

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

December 3, 1984

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

v.

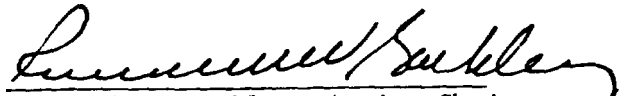
KITT ENERGY CORPORATION

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: Docket No. WEVA 83-125-R  
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ORDER

On November 5, 1984 the Secretary of Labor filed a petition for discretionary review and motion for **Summary** Disposition of Appeal. On November 13, 1984 the petition was granted and briefing was stayed pending a Kitt Energy Corporation response to the Secretary's motion for Summary Disposition of Appeal. No **response to** the Secretary's motion was filed by Kitt Energy Corporation.

The motion of the Secretary of Labor for Summary Disposition of Appeal is granted and the case is remanded to the presiding administrative law judge for further consideration and ruling in view of the arguments raised by the Secretary before the Commission. The judge may, at his discretion, require the parties to submit additional evidence or briefs.

  
Richard V. Backley, Acting Chairman

  
James A. Lastowka, Commissioner

  
L. Clair Nelson, Commissioner