

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

1244 SPEER BOULEVARD #280  
DENVER, CO 80204-3582  
303-844-3577/FAX 303-844-5268

November 16, 1995

ENERGY WEST MINING COMPANY, : CONTEST PROCEEDING  
Contestant :  
 :  
v. : Docket No. WEST 92-216-R  
 : Citation 3583185; 12/26/91  
 :  
SECRETARY OF LABOR, : Deer Creek Mine  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA), : Mine I.D. 42-00121  
Respondent :  
 :  
SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA), : Docket No. WEST 92-421  
Petitioner : A.C. 42-00121-03763  
 :  
v. :  
 : Deer Creek Mine  
ENERGY WEST MINING COMPANY, :  
Respondent :

**ORDER OF DISMISSAL**

**Before: Judge Manning**

These cases are before me following a remand from the Commission. 17 FMSHRC 1313, 1319 (August 1995). The Secretary of Labor has filed a motion to vacate these proceedings on the grounds that the cases concern the interpretation of a safety standard that has been superseded by a new standard. The motion states that the new standard "takes care of the issues presented" in the present cases. Energy West Mining Company supports the Secretary's motion. For good cause shown, the motion is **GRANTED**, and these proceedings are **DISMISSED**.

Richard W. Manning  
Administrative Law Judge

Distribution:

Margaret A. Miller, Esq., Office of the Solicitor, U.S. Department of Labor, 1999 Broadway, Suite 1600, Denver, CO 80202-5716

Thomas C. Means, Esq., CROWELL & MORING, 1001 Pennsylvania Avenue, NW, Washington, DC 20004-2595

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