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ALLIED CHEMICAL v. SOL (MSHA)
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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

ALLIED CHEMICAL CORPORATION,
CONTESTANT

v.
SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
RESPONDENT

CONTEST PROCEEDINGS

Docket No. WEST 84-114-RM
Citation No. 2083069; 6/13/84

Docket No. WEST 84-115-RM
Citation No. 2083070; 6/13/84

Docket No. WEST 84-116-RM
Citation No. 2083071; 6/21/84

Alchem Trona Mine

DECISION

Appearances: John A. Snow, Esq., VanCott, Bagley, Cornwall &
McCarthy, Salt Lake City, Utah,
for Contestant;
James H. Barkley, Esq. and Margaret Miller, Esq.,
Office of the Solicitor, U.S. Department of Labor,
Denver, Colorado,
for Respondent.

Before: Judge Morris

These are consolidated contest proceedings initiated by
contestant against the Secretary of Labor in accordance with the
Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et
seq (the Act).

A hearing on these cases and a case involving the same
parties commenced on March 5, 1985, in Salt Lake City, Utah. At
that time the parties filed a written settlement agreement and a
motion seeking approval therefor.

The agreement recites that the contestant did not know of
the defects in the equipment which is the subject of citations
numbered 2083069, 2083070 and 2083071. It is further stipulated
that the contestant should not have known of the defects in view
of the original MSHA certification and approval of the cited
equipment.

Contestant further agrees to perform and certify continuity
of the groundings system on a weekly basis, if in use, as
requested by MSHA, until an approved ground fault interrupter
system is available as required by 30 C.F.R. 18.47(d)(2).

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Based on the proposed settlement the Secretary of Labor moves to vacate his citations and contestant moves to withdraw its applications for review.

I have reviewed the proposed settlement agreement. I find it is reasonable and it should be approved.

Accordingly, I enter the following:

ORDER

1. The settlement agreement is approved.
2. In WEST 84-114-RM citation 2083069 is vacated and the contest proceeding is dismissed.
3. In WEST 84-115-RM citation 2083070 is vacated and the contest proceeding is dismissed.
4. In WEST 84-116-RM citation 2083071 is vacated and the contest proceeding is dismissed.

John J. Morris
Administrative Law Judge