

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

601 NEW JERSEY AVENUE, NW
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March 22, 2005

SECRETARY OF LABOR,	:	
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA)	:	Docket Nos. WEVA 2004-187-R
	:	WEVA 2004-188-R
v.	:	WEVA 2004-195-R
	:	
SPEED MINING, INC.	:	

BEFORE: Duffy, Chairman; Jordan and Young, Commissioners¹

ORDER

BY THE COMMISSION:

In these consolidated contest proceedings arising under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq. (2000), the Commission had granted the petition for review filed by Speed Mining, Inc. (“SMI”) of an administrative law judge’s determination that SMI had in two instances violated terms of a modification previously issued by the Department of Labor’s Mine Safety and Health Administration to SMI. *See* 26 FMSHRC 708, 710-13 (Aug. 2004) (ALJ). On February 3, 2005, in response to a joint motion filed by the Secretary of Labor and SMI requesting that the Commission hold the issuance of a decision in abeyance while the parties discuss settlement in this and related cases, the Commission agreed to do so until March 21, 2005.

¹ Commissioner Suboleski recused himself in this matter and took no part in its consideration. Pursuant to section 113(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 823(c), this panel of three Commissioners has been delegated to exercise the powers of the Commission.

SMI has now moved, pursuant to Commission Procedural Rules 10 and 11, 29 C.F.R. §§ 2700.10 and 2700.11, to withdraw its petition, and states in its motion that the Secretary of Labor supports the motion. Having considered the motion, we grant permission to withdraw the petition.

Michael F. Duffy, Chairman

Mary Lu Jordan, Commissioner

Michael G. Young, Commissioner

Distribution

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