

CCASE:
MSHA V. ASAMERA MINERAL
DDATE:
19930810
TTEXT:

SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. WEST 93-105-M
Petitioner : A. C. No. 45-02961-05557
:
v. : Cannon Mine
ASAMERA MINERAL (US), INC., :
Respondent :

DECISION APPROVING SETTLEMENT
ORDER TO PAY

Before: Judge Merlin

An Order Disapproving Settlement and Order to Submit Information was issued in this matter on June 11, 1993.

The violation was cited for failure to report a methane ignition. The recommended settlement is \$20. The Solicitor and the operator have submitted additional information to support the settlement. According to this new information, the operator was unaware of the ignition at the time and as soon as it became aware of it, disciplinary action was taken against the supervisor who failed to report it. These factors decrease negligence. In addition, there do not appear to be any factors which would render this a significant and substantial violation under criteria adopted by the Commission. Consolidation Coal Company, 11 FMSHRC 1935 (October 1989). The parties are advised however, that reporting violations may be serious depending upon the circumstances.

In light of the foregoing, it is ORDERED that a settlement in the amount of \$20 be Approved.

It is further ORDERED that the operator PAY \$20 within 30 days of the date of this decision.

Paul Merlin
Chief Administrative Law Judge

~1610

Distribution:

Douglas White, Esq., Counsel, Trial Litigation, Office of the Solicitor, U. S. Department of Labor, 4015 Wilson Boulevard, Arlington, VA 22203 (Certified Mail)

Robert A. Friel, Esq., Office of the Solicitor, U. S. Department of Labor, 1111 Third Avenue, Suite 945, Seattle, WA 98101-3212 (Certified Mail)

Mr. Melvin J. Wattula, Manager, Asamera Minerals (US), Inc., P. O. Box 398, Wenatchee, WA 98801 (Certified Mail)

/gl