CCASE: SOL (MSHA) V. U. S. STEEL MINING DDATE: 19940119 TTEXT: 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,	:	CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. WEVA 93-11
Petitioner	:	A. C. No. 46-05907-03655
V.	:	
	:	Docket No. WEVA 93-340
U. S. STEEL MINING COMPANY,	:	A. C. No. 46-05907-03685
INC.,	:	
Respondent	:	Docket No. WEVA 93-368
	:	A. C. No. 46-05907-03688
	:	
	:	Shawnee Mine

DECISION APPROVING SETTLEMENT

Appearances: Javier I.Romanach, Esq., Office of the Solicitor, U. S. Department of Labor, Arlington, Virginia, for the Secretary; Billy M. Tennant, Esq., Pittsburgh, Pennsylvania, for Respondent.

Before: Judge Maurer

These cases are before me upon a petition for assessment of civil penalties under section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). An evidentiary hearing in these matters was held on November 18, 1993, in Beckley, West Virginia. At the conclusion of that hearing, the parties filed a motion to approve a settlement agreement and to dismiss these cases.

The citations, initial assessments, and the proposed settlement amounts are as follows:

	PROPOSED	PROPOSED
CITATION NO.	ASSESSMENT	SETTLEMENT

WEVA 93-11

	3738158	\$ 136	\$ 136
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~162 WEVA 93-34	:0		
50(Footnot	3579354 e 1)	189	
WEVA 93-36	8		
	3976690 3976694 3578514	50 50 50	50 Vacated Vacated
TOTAL		\$ 475	\$ 236

I have considered the representations and documentation submitted in these cases, as well as the testimony contained in the record of proceedings, 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 \$236 within 30 days of this order.

> Roy J. Maurer Administrative Law Judge

Distribution:

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dcp

1/ Citation No. 3579354 is modified to delete the "significant and substantial" finding.