ingassing	

Date: 10/11/2008

Seal Number:	CH <sub>4</sub> :	O <sub>2</sub> :	CO:
5	0	4.9	0
10	0	4.5	0
13	0	20.8	0
21		Ingassing	
26		Ingassing	
33	7	2.8	0
38		Ingassing	
43		Ingassing	
44		Ingassing	
47	0	18.6	0
50		Ingassing	
53	0	20.1	0
56		Ingassing	
62		Ingassing	
63		Ingassing	

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Mine: Upper Big Branch Mine  
 MSHA ID: 46-08436  
 Seal Sample Readings

Date: 9/20/2008

Seal Number:	CH <sub>4</sub> :	O <sub>2</sub> :	CO:
5		Ingassing	
10		Ingassing	
13		Ingassing	
21		Ingassing	
26		Ingassing	
33	7	2.8	0
38	4.2	8.3	0
43		Ingassing	
44		Ingassing	
47		Ingassing	
50		Ingassing	
53		Ingassing	
56		Ingassing	
62		Ingassing	
63		Ingassing	

Date: 9/27/2008

Seal Number:	CH <sub>4</sub> :	O <sub>2</sub> :	CO:
5		Ingassing	
10	0	3.9	0
13		Ingassing	
21		Ingassing	
26		Ingassing	
33	7	2.5	0
38	4.1	8.5	0
43	0	18.4	0
44	0	18.4	0
47		Ingassing	
50		Ingassing	
53		Ingassing	
56		Ingassing	
62		Ingassing	
63		Ingassing	

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 MOUNT HOPE, WV

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