

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
601 New Jersey Avenue, N.W. Suite 9500
Washington, DC 20001-2021

December 23, 2003

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| SECRETARY OF LABOR, | : | CIVIL PENALTY PROCEEDINGS |
| MINE SAFETY AND HEALTH | : | |
| ADMINISTRATION (MSHA), | : | Docket No. KENT 2000-133 |
| Petitioner | : | A.C. No. 15-18030-03507 |
| v. | : | |
| | : | Docket No. KENT 2000-277 |
| | : | A.C. No. 15-18030-03508 A |
| COUGAR COAL COMPANY, INC., | : | |
| Respondent. | : | Mine: No. 8 |

DECISION APPROVING SETTLEMENT

Before: Judge Weisberger

These cases are before me based on a decision by the Commission, 25 FMSHRC 513 (Sept. 2003), which, inter alia, reversed my initial decision, 24 FMSHRC 176 (Feb. 2002), that Respondent did not violate 30 C.F.R. §§ 50.10 and 50.12, and remanded these proceedings for assessment of penalties for violating these standards. Subsequent to protracted negotiations, the parties entered into a settlement agreement. I have read the agreement, and find that, based on the record of these proceedings, its terms are consistent with the Federal Mine Safety and Health Act of 1977.

It is **ORDERED** that the parties abide by all terms of their agreement. It is **further ORDERED** that, within 30 days of this Decision, Respondent pay a total civil penalty of **\$5,000.00** for violating Sections 50.10 and 50.12, supra.

Avram Weisberger
Administrative Law Judge

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