

CCASE:
SOL (MSHA) V. ATLANTIC CEMENT
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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. YORK 86-1-M
A.C. No. 30-00006-05512

v.

Blue Circle Atlantic, Inc.

ATLANTIC CEMENT CO., INC.,
RESPONDENT

DECISION APPROVING SETTLEMENT

Appearances: James A. Magenheimer, Esq., Office of the
Solicitor, U.S. Department of Labor, New York,
New York, for Petitioner;
Gary L. Vanniere, Director of Personnel, P.O.
Box 3, Ravena, New York, for Respondent

Before: Judge Melick

This case is before me upon a petition for assessment of civil penalty under Section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). The parties filed a joint motion to approve a settlement agreement and to dismiss the case. A reduction in penalty from \$5,311 to \$3,311 was proposed. I have considered the testimony and documentation submitted in this case at hearings held August 27, 1986, and I conclude that the proffered settlement is appropriate under the criteria set forth in Section 110(i) of the Act.

WHEREFORE, the motion for approval of settlement is GRANTED, and it is ORDERED that Respondent pay a penalty of \$3,311 within 30 days of this order.

Gary Melick
Administrative Law Judge