CCASE:

UTAH POWER AND LIGHT V. SOL (MSHA)

DDATE: 19880111 TTEXT: Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)

Office of Administrative Law Judges

UTAH POWER AND LIGHT COMPANY,

CONTEST PROCEEDING

CONTESTANT

Docket No. WEST 87-182-R Order No. 3043361; 4/13/87

v.

Deer Creek Mine

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

DECISION

Before: Judge Lasher

Pursuant to a joint stipulation of settlement, which is here approved, Contestant has moved to withdraw its contest. Under the authority of 29 C.F.R. 2700.11 the motion is approved and this matter dismissed.

It is further ordered in accordance with the parties' settlement agreement that the sole enforcement document involved, Order No. 3043361, be amended to a Section 104(a) Citation rather than a Withdrawal Order issued under Section 104(d)(1) of the Mine Act.(Footnote 1)

Michael A. Lasher, Jr. Administrative Law Judge

~Footnote one

1 There apparently is no related penalty docket in existence. It is noted nevertheless that, as part of the agreed settlement, Contestant has agreed to pay the penalty administratively proposed by MSHA in full and that this approval of the settlement is conditioned on such payment.