

In the matter of:  
Ash Coal Company  
1½ Vein Slope  
I.D. No. 36-07414

Petition for Modification  
  
Docket No. M-1986-194-C

PROPOSED DECISION AND ORDER TO REVOKE

Ash Coal Company's 1½ Vein Slope was granted modification of the application of 30 CFR 75.1400 (Docket No. M-1986-194-C). The modification for 30 CFR 75.1400 under Docket No. M-1986-194-C was issued May 19, 1987, and finalized June 30, 1987.

MSHA records indicate that underground workings of the mine were permanently abandoned and the surface openings to the mine sealed October 16, 1991.

Finding of Fact and Conclusion of Law

MSHA has determined that the mining conditions have changed and that the modification is no longer necessary because the underground workings of the 1½ Vein Slope have been permanently abandoned and the surface openings sealed. Therefore, modification of 30 CFR 75.1400 (Docket No. M-1986-194-C) is no longer needed at the 1½ Vein Slope.

ORDER

Wherefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, and pursuant to section 101(c) of the Federal Mine Safety Health Act of 1977, 30 U.S.C. 811(c), it is ordered that Ash Coal Company's modification of 30 CFR 75.1400 (Docket No. M-1986-194-C) as it applies to the 1½ Vein Slope is hereby:

REVOKED.

Pursuant to 30 CFR 44.52, revocations of the granted modifications will become final 30 days after service of this Proposed Decision and Order to Revoke unless a hearing is requested on the Decision and Order. Any party to this action desiring a hearing on this matter must file in accordance with 30 CFR 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 the 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 to Revoke will become final.

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Terry L. Bentley  
Chief, Division of Safety  
Coal Mine Safety and Health