

CCASE:
CONTESTS OF RESPIRABLE DUST
SAMPLE ALTERATION
CITATIONS
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges
2 Skyline, 10th Floor
5203 Leesburg Pike
Falls Church, Virginia 22041

IN RE: CONTESTS OF RESPIRABLE DUST
SAMPLE ALTERATION
CITATIONS

MASTER DOCKET NO. 91-1

ORDER EXTENDING TIME

On September 17, 1991, I issued an order extending the time for mine operators to respond to the Secretary's written discovery requests, to utilize the document depository, to examine and test filter media, and to serve written discovery requests on the Secretary.

On Motion of Lambert Coal Company, Inc., and Koch Carbon, Inc., who were served with the Petition instituting the penalty proceeding against them on August 19, 1991, and who seek a further extension of time, and on Motion of Mid-Continent Resources and National King Coal, Inc., to amend the Plan and Schedule of Discovery, IT IS ORDERED:

1. Operators who were parties in these proceedings prior to June 28, 1991, are governed by the time limitations in the Plan and Schedule of Discovery issued June 28, 1991, as amended September 10, 1991, and as further extended by the Order Extending Time issued September 17, 1991.

2. Operators who became parties in this case between June 28, 1991 and September 17, 1991, shall serve responses to the Secretary's written discovery requests within 40 days of September 17, 1991.

3. Operators described in numbered paragraph 2 above shall have the same 40 day period to utilize the document depository and to serve written discovery requests on the Secretary. The Secretary shall respond to such written discovery requests within 30 days of service.

4. Operators described in numbered paragraph 2 above shall be permitted to examine and test their filter media in accordance with the Plan and Schedule of Discovery within the same 40 day period. Western operators may request transfer of their dust filters to the Denver Health Technology Center within the same 40 day period, for testing in accordance with the Plan and Schedule of Discovery. If the filters are transferred to Denver the testing shall be completed on or before November 30, 1991. All operators described in paragraph 2 above shall identify their employees involved in dust sampling in accordance with paragraph

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II.D.6 of the Plan and Schedule of Discovery within 40 days of September 17, 1991.

5. Operators who become parties in this case after September 17, 1991, shall serve responses to the Secretary's written discovery requests, shall utilize the document depository, shall serve written discovery requests on the Secretary, shall be permitted to examine and test their filter media and shall identify their employees involved in dust sampling within 40 days of the date they become parties in this case.

6. All other dates and time limits in the Plan and Schedule of Discovery as amended September 10, 1991, shall remain the same.

James A. Broderick
Administrative Law Judge