

In the matter of
SBM Coal
M and R Slope
I.D. No. 36-05495

Petitions for Modification

Docket Nos. M-1989-016-C
M-1994-008-C
M-1994-009-C
M-1994-010-C
M-1994-011-C
M-1994-012-C

PROPOSED DECISION AND ORDER TO REVOKE

SBM Coal's M and R Slope was granted modifications of the application of 30 CFR 75.1400 (Docket No. M-1989-016-C), 30 CFR 75.335(a)(1) (Docket No. M-1994-008-C), 30 CFR 75.1100-2(a) (Docket No. M-1994-009-C), 30 CFR 75.360(b)(5) (Docket No. M-1994-010-C), 30 CFR 75.1202-1(a) (Docket No. M-1994-011-C), and 30 CFR 75.1200(d) and (i) (Docket No. M-1994-012-C). The modification for 30 CFR 75.1400 under Docket No. M-1989-016-C was issued June 26, 1989, and finalized on August 7, 1989. The modification for 30 CFR 75.335(a)(1) under Docket No. M-1994-008-C was issued April 27, 1995, and finalized on May 27, 1995. The amended modification for 30 CFR 75.1100-2(a) under Docket No. M-1994-009-C was issued May 30, 1996, and finalized on June 30, 1996. The modification for 30 CFR 75.360(b)(5) under Docket No. M-1994-010-C was issued December 18, 1995, and finalized on February 16, 1996. The modification for 30 CFR 75.1202-1(a) under Docket No. M-1994-011-C was issued November 6, 1995, and finalized on December 6, 1995. The modification for 30 CFR 75.1200(d) and (i) under Docket No. M-1994-012-C was issued August 28, 1995, and finalized on September 27, 1995.

MSHA records indicate that underground workings of the mine were permanently abandoned and the surface openings to the mine sealed November 1, 1997.

Finding of Fact and Conclusion of Law

MSHA has determined that the mining conditions have changed and that the modifications are no longer necessary because the

underground workings of the M and R Slope have been permanently abandoned and the surface openings sealed. Therefore, modifications of 30 CFR 75.1400 (Docket No. M-1989-016-C), 75.335(a)(1) (Docket No. M-1994-008-C), 75.1100-2(a) (Docket

No. M-1994-009-C), 75.360(b)(5) (Docket No. M-1994-010-C), 75.1202-1(a) (Docket No. M-1994-011-C) and 75.1200(d) and (i) (Docket No. M-1994-012-C) are no longer needed at the M and R 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 SBM Coal's modifications of 30 CFR 75.1400 (Docket No. M-1989-016-C), 75.335(a)(1) (Docket No. M-1994-008-C), 75.1100-2(a) (Docket No. M-1994-009-C), 75.360(b)(5) (Docket No. M-1994-010-C), 75.1202-1(a) (Docket No. M-1994-011-C) and 75.1200(d) and (i) (Docket No. M-1994-012-C) as they apply to the M and R Slope 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 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