

CCASE:
SOL (MSHA) v. BETHEL FUELS
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges
2 Skyline, 10th Floor
5203 Leesburg Pike
Falls Church, Virginia 22041

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
PETITIONER
v.
BETHEL FUELS INCORPORATED,
RESPONDENT

CIVIL PENALTY PROCEEDINGS
Docket No. WEVA 90-166
A.C. No. 46-06647-03553
Docket No. WEVA 90-228
A.C. No. 46-06647-03552
No. 1 Deep

DECISIONS APPROVING SETTLEMENTS

Before: Judge Koutras

Statement of the Proceedings

These proceedings concern proposals for assessment of civil penalties filed by the petitioner against the respondent pursuant to section 110(a) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 820(a). The petitioner has filed motions pursuant to Commission Rule 30, 29 C.F.R. 2700.30, seeking approval of the proposed settlements of the matters. The citations, initial assessments, and the proposed settlement amounts are as follows:

Docket No. WEVA 90-166

Order No.	Date	30 C.F.R. Section	Assessment	Settlement
3311311	11/14/89	75.1704-2(e)	\$600	\$400

Docket No. WEVA 90-228

Citation No.	Date	30 C.F.R. Section	Assessment	Settlement
3311578	11/08/89	75.202(a)	\$600	\$600

Discussion

In support of the proposed settlements, the petitioner has submitted information pertaining to the six statutory civil penalty criteria found in section 110(i) of the Act. In addition, the petitioner has submitted a full discussion and disclosure as to the facts and circumstances surrounding the issuance of the citations in question, and a reasonable justification for the approval of the settlements.

Conclusion

After careful review and consideration of the pleadings, arguments, and submissions in support of the motion to approve the proposed settlement of these cases, I conclude and find that the proposed settlement dispositions are reasonable and in the public interest. Accordingly, pursuant to 29 C.F.R. 2700.30, the motions ARE GRANTED, and the settlements ARE APPROVED.

ORDER

The respondent IS ORDERED to pay civil penalty assessments in the settlement amounts shown above within thirty (30) days of the date of these decisions and order. Payment is to be made to MSHA, and upon receipt of payment, these proceedings are dismissed.

George A. Koutras
Administrative Law Judge