

In the matter of:
Meadow Branch Mining Corp.
Low Splint No. 1 Mine
I.D. No. 44-06883

Petition for Modification

Docket No. M-2004-017-C

PROPOSED ORDER OF DISMISSAL

On April 1, 2004, The Meadow Branch Mining Corp. filed for 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 application of 30 CFR 75.350, a mandatory safety standard.

After June 1, 2004, the effective date of the final rule for 30 CFR 75.350, all mines using belt air to ventilate working places and/or areas where mining equipment is being installed or removed with sections developed using three or more entries will thereafter be required to comply with the provisions of the final rule.

Therefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, The Meadow Branch Mining Corp. Petition for Modification of 30 CFR 75.350, at its Low Splint No. 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 for
Coal Mine Safety and Health