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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. DENV 78-576-P  
02-01195-03003

v.

Kayenta Mine

PEABODY COAL CO.  
RESPONDENT

AMENDED DECISION

On March 7, 1979, the Judge rendered a Decision approving a settlement wherein a 20% assessment reduction was agreed to by the parties. Petitioner's motion included specific settlement figures for each violation.

On March 23, 1979, Petitioner moved to modify the Decision on grounds that the digits were improperly transmitted by Petitioner. As noted in the Decision of March 7, 1979, a 20% reduction does not shock the conscience, is within the bounds of reason and will effectuate the deterrent purpose of civil penalties. The digits in the Decision are hereby AMENDED as follows to properly reflect the settlement of the parties:

Number	Date	30 CFR Standard	Assessment	Settlement
00387806 A	6/08/78	77.509	\$655.00	\$524.00
00387806 B	6/08/78	77.516	655.00	524.00
00387806 C	6/08/78	77.516	655.00	524.00
00387806 D	6/08/78	77.516	960.00	768.00
00387806 E	6/08/78	77.505	655.00	524.00
00387806 F	6/08/78	77.505	655.00	524.00
00387806 G	6/08/78	77.807	655.00	524.00

Malcolm P. Littlefield  
Administrative Law Judge