

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

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WASHINGTON, D.C. 20004-1710

SECRETARY OF LABOR, :  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA) : Docket No. LAKE 2009-35  
v. :  
THE AMERICAN COAL COMPANY :  
:

DIRECTION FOR REVIEW

The petition for discretionary review filed by The American Coal Company is granted in part and denied in part. The Commission grants review regarding the first five questions presented in the petition. The Commission denies review regarding the question of whether the Judge applied the incorrect legal standard in assessing a penalty for Order No. 7490599.

/s/ William I. Althen  
William I. Althen, Acting Chairman

/s/ Michael G. Young  
Michael G. Young, Commissioner

/s/ Robert F. Cohen, Jr.  
Robert F. Cohen, Jr., Commissioner