

June 11, 2007

In The Matter of
Ararat Rock Products Co.
Surry Mine and Mill
I.D. No. 34-00002

PETITION FOR MODIFICATION

Docket No. M-2007-001-M

PROPOSED ORDER OF DISMISSAL

On January 23, 2007, Ararat Rock Products Co. (Ararat), 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 C.F.R. § 56.17001 (Illumination of surface working areas). The petitioner requested relief from maintaining specific lights on their excavators.

30 CFR § 56.17001 Illumination of surface working areas provides:

Illumination sufficient to provide safe working conditions shall be provided in and on all surface structures, paths, walkways, stairways, switch panels, loading and dumping sites, and work areas.

On May 31, 2007, Ararat requested, in writing, that the petition be vacated. Therefore, the petition for modification is not necessary and is hereby:

DISMISSED

/s/Neal Merrifield for

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