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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

v.

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

CIVIL PENALTY PROCEEDING

Docket No. PENN 84-224  
A.C. No. 36-05018-03556

Cumberland Mine

DECISION APPROVING SETTLEMENT

Before: Judge Broderick

On May 6, 1985, 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 \$231 and the parties propose to settle for \$209.

The case involves two citations: the first charges a violation of 30 C.F.R. 75.605 because of inadequate strain protection at a load center. It was originally assessed at \$112. The agreement proposes a reduction to \$90 because further investigation revealed the gravity to be less than originally believed, and it was agreed that the significant and substantial designation was erroneous and should be removed. The other citation charges a violation of 30 C.F.R. 75.302-1(b)(1) because of inadequately installed line brattice. It was originally assessed at \$119 and the parties propose to settle for the same amount. The violation was moderately serious and resulted from Respondent's negligence.

I conclude that the settlement is in the public interest and should be approved.

Accordingly, the settlement is APPROVED and Respondent is ORDERED TO PAY the sum of \$209 within 30 days of the date of this decision.

James A. Broderick  
Administrative Law Judge