

CCASE:
SOL (MSHA) V. KERN ROCK
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SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. WEST 93-9-M
Petitioner	:	A. C. No. 04-01829-05530
	:	
v.	:	
	:	
	:	
KERN ROCK COMPANY	:	Wheeler Ridge Pit & Mill
Respondent	:	

DECISION APPROVING SETTLEMENT

Before: Judge Merlin

This case is before me upon a petition for assessment of the civil penalties under section 105(d) of the Federal Mine Safety and Health Act of 1977. The Solicitor has filed a motion to approve settlements. A reduction in the penalties from \$1,610 to \$1,449 is proposed. The Solicitor has explained that the original assessments did not adequately take account of good faith abatement. I have considered the representations and documentation submitted in this case, and I conclude that the proffered settlements are appropriate under the criteria set forth in section 110(i) of the Act.

WHEREFORE, the motion for approval of settlement is GRANTED, and it is ORDERED that the operator PAY a penalty of \$1,449 within 30 days of this order.

Paul Merlin
Chief Administrative Law Judge

Distribution: (Certified Mail)

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