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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. LAKE 91-134
A.C. No. 11-00585-03787

v.

Mine No. 10

PEABODY COAL COMPANY,
RESPONDENT

DECISION APPROVING SETTLEMENT

Appearances: Susan J. Bissegger, Esq., Office of the Solicitor,
U.S. Department of Labor, Chicago, Illinois, for
the Petitioner;
David R. Joest, Esq., Midwest Division Counsel,
Peabody Coal Company, Henderson, Kentucky, for the
Respondent.

Before: Judge Melick

This case is before me upon a petition for assessment of
civil penalty under Section 105(d) of the Federal Mine Safety and
Health Act of 1977 (the Act). Petitioner has filed several
motions to approve a settlement agreement the latest at hearings
on November 26, 1991. A reduction in penalty from \$1,200 to \$600
is proposed. I have considered the representations and
documentation submitted in this case, and I conclude that the
proffered settlement is appropriate under the criteria set forth
in Section 110(i) of the Act.

WHEREFORE, the motion for approval of settlement is GRANTED,
and it is ORDERED that Respondent pay a penalty of \$600 within 30
days of this order.

Gary Melick
Administrative Law Judge