



2003 DV
Exhibit #1

August 2, 1999

Carol Jones
Deputy Assistant Secretary for
Mine Safety and Health
U.S. Department of Labor
Mine Safety and Health Administration
4015 Wilson Boulevard
Arlington, Virginia 22203

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MSHA
U.S. Dept of Labor

RE: Petition to Amend M-98-019-C
Energy West Mining Company
Trail Mountain Mine 42-01211

Dear Ms. Jones:

Enclosed please find the original and two copies of the above Petition to Amend. The Company and Representatives of the Miners (UMWA Local 2176) have meet and discussed this proposed amendment. Both parties feel the changes reflected in this Petition to Amend are needed to help reduce respirable dust on the longwall face.

Your prompt attention to our petition submittal is appreciated. Should you have any questions concerning this submittal please feel free to contact me at (435) 687-4704 or Forrest Adison at (435) 381-5583.

Sincerely,

Kevin Tuttle
Manager of Health,
Safety and Training

Forrest Adison
President, Local 2176 UMWA
Trail Mountain Mine

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Enclosures

: Keith Sinsel, Earl Snow, Randy Tatton, Bevan Branson, Donnie Durrant, Carl Pollastro,
Larry LaFrentz, David Campbell (Miner Rep- Trail Mountain)

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Cottonwood Mine:
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U.S. DEPARTMENT OF LABOR
MINE SAFETY AND HEALTH ADMINISTRATION

In the Matter of:)	PETITION FOR MODIFICATION
)	PROCEEDINGS
)	
ENERGY WEST MINING)	Docket No.
COMPANY,)	
)	
Petitioner.)	Trail Mountain Mine
)	MSHA I.D. No. 42-01211

PETITION TO AMEND DECISION AND ORDER

Pursuant to 30 C.F.R. § 44.10, Energy West Mining Company (“Energy West”) hereby petitions the Secretary of Labor, Mine Safety and Health Administration (“MSHA”) to amend as detailed below, the Decision and Order Granting Petition for Modification M-98-019-C (Last approved on July 16, 1998) (“D&O”), in which the Assistant Secretary of Labor for Mine Safety and Health granted the Petition for Modification of 30 C.F.R. § 75.350 and 75.352 filed by Energy West Mining Company.

Appended to the D&O were several operational requirements. The purpose of this Petition to Amend is to revise some of these requirements which, in the operational experience of Energy West, have proven to be outdated because of changes in circumstances which originally supported the terms and conditions of the D&O. See 30 C.F.R. § 44.53(a)(1). The granting of this Petition to Amend would provide alternate means of ensuring the safety of the miners based on developments that have occurred since the D&O was issued.

This Petition to Amend is not intended to amend any terms or conditions of the D&O other than those specified below, and is based on the D&O’s conclusion that mining under deep cover with more than two entries in the Trail Mountain Mine would diminish the safety of the miners. For purposes of this Petition to Amend, the D&O’s conclusion regarding diminution of safety is res adjudicata.

Wherefore, Energy West petitions the Secretary to amend the D&O as detailed below

We would request a change to the following items found within the petition as follows:

- 1 Item I - (b)(1) The air in the monitored entry(s) shall have a velocity of at least 50 feet a minute and have a definite and distinct movement in the designated direction.

Modify to read

I - (b)(1) The air in the monitored entry(s) shall have a velocity of

- (i) At least 50 feet per minute if traveling towards the face, or
- (ii) At least 50 feet per minute if traveling outby the face
- (iii) The operator will establish initial belt air direction at the start of the longwall retreat. Should changes be made to the air direction on the belt, the operator shall give at least twenty-four (24) hours notice to MSHA and the miners representative prior to any change and will follow procedures addressed in 30 CFR 75.324 (Intentional changes in the ventilation system).

