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Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)  
Office of Administrative Law Judges

SECRETARY OF LABOR,  
MINE SAFETY AND HEALTH  
ADMINISTRATION (MSHA),  
PETITIONER

CIVIL PENALTY PROCEEDING

Docket No. SE 89-42  
A.C. No. 01-00758-03732

v.

No. 3 Mine

JIM WALTER RESOURCES, INC.,  
RESPONDENT

SUPPLEMENTAL  
DECISION APPROVING SETTLEMENT

Appearances: William Lawson, Esq., Office of the Solicitor,  
U.S. Department of Labor, Birmingham, Alabama  
for the Secretary of Labor.  
H. Thomas Wells, Jr., Esq., Maynard, Cooper,  
Frierson, and Gale, P.C., Birmingham, Alabama  
for Jim Walter Resources, Inc.

Before: Judge Melick

This supplemental decision is issued pursuant to Commission Rule 65(c). The decision issued in these proceedings on June 27, 1990, failed to incorporate the settlement of the noted citations. At hearings on July 12, 1989, petitioner filed a motion to approve a settlement agreement as to Citations No. 9984616, 9984623, and 9984624. A reduction in penalty from \$583 to \$150 was proposed. I have considered the representations and documentation submitted, and conclude that the proffered settlement is appropriate under the criteria set forth in Section 110(i) of the Federal Mine Safety and Health Act of 1977.

WHEREFORE, the motion for approval of settlement is GRANTED, and it is ORDERED that Respondent pay a penalty of \$150 within 30 days of this order for the noted citations.

Gary Melick  
Administrative Law Judge