

In the matter of
Rossi Excavating Company
Coleraine Operation
I.D. No. 36-09176

Petition for Modification

Docket No. M-2008-029-C

PROPOSED ORDER OF DISMISSAL

On June 3, 2008, Rossi Excavating Company 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. § 77.1200(c) & (k) to Petitioner's Coleraine Operation, located in Schuylkill County, Pennsylvania.

On May 18, 2010, MSHA received a letter from the petitioner requesting the petition be withdrawn. As a result, the petition is no longer needed and should be dismissed.

Therefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, Rossi Excavating Company's Petition for Modification of 30 C.F.R. § 77.1200(c) & (k) to its Coleraine Operation is hereby:

DISMISSED

Any party to this action desiring a hearing on this matter must file in accordance with 30 C.F.R. § 44.14, 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 may 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 Decision and Order will become final and must be posted by the operator on the mine bulletin board at the mine.

John Arrington, III, Acting Chief
Division of Safety for
Coal Mine Safety and Health