

CCASE:
SOL (MSHA) V. HOMESTAKE MININIG
DDATE:
19850123
TTEXT:

Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

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

CIVIL PENALTY PROCEEDING

Docket No. CENT 84-98-M
A.C. No. 39-00055-05522

v.

Homestake Mine

HOMESTAKE MINING COMPANY,
RESPONDENT

DECISION

Appearances: Eliehue C. Brunson, Esq., Office of the Solicitor,
U.S Department of Labor, Kansas City, Missouri,
for Petitioner;
Robert A. Amundson, Esq., Amundson & Fuller, Lead,
South Dakota, for Respondent.

Before: Judge Morris

The Secretary of Labor, on behalf of the Mine Safety and Health Administration, charges respondent with violating four safety regulations promulgated under the Federal Mine Safety and Health Act, 30 U.S.C. 801 et seq.

After notice to the parties, a hearing on the merits commenced on October 30, 1984 in Rapid City, South Dakota.

Prior to the conclusion of the hearing the parties reached an amicable settlement.

The citations, the standards allegedly violated, the initial assessments, and the proposed dispositions are as follows:

Citation No.	30 C.F.R. Section Violated	Assessed Penalty	Disposition
2097960	57.19-106	\$20.00	\$20.00
2096744	57.12-4	20.00	20.00
2096745	57.6-8	20.00	20.00
2097986	57.3-22	20.00	20.00

The proposed settlement is in order and it should be approved.

~150

Accordingly, I enter the following:

ORDER

1. The proposed settlement is approved.

2. The following citations and proposed penalties are
AFFIRMED:

Citation No.	Penalty
2097960	\$20.00
2097986	20.00

3. The following citations and all proposed penalties
therefor are VACATED:

Citation No.
2096744
2096745

John J. Morris
Administrative Law Judge