

October 19, 2005

In the matter of:
Powder River Coal Company
North Antelope Rochelle Mine
 ID No. 48-01353
Caballo Mine
 ID No. 48-01034
Rawhide Mine
 ID No. 48-00993

Petition for Modification

Docket No. M-2005-011-C

PROPOSED ORDER OF DISMISSAL

On March 1, 2005, Powder River Coal Company 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 44 et seq., for the modification of the application of 30 CFR 77.700-1, to its North Antelope Rochelle Mine, Caballo Mine, and Rawhide Mine, all located in Campbell County, Wyoming. The petitioner alleged that the alternative method proposed in the petition would at all times guarantee no less than the same measure of protection afforded by the standard.

Petitioner sought a modification of 30 CFR 77.700-1 to permit the use of a portable diesel-powered electric generator for temporary power and/or to move electrically powered mining equipment in and around the North Antelope Rochelle Mine, Caballo Mine, and Rawhide Mine. On October 3, 2005, MSHA received a letter from the petitioner requesting that the petition be withdrawn. As a result, the petition is not needed.

Therefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, Powder River Coal Company's Petition for Modification of 30 CFR 77.700-1 at the subject mines is hereby:

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