



United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
1120 20th Street, N.W., Ninth Floor
Washington, DC 20036-3457

SECRETARY OF LABOR,

Complainant,

v.

DELEK REFINING, LTD.,

Respondent,

and

USW LOCAL 202, DISTRICT 13,

Authorized Employee Representative.

OSHRC Docket No. 09-0844

ORDER AND BRIEFING NOTICE

The Respondent has filed a Petition for Interlocutory Review. Pursuant to 29 C.F.R. § 2200.73(a), the Commission grants the Respondent's petition. The judge's orders of September 28, 2010, and December 10, 2010, are hereby stayed during the pendency of this interlocutory review.

The parties are instructed to brief all issues presented in the Respondent's petition. The Respondent's brief is due within 20 days of this notice. The Secretary shall file her brief within 15 days after the first brief is served. Any reply brief filed by the Respondent shall be filed within 10 days after the second brief is served. In all other respects, all briefs shall be filed in accordance with Commission Rule 93, 29 C.F.R. § 2200.93.¹

¹ The Commission requests that all briefs include an alphabetical table of authorities with references to the pages on which they are cited, and that an asterisk be placed in the left-hand margin of the table to indicate those authorities on which the brief principally relies. The Commission also requests that copies of cited authority, other than statutes, case law, law journal articles and legal treatises, be provided to the Commission and to the opposing party. Parties should be cautioned that these materials will be considered only if appropriate.

A party who does not intend to file a brief must notify the Commission in writing setting forth the reason therefor within the applicable time for filing briefs, and shall serve a copy on all other parties.

BY DIRECTION OF THE COMMISSION

Dated: January 19, 2011

/s/

Ray H. Darling, Jr.
Executive Secretary