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Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)  
Office of Administrative Law Judges

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

CIVIL PENALTY PROCEEDINGS

Docket No. SE 90-2-M  
A.C. No. 38-00052-05502 S3N

v.

Langley Plant & Mine

S.L. PETERS CONSTRUCTION, CO.,  
RESPONDENT

ORDER DENYING PROPOSED SETTLEMENT

SHOW CAUSE ORDER

Neither the Motion to Approve Settlement filed May 7, 1990, nor the attached documentation support a finding that a violation of the cited standard (30 C.F.R. 56.14104) in fact did occur. In addition the Secretary's Accident Investigation Report concludes that "[t]here were no violations of 30 C.F.R., Regulations and standards applicable to metal and nonmetal mining and milling operations in reference to welding on inflated tire/run assemblies."

Wherefore the Motion to Approve Settlement is denied. The Secretary is hereby ordered to show cause on or before May 25, 1990, why this Civil Penalty Proceeding should not be dismissed. See Co-op Mining Co., 2 FMSHRC 3475 (1980).

Gary Melick  
Administrative Law Judge  
(703) 756-6261