

In the matter of:  
Highland Mining Company LLC  
(formerly Peabody Coal Company)  
Highland 9 Mine  
(formerly Camp No. 1 Mine)  
I.D. No. 15-02709

Petition for Modification

Docket No. M-1994-003-C

### PROPOSED DECISION AND ORDER TO REVOKE

Pursuant to a Proposed Decision and Order (PDO), the subject mine was granted a modification of the application of 30 CFR 75.364(b)(4) allowing the use of monitoring stations in lieu of conducting weekly examinations of the No. 1 Seal of the 2<sup>nd</sup> Panel West. The PDO was issued February 14, 1995, and finalized March 16, 1995.

MSHA has determined that the area of the Highland Mining Company, LLC's Highland 9 Mine associated with the modification granted under Docket No. M-1994-003-C has been sealed from active mine workings. MSHA has determined that the mining conditions have changed and that the modification is no longer needed at the referenced mine. Other granted modifications of mandatory safety standards in effect at the Highland 9 Mine remain unaffected by this Proposed Decision and Order to Revoke.

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 and Health Act of 1977, 30 U.S.C § 811(c), the modification as it applies to the referenced mine is hereby:

REVOKED.

Pursuant to 30 C.F.R. § 44.52, revocations of the granted modification 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 C.F.R. § 44.14, within 30 days. The request for hearing must be filed with the Administrator for Coal Mine Safety and Health, 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.

---

Charles E. Carpenter  
Acting Chief, Division of Safety  
Coal Mine Safety and Health