

June 6, 2005

In the matter of:
Genesis, Inc.
Genesis 17 Mine
I.D. No. 36-08980

Petition for Modification

Docket No. M-2005-028-C

PROPOSED ORDER OF DISMISSAL

On April 7, 2005, Genesis, Inc. filed a petition to modify the application of 30 CFR 75.1100(e)(2) to its Genesis 17 Mine in Somerset County, Pennsylvania. The Petitioner seeks a modification of 30 CFR 75.1100(e)(2), which would permit the Genesis 17 Mine to provide a second fire extinguisher at temporary electrical installations in lieu of the 240 pounds of rock dust required by the standard.

On May 12, 2005, MSHA received notification from the petitioner stating that all production at the mine had stopped and requesting that the petition for modification be withdrawn. Therefore, the petition is not needed.

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 Genesis, Inc.'s Petition for Modification of the application of 30 CFR 75.1100(e)(2) in the Genesis 17 Mine is hereby

DISMISSED.

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.

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