

July 29, 2005

In the matter of:
Nowacki Coal Company
Nowacki Coal Company Slope
I.D. No. 36-07592

Petitions for Modification

| <u>Docket No.</u> | <u>30 CFR Standard</u> | <u>Granted</u> | <u>Finalized</u> |
|-------------------|------------------------|-------------------|-------------------|
| M-1993-160-C | 75.335(a)(1) | April 28, 1995 | May 28, 1995 |
| M-1993-163-C | 75.1100-2(a) | February 13, 1996 | March 14, 1996 |
| M-1993-164-C | 75.1200(d),(h),(i) | October 18, 1995 | November 17, 1995 |
| M-1993-165-C | 75.1202-1(a) | November 7, 1995 | December 7, 1995 |
| M-1994-171-C | 75.1400 | April 28, 1995 | May 28, 1995 |
| M-2000-072-C | 49.2(b) | December 4, 2000 | January 3, 2001 |
| M-2003-044-C | 75.360 | December 11, 2003 | January 10, 2004 |
| M-2003-045-C | 75.364(b)(1),(4),(5) | February 5, 2004 | April 4, 2004 |

PROPOSED DECISION AND ORDER TO REVOKE

MSHA records indicate that underground workings of the referenced mine have been permanently abandoned and the surface opening to the mine sealed. MSHA has determined that the mining conditions have changed and that the modifications are no longer needed at the referenced mine. 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), the modifications as they apply to the referenced mine 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.

/s/ Terry Bentley

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