

In the matter of
San Juan Coal Company
San Juan South Mine
I.D. No. 29-02170

Petition for Modification

Docket No. M-2003-047-C

PROPOSED ORDER OF DISMISSAL

On June 18, 2003, The San Juan Coal 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 75.321(a)(1), a mandatory safety standard.

On July 6, 2004, San Juan Coal Company notified the Mine Safety and Health Administration that the petition was no longer necessary and requested the petition application be withdrawn.

Therefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, The San Juan Coal Company's Petition for Modification of 30 CFR 75.321(a)(1) at its San Juan South 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