

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

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

October 13, 2009

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

v.

RIVERTON INVESTMENT CORP.

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Docket No. WEVA 2008-1449-M  
A.C. No. 46-00007-122557

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 July 9, 2008, the Commission received from Riverton Investment Corp. (“Riverton”)<sup>1</sup> 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 September 8, 2009, the Commission received a letter from counsel for the Secretary stating that Riverton had paid the penalty assessment at issue in full and requesting that Riverton’s pending request to reopen the assessment be denied as moot.

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<sup>1</sup> Riverton is identified on the legal identity report as the name of the operator of Essroc Cement, the mine involved with this proceeding.

Having reviewed Riverton's request and the Secretary's responses, we hereby deny Riverton's request to reopen as moot.

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Mary Lu Jordan, Chairman

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Michael F. Duffy, Commissioner

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Michael G. Young, Commissioner

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Robert F. Cohen, Jr., Commissioner

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Chief Administrative Law Judge Robert J. Lesnick  
Federal Mine Safety & Health Review Commission  
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