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FLORENCE MINING V. SOL (MSHA)
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Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)
Office of Administrative Law Judges

FLORENCE MINING COMPANY,
CONTESTANT

v.

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

CONTEST PROCEEDING

Docket No. PENN 86-297-R
Order No. 2697882; 8/14/86

Florence No. 2 Mine

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

v.

FLORENCE MINING COMPANY,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. PENN 87-16
A.C. No. 36-02448-03575

Florence No. 2 Mine

DECISION ON REMAND

On May 9, 1989, the Commission affirmed my decision finding a violation of 30 C.F.R. 75.1704 and reversed the "unwarrantable failure" and "significant and substantial" findings in the decision, remanding the cases for reconsideration of the civil penalty of \$400.

Having considered all of the criteria for a civil penalty in 110(i) of the Act, I find that a penalty of \$100 is appropriate for the violation.

ORDER

WHEREFORE IT IS ORDERED that Florence Mining Company shall pay the above civil penalty of \$100 within 30 days of this Decision.

William Fauver
Administrative Law Judge