

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

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

January 30, 2002

SECRETARY OF LABOR,	:	
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA)	:	
	:	
v.	:	Docket Nos. WEST 2000-63-M
	:	2000-78-M
ORIGINAL SIXTEEN	:	2000-195-M
to ONE MINE, INC.	:	

BEFORE: Verheggen, Chairman; Jordan, and Beatty, Commissioners

ORDER

BY: Jordan and Beatty, Commissioners

On November 26, 2001, the Commission received from Original Sixteen to One Mine, Inc. (“Original Sixteen”) a petition for discretionary review challenging the decision issued on October 19, 2001 by Administrative Law Judge Michael Zielinski. On November 28, 2001, a majority of the Commission granted the petition for the limited purpose of affording Original Sixteen an opportunity to amend its petition to comply with the requirements of section 113(d)(2)(A)(iii) of the Mine Act, 30 U.S.C. § 823(d)(2)(A)(iii), and Commission Procedural Rule 70(d), 29 C.F.R. § 2700.70(d). On December 17, 2001, Original Sixteen filed an amended petition for discretionary review. On January 2, 2002, the Commission received an opposition from the Secretary of Labor. Having considered the matter, we decline to grant review of the amended petition for discretionary review and vacate the direction for review issued on November 28.<sup>1</sup>

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Mary Lu Jordan, Commissioner

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Robert H. Beatty, Jr., Commissioner

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<sup>1</sup> The Chairman would have accepted the operator’s amended petition for discretionary review.

Distribution

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