

APRIL 5, 2005

In the matter of:
Wabash Mine Holding Company
Wabash Mine
I.D. No. 11-00877

Petition for Modification

Docket No. M-2001-098-C

PROPOSED AMENDED DECISION AND ORDER

On October 1, 2001, Wabash Mine Holding Company filed a petition to amend a previously granted modification of the application of 30 CFR 75.332(a)(2) to its Wabash Mine, near Keensburg in Wabash County, Illinois, Docket No. M-1999-095-C. The Petitioner seeks to amend Item No. 6 of the June 22, 2001, Proposed Decision and Order (PDO). The Petitioner seeks a modification of 30 CFR 75.332(a)(2), which would permit the Wabash Mine to use one continuous miner to clean up a working face while a second continuous miner starts to cut and load coal in another working face. On March 22, 2005, MSHA received notification from the petitioner requesting that the petition for modification be withdrawn due to planned mining changes. 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 Wabash Mine Holding Company's Petition for Modification of the application of 30 CFR 75.332(a)(2) in the Wabash Mine is hereby

DISMISSED without prejudice.

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