

December 28, 2007

In the matter of:
AMFIRE Mining Company, LLC
Nolo Mine
ID No. 36-08850

Petition for Modification

Docket No. M-2007-060-C

PROPOSED ORDER OF DISMISSAL

On September 25, 2007, AMFIRE Mining Company, LLC filed a petition pursuant to 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. § 811(c), and 30 C.F.R. 44 et seq., for the modification of the application of 30 C.F.R. § 75.364(a), a mandatory safety standard.

On December 12, 2007, the Division of Safety received a letter from the petitioner requesting the petition be withdrawn. The operator has submitted an addendum to its approved ventilation plan addressing examination of worked out areas; as a result, the petition is no longer needed.

Therefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, AMFIRE Mining Company, LLC's Petition for Modification of 30 C.F.R. § 75.364(a) to its Nolo Mine is hereby:

DISMISSED.

Any party to this action desiring a hearing on this matter must file in accordance with 30 C.F.R. § 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.

Stephen J. Gigliotti
Acting Chief, Safety Division for
Coal Mine Safety and Health