

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1331 PENNSYLVANIA AVE., N.W., SUITE 520N
WASHINGTON, DC 20004-1710

January 5, 2021

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

v.

U.S. SILICA

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Docket No. WEVA 2020-0270
A.C. No. 46-02805-499009

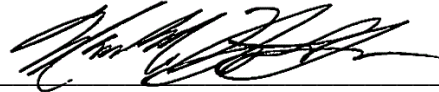
BEFORE: Rajkovich, Chairman; Althen and Traynor, Commissioners

ORDER

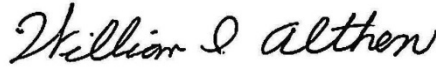
BY THE COMMISSION:

This matter arises under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq. (2012) (“Mine Act”). The Commission has received a motion from the operator seeking to reopen a penalty assessment which had become a final order of the Commission pursuant to section 105(a) of the Mine Act, 30 U.S.C. § 813(a). On December 14, 2020, the Commission issued an order to show cause within 20 days why the Commission should not deny the motion to reopen and dismiss the docket for an unexplained delay in filing the motion.

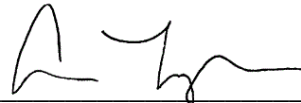
On December 15, 2020, the Commission received an email from counsel for the operator stating that it did not intend to file a further motion and would allow the Commission’s December 14 order to become final. Consistent with that order, the motion to reopen has been denied and this matter is dismissed with prejudice.



Marco M. Rajkovich, Jr., Chairman



William I. Althen, Commissioner



Arthur R. Traynor, III, Commissioner

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