

In the matter of  
Peabody Coal Company  
Highland Mine  
I.D. No. 15-02709

Petition for Modification  
  
Docket No. M-2002-049-C

PROPOSED ORDER OF DISMISSAL

On June 4, 2002, the Peabody 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 75.901(a), a mandatory safety standard.

On June 23, 2004, a request was received from the mine operator to withdraw the petition for the above mine owned by Peabody Coal Company.

Therefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, Peabody Coal Company's Petition for Modification of 30 CFR 75.901(a) for the Highland 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.

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

Certificate of Service

I hereby certify that a copy of this order of dismissal was served personally or mailed, postage prepaid, this \_\_\_\_\_ day of \_\_\_\_\_, 2004, to:

Mr. Charles Lilly, PE  
Manager - Engineering  
Highland Mining Company  
P.O. Box 589  
Morganfield, Kentucky 42437

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Diane Blair  
Secretary, Office Automation

cc: Mr. Frank Delzer  
bcc: C. Boone  
OSRV  
R. Phillips  
Case File  
MCS:RPhillips:PMH:06/24/04