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ARCH OF KENTUCKY V. SOL (MSHA)  
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Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)  
Office of Administrative Law Judges

ARCH OF KENTUCKY, INC.,  
CONTESTANT

v.

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

CONTEST PROCEEDING

Docket No. KENT 90-395-R  
Citation No. 3384541; 7/17/90

No. 37 Underground Mine  
Mine ID 15-04670

ORDER OF DISMISSAL

Appearances: Marco M. Rajkovich, Jr., Esq., Wyatt, Tarrant,  
and Combs, Lexington, Kentucky, for Contestant.  
Mary Sue Taylor, Esq., Office of the Solicitor,  
U.S. Department of Labor, Nashville, Tennessee,  
for Respondent

Before: Judge Melick

At hearing, following modification by the Secretary of the subject citation from one issued under section 104(d)(1) of the Federal Mine Safety and Health Act of 1977 to one issued under section 104(a), Contestant requested approval to withdraw its Contest in the captioned case. Under the circumstances herein, permission to withdraw was granted. 29 C.F.R. 2700.11. This case is therefore dismissed.

Gary Melick  
Administrative Law Judge