

August 22, 2005

In the matter of:
Bridger Coal Company
Bridger Underground Mine
I.D. No. 48-01646

Petition for Modification

Docket No. M-2005-037-C

PROPOSED DECISION AND ORDER

On May 16, 2005, a petition was filed seeking a modification of the application of 30 CFR 75.1101-8 to Petitioner's Bridger Underground Mine, located in Sweetwater County, Wyoming. The Petitioner alleges that the alternative method outlined in the petition will at all times guarantee no less than the same measure of protection afforded by the standard.

MSHA personnel conducted an investigation of the petition and filed a report of their findings and recommendations with the Administrator for Coal Mine Safety and Health. After a careful review of the entire record, including the petition and MSHA's investigative report and recommendation, this Proposed Decision and Order (PDO) is issued.

Finding of Fact and Conclusion of Law

The alternative method proposed by the Petitioner (as amended by the recommendations of MSHA) will at all times guarantee no less than the same measure of protection afforded the miners under 30 CFR 75.1101-8.

The investigation report included as comments some requirements not included in this PDO. The additional information listed under Item 3, a contingency plan for areas of low clearance, is addressed in the attached drawing (GENU739B). The audible and visual warning device included in the investigator's comments to Item 6 is already required by 30 CFR 75.1101-10, referenced in Item 9 of this PDO.

The terms and conditions of this PDO are based on those of the Decision and Order (M-93-321-C) issued to Bridger Underground's sister mine, Deer Creek Mine, with minor changes to reflect the current mine conditions.

On the basis of the petition and the findings of MSHA's investigation, Bridger Coal Company is granted a modification of the application of 30 CFR 75.1101-8 to its Bridger Underground Mine.

ORDER

Wherefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, and pursuant to Section 101(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C., Sec. 811(c), it is ordered that Bridger Coal Company's Petition for Modification of the application of 30 CFR 75.1101-8 in the Bridger Underground Mine is hereby:

GRANTED, conditioned upon compliance with the following terms and conditions:

1. Each water sprinkler system shall consist of a single overhead pipe system with automatic sprinklers located not more than 10 feet apart so that the water discharged from the sprinklers will cover the 50 feet of fire-resistant belt or 150 feet of non-fire-resistant belt adjacent to the belt drive. In addition, automatic sprinklers shall be located not more than 10 feet apart so that the water discharged from the sprinklers will cover the drive motor(s), belt take-up, electrical controls, and gear-reducing unit for each belt drive. Each system shall be installed in accordance with the petitioner's drawing GENU739B (attached with this Proposed Decision and Order) except as addressed by Item 3.
2. The sprinkler system shall use either pendant or upright type sprinkler heads.
3. Whenever a single overhead pipe is not installed directly over the belt and is installed alongside the belt, it shall be installed in accordance with the petitioner's drawing GENU739B. In both cases, the sprinklers shall be installed above the maximum elevation of the top belt and shall be oriented so that water discharged from the sprinklers will be applied to the entire width of the top belt.

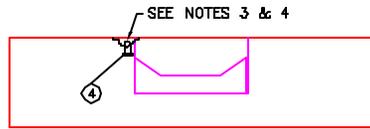
4. The residual pressure in each sprinkler system shall not be less than 10 psi with any three sprinklers open. The supply of water shall be adequate to provide a constant flow of water for at least 10 minutes with all sprinklers functioning, including any sprinklers that could be installed over the belt head using the optional 2-inch ball valve outlet. Any extension of the system shall be inspected and maintained in conformance with the terms and conditions of this Proposed Decision and Order.
5. Each water sprinkler system shall have a flush-out connection and a manual shut-off valve.
6. Each automatic sprinkler shall be designed to deenergize the electrical power source to all the equipment protected by the system when the water sprinkler system is activated.
7. Each automatic sprinkler shall be a standard ½-inch orifice pendant-type sprinkler or upright-type with fusible link actuation. Actuation temperature for each automatic sprinkler shall be between 200 degrees Fahrenheit and 230 degrees Fahrenheit.
8. A functional test to ensure proper operation shall be conducted during the installation of each new system and during the subsequent repair or replacement of any critical part thereof. The functional test shall be conducted in accordance with the following:
 - (a) Close the manual shut-off valve.
 - (b) Open the flush-out valve.
 - (c) Connect a suitable water pressure gauge to the open side of the flush-out valve.
 - (d) Replace the three automatic sprinklers nearest the flush-out valve with sprinklers that have been fused (open).
 - (e) Open the manual shut-off valve and read the pressure indicated on the gauge. The water sprinkler system pressure is adequate if the gauge indicates 10 psi or more.
 - (f) Verify proper sprinkler orientation.

