

In the matter of
Canyon Fuel Company, LLC
Dugout Canyon Mine
I.D. No. 42-01890

Petition for Modification

Docket No. M-2002-002-C

PROPOSED ORDER OF DISMISSAL

On January 10, 2002, the Petitioner filed a petition for the modification of the application of 30 CFR 75.1002 for the Dugout Canyon Mine located in Carbon County, Utah. That modification was to allow the use of high-voltage power cables for the face conveyor and shearer motors of a 4,160 volt longwall mining system.

Subsequent to this filing, MSHA promulgated changes to the mandatory safety standards governing the use of high-voltage longwall equipment on March 11, 2002. This new regulation eliminated the need for petitions for modification of 30 CFR 75.1002 as it applies to high-voltage longwall mining equipment and was effective May 10, 2002.

Therefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, Canyon Fuel Company, LLC's Petition for Modification of 30 CFR 75.1002 to its Dugout Canyon Mine is dismissed.

Any party to this action desiring a hearing on this matter must file in accordance with 30 CFR 44 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 Order of Dismissal will become final.

Terry L. Bentley
Chief, Safety Division
Coal Mine Safety and Health