

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
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January 5, 2015

UNITED STEELWORKERS LOCAL NO.
5114, ON BEHALF OF MINERS,
Applicant

v.

HECLA LIMITED,
Respondent

COMPENSATION PROCEEDING

Docket No. WEST 2012-466-CM

Lucky Friday Mine
Mine ID 10-00088

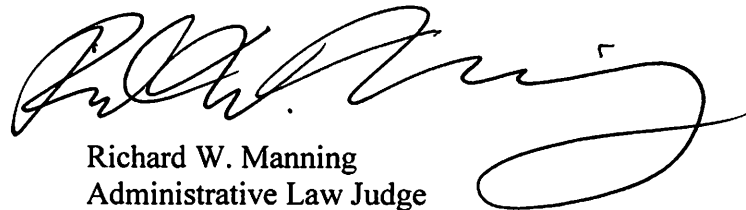
**ORDER AMENDING ORDER GRANTING, IN PART,
HECLA LIMITED'S MOTION FOR PARTIAL SUMMARY DECISION**

On December 23, 2014, I issued an Order Granting, in part, Hecla Limited's Motion for Partial Summary Decision in this case. 36 FMSHRC _____. In footnote 10 on page 6 of that order, I set forth the language in the body of Citation No. 8565565 that was issued to Hecla on December 21, 2011. On page 4 of my order, I noted that Hecla and the Secretary of Labor settled that citation. I approved the settlement of this citation by order dated August 6, 2014.

On December 30, 2014, Hecla filed an unopposed motion requesting that I clarify that, as part of the settlement, the Secretary agreed to delete a sentence from the body of Citation No. 8565565. In the motion to approve settlement of that citation in WEST 2013-781-M-A, the Secretary stated that the parties agreed to strike "the following sentence from the narrative because it is inaccurate: 'The Mine Superintendent stated that the readings could not be taken because the steel liner was installed over the [pressure] gauges and the gauges could not be read.' The management agent was referring to the closure points, not the stress gauges." (Motion to Approve Settlement at 2). I approved the deletion of this sentence in my decision approving settlement.

For good cause shown, Hecla's unopposed motion to amend my December 23, 2014 order is **GRANTED**. Footnote 10 on page 6 of that order is **AMENDED** to add the following paragraph at the end of the footnote:

As part of the settlement of this citation, the Secretary agreed to delete the following sentence from the citation because it is inaccurate: "The Mine Superintendent stated that the readings could not be taken because the steel liner was installed over the gauges and the gauges could not be read."


Richard W. Manning
Administrative Law Judge

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