

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1730 K STREET, N.W., Room 6003

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November 7, 2000

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. LAKE 2000-64-M
Petitioner	:	A. C. No. 33-00168-05520
	:	
v.	:	
	:	
SHELLY MATERIALS INC -	:	
OSTRANDER PLANT,	:	
Respondent	:	Mine: Shelly Materials Inc Ostrander Plant

DECISION APPROVING SETTLEMENT

Before: Judge Barbour

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. A reduction in the penalty from \$7,000.00 to \$4,300.00 is proposed. I have considered the representations and documentation submitted in this case, 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 the operator pay a penalty of \$4,300.00 within 30 days of this order.

David Barbour
Chief Administrative Law Judge

Distribution:

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