

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
601 New Jersey Avenue, N.W., Suite 9500
Washington, DC 20001

October 23, 2006

ANKER WEST VIRGINIA MINING CO.,	:	CONTEST PROCEEDINGS
Contestant	:	
	:	Docket No. WEVA 2005-221-R
	:	Order No. 7098153; 08/16/2005
	:	
	:	Docket No. WEVA 2005-222-R
v.	:	Order No. 7098154; 08/16/2005
	:	
	:	Docket No. WEVA 2005-223-R
SECRETARY OF LABOR,	:	Order No. 7098158; 08/16/2005
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. WEVA 2005-224-R
Respondent	:	Order No. 7098159; 08/16/2005
	:	
	:	Docket No. WEVA 2006-4-R
	:	Order No. 4890534; 09/12/2005
	:	
	:	Docket No. WEVA 2006-5-R
	:	Order No. 4890535; 09/12/2005
	:	
	:	Docket No. WEVA 2006-6-R
	:	Order No. 4890536; 09/12/2005
	:	
	:	Docket No. WEVA 2006-7-R
	:	Order No. 4890537; 09/12/2005
	:	
	:	Docket No. WEVA 2006-8-R
	:	Order No. 4890539; 09/12/2005
	:	
	:	Docket No. WEVA 2006-80-R
	:	Order No. 7098644; 12/14/2005
	:	
	:	Sago Mine
	:	Mine ID 46-08791

ORDER LIFTING STAY

AND

DISMISSAL ORDER

Before: Judge Feldman

These contestant proceedings were stayed pending the docketing and assignment of the related civil penalty matter. The civil penalty case has been docketed as WEVA 2006-296 under the respondent name of Wolf Run Mining Company (Wolf Run).¹ The captioned contests have now been superceded by Wolf Run's contest of the Secretary's proposed civil penalties for the captioned citations and orders. Accordingly, **IT IS ORDERED** that the captioned contest matters **ARE DISMISSED** as moot.

Jerold Feldman
Administrative Law Judge

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¹ On December 13, 2005, Anker West Virginia changed its name to Wolf Run Mining Company. Ownership and operation of the Sago Mine did not change. Anker West Virginia merely changed its corporate name. The caption reflects Anker West Virginia as the contestant to avoid confusion.