

In the matter of:  
Kingwood Mining Company, LLC  
Whitetail Kittanning Mine  
I.D. No. 46-08751

Petition for Modification  
  
Docket No. M-2003-091-C

PROPOSED ORDER OF DISMISSAL

On November 12, 2003, The Kingwood Mining Company, LLC 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Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. Sec. 811(c), and 30 CFR 44 et seq., for the amendment of a superseded petition for modification M-2001-049-C of the application of 30 CFR 75.350, a mandatory safety standard.

On June 1, 2004, the final rule for 30 CFR 75.350 became effective. All existing granted petitions for modification for belt air used to ventilate working places and/or areas where mining equipment is being installed or removed under 75.350 and former 75.326 in those mines with sections developed using three or more entries were superseded. Mine operators 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Mine Safety and Health, The Kingwood Mining Company, LLC's Petition for Modification of 30 CFR 75.350, to amend the superseded petition M-2001-049-C to its Whitetail Kittanning Mine is hereby: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.

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Terry L. Bentley  
Chief, Safety Division for  
Coal Mine Safety and Health