

June 16, 2006

In the matter of:
Laurel Creek Company, Inc.
No. 5 Mine
I.D. No. 46-09132

Petition for Modification

Docket No. M-2006-007-C

PROPOSED ORDER OF DISMISSAL

On February 16, 2006 Laurel Creek Company, 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 44 *et seq.*, for the modification of the application of 30 CFR 75.1002 to its No. 5 Mine, located in Mingo County, West Virginia.

Petitioner sought a modification of 30 CFR 75.1002, which requires in relevant part:

- (b) Electric conductors and cables installed in or inby the last open crosscut or within 150 feet of pillar workings or longwall faces must be:
 - (4) Cables and conductors supplying power to low- and medium-voltage permissible equipment.

Petitioner requested that high-voltage continuous mining machines be used in and inby the last open crosscut. On May 30, 2006, MSHA received a letter from the petitioner requesting withdrawal of the petition.

Therefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, Laurel Creek Company, Inc.'s Petition for Modification of 30 CFR 75.1002 to its No. 5 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.

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, Division of Safety
Coal Mine Safety and Health