

November 2, 2005

In the matter of:	Petition for Modification
Kennecott Energy Company	
Colowyo Mine	
ID No. 05-02962	
Spring Creek Mine	
ID No. 24-01457	
Cordero Mine	
ID No. 48-00992	
Jacobs Ranch Mine	
ID No. 48-00997	
Antelope Coal Mine	
ID No. 48-01337	Docket No. M-2005-016-C

PROPOSED ORDER OF DISMISSAL

On March 14, 2005, Kennecott Energy Company 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 77.811 to its Colowyo Mine located in Moffat County, Colorado; Spring Creek Mine, located in Bighorn County, Montana; Cordero Mine, located in Campbell County, Wyoming; Jacobs Ranch Mine, located in Campbell County, Wyoming; and Antelope Coal Mine, located in Converse County, Wyoming. The petitioner alleged that the alternative method proposed in the petition would at all times guarantee no less than the same measure of protection afforded by the standard.

Petitioner sought a modification of 30 CFR 77.811 as it pertains to moving an energized transformer that is part of a diesel-powered electric generator. Petitioner proposed the use of a portable, diesel-powered electric generator for temporary power and/or to move electrically powered mine equipment in and around the five (5) subject mines.

On October 20, 2005, MSHA received a letter from the petitioner requesting that the petition be withdrawn. As a result, the petition is not needed.

Therefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, Kennecott Energy Company's Petition for Modification of 30 CFR 77.811 at the subject mines 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
Coal Mine Safety and Health