

August 31, 2007

In the matter of:
Excel Coal Company
Three S Slope
ID No. 36-09309

Petition for Modification

Docket No. M-2006-070-C

PROPOSED ORDER OF DISMISSAL

On August 7, 2006, a petition was filed seeking a modification of the application of 30 CFR 75.335 to Petitioner's Three S Slope, located in Northumberland County, Pennsylvania.

On August 14, 2007, the Division of Safety received a letter from the petitioner requesting the petition be withdrawn. The petitioner stated that the mine had been abandoned and would be sealed. Therefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, Excel Coal Company Inc.'s Petition for Modification of 30 CFR 30 CFR 75.335 to its Three S Slope mine is hereby:

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.

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