

CCASE:  
SOL (MSHA) V. U.S. STEEL MINING  
DDATE:  
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TTEXT:

Federal Mine Safety and Health Review Commission  
Office of Administrative Law Judges

SECRETARY OF LABOR,  
MINE SAFETY AND HEALTH  
ADMINISTRATION (MSHA),  
PETITIONER

CIVIL PENALTY PROCEEDING

Docket No. PENN 83-89  
A.C. No. 36-00970-03512

v.

Maple Creek No. 1 Mine

U.S. STEEL MINING COMPANY, INC.,  
RESPONDENT

DECISION APPROVING SETTLEMENT

Appearances: David A. Pennington, Esq., Office of the Solicitor,  
U.S. Department of Labor, Philadelphia, Pennsylvania,  
for Petitioner Louise Q. Symons, Esq., Pittsburgh,  
Pennsylvania, for Respondent

Before: Judge Broderick

When the above case was called for hearing in Washington, Pennsylvania, on November 30, 1983, the parties submitted on the record a motion to approve a settlement. The MSHA inspector who issued the two citations contained in this docket number was unable to be present at the hearing.

One citation was originally assessed at \$136, and the parties propose to settle for \$50. The violation charged was insufficient velocity of air (4,500 cfm when the methane and dust control plan called for 5,000 cfm). It appears that the low reading was taken during the mining cycle and that one of the shuttle cars hit a line curtain. There was sufficient air at the face before mining started. The significant and substantial designation is to remain.

The other citation was originally assessed at \$168, and the parties propose to settle for \$100. The violation charged was the failure to have a trolley wire properly guarded. The parties state that the missing guard was on the narrow or rib side and thus miners were unlikely to contact it.

I accept the representations in the motion and conclude that the settlement agreement should be approved.

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Therefore, IT IS ORDERED that the settlement agreement is APPROVED and Respondent is ORDERED TO PAY the sum of \$150 within 30 days of the date of this decision.

James A. Broderick  
Administrative Law Judge