2. I - (1) The concentration of respirable dust in the intake air coursed through a belt conveyor haulageway shall not exceed 1.0 mg/m^3 . Compliance with this requirement will be determined by establishing a designated area (DA) sampling location within 15 feet outby the working section belt tailpiece or just outby any air split point introduced into the belt entry and by sampling in accordance with 30 CFR 70.208. The specific DA sampling location shall be identified in the operator's ventilation plan with a four-digit number beginning with 8, followed by the middle two digits of the MMU number, and ending with 9 (i.e., 804-9 for MMU 004-0)

Modify to read

- I - (1) The concentration of respirable dust in the intake air coursed through a belt conveyor haulageway shall:
- (i) Not exceed 1.0 mg/m^3 when the air is traveling towards the face, or
 - (ii) Not exceed 2.0 mg/m^3 when the air is traveling away from the face
 - (iii) Compliance with this requirement will be determined by establishing a designated area (DA) sampling location as follows:
 - (1) Within 15 feet outby the working section belt tailpiece or just outby any air split point introduced into the belt entry if air is traveling towards the face, or
 - (2) Outby the first drive unit if the air is traveling away from the face
 - (iv) Sampling will be done in accordance with 30 CFR 70.208. The specific DA sampling location shall be identified in the operator's ventilation plan with a four-digit number beginning with 8, followed by the middle two digits of the MMU number, and ending with 9 (i.e., 804-9 (MMU 004-0))

3 III - (a) Two separate intake air courses within each longwall panel shall be provided to each two-entry longwall. Both aircourses may be located on the same side of the panel, however, the air shall travel in a direction from the mouth of the panel toward the section.

Modify to read

III - (a) Two separate intake air courses or one intake and one belt aircourse within each longwall panel shall be provided to each two-entry longwall. Both aircourses may be located on the same side of the panel.

Rationale:

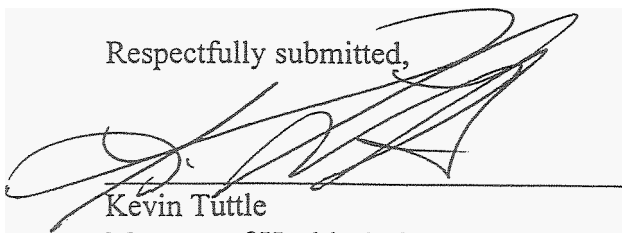
At times the pitch of the coal seam will cause the cooler air entering the belt line to stay towards the bottom of the belt entry as it moves towards the face. With this pitch it has become necessary to install slave drives to assist the belt. As the belt slave drives operate they heat the air which causes a chimney affect and the air wants to travel upwards. This warm air tries to flow against the cooler air coming in the section. It is hard to overcome the force of the air wanting to move up the belt line and the air has a tendency to roll. This air problem can happen anytime you have a belt drive within the two entry panel but is increased as the pitch is increased.

The requirement for belt air to ventilate the face adds additional respirable dust to the air used to ventilate the face. With the scenario mentioned above mechanical means have been used to force the air towards the face which also causes additional respirable dust. The increased dust causes an increased dust problem to the longwall face. Even if the belt is in compliance with a 1.0 mg/m³ standard you are still adding respirable dust that will affect the longwall MMU.

The mine needs the ability to regulate the air either inby or outby as conditions dictate. If the belt line is needed to provide air it can be used but if it is not needed for air the mine should have the ability to have the air move outby.

WHEREFORE, Energy West Mining Company requests that this Petition to Amend the Trail Mountain Mine Decision and Order be granted.

Respectfully submitted,



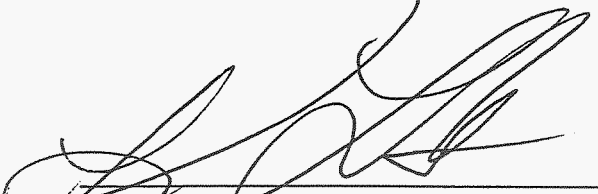
Kevin Tuttle
Manager of Health, Safety and Training
P.O. Box 310
Huntington, Utah 84528

8-2-99
Date

CERTIFICATE OF SERVICE

I hereby certify that on this, the 2nd day of AUGUST, 1999,
I caused a copy of the foregoing Petition to Amend Decision and Order to be served via hand
delivery on the following:

David Campbell
P.O. Box 573
Orangeville, Utah 84537
Representative of Miners
UMWA District 22 - Local 2176
Trail Mountain Mine



Kevin Tuttle
Manager of Health, Safety and Training