

CCASE:  
SOL V. PYRO MINING  
DDATE:  
19870415  
TTEXT:

FMSHRC-FCV  
APR 15, 1987

SECRETARY OF LABOR,  
MINE SAFETY AND HEALTH  
ADMINISTRATION (MSHA),  
Petitioner  
v.  
PYRO MINING COMPANY,  
Respondent

CIVIL PENALTY PROCEEDINGS

Docket No. KENT 86-6  
A.C. No. 15-13881-03572

Docket No. KENT 86-40  
A.C. No. 15-13881-03576

Pyro No. 9 Slope

Docket No. KENT 86-68  
A.C. No. 15-14492-03518

Palco Mine

DECISIONS APPROVING SETTLEMENTS

Before: Judge Koutras

Statement of the Proceedings

These proceedings concern civil penalty proposals filed by the petitioner against the respondent pursuant to section 110(a) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 820(a), seeking civil penalty assessments for eight alleged violations of certain mandatory safety standards found in Part 75, Title 30, Code of Federal Regulations. The respondent filed timely answers, and the cases were scheduled for hearings in Evansville, Indiana, on March 31, 1987. However, the hearings were cancelled after the parties advised me of their proposed settlements. They have now filed a joint motion pursuant to 29 C.F.R. § 2700.30, seeking approval of the proposed settlements. The violations, initial assessments, and the proposed settlement amounts are as follows:

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Docket No. KENT 86-6

Citation/ Order No.	Date	30 C.F.R. Section	Assessment	Settlement
2508753	05/07/85	75.511	\$ 5,000	\$ 5,000
2508757	05/09/85	75.509	\$ 5,000	\$ 5,000

Docket No. KENT 86-40

Citation/ Order No.	Date	30 C.F.R. Section	Assessment	Settlement
2513115	08/22/85	50.12	\$ 500	\$ 500
2513126	08/22/85	75.313	\$ 1,000	\$ 1,000
2513127	08/22/85	75.503	\$ 1,000	\$ 1,000
2513116	08/28/85	75.307-1	\$ 1,000	\$ 500
2513117	08/28/85	75.301	\$ 2,000	\$ 2,000

Docket No. KENT 86-68

Citation No.	Date	30 C.F.R. Section	Assessment	Settlement
2837603	10/22/85	75.200	\$ 800	\$ 400

#### Discussion

The petitioner's initial proposed civil penalty assessments for the violations amounted to \$16,300. The proposed settlements require the respondent to pay civil penalties in the amount of \$15,000. In support of the proposed settlement dispositions, the parties have submitted information pertaining to the six statutory civil penalty criteria found in section 110(i) of the Act. In addition, they have submitted a full disclosure as to the facts and circumstances surrounding the issuance of the violations, including copies of MSHA's reports of investigation.

#### Conclusion

After careful review and consideration of the pleadings, arguments, and submissions in support of the joint motion to approve the proposed settlements, I conclude and find that the proposed settlement dispositions are reasonable and in the public interest. Accordingly, pursuant to 29 C.F.R. § 2700.30, the motion IS GRANTED, and the settlements ARE APPROVED.

ORDER

The respondent IS ORDERED to pay civil penalty assessments in the settlement amounts shown above in satisfaction of the violations in question, and payment is to be made to MSHA within thirty (30) days of the date of these decisions and order. Upon receipt of payment, these proceedings are dismissed.

George A. Koutras  
Administrative Law Judge

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