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SOL (MSHA) V. THUNDER BASIN COAL  
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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. WEST 86-26  
A.C. No. 48-00977-03507

v.

Black Thunder Mine

THUNDER BASIN COAL COMPANY,  
RESPONDENT

DECISION

Appearances: James H. Barkley, Esq., Office of the Solicitor,  
U.S. Department of Labor, Denver, Colorado,  
for Petitioner;  
Thomas F. Linn, Esq., Denver, Colorado,  
for Respondent.

Before: Judge Morris

This is a civil penalty proceeding initiated by petitioner against respondent in accordance with the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq. The civil penalties sought here are for the violation of mandatory standards promulgated pursuant to the Act.

After notice to the parties, a hearing on the merits commenced in Gillette, Wyoming on August 6, 1986. After conferring the parties announced that they had reached an amicable settlement.

The citations, the standards allegedly violated, the original assessments and the proposed dispositions are as follows:

Citation No.	Standard CFR Title 30	Assessment	Disposition
2222770	77.20(b)	\$119	\$109
2222771	77.1104	168	168

The proposed settlement further included striking the S & S designation for Citation 2222770.

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Discussion

I have reviewed the proposed settlement and I find that it is reasonable and in the public interest.

Accordingly, I enter the following:

ORDER

1. The settlement is approved.
2. Citation 2222770 is affirmed as a non-S & S violation and a penalty of \$109 is assessed.
3. Citation 2222771 and the proposed penalty of \$168 are affirmed.
4. Respondent is ordered to pay to petitioner the sum of \$277 within 40 days of the date of this Decision.

John J. Morris  
Administrative Law Judge