

CCASE:  
SOL (MSHA) V. PIKEVILLE COAL  
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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. KENT 79-165

Chisholm Mine

v.

PIKEVILLE COAL COMPANY,

RESPONDENT

ORDER APPROVING SETTLEMENT

At the hearing in Lexington, Kentucky, on December 20, 1978, a settlement of the two violations involved in the above docket was accomplished in the total sum of \$975 (Citation No. 65011--\$445 and Citation No. 65130--\$530). MSHA's total initial assessment was \$1,640.

This settlement is approved for the following reasons:

1. MSHA concedes that its initial evaluation of proper penalties may have been excessive based upon its initial overevaluation of the statutory factor relating to Respondent's good faith in abating the two violations in question.
2. The violative conditions described in Citation Nos. 65011 and 65130 are not inherently conditions of sufficient severity to warrant higher penalties absent aggravated surrounding circumstances.
3. The settlement amounts are substantial.

ORDER

Respondent, if it has not previously done so, is ORDERED to pay the stipulated penalties totaling \$975 in the above docket to the Secretary of Labor, within 30 days from the issuance date of this order.

Michael A. Lasher, Jr.  
Judge