- (g) Verify proper operation of the water flow switch.
 - (h) Restore the system to its operational condition.
9. The Petition for Modification shall not affect the application of 30 CFR 75.1101-7, 75.1101-9, 75.1101-10, 75.1101-11, and 75.1101-12.
 10. The initial water sprinkler system in the mine shall not be put into operation until after MSHA has inspected the equipment and determines that it is in compliance with all the above terms and conditions.
 11. Within 60 days after this Proposed Decision and Order becomes final, the Petitioner shall submit proposed revisions for their approved 30 CFR Part 48 training plan to the Coal Mine Safety and Health District Manager. These proposed revisions shall specify initial and refresher training regarding compliance with this Proposed Decision and Order.

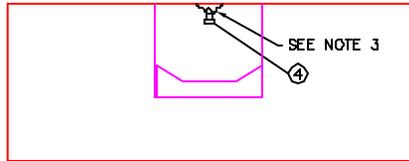
Any party to this action desiring a hearing on this matter must file in accordance with 30 CFR 44.14, within 30 days. The request for hearing must be filed with the Administrator for Coal Mine Safety and Health, 1100 Wilson Boulevard, Arlington, Virginia 22209-3939.

If a hearing is requested, the request shall contain a concise summary of position on the issues of fact or law desired to be raised by the party requesting the hearing, including specific objections to the proposed decision. A party other than Petitioner who has requested a hearing shall also comment upon all issues of fact or law presented in the petition, and any party to this action requesting a hearing may indicate a desired hearing site. If no request for a hearing is filed within 30 days after service thereof, the Decision and Order will become final and must be posted by the operator on the mine bulletin board at the mine.

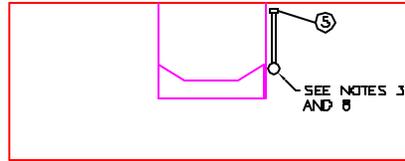
John F. Langton
Deputy Administrator for
Coal Mine Safety and Health



