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SOL (MSHA) V. FREEMAN UNITED COAL MINING  
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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. LAKE 86-27  
A.C. No. 11-00611-03524

v.

Fidelity Strip Mine

FREEMAN UNITED COAL MINING  
COMPANY,  
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Broderick

On September 29, 1986, the Secretary of Labor filed a motion for approval of a settlement reached by the parties in this case. The violations were originally assessed at \$1000 and the parties propose to settle for \$475.

The case involves a single citation charging a violation of 30 C.F.R. 77.1607(c) because scrapers were not being operated at prudent speeds resulting in a head-on collision and a serious injury. The motion states that the violation was serious but did not result from Respondent's negligence. It was caused by a scraper operator violating Respondent's published safety rules and passing a water truck when visibility was diminished because of road dust. (The water truck was keeping the road wet to allay the dust.) Respondent is a large operator and has a favorable history of prior violations. I have considered the motion in the light of the criteria in section 110(i) of the Act and conclude that it should be approved.

Accordingly, the settlement is APPROVED and Respondent is ORDERED TO PAY the sum of \$475 within 30 days of the date of this order.

James A. Broderick  
Administrative Law Judge