

CCASE:  
SOL (MSHA) V. CONSOLIDATION COAL  
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SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDINGS  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA), : Docket No. WEVA 92-1043  
Petitioner : A.C. No. 46-01452-03861  
v. :  
 : Arkwright No. 1 Mine  
CONSOLIDATION COAL COMPANY, :  
Respondent :

DECISION APPROVING SETTLEMENT

Appearances: Robert S. Wilson, Esq., Office of the  
Solicitor, U.S. Department of Labor,  
Arlington, Virginia, for Petitioner;  
Daniel E. Rogers, Esq., Consolidation  
Coal Company, Pittsburgh, Pennsylvania,  
for 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). During hearings Petitioner noted that the parties had reached a settlement agreement and Petitioner subsequently filed a motion to approve that agreement. Petitioner has vacated Order No. 3717881 and proposes a reduction in penalty from \$6,000 to \$3,500 for the remaining two orders. 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 \$3,500 within 30 days of this order.

Gary Melick  
Administrative Law Judge  
703-756-6261

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Distribution:

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