

CCASE:  
MSHA V. WEDRON SILICA  
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SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA), : Docket No. LAKE 92-267-M  
Petitioner : A/O No. 11-01578-05537  
v. :  
: Wedron Silica Plant  
WEDRON SILICA COMPANY, :  
Respondent :

DECISION APPROVING SETTLEMENT

Appearances: Rafael Alvarez, Esq., Office of the Solicitor,  
U.S. Department of Labor, Chicago, Illinois,  
for the Petitioner; Peter Comodeca, Esq.,  
Calfee, Halter and Griswold, Cleveland, Ohio,  
for the 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). At hearing, Petitioner filed a motion to approve a settlement agreement and to dismiss the case. Respondent has agreed to pay the proposed penalty of \$700 in full. I have considered the representations and documentation submitted in this case, 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 \$700 within 30 days of this order. In accordance with the settlement agreement, the "significant and substantial" findings are hereby deleted from the subject citation.

Gary Melick  
Administrative Law Judge

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Distribution:

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