

In the matter of
Harriman Coal Corporation
Goodspring No. 1 Operation
(Formerly Penag/Goodspring
No.1 Mine East)
I.D. No. 36-06440

Petitions for Modification

Docket No. M-1993-252-C

PROPOSED DECISION AND ORDER TO REVOKE

Harriman Coal Corporation's Penag/Goodsprings No. 1 Mine East was granted modifications of the application of 30 CFR 77.409(b) (Docket No. M-1993-252-C). The modification for 30 CFR 77.409(b) under Docket No. M-1993-252-C was issued January 12, 1995, and finalized February 11, 1995.

MSHA records indicate that workings of the mine were permanently abandoned in July 2003.

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 workings of the mine have been permanently abandoned. Therefore, modifications of 30 CFR 77.409(b) (Docket No. M-1993-252-C) is no longer needed at the Goodsprings No. 1 Operation.

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 Harriman Coal Corporation's modifications of 30 CFR 77.409(b) (Docket No. M-1993-252-C) as it applies to the Goodsprings No. Operation 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.

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