

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

1730 K STREET NW, 6TH FLOOR  
WASHINGTON, D.C. 20006

August 22, 2001

SECRETARY OF LABOR,	:	
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA)	:	
	:	
v.	:	Docket No. SE 2001-113
	:	
BLACK GOLD TRUCKING COMPANY	:	

BEFORE: Verheggen, Chairman; Jordan, Riley, and Beatty, 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. (1994) (“Mine Act”). On May 3, 2001, the Commission received from Black Gold Trucking Company (“Black Gold”) a request 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). In a letter dated May 17, 2001, the Secretary of Labor informed the Commission that Black Gold was cited in error in the above-captioned case and that the Secretary’s proceeding against the company in this matter has been terminated.

Because the underlying citation that gave rise to Black Gold’s motion to reopen has been terminated by the Secretary, we find the operator’s motion to reopen moot.

Accordingly, Black Gold's motion to reopen is denied.

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Theodore F. Verheggen, Chairman

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Mary Lu Jordan, Commissioner

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James C. Riley, Commissioner

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Robert H. Beatty, Jr., Commissioner

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