

In the matter of
Nowacki Coal Company
Nowacki Slope Mine
I.D. No. 36-07592

Petition for Modification

Docket No. M-2003-046-C

ORDER OF DISMISSAL

On May 6, 2003, Nowacki Coal Company filed a petition pursuant to 101(c) of the Federal Mine Safety and Health Act of 1977 (Act), 30 U.S.C. Section 811(c), and 30 CFR 44 et seq., for the modification of the application of 30 CFR 75.1002(a), and 75.1002-1(a) of a mandatory safety standard.

The petition for modification proposed a method to permit use of non-permissible electric equipment within 150 feet of the pillar line and include large drags and battery locomotives due to the method of mining used in pitching anthracite mines, and the alternative evaluation of the mine air quality for methane on an hourly basis during mining operations. The petition also proposed to suspend equipment operation anytime methane concentrations reached 0.5%

On November 21, 2003, Nowacki Coal Company notified MSHA that the requested modification was no longer needed, and requested the petition for modification be withdrawn.

Therefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, Nowacki Coal Company's Petition for Modification of 30 CFR 75.1002(a) and 75.1002-1(a) to its Nowacki Slope Mine is 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 Bentley
Chief, Safety Division
Office of the Administrator
for Coal Mine Safety and Health