

In the matter of
Genwal Resources, Inc.
South Crandall Canyon Mine
I.D. No. 42-02356

Petition for Modification

Docket No. M-2003-084-C

PROPOSED ORDER OF DISMISSAL

On October 24, 2003, an authorized agent for Genwal Resources, Inc. filed a petition pursuant to 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. sec. 811(c), and 30 CFR 75 et seq., for the modification of the application of 30 CFR 75.804(a), a mandatory safety standard.

On November 05, 2003, the same authorized agent for Genwal Resources, Inc. notified MSHA that the request for modification be withdrawn because existing 30 CFR 75.822 allows the use of a No. 16 AWG center ground check conductor.

Therefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, PC Contractors, Inc.'s Petition for Modification of 30 CFR 75.804(a) to its South Crandall Canyon Mine is dismissed, without prejudice.

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.

Robert L. Phillips
Acting Chief, Safety Division
Coal Mine Safety and Health