

CCASE:
SOL (MSHA) V. EMERY MINING
DDATE:
19870422
TTEXT:

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

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

Docket No. WEST 86-217
A.C. No. 42-00121-03604

Docket No. WEST 86-197-R
Order 2835167; 5/28/86

Docket No. WEST 86-218
A.C. No. 42-00121-03605

Docket No. WEST 86-239
A.C. No. 42-00121-03609

Docket No. WEST 86-123-R
Order 2835108; 4/8/86

Docket No. WEST 86-136-R
Order 2835417; 4/2/86

v.

Docket No. WEST 86-152-R
Order 2835133; 4/8/86

Docket No. WEST 86-169-R
Order 2835132; 4/9/86

Docket No. WEST 86-240
A.C. No. 42-00121-03610

Docket No. WEST 86-159-R
Order 2834579; 4/16/86

Docket No. WEST 86-241
A.C. No. 42-00121-03611

Docket No. WEST 86-160-R
Order 2834610; 4/16/86

Deer Creek Mine

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EMERY MINING COMPANY, RESPONDENT/CONTESTANT	Docket No. WEST 86-236 A.C. No. 42-00988-03546
UTAH POWER AND LIGHT COMPANY, MINING DIVISION, RESPONDENT/CONTESTANT	Docket No. WEST 86-89-R Citation 2834441; 2/5/86
CIVIL PENALTY PROCEEDINGS CONTEST PROCEEDINGS	Docket No. WEST 86-237 A.C. No. 42-00988-03547
	Docket No. WEST 86-87-R Citation 2834444; 2/5/86

Deseret Mine

DECISION APPROVING SETTLEMENT

Before: Judge Lasher

The parties have reached an overall resolution of the above 16 dockets which involve a total of 14 Citations and Orders. The settlement calls for the vacation of two withdrawal orders in Docket WEST 86-240, the payment of total penalties in the sum of \$3,024.00 (MSHA's initial administrative assessments totalled \$4,221.00), the modification of five withdrawal orders from issuance under Section 104(d)(1) to issuance under Section 104(a), and the withdrawal by Respondent of all nine of its notices of contest in the nine contest dockets related to the pertinent penalty proceedings.

A summary of the settlement reached appears below:

Docket No.	Citation/Order No.	Initial Assessment	Agreed Settlement
WEST 86-217	2835167	\$500	\$300 modify to 104(a)
WEST 86-218	2834501	192	50
WEST 86-236	2834441	600	600
	2834499	400	200 modify to 104(a)
WEST 86-237	2834444	79	79
WEST 86-239	2835417	700	700
	2835108	400	400
	2835132	150	75 modify to 104(a)
	2835133	300	20 modify to 104(a)
WEST 86-240	2835140	Vacated	(Partial settlement)
	2834563	Vacated	
	2834575	Pending review by Commission in Docket WEST 86-126-R	
	2834579	400	400
WEST 86-241	2834610	500	200 modify to 104(a)
		\$4,221	\$3,024

