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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.

CIVIL PENALTY PROCEEDING

Docket No. CENT 84-39
A.C. No. 23-00402-03505

Power Surface Mine

PEABODY COAL COMPANY,
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Kennedy

This matter is before me on the parties' motion to approve settlement of the captioned matter at the amount initially assessed.

Based on an independent evaluation and de novo review of the circumstances as set forth in the record of this proceeding, I find the settlement proposed is in accord with the purposes and policy of the Act. Compare, United States Steel Corporation, 5 FMSHRC 954 (1982), appeal pending Eighth Circuit.

Accordingly, it is ORDERED that the operator pay the amount of the penalty agreed upon, \$241, on or before Friday, March 1, 1985, and that subject to payment the captioned matter be DISMISSED.

Joseph B. Kennedy
Administrative Law Judge