

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

601 NEW JERSEY AVENUE, NW

SUITE 9500

WASHINGTON, DC 20001

June 9, 2011

SECRETARY OF LABOR,	:	Docket No. VA 2010-312
MINE SAFETY AND HEALTH	:	A.C. No. 44-01486-205234
ADMINISTRATION (MSHA)	:	
	:	Docket No. VA 2010-313
v.	:	A.C. No. 44-01486-202416
	:	
CALICO COAL, INC.	:	

BEFORE: Jordan, Chairman; Duffy, Young, Cohen, and Nakamura, 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 April 28, 2011, the Commission issued an order directing Calico Coal, Inc. (“Calico”) to show cause why its request to reopen should not be denied as moot because Calico appeared to have paid the subject civil penalties. The order stated that Calico had “30 days of the date of this order” to provide its response to the Commission.

Because Calico has not responded to the show cause order within 30 days of the date of the order, we hereby deny the request to reopen as moot.

Mary Lu Jordan, Chairman

Michael F. Duffy, Commissioner

Michael G. Young, Commissioner

Robert F. Cohen, Jr., Commissioner

Patrick K. Nakamura, Commissioner

Distribution:

Ernest E. Varney, President
Calico Coal, Inc.
48 Collage Dr.
Bluefield, VA 24605

W. Christian Schumann, Esq.
Office of the Solicitor
U.S. Department of Labor
1100 Wilson Blvd., Room 2220
Arlington, VA 22209-2296

Melanie Garris
Office of Civil Penalty Compliance
MSHA
U.S. Dept. Of Labor
1100 Wilson Blvd., 25th Floor
Arlington, VA 22209-3939

Chief Administrative Law Judge Robert J. Lesnick
Federal Mine Safety & Health Review Commission
601 New Jersey Avenue, N.W., Suite 9500
Washington, D.C. 20001-2021