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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. WEVA 83-237  
A.C. No. 46-01283-03518

v.

Hampton No. 3 Mine

WESTMORELAND COAL COMPANY,  
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Kennedy

The parties move for approval of a settlement of the respirable dust violation (2.5 mg/m<sup>3</sup>) charged in the captioned proposal at a 27% reduction in the amount initially assessed (\$225 v. \$311).

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

Accordingly, it is ORDERED that the operator pay the amount of the penalty agreed upon, \$225, on or before Friday, January 4, 1984, and that subject to payment the captioned matter be DISMISSED.

Joseph B. Kennedy  
Administrative Law Judge