

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
2 SKYLINE, Suite 1000
5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041

March 4, 2002

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|-----------------------------|---|----------------------------------|
| 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 |

FINAL DECISION AWARDING FEES AND EXPENSES

_____The decision on the merits in this Equal Access to Justice proceeding was issued January 15, 2002, and amended on February 14, 2002. A Motion to Reconsider Decision filed by the Secretary was denied on March 1, 2002.

Applicant Pronghorn Drilling Company (Pronghorn) is seeking an award of fees and expenses in this proceeding. (a) For the period through September 2001, in the amount of \$50,942.45. For the reasons set forth in the Order Denying Motion to Reconsider Decision, the Secretary’s challenge to a portion of this amount is denied. (b) For the period from October 1, 2001, through January 31, 2002, in the amount of \$5,258.97. Of this amount, \$488.13, is disputed by the Secretary. Pronghorn acknowledges that it cannot “justify the expense.” In an amended application filed February 25, 2002, Pronghorn also seeks reimbursement for \$923.92, for “Westlaw charges.” Accordingly the award for this period is adjusted to \$5,714.76. (c) For the period from February 1, 2002 to February 21, 2002, Pronghorn seeks fees and expenses of \$1,757.92. These amounts are not disputed.

ORDER

The Secretary of Labor is hereby directed to pay to Pronghorn Drilling Company, an award of \$58,395.13, in fees and expenses within 40 days of the date of this order.

Gary Melick
Administrative Law Judge

Distribution: (By Certified Mail)

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