

CCASE:  
SOL (MSHA) V. NORTH AMERICAN SLATE  
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SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. YORK 93-156-M
Petitioner	:	A. C. No. 43-00484-05501
	:	
v.	:	
	:	Bush Quarry
NORTH AMERICAN SLATE	:	
INCORPORATED,	:	
Respondent	:	

DECISION APPROVING SETTLEMENT  
ORDER TO PAY

Before: Judge Merlin

This case is before me upon a petition for assessment of a civil penalty under section 105(d) of the Federal Mine Safety and Health Act of 1977. The Solicitor has filed a motion to approve settlement for the one violation in this case. A reduction in the penalty from \$50 to \$20 is proposed. The citation in this case was issued because a record of health and safety inspections were not being kept. The Solicitor advise that the failure to have the inspection records available was due in part to the intermittent operation of the mine. Therefore negligence was less than originally thought. Also the operator is small in size and the facility was newly opened.

I have reviewed the documentation and representations made in this case, and 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 the operator PAY a penalty of \$20 within 30 days of this decision.

Paul Merlin  
Chief Administrative Law Judge

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