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SOL (MSHA) V. KELLEY TRUCKING
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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. CENT 85-109
A.C. No. 34-01087-03501 J3E

v.

CF & I

KELLEY TRUCKING COMPANY,
RESPONDENT

DECISION AFTER REMAND APPROVING SETTLEMENT

Before: Judge Morris

This is a civil penalty proceeding initiated by the petitioner against respondent in accordance with the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq. The civil penalty sought here is for the violation of a mandatory standard promulgated pursuant to the Act.

Prior to a hearing the parties filed a motion seeking approval of proposed settlement.

Citation 2218839 alleges a violation of 30 C.F.R. 48.25(a). An original assessment of \$400 was proposed.

The parties now seek a decision affirming the citation and assessing a penalty of \$100.

In support of their motion to approve the settlement the parties have submitted information relating to the statutory criteria required for assessing civil penalties as contained in 30 U.S.C. 820(i).

I find the proposed settlement is reasonable and in the public interest. It should be approved.

Accordingly, I enter the following:

ORDER

1. The settlement is approved.
2. Citation 2218839 is affirmed.
3. A civil penalty of \$100 is assessed.

John J. Morris
Administrative Law Judge