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SOL (MSHA) V. KENNECOTT MINERALS  
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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. WEST 81-393-M  
A/C No. 42-00149-05017 F

v.

Utah Copper Division

KENNECOTT MINERALS COMPANY,  
UTAH COPPER DIVISION,  
RESPONDENT

DECISION

Before: Judge Morris

The Secretary of Labor, on behalf of the Mine Safety and Health Administration, (MSHA), charges respondent Kennecott Minerals Company with violating Title 30, Code of Federal Regulations, Section 55.9-20, a safety regulation promulgated under the Federal Mine Safety and Health Act, 30 U.S.C. 801 et seq. (the "Act").

A hearing on this case and related cases involving the parties commenced in Salt Lake City, Utah on September 20, 1983.

At the hearing the petitioner moved to amend his proposed civil penalty by reducing it to \$700 from \$1,000.

As grounds therefor the petitioner states the negligence of the operator was less than originally assessed. (Tr. 8).

In view of the amendment respondent moved to withdraw its notice of contest. (Tr. 9-10).

For good cause shown and pursuant to Commission Rule 29 C.F.R. 2700.11 the motions are granted and I enter the following:

ORDER

1. Citation 576293 and the proposed penalty, as amended, in the amount of \$700, are affirmed.

2. Respondent is ordered to pay said sum within 30 days of the date of this decision.

John J. Morris  
Administrative Law Judge