

CCASE:  
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 84-77-M  
A.C. No. 42-00716-05508

v.

Magna Concentrator Mine

KENNECOTT MINERALS COMPANY,  
UTAH COPPER DIVISION,  
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Carlson

By joint motion the parties request approval of a settlement agreement in this civil penalty proceeding. Specifically, they ask that the citations and penalties originally issued and proposed be modified as follows:

Citation No.	Original Proposed Penalty	Amended Proposed Penalty
2083610	\$ 200.00	\$ 100.00
2083611	500.00	250.00
2083537	5,000.00	6,000.00
2083538	5,000.00	Withdrawn

Justification for the reduced and increased penalties are well documented. The parties seek to have citation 2083538 withdrawn on grounds that it is unfairly duplicative of citation 2083537.

Having considered the representations of the parties and the contents of the file, I conclude that the settlement agreement is appropriate and should be approved.

Accordingly, the agreement is approved in all particulars, and the attendant motions of the parties are granted. Respondent, within 30 days of the date of this order, shall pay civil penalties of \$100.00 for citation 2083610, \$250.00 for citation 2083611, and \$6,000.00 for citation 2083537, for a total of \$6,350.00. Citation 2083538 is vacated, and this proceeding is dismissed.

SO ORDERED.

John A. Carlson  
Administrative Law Judge