

January 10, 2006

In the matter of:
Mach Mining, LLC
Mach #1 Mine
ID No. 11-03141

Petition for Modification

Docket No. M-2005-063-C

PROPOSED ORDER OF DISMISSAL

On August 30, 2005, Mach Mining, LLC filed a petition pursuant to 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. § 811(c), and 30 CFR 44 et seq., for the modification of the application of 30 CFR 75.1909(b)(6) to its Mach #1 Mine located in Williamson County, Illinois. 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 75.1909(b)(6), which provides that all self-propelled, non-permissible diesel-powered equipment must have, in addition to all other requirements, Service brakes that act on each wheel of the vehicle and that are designed such that failure of any single component, except the brake actuation pedal or other similar actuation device, must not result in a complete loss of service braking capability.

Petitioner proposed an alternate method in lieu of the front wheel brakes on the Getman RDG-1504S Diesel Road Grader, which has six wheels. Petitioner proposed to limit the speed of the diesel grader to 10 miles per hour (mph) and to train the grader operators in the proper techniques for lowering the blade to provide additional stopping capability in emergency situations.

On January 5, 2006, MSHA received a letter from the petitioner requesting that the petition be withdrawn. The letter stated that the petitioner purchased equipment from a different manufacturer and that this equipment meets the requirements of the standard. 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, Mach Mining, LLC's Petition for Modification 30 CFR 75.1909(b)(6) at the Mach #1 Mine 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