

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

Nos. 11-3398/3684

NORTH FORK COAL CORPORATION,  
Petitioner,

v.

FEDERAL MINE SAFETY AND HEALTH REVIEW  
COMMISSION; SECRETARY OF LABOR; MARK  
GRAY,

Respondents.

Before: SUTTON and GRIFFIN, Circuit Judges; HOOD, District Judge.

**JUDGMENT**

THIS MATTER came before the court upon the petition by North Fork Coal Corporation for review of an order by the Federal Mine Safety and Health Review Commission.

UPON FULL REVIEW of the record and the briefs and arguments of counsel,

IT IS ORDERED that the petition for review is GRANTED and the order of the Federal Mine Safety and Health Review Commission is REVERSED.

**ENTERED BY ORDER OF THE COURT**



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Leonard Green, Clerk

**FILED**  
*Aug 14, 2012*  
LEONARD GREEN, Clerk