

In the matter of:  
Consolidation Coal Company  
Georgetown No.19 Preparation Plant  
I.D. No. 33-00958

Petition for Modification  
  
Docket No. M-1989-105-C

PROPOSED DECISION AND ORDER TO REVOKE

Consolidation Coal Company's Georgetown No. 19 Preparation Plant was granted modification of the application of 30 CFR 77.213 (Docket No. M-1989-105-C). The modification for 30 CFR 77.213 under Docket No. M-1989-105-C was issued April 9, 1991, and finalized May 9, 1991.

MSHA records indicate that the coal preparation plant to which the modification applied has ceased operation and was subsequently abandoned March 22, 2000. This coal facility has been demolished and the area reclaimed.

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 this coal facility has been demolished, the area reclaimed and permanently abandoned. Therefore, modification of 30 CFR 77.213 (Docket No. M-1989-105-C) is no longer needed at the Georgetown No. 19 Preparation Plant.

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 Consolidation Coal Company's modification of 30 CFR 77.213 (Docket No. M-1989-105-C) as it applies to the Georgetown No. 19 Preparation Plant 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