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SOL (MSHA) V. U.S. STEEL 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. PENN 87-107
A.C. No. 36-05018-03643

v.

Cumberland Mine

U.S. STEEL MINING COMPANY,
INC.,

RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Merlin

The Solicitor has filed a motion to approve settlement for the violation involved in this case. The original assessment was \$136 and the proposed settlement is for \$30.

The subject citation was issued for a violation of 30 C.F.R. 75.503 because the inspector believed that a headlight on a Jo continuous miner was not maintained according to permissibility standards in that the headlight on the machine was "loose and not making a ground connection." The Solicitor represents that a reduction from the original assessment is warranted, because "subsequent to the issuance of the citation, the Secretary's representative learned that a third wire existed that grounded the headlight; consequently, no hazard existed from the permissibility violation." The citation was then modified to reduce the gravity of the violation to "no likelihood of occurrence."

In light of the information regarding the existence of a third wire that grounded the headlight, I accept the Solicitor's representations and approve the recommended settlement for a nonserious violation.

Accordingly, the motion to approve settlement is GRANTED and the operator is ORDERED TO PAY \$30 within 30 days from the date of this decision.

Paul Merlin
Chief Administrative Law Judge