

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
2 SKYLINE, 10th FLOOR
5203 LEESBURG PIKE
FALLS CHURCH, VIRGINIA 22041

July 25, 1995

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. KENT 95-1
Petitioner	:	A. C. No. 15-04455-03529
v.	:	
	:	Docket No. KENT 95-2
DEBY COAL COMPANY, INC.,	:	A. C. No. 15-04455-03530
Respondent	:	
	:	Prep Plant

DECISION APPROVING SETTLEMENT

Before: Judge Weisberger

These cases are before me upon a petition for assessment of civil penalties under Section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). Petitioner has filed a motion for settlement asserting that the subject 104(b) orders should be vacated, and that no penalty should be assessed for the subject 104(a) citations. 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 these cases be **DISMISSED**.

Avram Weisberger
Administrative Law Judge

Distribution:

Susan E. Foster, Esq., Office of the Solicitor, U. S. Department
of Labor, 2002 Richard Jones Road, Suite B-201, Nashville, TN
37215-2862

Jack McGhee, President, Deby Coal Company, Inc., P. O. Box 986,
London, KY 40743

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