

CCASE:

FLORENCE MINING V. MSHA, HELVETIA COAL,
V. MSHA, KEYSTONE COAL V. MSHA

DDATE:

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TTEXT:

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

May 23, 1991

FLORENCE MINING COMPANY

v.

Docket Nos. PENN 91-347-R
through PENN 91-432-R

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

and

HELVETIA COAL COMPANY

v.

Docket Nos. PENN 91-226-R
through PENN 91-346-R

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

and

KEYSTONE COAL MINING
CORPORATION

v.

Docket Nos. PENN 91-451-R
through PENN 91-626-R

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

and

ROCHESTER AND PITTSBURGH
COAL COMPANY

v.

Docket Nos. PENN 91-627-R
through PENN 91-638-R

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

and

CYPRUS EMPIRE CORPORATION

v.

Docket No. WEST 91-327-R

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

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and
TWENTYMILE COAL COMPANY
v.

Docket Nos. WEST 91-328-R
through WEST 91-334-R

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

and
CYPRUS SHOSHONE COAL CORPORATION

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

Docket No. WEST 91-335-R

and
CYPRUS.PLATEAU MINING
CORPORATION

v.

Docket Nos. WEST 91-336-R
through WEST 91-346-R

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

ORDER

On May 9, 1991, counsel for the Secretary of Labor filed with the Commission a Petition for Interlocutory Review in the above matters. See 29 C.F.R. •2700.74. The Secretary has subsequently filed a Motion to Dismiss her Petition. As grounds for approval of voluntary dismissal, the Secretary indicates that the Commission Administrative Law Judge to whom these matters have recently been assigned has issued an Order Staying Discovery that "essentially grants the Secretary the relief" sought in her Petition. S. Mot. at 2. Upon consideration of the Secretary's request to withdraw her Petition, it is granted and this interlocutory proceeding on review is dismissed.

For the Commission:

Richard V. Backley
Acting Chairman

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