

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION
1730 K STREET, N.W., 6TH FLOOR
WASHINGTON D.C. 20006-3868**

January 8, 1998

SECRETARY OF LABOR	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA)	:	Docket No. CENT 98-11
Petitioner	:	A. C. No. 34-01787-03530
	:	
v.	:	Pollyanna No. 8 Mine
GEORGES COLLIERS INCORPORATED,	:	
Respondent	:	

ORDER TO SHOW CAUSE

This case is before me pursuant to section 105(d) of the Federal Mine Safety and Health Act of 1977. 30 U.S.C. ' 815(d).

On December 29, 1997, the Conference and Litigation Representative (CLR) filed the penalty petition with an enclosed exhibit for this case. However, the exhibit does not include a copy of MSHA's assessment sheet identifying the violations contested. Commission rule 2700.28(b), 29 C.F.R. ' 2700.28(b), requires that the petition list the alleged violations and the proposed penalties, identify each violation by the number and date of the citation or order and the section of the Act or regulations alleged to be violated. Therefore, the petition is incomplete and the CLR must provide the requisite information before this case can proceed.

On November 18, 1997, I issued an order to show cause, copy enclosed, in Quapaw Company, 19 FMSHRC 1927, (Dec. 1997) pointing out that there were an increasing number of recent cases where the Secretary's representatives failed to attach required exhibits to penalty petitions. On November 21, 1997, the Associate Solicitor, for Mine Safety and Health wrote Solicitors and CLR's regarding insufficient penalty petitions.

It is **ORDERED** that within 21 days the CLR file the necessary information for his penalty petition to fulfill the requirements set forth in the Commission rules or show cause why this case should not be dismissed for inadequate filing.

Paul Merlin
Chief Administrative Law Judge

Enclosure

Distribution: (Certified Mail)

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