CASE NOS.: 2021-MSA-00005, 2021-MSA-00006, 2021-MSA-00007

In the Matter of:

PEABODY SOUTHEAST MINING LLC,
Petitioner

v.

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

ORDER GRANTING SETTLEMENT

This proceeding arises from a modification petition filed by operator, the PEABODY SOUTHEAST MINING LLC, ("Operator" or "Petitioner") with the Mine Safety and Health Administration ("MSHA") requesting a modification of the application of 30 C.F.R. § 75.500(d), 30 C.F.R. § 75.507-1(a), and 30 C.F.R. § 75.1002(a) at the petitioner's Shoal Creek Mine in Walker County, Alabama, pursuant to the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 811 (c) ("the Act"), and the implementing regulations at 30 C.F.R. Part 44. The implementing regulations at 30 C.F.R. § 44.10 allow an operator to petition MSHA for the modification of the application of a mandatory safety standard under section 101(c) of the Act.

After careful consideration of the Joint Motion for Settlement and the attached “Final Terms of Agreement for Final Order” for each of the petitioned standards and review of the record and applicable law and regulations in this matter, the undersigned finds the proposed Order complies with 30 C.F.R. § 44.27(b) and I accept and approve the terms and conditions as delineated by the parties for each of the standards.

The terms and conditions of the Order filed [May 17th, 2022] are further adopted and incorporated in full into this Decision and Order. See, 30 C.F.R. § 44.27. Accordingly, the petitions for modification of the application of 30 C.F.R. § 75.500(d), 75.507-1(a) and 75.1002(a) are granted, subject to the terms and conditions set forth in the parties' agreed upon Order.

WHEREFORE, it is ORDERED that the parties Joint Motion for Settlement is GRANTED, with the settlement approved, and it is FURTHER ORDERED that the terms and conditions agreed to by the parties, adopted and incorporated herein, is APPROVED, and the Request for hearing on
the Petitions for Modification in the above matter are DISMISSED. This order constitutes the final agency action.

SO ORDERED.

THERESA C. TIMLIN
Administrative Law Judge

Cherry Hill-District Office