

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
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FALLS CHURCH, VIRGINIA 22041

February 14, 2002

PRONGHORN DRILLING COMPANY,	:	EQUAL ACCESS TO JUSTICE
Applicant	:	PROCEEDING
	:	
v.	:	DOCKET NO. EAJ 2001-4
	:	
SECRETARY OF LABOR,	:	Formerly WEST 2000-537-M / 538-M
MINE SAFETY AND HEALTH	:	A. C. Nos. 48-00837-05501 N5Y
ADMINISTRATION (MSHA),	:	48-00837-05502 N5Y
Respondent:	:	
	:	Smith Ranch Project

AMENDMENT TO DECISION

Pursuant to Commission Rule 69(c), 29 C.F.R. § 2700.69(c), paragraph 2 page 3 of the decision in this case issued January 15, 2002, is hereby corrected to read as follows:

The Secretary nevertheless argues that Rio Algom’s processing of this mineral, which has been extracted in liquid form without workers underground, is covered under Section 3(h)(1)(C) of the Act as “the milling of such minerals.” “Coal or other mine” is there defined to also include “. . . structures, facilities, equipment, machines, tools, or other property, . . . used in, or to be used in, or resulting from, the work of extracting such minerals from their natural deposits in nonliquid form, or if in liquid form, with workers underground, *or used in, or to be used in, the milling of such minerals . . .*” (*emphasis added*).

Gary Melick
Administrative Law Judge

Distribution: (By Certified Mail)

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