

**March 9, 2006**

In the matter of:  
Twentymile Coal Company  
Foidel Creek Mine  
I.D. No. 05-03836

Petition for Modification  
  
Docket No. M-2005-070-C

PROPOSED ORDER OF DISMISSAL

On October 12, 2004, Twentymile 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 75.1002(a), to its Foidel Creek Mine, located in Routt County, Colorado.

Petitioner sought a modification of 30 CFR 75.1002(a), which requires that

Electric equipment must be permissible and maintained in a permissible condition when such equipment is located within 150 feet of pillar workings or longwall faces.

Petitioner requested that non-permissible survey equipment be permitted in by the last open crosscut when equivalent permissible equipment does not exist. On February 6, 2006, MSHA received a letter from the petitioner requesting withdrawal of the petition.

Therefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, Twentymile Coal Company's Petition for Modification of 30 CFR 75.1002(a) to its Foidel Creek 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.

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, Division of Safety  
Coal Mine Safety and Health