

November 30, 2007

In the matter of:
The American Coal Company
Galatia Mine
I. D. No. 11-02752

Petition for Modification

Docket No. M-2007-008-C

PROPOSED ORDER OF DISMISSAL

On March 9, 2007, a petition was filed seeking to amend a granted modification of the application of 30 C.F.R. § 75.1700 to Petitioner's Galatia Mine located in Saline County, Illinois. The petitioner alleges that the alternative method outlined in the petition will at all times guarantee no less than the same measure of protection afforded by the standard.

The petition requested that the granting terms and conditions for cleaning, plugging and cutting through oil or gas wells in the modification granted to the mine under Docket No. M-1988-246-C, which became final August 15, 1989, be amended. The proposed amendment would allow the existing drills records for oil or gas wells that are in areas to be mined in the immediate future be evaluated and a determination made as to the need to again drill out and remove existing plugging to assure compliance with the granted modification.

On October 23, 2007, a Proposed Decision and Order was issued with the intent to grant a modification of 30 C.F.R. § 75.1700 with fully revised terms and conditions that reflect MSHA's most recent changes to improve clarity and safety during cut through mining. However, these revised and updated terms and conditions do not permit reliance on drilling records for work done by other parties (oil and gas service companies and drilling companies not under contract to a mine operator for the purpose of cleaning and plugging oil or gas wells for mining through the safety barrier and well location).

On November 16, 2007, the petitioner contacted MSHA and advised that the language of the terms and condition for the Proposed Decision and Order of October 23rd were not responsive to the requested amendment and not acceptable to the company. In addition, the petitioner stated that the company wished to withdraw the petition (Docket No. M-2007-008-C). MSHA District personnel were contacted and they confirmed that no known

hazards or misunderstandings had been encountered or caused by the use of the terms and conditions granted in Docket No. M-1988-246-C.

Consequently the requested modification was no longer needed and should be dismissed. This Proposed Order of Dismissal replaces the October 23, 2007, Proposed Decision and Order and leaves the granting terms and condition of the finalized order for Docket No. M-1988-246-C in effect.

Therefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, , The American Coal Company's Petition for Modification of 30 C.F.R. § 75.1700 (Docket No. M-2007-008-C) at the Galatia Mine is hereby:

DISMISSED.

Any party to this action desiring a hearing on this matter must file in accordance with 30 CFR Part 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.

Stephen J. Gigliotti
Acting Chief, Safety Division for
Coal Mine Safety and Health