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SOL (MSHA) V. KOCH CARBON & KOCH RAVEN DIV
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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

CIVIL PENALTY PROCEEDING

Docket No. VA 91-564
A.C. No. 44-01717-03566D

v.

Raven No. 1 Mine

KOCH CARBON, INC. - KOCH
RAVEN DIVISION,
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Broderick

On November 1, 1991, the Secretary and Respondent filed a motion to approve a settlement in the above case. The docket involves a single alleged violation of 30 C.F.R. | 71.209(b) in which the Secretary alleged that Respondent altered the weight of a respirable dust sample submitted by Respondent as part of its sampling requirements. The Secretary states that the violation resulted from a deliberate act; the operator denies that it deliberately tampered with or altered any of its dust filter media.

The motion states that the parties agree to settle the case by reducing the proposed penalty from \$1200 to \$960 based on a dispute between the parties as to the degree and existence of negligence.

I have considered the motion in the light of the criteria in section 110(i) of the Act, and conclude that it should be approved.

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Accordingly, IT IS ORDERED:

1. The settlement agreement is APPROVED.
2. Respondent shall within 30 days of the date of this order pay the sum of \$960 as a civil penalty for the alleged violation.

James A. Broderick
Administrative Law Judge