

In the matter of:  
Kimmel's Mining Inc.  
(formerly Tito Coal Company)  
(formerly J. J. G. Coal Company)

Petitions for Modification

Tito Mine White Vein Slope  
(formerly Whites Vein Slope Mine)

I.D. No. 36-06815

<u>Docket No.</u>	<u>30 CFR Standard</u>	<u>Granted</u>	<u>Finalized</u>
M-1987-204-C	75.1400	February 3, 1988	March 4, 1988
M-1993-166-C	75.335(a)(1)	June 7, 1995	July 7, 1995
M-1993-170-C	75.1200(d)	October 18, 1995	November 17, 1995
M-1993-171-C	75.1202-1(a)	November 6, 1995	December 6, 1995
M-1993-169-C	75.1100-2(a)	February 13, 1996	March 14, 1996
M-2000-039-C	49.2(b)	December 4, 2000	January 3, 2001
M-2003-062-C	75.1002	August 16, 2004	September 15, 2004
M-2005-085-C	49.6(a)(1)&(5)	June 13, 2006	July 13, 2006

PROPOSED DECISION AND ORDER TO REVOKE

MSHA records indicate that underground workings of the referenced mine have been permanently abandoned and the surface opening(s) to the mine sealed. MSHA has determined that the mining conditions have changed and that the modifications are no longer needed at the referenced mine. 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), the modifications as they apply to the referenced mine are 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 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 Order to Revoke will become final.

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