FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

601 NEW JERSEY AVENUE, NW SUITE 9500 WASHINGTON, DC 20001

April 1, 2010

SECRETARY OF LABOR, : MINE SAFETY AND HEALTH : ADMINISTRATION (MSHA) :

v. : Docket No. SE 2010-538-M

: A.C. No. 08-00051-195649

TARMAC AMERICA, LLC

:

BEFORE: Jordan, Chairman; Duffy, Young, and Cohen, Commissioners

ORDER

BY THE COMMISSION:

This matter arises under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq. (2006) ("Mine Act"). On March 10, 2010, the Commission received from Tarmac America, LLC ("Tarmac America") a motion by counsel seeking to reopen a penalty assessment that had become a final order of the Commission pursuant to section 105(a) of the Mine Act, 30 U.S.C. § 815(a).

On March 18, 2010, the Commission received a motion from Tarmac America's counsel stating that the operator has decided to pay the penalty assessment at issue in full and requesting that Tarmac America's pending request to reopen the assessment be withdrawn.

Having reviewed Tarmac America's request and its motion to withdraw the request, we hereby grant Tarmac America's motion to withdraw its request to reopen.	
	Mary Lu Jordan, Chairman
	Michael F. Duffy, Commissioner
	Michael G. Young, Commissioner
	Robert F. Cohen, Jr., Commissioner

Distribution

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