

CCASE:  
ASARCO V. SOL (MSHA)  
DDATE:  
19930125  
TTEXT:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES  
2 SKYLINE, 10th FLOOR  
5203 LEESBURG PIKE  
FALLS CHURCH, VIRGINIA 22041

ASARCO, INCORPORATED,	:	CONTEST PROCEEDINGS
Contestant	:	
v.	:	Docket No. SE 88-82-RM
	:	Citation No. 3252969; 7/16/88
SECRETARY OF LABOR,	:	
MINE SAFETY AND HEALTH	:	Docket No. SE 88-83-RM
ADMINISTRATION (MSHA),	:	Citation No. 3252970; 7/17/88
Respondent	:	
	:	Immel Mine
	:	
	:	Mine ID 40-00170
SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. SE 89-67-M
Petitioner	:	A. C. No. 40-00170-05520
v.	:	
	:	Immel Mine
ASARCO, INCORPORATED,	:	
Respondent	:	

DECISION APPROVING SETTLEMENT

Before: Judge Weisberger

These cases are before me upon a Petition for Assessment of Civil Penalty under Section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). Petitioner has filed a Motion to approve a settlement agreement and to dismiss these cases. A reduction in penalty from \$16,000 to \$9,180 is proposed. I have considered the representations and documentation submitted in these cases, and I conclude that the proffered settlement is appropriate under the criteria set forth in Section 110(i) of the Act.

WHEREFORE, the Motion for Approval of Settlement is GRANTED. It is ORDERED that the hearing on February 23-25, 1993 is cancelled. It is further ORDERED that Respondent pay a penalty of \$9,180 within 30 days of this Order. It is further ORDERED that the Notices of Contest, Docket Nos. SE 88-82-RM and SE 88-83-RM are DISMISSED.

Avram Weisberger  
Administrative Law Judge

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Distribution:

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