

# FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

601 NEW JERSEY AVENUE, NW  
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WASHINGTON, DC 20001

April 13, 2006

TIME AND DATE: 10:00 a.m., Thursday, May 11, 2006

PLACE: The Richard V. Backley Hearing Room, 9th Floor, 601 New Jersey Avenue, N.W., Washington, D.C.

STATUS: Open

MATTERS TO BE  
CONSIDERED:

The Commission will hear oral argument on the matter *Secretary of Labor v. Cumberland Coal Resources, LP*, Docket Nos. PENN 2004-73-R, PENN 2004-74-R, PENN 2004-75-R, PENN 2004-85-R, PENN 2004-86-R, PENN 2004-87-R, PENN 2004-88-R, PENN 2004-104-R, PENN 2004-105-R, PENN 2004-181, and PENN 2005-8. (Issues include whether substantial evidence supports the judge's findings that Cumberland violated 30 C.F.R. § 75.334(b)(1) on three occasions because its bleeder system failed to effectively dilute and carry away methane; whether substantial evidence supports the judge's finding that Cumberland had notice that its bleeder system violated 30 C.F.R. § 75.334(b)(1); and whether the judge correctly found that MSHA acted within its discretion in issuing imminent danger withdrawal orders on two occasions).

Any person attending this oral argument who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs, subject to 29 C.F.R. § 2706.150(a)(3) and § 2706.160(d).

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