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SOL (MSHA) V. YAKIMA CEMENT
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

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

CIVIL PENALTY PROCEEDING

Docket No. WEST 83-37-M
A.C. No. 45-00727-05501

v.

East Salah Pit & Plant

YAKIMA CEMENT PRODUCTS
COMPANY, INC.,
RESPONDENT

FURTHER ORDER TO SUBMIT INFORMATION

In response to my order of July 15, 1983, the Solicitor now has submitted a response. The response sets forth the size of the operator's business, history of prior violations, good faith compliance and ability to continue in business.

However, with respect to negligence and gravity the Solicitor merely refers me to Items 20 and 21 on each citation. In my prior order I stated that I could not approve settlements based upon checking boxes when no reasons are given. I adhere to this view. Other Regional Solicitors in response to orders just like the one issued in this case have submitted the necessary information in order for their proposed settlements to be approved. I do not see why I should accept anything less from this Regional Solicitor. I particularly note settlement motions recently received from the Regional Solicitor, Philadelphia and the Regional Solicitor, Nashville.

It is hereby Ordered that within 45 days of the date of this order the Solicitor file information adequate for me to determine the statutory criteria of negligence and gravity sufficient to make a determination as to proper penalty amounts.

Paul Merlin
Chief Administrative Law Judge