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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
PETITIONER

CIVIL PENALTY PROCEEDING

Docket No. CENT 84-70-M
A.C. No. 29-00174-05517

v.

Amax Mine & Mill

AMAX CHEMICAL CORPORATION,
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Morris

This is a civil penalty proceeding initiated by the petitioner against the respondent in accordance with Section 110(a) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 820(a). The civil penalties are for the violation of mandatory standards promulgated pursuant to the Act.

The citations, the standards allegedly violated, the initial assessments, and the proposed dispositions, are as follows:

Citation No.	Standard C.F.R. Title 30	Initial Assessment	Disposition
2235591	57.20-3(a)	\$ 20	Vacate
2235739	57.20-3(a)	168	\$ 20
2235596	57.19-120	192	20
2235597	57.19-24	178	20

Discussion

The narrative statements contained in the proposed settlement agreement relate to the statutory criteria for the assessment of civil penalties as contained in 30 U.S.C. 820(i).

I find the proposed settlement is reasonable and it should be approved.

Accordingly, I enter the following:

ORDER

1. The proposed settlement agreement is approved.
2. Citation 2235591 and all proposed penalties therefore are vacated.

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3. Citation 2235596 is reduced to a non-significant and substantial violation.

4. The following citations and penalties, as amended, are affirmed:

Citation No.	Penalties
2235739	\$20
2235596	20
2235597	20

5. Respondent is ordered to pay the sum of \$60.00 within 40 days of the date of this decision.

John J. Morris
Administrative Law Judge