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SECRETARY OF LABOR, : CIVIL PENALTY PROCEEDING  
MINE SAFETY AND HEALTH :  
ADMINISTRATION (MSHA), : Docket No. LAKE 91-636  
Petitioner : A.C. No. 11-00586-03654  
v. :  
: Murdock Mine  
ZEIGLER COAL COMPANY, :  
Respondent :

REMAND DECISION APPROVING SETTLEMENT

Before: Judge Koutras

Statement of the Case

On February 12, 1992, I issued a decision in this case affirming a violation of mandatory safety standard 30 C.F.R.

75.507, as a significant and substantial (S&S) violation 14 FMSHRC 304 (February 1992). The respondent appealed my decision, and on June 22, 1993, the Commission issued its decision affirming my finding of a violation of section 75.507. However, the Commission vacated my determination that the violation was S&S and remanded the matter to me for further findings and analysis consistent with its opinion.

Discussion

Subsequent to the remand of this case, the petitioner filed a motion for my approval of a proposed settlement of the matter. The petitioner's trial counsel states that after further discussion the parties have agreed that the citation in question should be affirmed as a section 104(a) "S&S" violation with a penalty of \$275 in accordance with my February 12, 1992, decision.

Conclusion

After due consideration of the motion, and pursuant to Commission Rule 31, 29 C.F.R. 2700.31, the motion IS GRANTED, and the proposed settlement disposition of this matter IS APPROVED.

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ORDER

The respondent IS ORDERED to pay a civil penalty assessment of \$275, for the violation which has been affirmed. Payment is to be made to the petitioner within thirty (30) days of the date of this decision and order, and upon receipt of payment, this matter is dismissed.

George A. Koutras  
Administrative Law Judge

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