

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

601 NEW JERSEY AVENUE, NW

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WASHINGTON, DC 20001

November 24, 2008

SECRETARY OF LABOR,	:	
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA)	:	
	:	Docket No. KENT 2008-1179
v.	:	A.C. No. 15-18747-152513
	:	
SOLAR COAL COMPANY	:	

BEFORE: Duffy, Chairman; Jordan, 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. (2000) (“Mine Act”). On June 24, 2008, the Commission received from Solar Coal Company (“Solar”) a letter requesting reopening of eight penalty assessments that had become final orders of the Commission pursuant to section 105(a) of the Mine Act, 30 U.S.C. § 815(a).¹ That request will be the subject of a future Commission order in Docket Nos. KENT 2008-1207 through 2008-1214.

Attached to Solar’s request was a copy of two pages of a ninth proposed penalty assessment, No. 000152513, issued by the Department of Labor’s Mine Safety and Health Administration (“MSHA”) on June 5, 2008. On those pages, Solar had indicated that it was contesting all of the penalties proposed. The assessment was construed as also the subject of Solar’s request to reopen, and the above docket number was assigned to it.

¹ Under section 105(a) of the Mine Act, an operator who wishes to contest a proposed penalty must notify the Secretary of Labor no later than 30 days after receiving the proposed penalty assessment. If the operator fails to notify the Secretary, the proposed penalty assessment is deemed a final order of the Commission. 30 U.S.C. § 815(a).

The Secretary subsequently informed the Commission that Assessment No. 000152513 is being treated by MSHA as a validly contested assessment. Consequently, there is no final Commission order with respect to this assessment to reopen, and this docket is dismissed.

Michael F. Duffy, Chairman

Mary Lu Jordan, Commissioner

Michael G. Young, Commissioner

Robert F. Cohen, Jr., Commissioner

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