

November 9, 2006

In The Matter of
BUZZI UNICEM USA
Lone Star Pryor Plant Mill & Quarry
I.D. No. 34-01289

PETITION FOR MODIFICATION

Docket No. M-2006-012-M

PROPOSED ORDER OF DISMISSAL

On August 29, 2006, BUZZI UNICEM USA ("BUZZI"), pursuant to Section 101(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 811(c), and 30 C.F.R. Part 44, filed a petition for modification of 30 CFR § 56.14201(b) (Conveyor start-up warning).

30 CFR § 56.14201(b) Conveyor start-up warnings provides:

(b) When the entire length of the conveyor is not visible from the starting switch, a system which provides visible or audible warning shall be installed and operated to warn persons that the conveyor will be started. Within 30 seconds after the warning is given, the conveyor shall be started or a second warning shall be given.

On October 16, 2006, BUZZI requested, in writing, that the petition be withdrawn. Therefore, the petition for modification is not necessary and is hereby:

DISMISSED

/s/ Felix A. Quintana

Felix A. Quintana
Administrator for
Metal and Nonmetal Mine Safety and Health