

CCASE:
KEYSTONE COAL V. SOL (MSHA)
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IN RE: CONTEST OF RESPIRABLE : Master Docket No. 91-1
DUST SAMPLE ALTERATION :
CITATIONS :
:
KEYSTONE COAL MINING : CONTEST PROCEEDINGS
CORPORATION, :
Contestant :
v. : Docket Nos. PENN 91-451-R
through PENN 91-503-R
:
Docket Nos. PENN 91-1176-R
SECRETARY OF LABOR, : through PENN 91-1197-R
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), :
Respondent :
:
SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. PENN 91-1264
Petitioner :
Docket No. PENN 91-1265
v. :
KEYSTONE COAL MINING : Docket No. PENN 91-1266
CORPORATION, :
and : Docket No. PENN 92-182
UNITED MINE WORKERS OF : Docket No. PENN 92-183
AMERICA, :
Respondents :

ORDER OF STAY

There is now before me the Secretary's motion to stay those cases in Master Docket No. 91-1 which are not presently on appeal to the Commission. The stay is requested until the Commission renders a decision in the specific dockets captioned above which are pending before it. The cases before the Commission and those in the master docket involve allegations by the Secretary that the operators intentionally tampered with respirable dust cassettes. The operators have filed briefs, some of which oppose a stay and some of which do not.

Upon consideration of the motions and briefs filed by the parties, I determine that in the interests of judicial economy the cases in the master docket not on appeal should be stayed. I am of the view that a decision by the Commission in the cases on appeal, particularly on the common issues, may well affect how the remaining cases are perceived and the manner in which they proceed.

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Accordingly, it is ORDERED that the cases in Master Docket No. 91-1 be STAYED pending decision by the Commission in In Re: Contest of Respirable Dust Sample Alteration Citations, Master Docket No. 91-1 and Keystone Coal Mining Corp., Docket Nos. PENN 91-451-R, et al.

Paul Merlin
Chief Administrative Law Judge

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See Attached List