

CCASE:

M,SHA V. COWIN

DDATE:

19811203

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FEDERAL MINE SAFETY & HEALTH REVIEW COMMISSION
WASHINGTON, D.C.

December 3, 1981

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH

ADMINISTRATION (MSHA) Docket Nos. HOPE 76-210-P

HOPE 76-211-P

v.

HOPE 76-212-P

HOPE 76-213-P

COWIN AND COMPANY, INC.

ORDER

The Secretary has filed a petition for reconsideration of a Commission decision issued November 6, 1981. He requests clarification of that decision through an express statement that only two petitions for assessment of penalties were dismissed. The Commission's order granting review limited the issue to whether 30 CFR §77.1903(b) is a mandatory safety standard. We held that it is not. The only petitions and penalties that were before the Commission, and hence were dismissed, involved section 77.1903(b). In context, we believe it is clear that the Commission did not review and the decision did not affect violations of other standards at issue before the judge.

Accordingly, the petition for reconsideration is denied.