

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

601 NEW JERSEY AVENUE, NW

SUITE 9500

WASHINGTON, DC 20001

April 27, 2010

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

v.

MARTIN MARIETTA MATERIALS, INC.

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Docket No. SE 2010-394-M
A.C. No. 09-00075-196270

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 January 22, 2010, the Commission received from Martin Marietta Materials, Inc. (“Martin Marietta”) 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 March 12, 2010, the Commission received a motion from Martin Marietta’s counsel stating that the operator has decided to pay the penalty assessment at issue in full and requesting that Martin Marietta’s pending request to reopen the assessment be withdrawn.

Having reviewed Martin Marietta's request and its motion to withdraw the request, we hereby grant Martin Marietta's motion to withdraw its request to reopen.

Mary Lu Jordan, Chairman

Michael F. Duffy, Commissioner

Michael G. Young, Commissioner

Robert F. Cohen, Jr., Commissioner

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Chief Administrative Law Judge Robert J. Lesnick
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