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MSHA V. WALKER STONE
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FEDERAL MINE SAFETY & HEALTH REVIEW COMMISSION
WASHINGTON, D.C.
June 18, 1990

SECRETARY OF LABOR, MINE SAFETY AND HEALTH ADMINISTRATION, (MSHA), Petitioner	CIVIL PENALTY PROCEEDING Docket No. CENT 89-129-M A.C. No. 14-01467-05504
v.	Portable No. 1 Mine
WALKER STONE COMPANY, INC., Respondent	

ORDER OF DISMISSAL
ORDER TO PAY

This case came before me pursuant to a Commission Order dated February 16, 1990. On February 21, 1990, the Solicitor and operator were ordered to submit information and the operator was ordered to file an answer to the penalty petition. On March 13, 1990, the operator was granted an extension to file its answer, order for it to review a recently issued decision in another one of its cases. (Walker Stone Company, 12 FMSHRC 256 (February 1990)) In a letter dated May 14, 1990, the operator, advises that it has decided not to pursue this matter.

In light of the foregoing it is ORDERED that this case be DISMISSED, and that the operator PAY \$178 within 30 days of the date of this order.

Paul Merlin
Chief Administrative Law Judge