

CCASE:  
SOL (MSHA) V. UNITED MINERALS INC.  
DDATE:  
19870407  
TTEXT:

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

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

CIVIL PENALTY PROCEEDING

Docket No. LAKE 87-36  
A.C. No. 12-01979-03503

v.

Black Mountain Pit Mine

UNITED MINERALS, INC.,  
RESPONDENT

DECISION APPROVING SETTLEMENTS

Before: Judge Merlin

The Solicitor has filed a motion to approve settlements of the eight violations involved in this case. The total of the originally assessed penalties was \$469 and the total of the proposed settlements is \$405.

The Solicitor's motion discusses the violations in light of the six statutory criteria set forth in section 110(i) of the Federal Mine Safety and Health Act of 1977. The Solicitor represents that a reduction from the original assessments is warranted because the size of the mine was incorrectly stated by the Office of Assessments at the time of the original assessment. An estimated figure of 200,000 tons of coal for the year 1986 was used by the Office of Assessments to compute the penalties involved in the case. Reports submitted by the operator, however, show that the production of coal for its mine in 1986 did not exceed 80,000 tons of coal. The Solicitor accepts this information and represents that proposed settlements reflect the actual size of the operator.

The proposed settlements represent modest reductions from the original assessments. In light of new data regarding the operator's correct size and the other criteria set forth in section 110(i), I accept the Solicitor's representations and approved recommended settlements.

~711

Accordingly, the motion to approve settlements is GRANTED and the operator is ORDERED TO PAY \$405 within 30 days of the date of this decision.

Paul Merlin  
Chief Administrative Law Judge