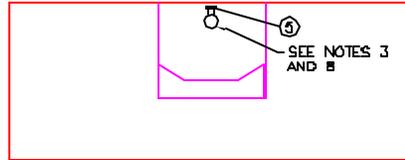
SECTION 'A' - 'A'
RESTRICTED AND ADEQUATE HEIGHT
PENDANT SPRINKLER



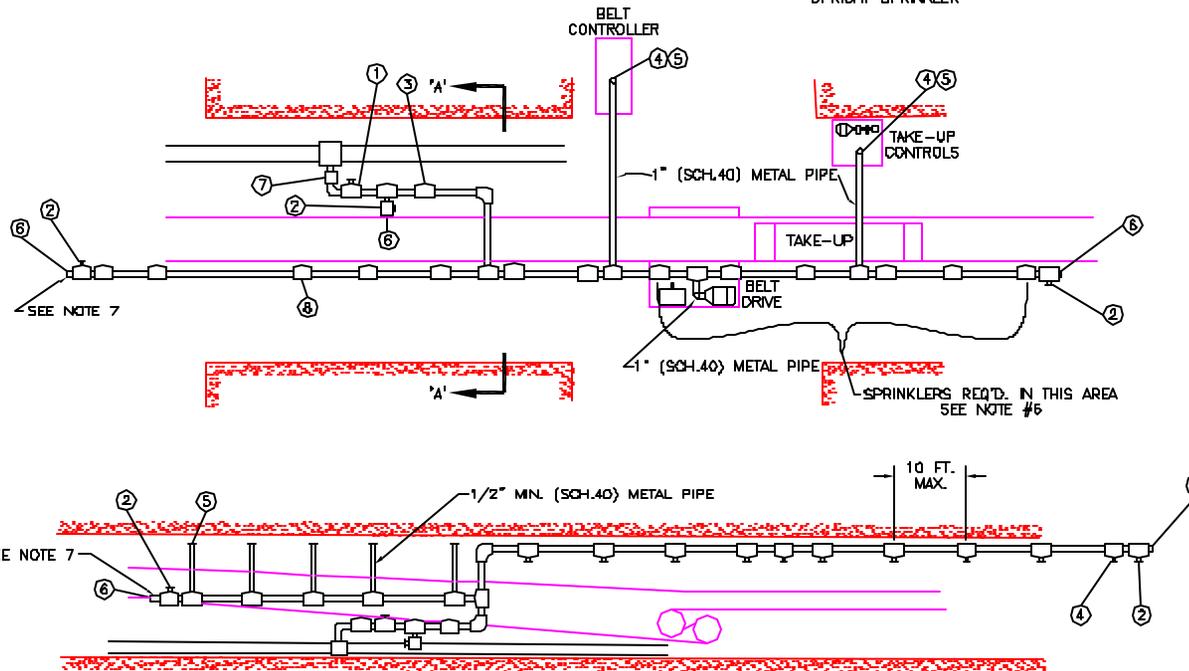
SECTION 'A' - 'A'
OPTIONAL
ADEQUATE HEIGHT
PENDANT SPRINKLER



SECTION 'A' - 'A'
OPTIONAL
RESTRICTED AND ADEQUATE HEIGHT
UPRIGHT SPRINKLER



SECTION 'A' - 'A'
OPTIONAL
RESTRICTED AND ADEQUATE HEIGHT
UPRIGHT SPRINKLER



GENERAL NOTES

1. ALL WATER PIPE - 2" (SCH. 40) METAL PIPE EXCEPT AS NOTED.
2. ALL PIPE FITTINGS - MALLEABLE IRON - 300 LB. EXTRA HEAVY OR EQUAL.
3. ATTACH PIPE TO PERMIT EXPANSION MOVEMENT.
4. IF SPRINKLER IS TO LOW TO HAVE WATER DISCHARGE OVER BELT, ROTATE PIPE ENOUGH TO GET COVERAGE. FLOW TEST TO ADJUST FOR PROPER TILT.
5. FOR FREEZING AREAS - SYSTEM REQUIRES A 50/50 MIXTURE OF ANTI-FREEZE (ETHYLENE-GLYCOL) TO DETERMINE GALLONS REQUIRED FOR 2" PIPE MULTIPLY TOTAL NUMBER OF FEET (PIPE IN SYSTEM) BY .18 THEN DIVIDE BY 2 THIS EQUALS GALLONS OF ANTI-FREEZE.
6. 50 FEET MINIMUM AT BELT DRIVE WITH FIRE RETARDANT BELT. 150 FEET MINIMUM AT BELT DRIVE WITHOUT FIRE RETARDANT BELT.
7. OPTIONAL 2" OUTLET PROVIDED FOR OPTIONAL 2" HOSE CONNECTION TO EXTEND TO REMOTE HEAD ROLLER SPRINKLERS.
8. PIPE MAY BE MOUNTED AT ANY HEIGHT. UPRIGHTS SHALL BE INSTALLED TO MAINTAIN SPRINKLERS NEAR THE ROOF.

ELECTRICAL NOTES

- A. CONTACTS OF ITEM NO. 3 TO BE WIRED IN STOP CIRCUIT OF BELT DRIVE MOTOR STARTER.
- B. CONTACTS OF ITEM NO. 3 TO BE WIRED TO FIRE DETECTION SYSTEM OR AUDIBLE VISUAL ALARM SYSTEM.

KEY

1. 2" BALL VALVE CLASS 300 FM APPROVED OR UL LISTED ----- PRESSURE RATING AS REQUIRED.
2. BALL VALVE CLASS 300 FM APPROVED OR UL LISTED ----- PRESSURE RATING AS REQUIRED.
3. WATER FLDW SWITCH FM APPROVED OR UL LISTED ----- PRESSURE RATING AS REQUIRED.
4. SPRINKLER - PENDANT TYPE - FM APPROVED OR UL LISTED ----- 1/2" ORIFICE - 212 DEGREE TEMPERATURE RATING.
5. SPRINKLER - UPRIGHT TYPE - FM APPROVED OR UL LISTED ----- 1/2" ORIFICE - 212 DEGREE TEMPERATURE RATING.
6. PIPE PLUG (OPTIONAL 2" OUTLET FOR HEADROLLER PROTECTION).
7. VALVE - SWING CHECK - 2" CLASS 300 OR EQUAL (FREEZING AREAS ONLY).
8. REDUCING TEE - MALLEABLE IRON - EXTRA HEAVY OR EQUAL.

NOTE: THIS DRAWING IS A REPRODUCTION OF ENERGY WEST MINING COMPANY DRAWING #CENU739B DRAWN BY K. LARSEN 6-21-93

BRIDGER UNDERGROUND COAL MINE		
Attachment 'A' Sprinkler System For Freezing And Non Freezing Locations		
No Sods	Date: 3-11-03	REV.