

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES  
2 SKYLINE, SUITE 1000  
5203 LEESBURG PIKE  
FALLS CHURCH, VIRGINIA 22041

July 15, 1998

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. CENT 97-154-M
Petitioner	:	A.C. No. 34-00026-05597
v.	:	
	:	Docket No. CENT 97-155-M
BLUE CIRCLE, INCORPORATED,	:	A. C. No. 34-00026-05598
Respondent	:	
	:	Docket No. CENT 97-156-M
	:	A. C. No. 34-00026-05599
	:	
	:	Docket No. CENT 97-157-M
	:	A. C. No. 34-00026-05600
	:	
	:	Docket No. CENT 97-158-M
	:	A. C. No. 34-00026-05601
	:	
	:	Tulsa Plant

**DECISION ON REMAND APPROVING SETTLEMENT**

Before: Judge Melick

These cases are before me upon petitions for assessment of civil penalty under Section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). Petitioner has filed a motion to approve a settlement agreement and to dismiss the cases. Modification and vacation of certain citations and a reduction in overall penalties to \$8,848.00, have been proposed. I have considered the representations and documentation submitted in these cases, and I conclude that the proffered settlement is acceptable 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 \$8,848.00, within 30 days of this order.

Gary Melick  
Administrative Law Judge

Distribution:

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