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SOL (MSHA) V. SELLERSBURG STONE  
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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 PROCEEDINGS  Docket No. LAKE 86-127-M A.C. No. 12-00109-05508
v.	Docket No. LAKE 86-128-M A.C. No. 12-00109-05509
SELLERSBURG STONE COMPANY, RESPONDENT	Sellersburg Stone Mine

DECISIONS APPROVING SETTLEMENTS

Before: Judge Koutras

Statement of the Proceedings

These proceedings concern proposals for assessment of civil penalties 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 13 alleged violations of certain mandatory safety standards found in Part 56, Title 30, Code of Federal Regulations. The petitioner has now filed a motion pursuant to Commission Rule 30, 29 C.F.R.

2700.30, seeking approval of the proposed settlements. The citations, initial assessments, and the proposed settlement amounts are as follows:

Docket No. LAKE 86-127-M

Citation No.	Date	30 C.F.R. Section	Assessment	Settlement
2633854	06/17/86	56.14001	\$ 119.00	65.00
2633855	06/17/86	56.14003	119.00	65.00
2633859	06/17/86	56.14001	192.00	138.00
2633860	06/17/86	56.11012	119.00	119.00
2844942	06/17/86	56.14003	119.00	65.00
2844943	06/17/86	56.11012	119.00	119.00
			\$ 787.00	\$ 571.00

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Citation No.	Date	30 C.F.R. Section	Assessment	Settlement
2844949	06/17/86	56.14003	\$119.00	65.00
2844950	06/17/86	56.14003	119.00	65.00
2844954	06/17/86	56.14003	119.00	65.00
2844955	06/17/86	56.14003	119.00	65.00
2844960	06/17/86	56.14003	119.00	65.00
2844962	06/17/86	56.11012	119.00	119.00

2844963

06/17/86

56.14003

119.00

65.00

\$ 833.00

\$ 509.00

Discussion

In support of the proposed settlement disposition of these cases, the petitioner has submitted information pertaining to the six statutory civil penalty criteria found in section 110(i) of the Act. In addition, the petitioner has submitted a full discussion and disclosure as to the facts and circumstances surrounding the issuance of the violations in question, and a reasonable justification for the reduction of the original proposed civil penalty assessments.

Conclusion

After careful review and consideration of the pleadings, arguments, and submissions in support of the motion to approve the proposed settlement of these cases, 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

Respondent IS ORDERED to pay civil penalties in the settlement amounts shown above in satisfaction of the citations in question within thirty (30) days of the date of these decisions and order, and upon receipt of payment by the petitioner, these proceedings are dismissed.

George A. Koutras  
Administrative Law Judge