

CCASE:
MSHA V. PYRO MINING COMPANY, Respondent
COSTAIN COAL INCORPORATED,
Successor-In-Interest
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SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH :
ADMINISTRATION (MSHA), : Docket No. KENT 91-190
Petitioner : A.C. No. 15-13881-03749
v. :
: Pyro No. 9 Slope
PYRO MINING COMPANY, :
Respondent :
:
COSTAIN COAL INCORPORATED, :
Successor-In-Interest :

DECISION APPROVING SETTLEMENT

Appearances: Stephen D. Turow, Esq., Office of the
Solicitor, U.S. Department of Labor,
Arlington, Virginia, for the Petitioner;
Catherine A. Lamey, Legal Affairs Manager,
Pyro Mining Company, Sturgis, 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). At hearing, Petitioner filed a motion to approve a settlement agreement and to dismiss the case. A reduction in penalty from \$1,500 to \$1,200 was proposed. I have considered the representations and documentation submitted in this case, including the representations on the record at hearing, 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 \$1,200 within 30 days of this order.

Gary Melick
Administrative Law Judge

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Distribution:

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