

CCASE:
SOL (MSHA) V. HOMESTAKE MINING
DDATE:
19900706
TTEXT:

Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)
Office of Administrative Law Judges

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

CIVIL PENALTY PROCEEDING

Docket No. CENT 90-39-M
A.C. No. 29-00775-05506

v.

Docket No. CENT 90-58-M
A.C. No. 29-00775-05507

HOMESTAKE MINING COMPANY,
RESPONDENT

Homestake Mill

DECISION

Appearances: Janice L. Holmes, Esq., Office of the Solicitor
U.S. Department of Labor, Dallas, Texas,
for Petitioner;
Wayne E. Bingham, Esq., Crider, Calvert & Bingham,
Albuquerque, New Mexico,
for Respondent.

Before: Judge Lasher

This proceeding was initiated by the filing of Complaints
Proposing Penalty in the captioned dockets pursuant to Section
110(a) of the Federal Mine Safety and Health Act of 1977, 30
U.S.C. 801 et seq.

At the outset of the hearing on June 5, 1990, the parties
consummated negotiations resulting in the amicable resolution of
the issues arising out of the three Citations involved in the
above two dockets. Their settlement agreement was proposed and
considered on the record of the hearing and my bench decision
approving such is here affirmed.

ORDER

In Docket No. CENT 90-39-M, Citation No. 3277887 is MODIFIED
to delete the "Significant and Substantial" designation thereon,
is otherwise affirmed, and the penalty of \$20 agreed to by the
parties and assessed at hearing (T. 9), shall be paid by
Respondent to the Secretary of Labor within 30 days from the date
of the issuance of this decision.

In Docket No. CENT 90-58-M, Citations numbered 3277890 and
3277990, the prosecution of which having been withdrawn by
Petitioner, are VACATED.

Michael A. Lasher, Jr.
Administrative Law Judge
Administrative Law Judge