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We observe further, however, that Commission Procedural Rule 51 governs the setting of appropriate hearing sites and requires a careful balancing of interests. 29 C.F.R. § 2700.51. See *Cut Slate, Inc.*, 1 FMSHRC 796, 796-98 (July 1979). The judge hereby is requested to reexamine his choice of hearing site specifically in view of the principles set forth in *Cut Slate*.

Accordingly, this matter is returned to the judge for proceedings consistent with this order. 2/

Ford B. Ford, Chairman

James A. Lastowka, Commissioner

L. Clair Nelson, Commissioner

2/ For purposes of ruling on this motion, we have designated ourselves as a panel of three members under section 113(c) of the Mine Act. 30 U.S.C. § 823(c).