

In the matter of
Big Diamond Coal Company
No. 1 Vein Slope
I.D. No. 36-07554

Petitions for Modification

Docket No. **M-1987-249-C**

PROPOSED DECISION AND ORDER TO REVOKE

Big Diamond Coal Company, No. 1 Vein Slope mine was granted a modification of the application of 30 CFR 75.1400 (Docket No. M-1987-249-C). The modification for 30 CFR 75.1400 under Docket No. M-1987-249-C was issued June 21, 1988, and finalized August 1, 1988.

MSHA records indicate that underground workings of the mine were permanently abandoned and the surface openings to the mine sealed October 26, 1994.

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 No. 1 Vein Slope mine have been permanently abandoned and the surface openings sealed. Therefore, modification of 30 CFR 75.1400 (Docket No. M-1987-249-C) is no longer needed at the No. 1 Vein Slope mine.

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 Alpine Coal Company, Inc.'s modification of 30 CFR 75.1400 (Docket No. M-1987-249-C) as it applies to the No. 1 Vein Slope mine is hereby:

REVOKED.

Pursuant to 30 CFR 44.52, revocation 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 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.

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