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SOL (MSHA) V. K T K MINING AND CONSTRUCTION
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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

v.

K T K MINING AND CONSTRUCTION
COMPANY,
RESPONDENT

CIVIL PENALTY PROCEEDINGS

Docket No. KENT 88-113
A.C. No. 15-15665-03512

Docket No. KENT 88-114
A.C. No. 15-15665-03513

Docket No. KENT 88-125
A.C. No. 15-15665-03514

Docket No. KENT 88-130
A.C. No. 15-15665-03515

Docket No. KENT 88-141
A.C. No. 15-15665-03516

K T K No. 2 Mine

DECISION

Appearances: W. F. Taylor, Esq., Office of the Solicitor,
U.S. Department of Labor, Nashville, Tennessee
for Petitioner;
Barbara Krause, Esq., Smith, Heenan & Althen,
Washington, D.C., for Respondent.

Before: Judge Melick

These cases are before me upon petitions for civil penalty under Section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). At hearing and post hearing Petitioner filed motions to approve settlement agreements and to dismiss the cases. The following reductions in penalty have been proposed:

Original Proposed Penalty	Agreed Penalty
Docket No. KENT 88-113 - \$3,157	\$ 335.00
Docket No. KENT 88-114 - 16,331	2,826.00
Docket No. KENT 88-125 - 80	13.32
Docket No. KENT 88-130 - 1,294	824.33
Docket No. KENT 88-141 - 460	148.33

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I have considered the representations and documentation submitted in these cases, and I conclude that the proffered settlement is appropriate under the criteria set forth in Section 110(i) of the Act.

WHEREFORE, the motions for approval of settlement are GRANTED, and it is ORDERED that Respondent pay the following penalties within 30 days of this order:

Docket No. 88-113	- \$	335.00
Docket No. 88-114	-	2,826.00
Docket No. 88-125	-	13.32
Docket No. 88-130	-	824.33
Docket No. 88-141	-	148.33

Gary Melick
Administrative Law Judge
(703) 756-6261