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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.

HARMAN MINING COMPANY,
RESPONDENT

Civil Penalty Proceeding

Docket No. VA 81-83
A.O. No. 44-03614-03026V

Harman 5-B Mine

DECISION AND ORDER

For the reasons set forth in the motion to approve settlement, the parties request approval of vacation and withdrawal of the four canopy violations and payment in full of the penalties assessed for the alleged deficiency in rock dust and excessive accumulation of combustibles.

Based on an independent evaluation and de novo review of the circumstances and justifications offered, I find the disposition proposed is in accord with the purposes and policy of the Act.

Accordingly, it is ORDERED that the motion to approve vacation and settlement be, and hereby is, GRANTED. It is FURTHER ORDERED that the operator pay the penalty agreed upon, \$1500, on or before Friday, November 20, 1981 and that subject to payment the captioned matter be DISMISSED.

Joseph B. Kennedy
Administrative Law Judge