

CCASE:  
MSHA V. QUARTO, NACCO MINING AND THE NORTH AMERICAN  
COAL

DDATE:  
19810923

TTEXT:  
FEDERAL MINE SAFETY & HEALTH REVIEW COMMISSION  
WASHINGTON, D.C.

September 23, 1981

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

Docket Nos. LAKE 79-119  
LAKE 80-190  
LAKE 80-209

v.

LAKE 80-212  
LAKE 80-246

QUARTO MINING COMPANY,  
NACCO MINING COMPANY,) )  
THE NORTH AMERICAN COAL  
CORPORATION,

LAKE 80-25  
LAKE 80-252  
LAKE 80-182

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

v.

THE NORTH AMERICAN COAL CORPORATION, Docket No. LAKE 80-276

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

v.

NACCO MINING COMPANY, Docket No. LAKE 80-290

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

v.

QUARTO MINING COMPANY Docket Nos. LAKE 80-311  
LAKE 80-360

LAKE 80-384

LAKE 80-385

ORDER

The issue in each of the above-captioned cases is the same: whether the administrative law judge correctly held that a provision of the operator's dust control plan, adopted pursuant to 30 C.F.R. §75.316, is too vague to be enforced. The dust control provisions at issue in these cases are identical. Subsequent to our directing these cases for review.

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each of the operators adopted, with the Secretary's approval, a new dust provision replacing the dust control provision at issue here. As a result of that change, we no longer believe that these cases present a substantial question of law, policy or discretion. Accordingly, the directions for review in the above-captioned cases are vacated.

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Distribution

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