

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1730 K STREET N.W., 6TH FLOOR
WASHINGTON, D.C. 20006

January 2, 1996

IN RE: CONTESTS OF RESPIRABLE : Master Docket No. 91-1
DUST SAMPLE ALTERATION :
CITATIONS :
: :
KEYSTONE COAL MINING CORPORATION : Docket Nos. PENN 91-451-R
: through
: PENN 91-503-R
v. :
: Docket Nos. PENN 91-1176-R
: through
SECRETARY OF LABOR, : PENN 91-1197-R
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA) :
: :
SECRETARY OF LABOR, : Docket Nos. PENN 91-1264
MINE SAFETY AND HEALTH : through
ADMINISTRATION (MSHA) : PENN 91-1266
: and
v. :
: Docket No. PENN 92-182
KEYSTONE COAL MINING CORPORATION : Docket No. PENN 92-183
: :
JIM WALTER RESOURCES, :
INC., et al., :
Intervenors :
: :
UNITED MINE WORKERS :
OF AMERICA (UMWA), :
Representative of Miners:

ORDER

This matter is before me pursuant to the Commission's decision dated November 29, 1995.

On December 28, 1995, the Secretary filed with the Court of Appeals for the District of Columbia a petition for review and a motion to hold the above captioned actions in abeyance until the Secretary decides whether or not to pursue an appeal. The Secretary's motion states that he will not be able make a decision on an appeal until sometime after the Government shutdown ends.

Until a decision is made regarding appeal, the parties will not be in a position to determine how they wish to proceed with respect to cases in the

Master docket. In order not to put the parties to unnecessary expense with respect to the more than 3700 cases involved, I will not require submissions until the question of appeal is resolved.

In light of the foregoing, it is **ORDERED** that the Solicitor advise me as soon as a decision is made regarding appeal.

Paul Merlin
Chief Administrative Law

Judge

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