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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),
PETITIONER

Civil Penalty Proceeding

Docket No. HOPE 79-306-P
A.O. No. 46-01514-03002

v.

Eccles No. 6 Mine

WESTMORELAND COAL COMPANY,
RESPONDENT

DECISION AND ORDER APPROVING SETTLEMENT

The parties move for approval of a settlement of the four respirable dust violations charged at a 35% reduction in the amount initially assessed, i.e., from \$850.00 to \$540.00.

For the reasons advanced by the parties and based on an independent evaluation and de novo review of the circumstances including the challenge to the validity of the standard raised by the operator (See, Judge Moore's decision in Olga Coal Company, Docket No. HOPE 79-113-P, June 28, 1978 appeal pending), I find the settlement proposed is in accord with the purposes and policy of the Act.

Accordingly, it is ORDERED that the motion to approve settlement be, and hereby is, GRANTED. It is further ORDERED that the operator pay the penalty agreed upon, \$540.00, on or before Friday, October 26, 1979 and that subject to payment the captioned petition be DISMISSED.

Joseph B. Kennedy
Administrative Law Judge