

U.S. Department of Labor

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Issue Date: 14 August 2020

CASE NOS: 2013-MSA-68
2014-MSA-11

In the Matter of:

THE MARION COUNTY COAL CO.
MARION COUNTY MINE (FOMERLEY
LOVERIDGE NO. 22)

Petitioner

v.

MINE SAFETY & HEALTH ADMINISTRATION (MSHA),
Party Opposing Petition

**ORDER APPROVING JOINT CONSENT AGREEMENT
AND DISMISSING CASE**

The above-titled causes arise from petitions to modify a mandatory safety standard pursuant to Section 101(c) of the Federal Mine Safety and Health Act of 1977 (“the Act”), 30 U.S.C. § 811(c). The implementing regulations found at 30 C.F.R. Part 44 allow a mine operator or representative of miners to modify the application of any mandatory safety standard if the Secretary of Labor determines either that an alternative method will guarantee the same measure of protection as the standard, or that application of the standard will result in diminution of safety. The petitions seek modification of the application of the mandatory safety standards at 30 C.F.R. §§ 75.507-1(a), 75.500(d), and 75.1002(a) such that Petitioner may use “non-permissible” electronic surveying equipment in return air, in or by the last open crosscut, and within 150 feet of pillar workings at its underground bituminous coal mines.

On August 13, 2020, the parties submitted to the undersigned a joint consent agreement they reached resolving all of the issues in the above-titled causes. Finding that the proposed joint settlement agreement justly resolves the issues pending before this court and agreeing with the propriety of the request based upon the grounds stated, the undersigned hereby approves the parties’ joint consent agreement and incorporates by reference said agreement into this order. In addition the above-titled causes are dismissed with prejudice and stricken from the docket.

SO ORDERED.

DREW A. SWANK
Administrative Law Judge