

CCASE:
SOL (MSHA) V. MAGMA COPPER
DDATE:
19930121
TTEXT:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION
1244 SPEER BOULEVARD #280
DENVER, CO 80204-3582
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January 21, 1993

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. WEST 92-98-M
Petitioner : A.C. No. 02-01049-05530
 :
v. : Docket No. WEST 92-313-M
 : A.C. No. 02-01049-05531
MAGMA COPPER COMPANY - :
PINTO VALLEY DIVISION, : Pinto Valley Operations
Respondent :

DECISION APPROVING SETTLEMENT

Before: Judge Morris

These cases are consolidated civil penalty proceedings initiated by Petitioner against Respondent pursuant to the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801, et seq. (the "Act"). The civil penalties sought here are for the violation of mandatory regulations promulgated pursuant to the Act.

Prior to a hearing, the parties filed a motion seeking to settle the cases. The Citations, proposed penalties, and dispositions are as follows:

Citation No.	Assessments	Disposition
3925620	\$ 20.00	Vacate
3925619	\$2000.00	\$600.00

In connection with the motion, the parties further amended Citation No. 3925619 and submitted information relating to the statutory criteria for assessing civil penalties as contained in 30 U.S.C. 820(i).

I have reviewed the settlement and I find it is reasonable and in the public interest. It should be approved.

Accordingly, I enter the following:

ORDER

1. The settlement is APPROVED.
2. Citation No. 3925620 is VACATED.
3. The remaining citation and amended penalty are AFFIRMED.
4. Respondent is ORDERED TO PAY to the Secretary of Labor the sum of \$600.00 within 30 days of the date of this decision.

John J. Morris
Administrative Law Judge

Distribution:

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