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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 84-164
A.O. No. 36-03425-03561

v.

Maple Creek No. 2 Mine

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

DECISION APPROVING SETTLEMENT
ORDER TO PAY

Before: Judge Merlin

The Solicitor has filed a motion to approve settlements for the two violations involved in this matter. The originally assessed amounts were \$349 and the proposed settlements are \$260. Citation No. 02252007 (30 C.F.R. 75.1403), originally assessed at \$213 was issued when the inspector found there was no means to determine the alignment of a haulage track switch. The electric signal light was disconnected and was not operable. The operator was negligent because this condition should have been detected during the pre-shift examination. However, gravity was not as high as originally believed. The haulage track in question was designated as one-way, substantially reducing the possibility of accident. I accept the Solicitor's representations and approve the recommended settlement of \$160.

Citation No. 2252826 (30 C.F.R. 75.517) originally assessed at \$136 was issued when the inspector found that a trailing cable serving 540 volts to a stamp crusher was not fully protected due to damage to the outer jacket of the cable exposing the power conductors. The crusher was energized.

The operator was negligent because this condition should have been detected during the routine electrical examination. However, gravity was not as high as was originally believed. Although the outer jacket of the cable was damaged, the exposed power conductors were insulated and there was no bare wiring present. I accept the Solicitor's representations and approved the recommended settlement of \$100.

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The operator is Ordered to Pay \$260 within 30 days from the date of this decision.

Paul Merlin
Chief Administrative Law Judge