

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

OFFICE OF ADMINISTRATIVE LAW JUDGES

601 New Jersey Avenue, N.W., Suite 9500

Washington, D.C. 20001

July 8, 2005

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. SE 2002-126
Petitioner	:	A. C. No. 01-00329-03591
v.	:	
	:	
U.S. STEEL MINING COMPANY, INC.,	:	Concord Mine
Respondent	:	

**DECISION APPROVING SETTLEMENT**

Before: Judge Melick

This case is before me upon a petition for assessment of civil penalty under Section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). The case was remanded by the Commission on May 16, 2005, for further proceedings. Petitioner has now filed a motion to approve a settlement agreement and to dismiss the case. A reduction in penalty to \$25.00, is proposed. I have considered the representations and documentation submitted in this case, and I conclude that the proffered settlement is acceptable under the criteria set forth in Section 110(i) of the Act.

**WHEREFORE**, the motion for approval of settlement is **GRANTED**, and it is **ORDERED** that Respondent pay a penalty of \$25.00, within 40 days of this order.

Gary Melick  
Administrative Law Judge

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