

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
601 New Jersey Avenue, N.W., Suite 9500
Washington, D.C. 20001

March 17, 2010

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. WEVA 2007-742
Petitioner	:	A.C. No. 46-07165-122306-01
v.	:	
	:	Docket No. WEVA 2007-743
	:	A.C. No. 46-07165-122306-02
	:	
	:	North Surface Mine
	:	
	:	Docket No. WEVA 2007-821
	:	A.C. No. 46-08838-124903
ALEX ENERGY, INC.,	:	
Respondent	:	Superior Surface Mine

NOTICE OF HEARING SITE

The captioned civil penalty proceedings are scheduled for hearing on April 7, 2010. The initial Prehearing Order in these matters, issued on July 14, 2009, required the parties to engage in, and complete, settlement negotiations by September 25, 2009. As the September 25, 2009, settlement deadline approached, the parties made repeated representations that they were continuing to negotiate with the anticipation of reaching an agreement. Today, on March 17, 2010, the respondent’s counsel advised my office, via email, that the parties “reached a settlement agreement in principle” with respect the citations contained in Docket No. WEVA 2007-742. However, to date, no motions for the approval of settlement have been filed in any of the captioned proceedings.

In view of the above, given the Commission’s unprecedented workload, the hearing in these matters will proceed as scheduled at **9:00 a.m., on Wednesday, April 7, 2010,** at Commission headquarters. No requests for continuance will be favorably entertained. Any motions for the approval of settlement of these matters must be received in my office on or before March 31, 2010, by facsimile or regular mail. Any settlement agreement after March 31, 2010, must be presented by the parties for my approval on the record at the scheduled hearing. The failure of either party to appear at the hearing will result in the entry of a dismissal order or default judgment.

The hearing location is:

**The Richard V. Beckley Hearing Room
Suite 9500 - Ninth Floor
601 New Jersey Ave, NW
Washington, DC 20001**

Any person who plans to attend this hearing and requires special accessibility features and/or any auxiliary aids, such as sign language interpreters, must request them in advance (subject to the limitations set forth in § 2706.160(d)).

Jerold Feldman
Administrative Law Judge

Distribution: (Facsimile and Certified Mail)

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