

CCASE:  
SOL (MSHA) V. K Y V COAL  
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SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. WEVA 92-1103
Petitioner	:	A. C. No. 46-07622-03539
	:	
v.	:	
	:	
	:	
K Y V COAL COMPANY, INC.,	:	No. 3
Respondent	:	

DECISION APPROVING SETTLEMENT  
ORDER TO PAY

Before: Judge Merlin

The Solicitor has filed a motion to approve settlement of the one violation involved in this matter. The originally assessed amount was \$903, and the proposed settlement is for \$903. The ventilation and dust control plan was not being complied with because the pressure of the water sprays was less than required. Upon review I find that \$903 is an appropriate penalty for this serious violation and that it is in accordance with the six statutory criteria set forth in section 110(i) of the Act.

Accordingly, the recommended settlement is APPROVED and the operator is ORDERED TO PAY \$903 within 30 days of the date of this decision.

Paul Merlin  
Chief Administrative Law Judge

Distribution: (Certified Mail)

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