

CCASE:
EMERY MINING V. SOL (MSHA)
DDATE:
19890130
TTEXT:

Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)
Office of Administrative Law Judges

EMERY MINING CORPORATION
AND/OR UTAH POWER & LIGHT
COMPANY,

CONTESTANTS

v.

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

AND

UNITED MINE WORKERS OF
AMERICA, (UMWA),
INTERVENOR

CONTEST PROCEEDINGS

Docket No. WEST 87-130-R
Citation No. 2844485; 3/24/87

Docket No. WEST 87-131-R
Order No. 2844486; 3/24/87

Docket No. WEST 87-132-R
Order No. 2844488; 3/24/87

Docket No. WEST 87-133-R
Order No. 2844489; 3/24/87

Docket No. WEST 87-134-R
Citation No. 2844490; 3/24/87

Docket No. WEST 87-135-R
Citation No. 2844491; 3/24/87

Docket No. WEST 87-136-R
Citation No. 2844492; 3/24/87

Docket No. WEST 87-137-R
Citation No. 2844493; 3/24/87

Docket No. WEST 87-144-R
Order No. 2844795; 3/24/87

Docket No. WEST 87-145-R
Order No. 2844796; 3/24/87

Docket No. WEST 87-146-R
Order No. 2844798; 3/24/87

Docket No. WEST 87-147-R
Order No. 2844800; 3/24/87

Docket No. WEST 87-150-R
Order No. 2844805; 3/24/87

Docket No. WEST 87-152-R
Order No. 2844807; 3/24/87

Docket No. WEST 87-153-R
Order No. 2844808; 3/24/87

Docket No. WEST 87-155-R
Citation No. 2844811; 3/24/87

Docket No. WEST 87-156-R
Order No. 2844813; 3/24/87

Docket No. WEST 87-157-R
Order No. 2844815; 3/24/87

Docket No. WEST 87-158-R
Citation No. 2844816; 3/24/87

Docket No. WEST 87-159-R
Citation No. 2844817; 3/24/87

Docket No. WEST 87-160-R
Order No. 2844822; 3/24/87

Docket No. WEST 87-161-R
Order No. 2844823; 3/24/87

Docket No. WEST 87-163-R
Citation No. 2844826; 3/24/87

Docket No. WEST 87-243-R
Citation No. 2844828; 8/13/87

Docket No. WEST 87-244-R
Citation No. 2844830; 8/13/87

Docket No. WEST 87-245-R
Citation No. 2844831; 8/13/87

Docket No. WEST 87-246-R
Citation No. 2844832; 8/13/87

Docket No. WEST 87-247-R
Citation No. 2844833; 8/13/87

Docket No. WEST 87-248-R
Citation No. 2844835; 8/13/87

Docket No. WEST 87-249-R
Citation No. 2844837; 8/13/87

Wilberg Mine
Mine I.D. No. 42-00080

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

CIVIL PENALTY PROCEEDINGS

Docket No. WEST 87-208
A.C. No. 42-00080-03578

v.

EMERY MINING CORPORATION, AND
ITS SUCCESSOR-IN-INTEREST
UTAH POWER & LIGHT COMPANY,
MINING DIV.,
RESPONDENT

Docket No. WEST 87-209
A.C. No. 42-00080-03579

Docket No. WEST 88-25
A.C. No. 42-00080-03584

Wilberg Mine

AND

UNITED MINE WORKERS OF
AMERICA (UMWA),
INTERVENOR

ORDER

1. In a order issued on January 27, 1989, the undersigned, in accordance with an order of remand of January 10, 1989, certified as to the issuance of a final order as provided in Rule 54(b) of the Federal Rules of Civil Procedure.

2. Further, an order of final judgment was entered in favor of Utah Power and Light Company ("UP&L") in all cases listed in the caption of this order.

3. In certain of the cases listed in the caption the parties are in agreement¹ that Emery Mining Corporation ("Emery") either did not contest the involved citations (orders), or paid the proposed penalty as originally assessed.

These cases are as follows:

- WEST 87-134-R
- WEST 87-135-R
- WEST 87-136-R
- WEST 87-137-R
- WEST 87-155-R
- WEST 87-158-R
- WEST 87-159-R
- WEST 87-163-R
- WEST 87-243-R
- WEST 87-244-R
- WEST 87-245-R
- WEST 87-246-R
- WEST 87-247-R
- WEST 87-249-R

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4. Inasmuch as a final judgment has been entered as to UP&L in all of the pending cases and inasmuch as Emery either (1) did not contest the citations (orders) or (2) paid the proposed penalty in the cases listed in paragraph 3, there is no issue pending before the presiding judge in these cases and I herewith return said cases to the Docket Office.

John J. Morris
Administrative Law Judge

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FOOTNOTES START HERE

1. Emery's response filed December 27, 1988; Secretary's response filed January 24, 1989.