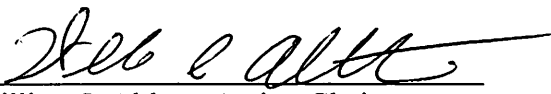


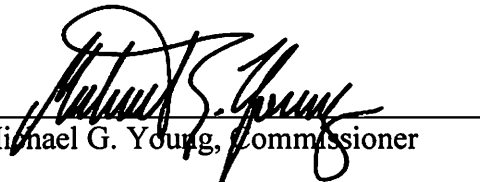
Acting Chairman Althen and Commissioner Young vote to affirm the Judge's decision, while Commissioner Jordan and Commissioner Cohen vote to reverse the Judge's decision. The effect of the split decision is to allow the Judge's decision to stand as if affirmed. *Pennsylvania Elec. Co.*, 12 FMSHRC 1562 (Aug. 1990), *aff'd on other grounds*, 969 F.2d 1501 (3d Cir. 1992).



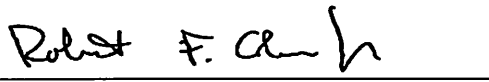
William I. Althen, Acting Chairman



Mary Lu Jordan, Commissioner



Michael G. Young, Commissioner



Robert F. Cohen, Jr., Commissioner

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